

**29<sup>th</sup> November 2012****Agenda Item: 7****REPORT OF GROUP MANAGER, PLANNING****STRATEGIC PLANNING OBSERVATIONS ON AN OUTLINE PLANNING APPLICATION FOR UP TO 300 DWELLINGS AND ASSOCIATED INFRASTRUCTURE ON LAND NORTH OF NOTTINGHAM ROAD, RADCLIFFE ON TRENT.****Purpose of the Report**

1. To seek Committee approval for comments set out in this report to be sent to Rushcliffe Borough Council (RBC) in response to the request for strategic planning observations on the above outline planning application for up to 300 dwellings and associated infrastructure at Radcliffe on Trent.

**Information and Advice**

2. An outline planning application was submitted to Rushcliffe Borough Council for residential development (up to 300 dwellings), formation of primary access, infrastructure, open space provision, surface water attenuation and formation of surface water storage ponds on land North of Nottingham Road, Radcliffe on Trent. A site plan is provided at Appendix 1.
3. Nottinghamshire County Council (NCC) has been consulted for strategic planning observations on the outline application and this report compiles responses from Departments involved in providing comments and observations on such matters. On the basis of Committee's decision, comments will be sent to Rushcliffe Borough Council.
4. The planning application is accompanied by an Environmental Statement, Planning Policy Statement, Design and Access Statement Green Belt Assessment and a range of other supporting documents. This report is based on the information submitted with the application in the context of national, regional and local policy.
5. The application site lies within the Nottinghamshire Green Belt.

***Description of the Proposed Development***

6. The proposal is for residential development of up to 300 dwellings incorporating leisure and community facilities and associated highways and access works. The site area is approximately 12.5 hectares and lies to the north of Nottingham Road on the western edge of Radcliffe on Trent.

7. The application site is bounded to the north-west by a disused railway line which is raised above ground level by approximately 7 metres at its highest point with steep embankments on either side. The eastern boundary is made up of a combination of fencing and vegetation, separated from Radcliffe on Trent by two small paddocks with planting within the rear gardens of the nearby residential properties providing a further buffer. The southern edge of the site is bounded by Nottingham Road in the main with the RSPCA animal shelter cutting a square portion into the boundary which is defined by a combination of fencing and screen planting. A very small area to the south east corner of the site abuts a traveller caravan park.

### ***Planning Policy Context***

#### ***National Planning Policy Framework (NPPF)***

8. One of the core principles of the National Planning Policy Framework (NPPF) is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of and the need to protect and enhance the natural, built and historic environment, biodiversity and also include the need to adapt to climate change.
9. A key aspect of the NPPF is that it includes a presumption in favour of sustainable development which means that, for decision-taking, local planning authorities should approve development proposals that accord with the development plan without delay or where a development plan is absent, silent or out of date, grant permission unless any adverse impacts of the proposal outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.
10. The NPPF also discusses the weight that can be given in planning determinations to policies emerging as the local authority's development plan is being brought forward. The weight given to these policies will be very dependant on; their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
11. Paragraphs 47 and 49 of the NPPF state that local planning authorities should identify sufficient deliverable housing sites to provide five years worth of housing against their housing requirement with an additional buffer of either 5% (to ensure choice and competition) or 20% (where there has been a record of persistent under delivery) and that "relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

#### ***East Midlands Regional Plan (RS)***

12. On the 6<sup>th</sup> July 2010 the Secretary of State announced the revocation of Regional Strategies. However, following a legal challenge Regional Strategies (RS) have been reinstated and the RS therefore remains part of the statutory development plan for the purposes of determining planning applications within the Rushcliffe Borough Council area. Nevertheless, the intention of the Government to abolish

Regional Strategies, through the enactment of the Localism Bill, may be taken into account as a material consideration in the determination of planning applications. In any event, in cases where national and local planning policies align with RS policy on the issue, there is no material difference in the advice that results.

13. The RS is in line with National Planning Policy in terms of delivering sustainable development. A core objective of the Plan is to ensure that existing and new housing addresses need and extends choice whilst ensuring that the environmental and social objectives are met.
14. Policy 31 of the RS ensures that the Region's landscape be protected from inappropriate development and where possible enhanced. RS Policy Three Cities SRS 2 identifies that the principle of the Green Belt will be retained but a comprehensive review of the most sustainable locations for growth will be required.

#### Rushcliffe Borough Council Local Plan

15. Rushcliffe Borough Council formally adopted the Rushcliffe Borough Non-Statutory Replacement Local Plan in December 2006 and this document is used in determining planning applications. Although considered as a potential housing allocation, the application site was not included in the Rushcliffe's Local Plan (2006).

