



Planning Report for 2023/0913



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Report to Planning Committee

Application Number:	2023/0913
Location:	Land of Georges Lane, Calverton
Proposal:	Construction of two open round barrows and a grass covered barrow for the placement of cremation urns, access path and landscaping.
Applicant:	A W Lymn The Family Funeral Service
Agent:	Marrons
Case Officer:	Claire Turton

The application is required to be considered by Planning Committee given that a planning obligation is required to secure the mitigation of the impacts of the development should planning permission be granted.

1.0 Site Description

1.1 The application site is located to the north of George's Lane, between the settlements of Arnold and Calverton. The wider site consists of agricultural land and woodland which has a substantial change in ground levels, with the land generally rising from George's Lane up towards the north.

1.2 The wider site was granted planning permission (2022/0006) on the 19 August 2022 having been considered at the Planning Committee of 27 July 2022. The application title is below;-

"Change of use of agricultural land to a mixed traditional, natural and woodland burial ground, erection of facilities building and associated car park, landscaping and new access arrangements onto Georges Lane".

This planning permission has not yet been implemented. This current application relates to a parcel of land within the wider burial ground site that was previously proposed to be used for a meadow burial area.

1.2 The site is accessed from George's Lane via an unadopted hard bound road which leads towards residential dwellings located to the east of the site. To the west of the wider site is Calverton Hill Hospital and part of the wider site to the north also shares a boundary with Ramsdale Park Golf Centre.

1.3 The site is located within the Green Belt and Ramsdale Hill to the north is designated as a Scheduled Ancient Monument. A public bridleway runs through

the site and a public footpath also passes across the site to the north-east corner.

- 1.4 The wider site area (relating to planning permission 2002/0006) is approx. 10.95 hectares. This specific site area (relating to this current planning application) is approx. 0.23 hectares.

2.0 Relevant Planning History

- 2.1 2013/1010 - Change of use of agricultural field to create natural burial ground with associated car park – Withdrawn.
- 2.2 2018/0228 – Planning permission granted for change of use of agricultural land to a mixed traditional, natural and woodland burial ground, erection of facilities building and associated car parking, landscaping and new access arrangements onto Georges Lane.
- 2.3 2022/0006 – Planning permission granted for; - *“Change of use of agricultural land to a mixed traditional, natural and woodland burial ground, erection of facilities building and associated car park, landscaping and new access arrangements onto Georges Lane”*
- 2.4 2023/0091 – Planning permission was refused in July 2023 for *“Construction of two open round barrows and a grass covered barrow for the placement of cremation urns, access path and landscaping.”*

The reasons for refusal were;-

1. *“The proposed development would represent inappropriate development in the Green Belt and would cause harm to the openness of the Green Belt. The proposal does not meet any of the criteria listed in paragraphs 149 or 150 of the NPPF which list certain types of development that are not considered inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are no special circumstances that outweigh the harm caused to the Green Belt. The proposal is therefore contrary to the National Planning Policy Framework (Section 13).”*

Unfortunately, there was an error on the Decision Notice and the council later clarified with the applicant that reason for refusal 1 should have read;-

1 *“Due to its size and scale, the development would not preserve the openness of the Green Belt in this location. In this respect therefore, the development is inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are no special circumstances that outweigh the harm caused to the Green Belt. The proposal is therefore contrary to the National Planning Policy Framework (Section 13).”*

2 *“The proposed development would have an undue impact upon the visual amenity and landscape character of the area.*

The development consists of a barrow 9 metres in height with a steep slope of 70-80 percent. This will appear as a tall, prominent and alien feature within the landscape. The proposal is therefore contrary to the National Planning Policy Framework (Section 15), Aligned Core Strategy Policy 10, Local Planning Document Policy 19 and Calverton Neighbourhood Plan Policy BE1.”

This current planning application is a re-submission of 2023/0091. The differences between this current application and the previous refusal are discussed in detail in the next section of this report.