#### Rushcliffe Borough Council Core Strategy

16. Rushcliffe Borough Council is currently in the process of producing a Core Strategy for the Borough. The Rushcliffe Publication Core Strategy Development Plan Document (DPD) was published for a 6 week period of consultation between 23<sup>rd</sup> March 2012 until 8<sup>th</sup> May 2012. As well as identifying exact sites for strategic housing development, the Core Strategy Publication document (Policy 2) also sets out other areas for growth where exact locations have not been identified; Radcliffe on Trent has been proposed to accommodate a minimum of 400 dwellings.
17. Policy 3 of the Rushcliffe Publication Core Strategy sets out the process for reviewing the Green Belt and states that non-Green Belt sites will be considered before making alterations to the Green Belt.

#### Strategic Housing Land Availability Assessment (SHLAA)

18. The application site is identified as part of a larger site which could accommodate approximately 500 dwellings in the Borough Council's SHLAA (reference 188). There are a number of other smaller sites also identified within the settlement boundary of Radcliffe on Trent alongside other smaller sites currently located in the Green Belt. The only other significant site which could accommodate the Publication Core Strategy minimum requirement for Radcliffe on Trent is situated on land north of Grantham Road (reference 188) and could provide for

approximately 1,000 dwellings which significantly exceeds the Borough's planned requirement of 400 new homes.

## ***Strategic Planning Issues***

### **Green Belt**

19. The NPPF sets out a list of acceptable developments within the Green Belt, residential development is not considered to be acceptable development in the Green Belt and as such the onus lies with the applicant to demonstrate that there are very special circumstances to justify such inappropriate development in such a location.
20. The applicants have set out in their application documents, in particular section six of the supporting Planning Statement that they consider that Rushcliffe Borough Council cannot demonstrate a five year supply of deliverable housing sites. They also discuss the Secretary of State and Planning Inspector's findings following the Sharphill Wood inquiry that a shortfall in the five year housing land supply constituted the very special circumstances necessary to make an exception to normal Green Belt policy.
21. The applicant also identifies an ongoing shortfall in affordable housing delivery to justify the need for additional housing in Radcliffe on Trent.

### **Reclamation**

22. The application does not include a Phase One Desk Study and Conceptual Site Model with associated assessment of risk as referenced in the Environmental Statement. As such, it is recommended that a Conceptual Site Model is developed for the site.
23. It is also recommended that comprehensive and representative investigations to assess the potential contamination risks are carried out and that remediation measures derived from the identified risks are developed and implemented.
24. Detailed comments on Reclamation are contained at Appendix 2.

### **Landscape and Visual Impact**

25. Additional information is required from the applicant at this stage before an assessment can be made as to whether the application can be supported in relation to landscape and visual impact issues.
26. The site lies in an area designated 'good' landscape condition and 'moderate' sensitivity; the policy is to 'conserve and reinforce' the visual coherence of the policy zone. In terms of landscape character, the proposals cannot have anything but an adverse character on the basis of the information currently available and more information is required before an assessment can be made on the proposal as to whether it would have a slight or moderate adverse impact.
27. There are likely to be implications for the County Council's future management of the Cotgrave greenway in that the development of the greenway and the County Council's long term aims are predicated on having agricultural neighbours. The

outline housing layout shows largely public space directly abutting the NCC boundary for most of its length. Given unrestricted public access along the length of the common boundary the implications of the development are that there will very likely be ongoing issues of illegal and unsafe access etc. and that the liability of ongoing repairs to boundary fencing will fall to the County Council unless provision is made at this stage for the developer to undertake this obligation.

28. It is likely that the proposal will lead to an increased usage of the greenway facility with consequent increased path maintenance and management implications for the County Council's Green Estate. There is however the potential to integrate an additional access point into the development proposals as public open space provision, if the developer was prepared to commit to meeting some of the County council's long term management costs through Section 106/CIL.
29. Detailed comments on Landscape and Visual Impact are contained at Appendix 3.

### Highways

30. The Transport Assessment submitted with the application complies with the Guidance on Transport Assessments and considers the impact of the development against a reference case which includes 'committed' developments and some projected background growth. The Transport Assessment does not however consider the wider implications of housing and employment growth arising from the Rushcliffe Local Development Framework growth requirements. The cumulative impact of the transport impacts of this planning application and other projected development in the Nottingham Housing Market Area is not therefore considered.
31. Transport modelling which has been undertaken as part of the Aligned Core Strategy work includes for projected housing and employment growth in Rushcliffe, it does not however include this planning application site explicitly. What the modelling does allow for is 400 houses in Radcliffe on Trent spread across the two Radcliffe on Trent wards. This transport modelling work will establish a necessary package of strategic transport mitigation measures (smarter choices, public transport and highways capacity interventions) to support the projected growth, however the work is still in progress. In which case this application could be considered premature and there is a danger that if approved this development could prejudice other sites being promoted and favoured by Rushcliffe Borough Council.
32. Consequently if Rushcliffe are minded to grant approval to this application in advance of the adoption of their Local Development Framework and supporting Community Infrastructure Levy policies then it is strongly recommended that suitable planning obligations should be sought at the outset to secure financial contributions towards a package of sustainable transport measures in addition to the proposed transport measures identified by the applicant.