3.0 Proposed Development

- 3.1 The application seeks planning permission for;-
“Construction of two open round barrows and a grass covered barrow for the placement of cremation urns, access path and landscaping.”
- 3.2 The proposal has been amended since the previous refusal. The barrows have been re-located and re-orientated from the previous proposal so that the grass covered barrow (barrow 3) sits within an existing hollow in the landscape and is buried into the rising topography. Barrow 3 will raise the ground level by approx. 6 metres directly above the barrow which will then be levelled, previously it was 9 metres above ground level on a higher part of the site. The height of barrows 1 and 2 have been reduced. They were previously 2.7 metres in height from ground level to the top of the wall but are now 2 metres above the existing ground level.
- 3.3 The three barrows provide a combined 756 niches where urns can be placed.
- 3.4 Barrow 1 includes a reflection pool and bearer stone, barrow 2 includes a central tree and barrow 3 is a covered barrow.
- 3.5 The provision of the bearer stone in the first barrow has a secondary use for facilitating an outdoor ceremony space in advance of the burial of a coffin. The covered barrow has a secondary use as an indoor ceremony space.
- 3.6 The site adjoins the internal burial ground access road to the south west.
- 3.7 A Section 106 Legal Agreement is in an agreed form and waiting to be signed ensuring that, if granted planning permission, the owner of the application site would be bound by planning obligations ensuring that development could not commence without the planning permission for the wider burial ground use first being implemented.

4.0 Consultations

- 4.1 GBC Conservation Officer:- No objection.
- 4.2 GBC Tree Officer:- No objection.
- 4.3 GBC Scientific Officer:- No objection subject to conditions.
- 4.4 GBC Parks and Street Care:- State no comments.
- 4.5 NCC Rights of Way:- No objection. Calverton Footpath 22 runs adjacent to the application site but appears to be unaffected by the proposal.
- 4.6 NCC Highway Authority:- State no objection.

- 4.7 NCC Lead Local Flood Risk Authority (LLFRA):- State no comment.
- 4.8 NCC Archaeology:- State they have no comments or recommendations to make.
- 4.9 Calverton Parish Council:- No comments received.
- 4.10 Historic England:- State not offering advice.
- 4.11 Environment Agency:- State that they are not making formal comments.
- 4.12 Severn Trent Water:- No comments received.
- 4.13 Notts Wildlife Trust:- No comments received.
- 4.14 Neighbouring residents:- 9 letters of support have been received by members of the public – 7 from local residents within the borough and two from outside the borough. Reasons for support are;-
- Less obtrusive than the previous proposal
 - Beautifully designed
 - Sympathetic to the Countryside
 - Unique to the area
 - There is a requirement for a non-religious alternative to traditional burials
 - A good alternative to scattering ashes in a garden of rest
 - The local community will benefit from this scheme.
 - This is a civic resource
 - There is a net ecological gain
 - This is a long term investment which will see the land retained, protecting the area from more development
 - Uses a barrow elsewhere in the country
 - Visited other barrows within the UK
 - Only concerns relate to the main cemetery – no trees between hospital drive and the entrance to Ramsdale. As it is open countryside, do not wish to see solar lights on graves as this could cause light pollution.

5.0 Assessment of Planning Considerations

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2023 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

6.0 Development Plan Policies

6.1 The following policies are relevant to the application:

6.2 National Planning Policy Framework 2023 – sets out the national objectives for delivering sustainable development. Sections 13 (Protecting Green Belt land), 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment) are particularly relevant.

6.3 Greater Nottingham Aligned Core Strategy Part 1 Local Plan

Policy A: Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals.

Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.

Policy 3: Green Belt – sets out the policy with respect to the Green Belt.

Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

Policy 11: The Historic Environment – sets out the criteria for safeguarding heritage interests.

Policy 17: Biodiversity – sets out the approach to ecological interests

6.4 Local Planning Document (Part 2 Local Plan)

The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

LPD 6: Aquifer Protection – states that planning permission will be granted where proposals would not be liable to cause contamination of the ground water in aquifers.

LPD 19: Landscape Character and Visual Impact – states that planning permission will be granted where new development does not result in a significant adverse visual impact or a significant adverse impact on the character of the landscape.

LPD 26: Heritage Assets – sets out the criteria that development which may affect a designated heritage asset will need to meet.

LPD 30: Archaeology – sets out requirements for development proposals which could impact Schedules Monuments or their settings.

LPD 32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

LPD 57: Parking Standards – sets out the requirements for parking.

LPD 61: Highway Safety – states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

6.5 Other Planning Documents

'Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document' (2022) sets out required parking standards within the district.

Greater Nottingham Landscape Character Assessment (2016) – The site is located within Dumbles Rolling Farmland.

6.6 Calverton Neighbourhood Plan

Policy ISF1: Sustainable Transport – states that opportunities for the use of sustainable modes of transport must be maximised.

Policy ISF2: Car Parking – states that any new development outside of the Village Centre will only be permitted where it has sufficient parking provision.

Policy ISF3: Highway Impact – sets out the criteria for assessing highway impact.

Policy BE1: Design & Landscaping – states that all development on the edge of Calverton must provide soft landscaping on the approach into the village and sets out criteria to achieve this.

Policy BE5: Heritage Assets – sets out the approach to development that affects designated heritage assets including Conservation Areas and Ancient Monuments.

Policy NE3: Flooding – sets out the approach to preventing flooding and to ensure that adequate drainage is provided.

Policy NE4: Green Infrastructure – sets out the approach to green infrastructure and ecological considerations.

Policy NE5: Biodiversity – sets out the approach to biodiversity.

7.0 **Planning Considerations**

Principle of this type of development within the Green Belt

- 7.1 This section of the report will look at whether or not the principle of development is supported in the Green Belt before going on to consider the impact on openness and wider landscape, along with other consideration.

The site is located within the Green Belt. Paragraph 152 of the National Planning Policy Framework states that;-

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

- 7.2 Paragraph 153 of the National Planning Policy Framework states that;-

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

7.3 Paragraph 154 of the National Planning Policy Framework states that;-

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.”

7.4 Barrow 3 is considered to be a building as well as resulting in significant engineering operations. The dictionary definition of a building is a structure with walls and a roof, which barrow 3 has. Barrows 1 and 2 are considered to be engineering operations but not a building, both contain boundary walls and other built development but no roof.

7.5 Paragraph 154 of the NPPF identifies cemeteries and burial grounds are an appropriate form of development in the Green Belt, subject to not conflicting with the purposes of including land within it e.g. openness considerations. Whilst a barrow would be an *above* ground burial structure it is considered to be an appropriate facility for a cemetery and burial ground and, therefore, on balance, is considered to be an appropriate form of development within the Green Belt.

7.6 Paragraph 155 of the NPPF states that;-

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are ...

b) engineering operations ...

e) material changes in the use of land (such as changes of use for ... cemeteries and burial grounds.”

7.7 With regards to part b of paragraph 155 of the NPPF, barrows 1, 2 and 3 are considered to be engineering operations and therefore are not necessarily inappropriate development, subject to whether or not the works would have a detrimental impact on openness, explored in paragraphs 7.8 -7.10 of this report.

Impact upon the openness of the Green Belt

7.8 In addition to the above, there is also a need to consider whether the proposal would preserve the openness of the Green Belt as required by paragraphs 154 and 155 of the NPPF and whether it would conflict with the 5 purposes set out in paragraph 143 of the NPPF.

7.9 The previous refusal at the site was assessed as follows;-

“It is considered that the proposal would not preserve the openness of the Green Belt. This is primarily due to the size and scale of the built-form. Barrows 1 and 2 have a diameter of approx. 14 metres and are approximately 2.7 metres in height from ground level to the top of wall. These are engineered in appearance. Barrow 3 has a diameter of approx. 10 metres and is 9 metres in height from ridge of grass mound to existing ground level. Whilst this barrow is “green” in nature (predominantly grass and natural planting), it is still a large form of development at 9 metres in height and 10 metres in diameter. This is in contrast to the site’s current un-developed and open nature and the proposed burial meadow which was of a much lesser scale and was considered as part of planning permission 2022/0006 to preserve the openness of the Green Belt.”