### Property Issues

33. Nottinghamshire County Council owns the land to the north of Grantham Road and to the south of Nottingham Road. It is known as 'The Paddocks' and is identified on the attached drawing no. 4625/002. It is included as site reference 185 in Rushcliffe's Strategic Housing Land Availability Assessment (SHLAA). An outline planning application on the County Council site was refused planning permission in 2008 on technicalities relating to air quality submissions and flood risk but the site does not lie within the Green Belt. This site is awaiting instructions to proceed with a fresh planning application or market sale for housing development for approximately 100 dwellings.

#### Nature Conservation

34. The proposal will not directly affect any nationally or locally designated nature conservation sites. Impacts on protected species are restricted to badgers but further information needs to be provided to ensure that the impacts on this species are avoided and mitigated against as far as possible.
35. Additional detail on other matters including a wintering bird survey and bat transect and emergence surveys (submitted surveys do not meet current best practice guidelines) is requested.
36. A series of planning conditions, detailed in Appendix 4 are recommended to ensure the delivery of mitigation and other enhancements are secured and that the biodiversity value of the proposed development is maximised.
37. It is suggested that a decision on this application is deferred until such time that the information requested has been provided to ensure that all material considerations have been properly considered.
38. Detailed comments on Nature Conservation issues are contained at Appendix 4.

#### Public Health

39. The application does not appear to have considered health in any great depth, as such the PCT requests that the topics based around Healthy Urban Planning Principles should have been addressed.
40. Detailed comments on Public Health related issues are contained at Appendix 5.

#### Conclusions

41. On Green Belt matters the proposal can be defined as "inappropriate development", however, Rushcliffe Borough Council cannot demonstrate a five year land supply and as such this could demonstrate the 'very special circumstances' for allowing development in principle in line with the National Planning Policy Framework (NPPF).
42. The application could be seen to be premature in terms of highways issues as the transport modelling work being undertaken in the Nottingham Core Housing Market Area does not yet establish a necessary package of strategic transport mitigation measures required to support the growth identified. As such additional financial contributions towards a package of sustainable transport measures are sought.

43. Additional information is required on contamination, landscape and visual impact, reclamation and ecology issues from the applicant at this stage before an assessment can be made as to whether the application can be supported.

### **Other Options Considered**

44. This report considers all of the relevant issues in relation to the above planning applications which have led to the recommendations, as set out below. Alternative options considered could have been to express no or full support for the application.

### **Reason/s for Recommendation/s**

45. It is recommended that the County Council do not object to the proposal on strategic planning grounds at this stage but raise concerns over the lack of detailed information on the potential impact of the proposal on the County's ecology, landscape and visual amenity. These concerns can not be addressed until further information has been provided by the applicant.

46. If Rushcliffe Borough Council is minded to approve the application, Nottinghamshire County Council request that the detailed concerns set out in this report and detailed in officer comments are addressed prior to planning permission being granted and that planning permission is only granted subject to conditions and a Section 106 agreement requiring planning contributions.

### **Statutory and Policy Implications**

47. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Financial Implications**

48. There are no direct financial implications.

### **Implications for Sustainability and the Environment**

49. There are no direct implications for Sustainability and the Environment.

## **RECOMMENDATION**

- 1) That Rushcliffe Borough Council be advised that whilst the principle of such development in terms of strategic and National policy may be acceptable, Nottinghamshire County Council objects to the proposal on the grounds that insufficient information has been submitted with the planning application to allow

valid and robust conclusions to be drawn on the applications potential impact upon contamination issues, the landscape and visual impact and ecology of the County.

**Sally Gill, Group Manager, Planning**

**For any enquiries about this report please contact: Lisa Bell, Team Manager, Planning Policy – 0115 977 4547**

**Constitutional Comments (SHB.05.11.12]**

50. Committee have power to decide the recommendation.

**Financial Comments (DJK 14.11.12)**

51. The contents of this report are duly noted; there are no financial implications arising.

**Background Papers**

The following link provides access to all the relevant planning application documents used to inform the above report:

<http://www.document1.co.uk/blueprint/Documents.asp?Acpt=980498989&CaseId=1201628&CaseNo=12/01628/OUT>

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

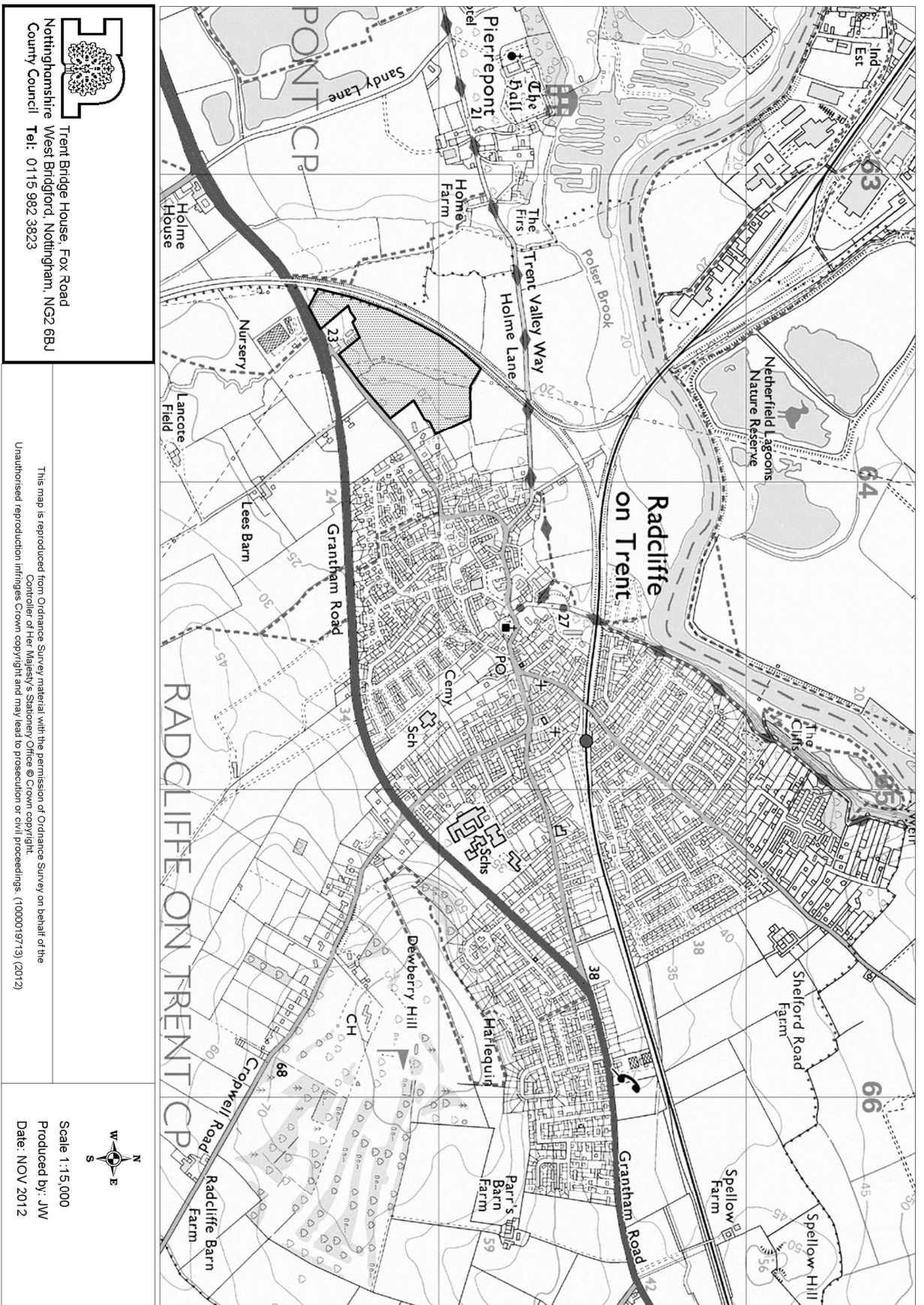
**Electoral Division(s) and Member(s) Affected**

Radcliffe-on-Trent – Councillor Mrs Kay Cutts



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## **Appendix 2 – Detailed Reclamation Comments**

### **DATA RECEIVED:**

- **Various Environmental Reports downloaded from Rushcliffe Borough Council Web site Application 12/01628/OUT, including Capita Symonds Environmental Statement Non Technical Summary**

#### **1. Existing Site:**

The site is undeveloped and agricultural land lying adjacent former Railway Embankment. A complex of landfill sites is located immediately to the north west of Holme Lane. The landfill sites lie on the sands and gravels of the River Trent valley, these are considered to be in potential direct hydraulic/gaseous continuity with the applicant site.