- 7.10 This current scheme has been amended since the previous refusal with the aim of reducing the scale of the development. The height of barrows 1 and 2 (the open wall barrows) have been reduced. They were previously 2.7 metres in height from ground level to top of wall but are now 2 metres above the existing ground level. These are now similar in appearance to walls that can be erected up to 2 metres in height under permitted development rights.
- 7.11 Barrow 3 (the grass covered barrow) has been re-located and re-orientated from the previous proposal so that it sits within an existing hollow in the landscape and is buried into the rising topography. Barrow 3 will raise the ground level by approx. 6 metres directly above the barrow which will then be levelled, previously it was 9 metres above ground level on a higher part of the site. During the pre-application process, the applicants were asked whether the height of barrow 3 could be reduced. However, due to the self-supporting construction of the roof of the barrow, this was not possible. The revised proposal represents a significant visual change in visual impact from the previous refusal with a net change in overall height of 8 meters from the highest point of the closed barrow. This is the result of the top of the closed barrow in the previous refusal being located 4 metres above the height of the adjacent footpath, whereas the top of the barrow in the current proposal is located 4 metres below the height of the footpath.
- 7.12 It is considered that the proposal has been reduced in scale, re-located and re-orientated as much as possible, whilst ensuring the scheme is viable, to reduce the impact on the openness of the Green Belt.
- 7.13 However, there is still some built-form and the proposal does still have some impact on the openness of the Green Belt, albeit much less than the previous proposal and it is considered that the proposal cannot be amended any further to reduce the scale. However, it does have to be concluded that the development is considered to be inappropriate development within the Green Belt. Paragraph 152 of the NPPF states that;-

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

Very special circumstances

- 7.14 The applicants are arguing that there are very special circumstances (VSCs) that exist in this case. This argument centres around the need for such a facility in the borough.
- 7.15 Cremations, rather than burials, represent the primary choice for all funerals in the UK and account for 80 percent of services. Barrows provide a separate function to cemeteries and crematoriums.
- 7.16 The nearest barrow facilities are located at the Willow Row barrow near St Neots, Cambridgeshire, a distance of approx. 127km from the site. There are no facilities to deliver this service in Gedling or Nottinghamshire.
- 7.17 The applicants state that they have already received numerous expressions of interest and enquiries related to the reservation of niches within the barrows, even though the proposal is at an early stage of development.
- 7.18 There are no alternative sites within the borough identified as suitable for this type of development and no other planning applications for similar proposals.
- 7.19 Turning now to the specific site itself, it is logical to locate such a facility in a cemetery (the wider site has planning permission for a cemetery use) where it can work in tandem with its surroundings and form a multi-purpose benefit through the provision of both indoors and outdoor burial ceremonies.
- 7.20 The settlements within Gedling Borough are all closely bound by Green Belt. To enable the barrows to fully deliver on their function they should be located in a location of peace, quiet and tranquillity which effectively requires a rural location. As a result of the existing Green Belt boundaries within the Borough, no suitable non-Green Belt locations have been identified.
- 7.21 The proposal also provides ecological enhancements with additional planting and design features of the stonework which provide habitats for insects and birds.
- 7.22 For the reasons stated above, it is considered that, in this specific case, very special circumstances do exist to justify the granting of planning permission even though the proposal does still have some impact on the openness of the Green Belt, albeit much less than the previous proposal and it is considered that the proposal cannot be amended any further to reduce its scale. As such, it is considered that the proposal accords with Paragraph 152 of the NPPF states that:-

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

and paragraph 153 of the National Planning Policy Framework states that:-

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt

by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

Green Belt summary

- 7.23 Paragraphs 154 and 155 of the NPPF state that appropriate facilities associated with cemeteries and burial grounds are an appropriate form of development within the Green Belt, subject to not conflicting with the purposes of including land within it e.g. openness considerations.
- 7.24 It is considered that the current proposal has been reduced in scale, re-located and re-orientated as much as possible from the previous refused application, whilst ensuring the scheme is viable, to reduce the impact on the openness of the Green Belt.
- 7.25 However, there is still some built-form and the proposal does still have some impact on the openness of the Green Belt, albeit much less than the previous proposal. However, it does have to be concluded that the development is considered to be inappropriate development within the Green Belt. Paragraph 152 of the NPPF states that;-

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

and paragraph 153 of the National Planning Policy Framework states that;-

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

- 7.26 It is considered that, in this specific case, very special circumstances do exist to justify the granting of planning permission even though the proposal does still have some detrimental impact on the openness of the Green Belt. These relate mostly to the need for such a facility within the area but also the link to the existing cemetery permission and need for a rural location. There is also a need to consider whether or not there has been any other harm from the proposal, which is considered later in this report.

Impact upon visual amenity and landscape character

- 7.27 The Greater Nottingham Landscape Character Assessment (2016) identifies the site as being located within the Dumbles Rolling Farmland. The landscape is formed by a distinctive series of ridgelines and valleys creating a characteristic rolling landform. The Landscape Character Assessment states that there are few detracting features in the landscape. The landscape condition is identified as good and the landscape character is identified as strong. The overall landscape strategy is conserve. With regards to the site itself, there is woodland to the east of the site. However, the land is more open to the north where it falls away towards Ramsdale Golf Course.

7.28 Impact on visual amenity and landscape character is a different test to impact on the openness of the Green Belt. Indeed, planning policies on general visual amenity and landscape character are not as strict as policies regarding the openness of the Green Belt.

7.29 The previous refusal at the site concluded that:-

“Given the lower height of barrows 1 and 2, as well as their more open nature, these are not considered to have a detrimental impact on the general visual amenity of the area or the landscape character. However, the height of barrow 3 is 9 metres with a steep slope of 70-80 percent. Whilst this is proposed to be “green” in nature, it will still appear as a large structure within the landscape. It is considered that this will be a prominent and somewhat alien feature.”

7.30 This current application proposes that barrows 1 and 2 will be reduced even further in height. As explained earlier in this report, barrow 3 (the grass covered barrow) has been re-located and re-orientated from the previous proposal so that it sits within an existing hollow in the landscape and is buried into the rising topography. Barrow 3 will raise the ground level by approx. 6 metres directly above the barrow which will then be levelled, previously it was 9 metres above ground level on a higher part of the site. The revised proposal represents a significant change in visual terms of the impact from the previous refusal, with a net change in overall height of 8 metres from the highest point of the closed barrow. This is the result of the top of the closed barrow in the previous refusal being located 4 metres above the height of the adjacent footpath, whereas the top of the barrow in the current proposal is located 4 metres below the height of the footpath.

7.31 Given the significant reduction in built-form, as well as the “green” nature of barrow 3, the largest barrow, it is considered that the revised scheme would not have a detrimental impact upon visual amenity and it would therefore accord with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 10, Local Planning Document Policy 19 and Calverton Neighbourhood Plan Policies BE1 and NE4.

Impact upon residential amenity

7.32 The wider site already has planning permission for a burial ground use. The proposed barrows are not considered to create significant additional visitors to the site above that of the proposed burial ground use. The barrows would be built out instead of burial plots which were previously proposed on this area of the site. As such, I do not consider that the proposal will cause additional issues of noise and disturbance to neighbouring properties.

7.33 Due to separation distances, I do not consider that the proposal will cause unacceptable issues of massing / overshadowing, overbearing or overlooking onto neighbouring residential occupiers.

7.34 Overall it is considered that the proposal would not have a detrimental impact upon residential amenity and it would therefore accord with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 10 and Local Planning Document Policy LPD 32.