#### **2. Proposals:**

Residential development (300 dwellings with associated infrastructure)

- #### **3. The available information did NOT include a Phase One Desk Study and Conceptual Site Model with associated assessment of risk. The Environmental Statement made reference to such a report, and with such a scale of proposed development it is to be expected that the desk study report would be comprehensive and robust. We have assumed that Rushcliffe Borough Council have seen this document and will make their own comments known.**

From the information provided in the Environmental Summary we make the following comments:-

- Para 4.42 Whilst this paragraph recognises the potential for ground gases from alluvium and silt as well as the “Landfill to the North”. Ground gases at significant concentrations can still be expected from riverine deposits of alluvium and silts, this impact could be further compounded by the fact that there exists a large complex of landfill sites immediately to the north of Nottingham Road. The geology of the area is described as Holme Pierrepont Sand and Gravel and as such provides a readily available pathway for any contaminants, including fugitive ground gases to migrate along.
- Para 4.43 This paragraph suggests there may be a depression in the ground water due to an increase in impermeable surface. Given the hydro-geological circumstance it is to be expected that the site may well be in direct hydraulic continuity with the River Trent (Holme Pierrepont Sand and Gravel underlying geology) and if so the impact of the increase in impermeable surface will be negligible with respect to reduction of ground water levels. Para 4.48/49 Recognises the potential requirement for ground gas control measures. These should be assessed with reference to a robust and representative set of ground gas data, which in turn have been derived from a site investigation strategy derived from a fully developed Conceptual Site Model.
- Para 4.119 This paragraph indicates the use of soakaways, the underlying geology is that of sands and gravels of the River Trent, the efficacy of soakaways in this environment should be questioned and confirmed by investigation. Likely SUDS measures in these circumstances are combined infiltration and attenuation systems such as permeable surfaces, swales, filter strips, basins and ponds, i.e. a

combined system or SUDS train which addresses both volume of water discharge and water quality issues.

**4. Land Contamination Impacts:**

- There exists a significant potential for ground gases from a number of sources (landfill and natural) to migrate to/from the site

**5. Conclusions and Recommendations:**

- Conceptual Site Model is developed for the site
- Comprehensive and representative investigations to assess the potential contamination risks are carried out.
- Remediation measures derived from the identified risks are developed and implemented.

If you require clarification on any of the above points, please do not hesitate to contact me.

Derek Hair  
Principal Project Engineer  
Landscape and Reclamation Team

### **Appendix 3 – Landscape and Visual Impact Comments**

I think I will submit more detailed comments straight to Rushcliffe, as on the basis of what I have now, either the proper procedures have not been followed and information required to make an informed judgement about landscape character and visual impact has not been provided by the applicant, or it has not yet been downloaded onto the internet.

However, I can highlight the policy for the site under the Greater Nottingham Landscape Character Assessment - that the site lies in an area designated 'good' landscape condition and 'moderate' sensitivity; the policy is to 'conserve and reinforce' the visual coherence of the policy zone. This to be achieved through locating small scale development within the existing field boundaries, use of vernacular style and materials, diversification of the roadside character through provision of broader verges, increasing tree cover.

In terms of landscape character, the proposals cannot have anything but an adverse character but on the basis of the information I currently have I am unable to say whether this would be a slight or moderate adverse impact - and I am interested to see the full LVIA and the applicant's conclusions.

In terms of visual impact, again the LVIA should identify receptors and show a systematic analysis of the visual impact from identified points and I await that information (if indeed it exists).

However, I can comment on visual impact from the elevated mineral railway which is in NCC ownership and is to be used as a multi-user route (a planning application will be submitted in the next few weeks). For large sections of the route, there are only glimpsed views through trees of the surrounding floodplain from the mineral line through the trees; however I would consider the visual impact of the development to be slight adverse. Users of recreational facilities are generally considered to be more sensitive to changes in views in a rural environment, but the vegetation will provide some screening. From a recreational point of view, it is intended to construct a DDA compliant access point at Holme Lane and (possibly not DDA compliant) access at the A52 ; the development would therefore have immediate access to an off-road greenway linking the Cotgrave County Park, the cycleway along the A52, and the Grantham canal.

There are however implications for NCC's future management of the Cotgrave greenway if these proposals go ahead. The development of the greenway and NCC's long term aims are very much predicated on having agricultural neighbours; the ownership boundary is currently agricultural fencing at the base of the embankment and public access will be restricted to the points where the route passes over or through existing bridleways and highways. The outline housing layout shows largely public space ie roads, footways and open space directly abutting the NCC boundary for most of it's length. Given unrestricted public access along the length of the common boundary the implications of the development are that there will very likely be ongoing issues of illegal and unsafe access, erosion, fly-tipping and potential nuisance and anti-social behaviour. The liability of ongoing

repairs to boundary fencing will fall to NCC unless provision is made at this stage for the developer to undertake this obligation; in any case it is recommended that robust security fencing along the NCC boundary is included as part of the development.