Highway matters

- 7.35 It is proposed to utilise the access approved under planning permission 2022/0006. A Section 106 Legal Agreement is in an agreed form and waiting to be signed. This secures planning obligations which would ensure that, if planning permission were to be granted, works could not commence on this current development until the previous planning permission (2022/0006) was substantially complete, including the implementation of the access roads.
- 7.36 The proposed barrows are not considered to create significant additional visitors to the site above that of the proposed burial ground use. The barrows would be built out instead of burial plots which were previously proposed on this area of the site.
- 7.37 Annex D to the Local Planning Document and the 'Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document' (2022) does not specify a parking requirement for burial grounds. It is noted that the Highway Authority do not raise an objection to the proposal and therefore do not consider that any harm to the surrounding highway network would arise. On this basis, there is no evidence to suggest that the parking spaces proposed for the wider burial ground use would not be adequate to provide for the parking needs of the barrows development. Furthermore, grasscrete overflow parking is proposed to provide an additional 12 parking bays if required.
- 7.38 It is therefore considered that the proposal meets with the objectives of the National Planning Policy Framework, Local Planning Document Policies 57 and 61 and Calverton Neighbourhood Plan Policy ISF2 and ISF3.

Heritage considerations

- 7.39 The wider burial ground site is adjacent to a Scheduled Ancient Monument (SAM), Ramsdale Hill and an area of archaeological interest. However, this specific site is not located close to these. Historic England and NCC Archaeology have not recommended a condition in respect of additional archaeology research, which is supported.
- 7.40 Overall it is considered that the proposal meets with the objectives of the National Planning Policy Framework, Aligned Core Strategy 11, Local Planning Document Policy 26, 30 and Calverton Neighbourhood Plan Policy BE5.

Ecological considerations

- 7.41 Ecology issues were fully assessed as part of the larger burial ground application at the wider site. A Section 106 Legal Agreement is in an agreed form and waiting to be signed. This agreement would secure planning obligations ensuring that, if planning permission were to be granted, works could not commence on this current proposal until the previous planning permission (2022/0006) was substantially complete, including all conditions discharged and complied with (including conditions regarding ecology).

- 7.42 The Council's Tree Officer has assessed this current scheme and raised no objections regarding impact on trees. I see no reason to disagree with this professional advice.
- 7.43 It is possible that Sherwood Forest could be designated as a proposed Special Protection Area (pSPA) or Special Protection Area (SPA) for Nightjar or Woodlark. In relation to this I note that the proposed development will be small scale and no new residential houses or other significant facilities that will increase either population or impose significant additional recreational pressure in the application site. Therefore the potential for any impact on the local Nightjar and Woodlark populations is considered to be negligible and no further assessment with respect to the potential that Sherwood Forest could be designated as a proposed Special Protection Area (pSPA) or Special Protection Area (SPA) for Nightjar or Woodlark is considered to be necessary.
- 7.44 Paragraph 3.17.3 in the Council's Aligned Core Strategy (2014) states 'Whilst this is not a formal designation, it does mean that these areas are under consideration by the Joint Nature Conservation Committee, and may be declared a proposed Special Protection Area in due course. The Aligned Core Strategies and Infrastructure Delivery Plan therefore take a precautionary approach and treat the prospective Special Protection Area as a confirmed European Site. The infrastructure Delivery Plan sets out requirements for a range of mitigation measures as recommended in the Habitats Regulation Assessment Screening Record. A decision on the extent of any possible Special Protection Area is not known'.
- 7.45 Natural England's current position in respect of the Sherwood Forest Region is set out in an advice note to Local Planning Authorities (March 2014) regarding the consideration of the likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest Region. While no conclusion has been reached about the possible future classification of parts of Sherwood Forest as a Special Protection Area (SPA) for its breeding bird (nightjar and woodlark) interests, Natural England advise those affected Local Planning Authorities (LPAs) to be mindful of the Secretary of State's decision in 2011, following Public Inquiry, to refuse planning permission for an Energy Recovery Facility at Rainworth where the potential impacts on these birds and their supporting habitats were given significant weight. Having regard to evidence submitted to the inquiry in 2010, the site is not located within a core ornithological interest for breeding nightjar and woodlark area but is situated within an indicative 5km buffer zone.
- 7.46 In light of this decision Natural England's Advice Note recommends a precautionary approach should be adopted by LPAs which ensures that reasonable and proportionate steps have been taken in order to avoid or minimise, as far as possible, any potential adverse effects from development on the breeding populations of nightjar and woodlark in the Sherwood Forest area. This will help to ensure that any future need to comply with the provisions of The Conservation of Habitats and Species Regulations 2010 is met with a robust set of measures already in place. However unlike the Council's ACS, Natural England's Standing Advice Note does not recommend that that the Sherwood Forest Region should be treated as a confirmed European site.