It is also likely that there will be increased usage of the greenway facility, with consequent increased path maintenance and management implications for NCC's Green Estate. There may also be issues of privacy for the development if the proposal goes ahead as users of the greenway will be 6 metres above the former agricultural land; whilst it is our intention to promote and encourage the ongoing natural colonisation of the embankment, the vegetation is patchy and it is not currently our intention to provide screen fencing or additional planting.

There is however the potential to integrate an additional access point into the development proposals as public open space provision, if the developer was prepared to commit to meeting some of NCC's long term management costs through Section 106/CIL.

If you need further information please do not hesitate to get in touch.

Regards

Amanda

Amanda Blicq

Principal Landscape Architect

Nottinghamshire County Council

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#### **Appendix 4 – Detailed Nature Conservation Comments**

### **Re: Outline planning permission for residential development (up to 300 dwellings) etc. – land north of Nottingham Road, Radcliffe-on-Trent (12/01628/OUT)**

Thank you for consulting the Nature Conservation Unit of the Conservation Team on the above matter. I have the following comments regarding nature conservation issues:

#### **Designated sites**

The proposals will not directly affect any nationally or locally designated nature conservation sites. The nearest SSSI, Colwick Cutting, lies approximately 3.3km to the west, whilst the nearest Local Wildlife Site, Holme House Grassland SINC 5/2263, lies approximately 180 metres to the south-west (to the south of the A52). Due to the distances involved and the contained nature of the development site, no indirect impact on these sites appears likely.

#### **Site survey**

A number of sites surveys have been carried out in support of the application. A Phase 1

Habitat Survey and Protected Species Assessment (report dated February 2010) was undertaken in February 2010. This recommended a number of further surveys, undertaken as follows:

- Badger Assessment (report dated July 2010) – unclear when surveys were undertaken, but possibly March 2012
- Nocturnal Bat Assessment (report dated July 2010) – surveys undertaken in June 2010
- Breeding Bird Assessment (report dated July 2010) – surveys undertaken in May and June 2010
- Reptile Assessment (report dated July 2010) – surveys undertaken in May and June 2010
- Veteran Tree Survey (report undated) – unclear when surveys were undertaken.

In addition, the Phase 1 Habitat Survey and Protected Species Assessment recommended that a wintering bird surveys be carried out, but no such survey has been undertaken. **Justification for this should be sought.**

It should be noted that these surveys are at the limit of being ‘up-to-date’, as required by the NPPF (para. 165), all being more than two years old, although none are more than three survey seasons old. In relation to the desktop study carried out as part of the Phase 1 Habitat Survey and Protected Species Assessment, this means that the presence of a SINC in close proximity to the development site, designated since 2010, has not been identified.

The following constraints to the surveys should also be noted:

1. The Phase 1 Habitat Survey was carried out early in the growing season, and as such plant species are likely to have been overlooked, most notably in the grassland areas which form the bulk of the development site.
2. The desktop study for the Breeding Bird Assessment obtained records from the Birdguides website (which generally relates only to scarce or rare passage birds), and did not obtain records from the Nottinghamshire Biological and Geological Records Centre (who hold data on behalf of Nottinghamshire Birdwatchers). In addition, the surveys themselves were carried out over a 17 day period; ideally, surveys would be spread out across the breeding season to ensure that early and late breeding species are picked up.
3. One of the reptile surveys (visit 6) was carried out when air temperatures were at 20°C, beyond the 9-18°C temperature range that is recommended in the standard survey guidelines.
4. The bat transect surveys do not meet current best practice guidelines (which have been updated since the survey was carried out). Based on Table 7.2 of the Bat Conservation Trust's "*Bat Surveys – Good Practice Guidelines*" (2<sup>nd</sup> edition), and assuming a medium-sized site of moderate foraging potential (as taken from paragraph 10.88 of the ecology chapter of the ES), these indicate that one transect should be undertaken per month during the period April to September. Transect surveys undertaken in support of this application involved two visits, both undertaken in June. **Comment on this should be sought** from the applicant, and it is suggested that Natural England's advice is also obtained.
5. The bat emergence surveys also do not meet current best practice guidelines; in table 8.5 of the guidance referred to above, it is indicated that trees of low to moderate roost potential should be subject to two dusk emergence and/or predawn re-entry surveys, and that two surveys carried out within the same 24 hour period constitute one survey (as in this case, where an emergence survey was carried out on 14<sup>th</sup> June followed by a dawn re-entry survey on 15<sup>th</sup> June). **Comment on this should be sought** from the applicant, and it is suggested that Natural England's advice is also obtained.