- 7.47 In terms of the legal background, a potential Special Protection Area (pSPA) does not qualify for protection under the above 2010 Regulations until it has been actually designated as a Special Protection Area. Furthermore, the site does not qualify for protection under paragraph 181 of the NPPF which refers to pSPAs as footnote 64 explicitly states that pSPAs are sites on which the Government has initiated public consultation on the scientific case for designation. This has not occurred and therefore the Sherwood Forest Region does not qualify for special protection and a risk based approach is not necessary to comply with the Habitat Regulations or the NPPF.
- 7.48 It is therefore considered that the proposal meets with the objectives of the National Planning Policy Framework, Local Planning Document Policy 26 and Calverton Neighbourhood Plan Policy NE5. Whilst it is noted that a departure is taken from the Aligned Core Strategy Policy 17 in that the prospective Special Protection Area is not being treated as confirmed European Site, the reason for this is set out above.

8.0 Conclusion

Facilities associated with cemeteries and burial grounds are an appropriate form of development within the Green Belt, subject to not conflicting with the purposes of including land within it e.g. openness considerations. The scheme has been re-designed to the minimum built-form necessary. However, there is still some built-form and the proposal does still have some impact on the openness of the Green Belt, albeit now limited. However, the development is considered to be inappropriate development within the Green Belt, due to its detrimental impact on the openness of the Green Belt. However, very special circumstances exist which outweigh other policy considerations. These relate mostly to the need for such a facility within the area but also the link to the existing cemetery permission and the need for a rural location. As such, the proposal complies with paragraphs 152 and 153 of the NPPF.

The proposal does not have an unacceptable impact on the visual amenity or landscape character of the area, residential amenity, highway safety, designated heritage assets, ecological considerations or ground water.

As such, the proposal complies with the NPPF, Policies A, 1, 3, 10, 11 and 17 of the ACS, Policies 6, 19, 26, 30, 32, 57 and 61 of the LPD and Policies ISF1, ISF2, ISF3, BE1, BE5, NE3, NE4 and NE5 of the Calverton Neighbourhood Plan.

RECOMMENDATION: Grant planning permission, subject to the signing of a Section 106 legal agreement and subject to the following conditions;-

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.

- 2 The development hereby permitted shall be completed in accordance with the following drawings and documents, received 22nd December 2023;-

Application forms

Drawing no. 2019-18-05 Elevations

Drawing no. 2019-18-04 Sections

Drawing no. 2019-18-02 C Proposed site plan and site location plan

- 3 No development shall be commenced until details of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details. Facing stonework, Internal pathway and circulation area.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt
- 3 In the interests of visual amenity

Reasons for Decision

Appropriate facilities associated with cemeteries and burial grounds are an appropriate form of development within the Green Belt, subject to not conflicting with the purposes of including land within it e.g. openness considerations. The scheme has been re-designed to the minimum built-form necessary. However, there is still some built-form and the proposal does still have some impact on the openness of the Green Belt, albeit now limited. However, the development is inappropriate development within the Green Belt, due to this impact on the openness of the Green Belt. Very special circumstances exist which outweigh other policy considerations. These relate mostly to the need for such a facility within the area but also the link to the existing cemetery permission and the need for a rural location. As such, the proposal complies with paragraphs 152 and 153 of the NPPF. The proposal does not have an unacceptable impact on the visual amenity or landscape character of the area, residential amenity, highway safety, designated heritage assets, ecological considerations or ground water. As such, the proposal complies with the NPPF, Policies A, 1, 3, 10, 11 and 17 of the ACS, Policies 6, 19, 26, 30, 32, 57 and 61 of the LPD and Policies ISF1, ISF2, ISF3, BE1, BE5, NE3, NE4 and NE5 of the Calverton Neighbourhood Plan.

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.