The site surveys indicate that:

- The majority of the site is dominated by improved grassland of low botanical diversity (although see comments above relating to the timing of the surveys), with other habitats including broad-leaved woodland, scrub, semi-improved grassland, wet ditches, hedgerows and trees (including veteran trees) also present within the survey area.
- No bat roosts were discovered on the site, and bat activity was limited (although see comments above).
- Breeding birds were generally common and widespread species.
- No reptiles were encountered.
- Two main badger setts were located, one within the development area.
- Five 'probable' veteran trees are present on the site.

### Assessment

The ecology chapter of the ES states that "*overall, on completion of the development proposals and associated mitigation, including retention of hedgerows and veteran trees, the creation of informal open space, planting trees, native species buffer planting around the badger setts and the placement of bat and bird boxes, the long term effects [of the development] would be of minor positive significance*". Whilst I am

broadly satisfied that this conclusion is sound (along with the assessment of the value of, and impacts upon, the ecological receptors that have led to this conclusion), the following matters require **further consideration** by the applicant:

1. I am concerned about the potential impacts on the badgers using the sett identified as S2 in the Badger Assessment, as it appears that this will be sandwiched between the existing railway embankment and the development. I do not consider that the impacts on this sett, in particularly the loss of foraging habitat available to badgers currently using that sett, have been properly assessed. In particular, it appears that the closest area of foraging habitat would be over 300m to the north, accessed along a very narrow strip between the railway embankment and the development, through which a footpath would also run (likely to increase disturbance to the sett as well).
2. Table 10.10 of the ES ecology chapter indicates that no mitigation is proposed for the loss of improved grassland, assigned as a permanent major adverse impact, yet the significance of the residual impact is assessed as being neutral. It is unclear how a major adverse impact can become a neutral one without any mitigation being implemented. It is assumed that the creation of wildflower grassland referred to elsewhere in the chapter would in fact provide mitigation (see also below).
3. The proposed mitigation for the loss of veteran trees is to 'retain where possible'. Given that the loss of veteran trees is assessed as being a major negative impact of 'critical' significance, it is essential to ensure that these trees will indeed be retained and protected during development. It appears that three of the five veteran trees identified in the relevant survey fall within the red line area, and whilst two appear to be in an area of open space (T23 and T24 as identified in the Phase 1 Habitat Survey and Protected Species Assessment), the third, T54, appears to fall within an area of housing. Confirmation is required that this tree will be retained and incorporated onto the development in a sensitive manner, and it is suggested that an amended Masterplan should be produced to illustrate this.
4. A plan clearly indicating the areas of open space to be delivered as part of the development should be provided; it is assumed that the land to the north of the red line boundary and south of Holme Lane as shown on the site Masterplan forms part of the open space, but this is not entirely clear, and it is not clear if the land to the east of this is part of the open space provision.
5. It is stated that the planting of additional trees and shrubs and the creation of open grassland would mitigate for the loss of the improved grassland that would arise as a result of the development. In order to be sure that this is the case, and to ensure that mitigation for impacts on species currently using the site is provided (e.g. foraging bats and breeding birds), it is requested that some basic/outline information is supplied to indicate the specific nature of the habitats to be created (with reference to the UKBAP/LBAP) and the extent of those habitats in square metres/hectares (for example, it is unclear what proportion of the open space would be managed as 'wildflower meadow' and what proportion would be amenity grass).
6. SUDS should be designed to be multi-functional and designed to be naturalistic with wildlife value. It is unclear if this is the case. Mitigation and site enhancement In terms of mitigation, it is stated that the vast majority of hedgerows and trees are being retained, along with the creation of a power line easement corridor which will be a green spine crossing the application site, planted with native tree and



shrub species. To ensure the delivery of mitigation and other enhancements, it is suggested that the following matters should be covered by appropriate **planning conditions**:

- Prior to any works on trees previously identified as having potential to support roosting bats (T17, T18, T19, T22, T23, T25 and T54 as identified in the Nocturnal Bat Assessment and the Phase 1 Habitat Survey and Protected Species Assessment) an inspection of those trees should be carried out by a suitably qualified ecologist, to account for the passage in time since they were previously surveyed and to ensure legal compliance.
- Vegetation clearance should not take place during the bird nesting season (March to August inclusive), unless otherwise authorised following the submission of a report confirming that no nesting birds would be affected.
- A method statement relating to ground and construction works within the vicinity of badger setts should be produced, to include the results of an updated badger survey carried out prior to works commencing, and to make provision for further surveys as development proceeds. This method statement should include details of exclusion zones around setts and measures to prevent badgers falling into excavations or becoming trapped in pipes.
- A method statement should be produced detailing how the veteran trees will be protected during construction works.
- Details of lighting should be submitted, to ensure that light spill on boundaries is minimised and that low level pressure sodium lamps with downward facing hoods are used as appropriate mitigation to minimise impacts on bats, as recommended in the ecology chapter of the ES.
- The creation a landscaped corridor along the powerline easement, along with other areas of open space, provides a good opportunity to increase the biodiversity value of the site. To ensure that this is delivered, detailed landscaping scheme should be submitted prior to development commencing. All planting around the site boundary, in the 'green spine', and in the open areas to the south and north of the development should comprise a relatively limited number of native species appropriate to the local area and of certified native genetic origin. When choosing tree and shrub species, reference should be made to the relevant Landscape Character Area (Trent Washlands), and to those native species occurring naturally on the site and in the surrounding area. Similarly, wildflower seed mixes should comprise a limited number of common and widespread native species appropriate to the local area. Something like Naturescape's NLM Landscape Meadow Mixture<sup>1</sup> would be appropriate to this end.
- A landscape management plan should be produced, prior to development commencing, to ensure that all retained and created habitats are managed appropriately and to ensure that their biodiversity value is maximised. A proportion of the proposed houses should be designed with integral bat and bird boxes incorporated into them, with the latter to be suitable for swift, house sparrow and starling. These are simple measures that can significantly increase the biodiversity value of new houses.

### Conclusion

In conclusion, it appears that this development would not give rise to the loss of any significant areas of habitats. Impacts on protected species are restricted to badgers, but further information needs to be provided to ensure that impacts on this species

are avoided and mitigated against as far as possible. Additional detail on certain other matters is also required, and a number of planning conditions are suggested to ensure that mitigation measures are secured, and that the biodiversity value of the proposed development is maximised. As this stage it is recommended that a decision is deferred until such a time that the information requested above has been provided, to ensure that all material considerations have been properly considered.

I trust you will find the above comments of use, but if you require any further information, please do not hesitate to contact me.

Nick Crouch  
Nature Conservation Leader

<sup>1</sup> [http://www.naturescape.co.uk/acatalog/Economy\\_Meadow\\_Mixtures.html](http://www.naturescape.co.uk/acatalog/Economy_Meadow_Mixtures.html)

For more information please contact: Nick Crouch (0115 969 6520)

## **Appendix 5 – Detailed Public Health Comments**

Ideally, I'd like to see health considered in more depth and to look at (based around the Healthy Urban Planning Principles):

- ☐ **Healthy lifestyle**
  - o what types of services and facilities are there, either planned or existing nearby?
  - o Does the development encourage physical activity – (having looked at the plan and proposal – it does look as if this has been considered and appropriate provision made)
- ☐ **Social cohesion**
  - o Are there accessible open spaces nearby?
  - o Is there a community centre proposed or nearby where people can meet and interact?
  - o Are there any issues around community and physical severance?
  - o Is there integration between new and existing housing?
- ☐ **Building quality**
  - o What sustainable and healthy design standards will be used?
  - o What is the mix of housing types proposed in terms of number and size of rooms , private gardens and car parking?
  - o Has provision been made for affordable housing? (Social housing seems to be included in the proposal)
  - o Will there be a mix of tenures (The proposal seems to suggest that there will be)
- ☐ **Access to employment and education opportunities**
  - o Are there employment opportunities within walking /cycling distance or accessible by public transport?
- ☐ **Accessibility**
  - o Is there identified space for local retail shops and other amenities?
  - o Are there key services nearby, including health centres, pharmacy etc.
  - o Is there existing provision for public transport

- o Is there provision of walking and cycling routes (the map with the proposal seems to suggest that there will be)
- ☐ **Local food production**
  - o Is there any existing or proposed allotment provision?
  - o Would there be access to shops selling fresh fruit and vegetables nearby?
- ☐ **Safety**
  - o Are there enough safe pedestrian and cyclist crossing points connecting the site to the surrounding area?
  - o Are there safe paths adjacent to green or blue space?
- ☐ **Equity**
  - o Is the development in an existing socially and environmentally deprived area?
  - o Do existing residents gain as much as new residents?
- ☐ **Air quality and good living and working environment**
  - o Could air pollution and/or exposure to air pollution be increased?
- ☐ **Water and sanitation**
  - o Could development impact on water quality, access to clean water and provision of sewage for new and existing residents?
- ☐ **Land and mineral resources**
  - o Is existing used, accessible and/or high quality green and blue space protected?
  - o Is additional accessible and high quality green and blue space planned?
- ☐ **Climate stability (mitigation of potential climate change impacts)**
  - Will there be renewable micro generation through solar panels or wind turbines?
  - Will there be an 'Energy from Waste' facility or combined heat and power plant?

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