

## **Planning and Rights of Way Committee**

**Tuesday, 27 September 2022 at 10:30**

**Newark and Sherwood District Council, Castle House, Great North Road,  
Newark, Nottinghamshire, NG24 1BY**

---

### **AGENDA**

- |    |  |           |
|----|--|-----------|
| 1  | Minutes of the meeting held on 26 July 2022  | 3 - 8     |
| 2  | Apologies for Absence  |           |
| 3  | Declarations of Interests by Members and Officers:- (see note below)<br>(a) Disclosable Pecuniary Interests<br>(b) Private Interests (pecuniary and non-pecuniary) |           |
| 4  | Declarations of lobbying   |           |
| 5  | Reconfiguration and enlargement of Ollerton Roundabout   | 9 - 78    |
| 6  | Construction of two roundabout junctions and link road, Mickledale Lane, Bilsthorpe  | 79 - 130  |
| 7  | Improvements to White Post Roundabout, Farnsfield  | 131 - 146 |
| 8  | Improvements & alterations to Warren Hill Junction, Farnsfield   | 147 - 168 |
| 9  | Enlargement and improvement of Lowdham Roundabout  | 169 - 228 |
| 10 | Enlargement & improvement of Kirk Hill Junction, East Bridgford  | 229 - 288 |
| 11 | Creation of Fish Farming Pond, Land off North Scarle Road, Wiglsey   | 289 - 350 |

12	Proposed Relocation of Mineral Processing Plant, Cromwell Quarry	351 - 394
13	Development management progress report	395 - 406

## **Notes**

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

- (3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Peter Barker (Tel. 0115 977 4416) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.
- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>

Meeting **PLANNING AND RIGHTS OF WAY COMMITTEE**

Date **Tuesday 26 July 2022 (commencing at 2.00pm)**

**Membership****COUNCILLORS**

Richard Butler (Chairman)  
Jim Creamer (Vice-Chairman)

Mike Adams	Nigel Moxon - Apologies
Andre Camilleri	Philip Owen - Apologies
Robert Corden	Francis Purdue-Horan
Sybil Fielding	Sam Smith
Paul Henshaw - Apologies	Daniel Williamson
Andy Meakin	

**OTHER COUNTY COUNCILLORS IN ATTENDANCE**

John Wilmott

**SUSTITUTE MEMBERS**

Pauline Allan substituted for Paul Henshaw  
Tom Smith substituted for Philip Owen  
Tracey Taylor substituted for Nigel Moxon

**OFFICERS IN ATTENDANCE**

Pete Barker – Chief Executive's Department  
Steven Eastwood Snr – Chief Executive's Department  
Sally Gill – Place Department  
Jaspreet Lyall – Chief Executive's Department  
David Marsh – Place Department  
Matthew Neal – Place Department  
Jonathan Smith – Place Department  
Jan Witko – Place Department

**1. MINUTES OF THE MEETING HELD ON 5 JULY 2022**

The minutes of the meeting held on 5 July, having been circulated to all members, were taken as read and were confirmed, and were signed by the Chairman.

## **2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Henshaw (medical/illness), Councillor Moxon (medical/illness) and Councillor Owen (other reasons).

## **3. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS**

There were no declarations of interest.

## **4. DECLARATIONS OF LOBBYING**

There were no declarations of lobbying.

## **5. CONSTRUCTION OF AN OFFICE BUILDING AT TOP WIGHAY FARM**

Mr Marsh introduced the report which considered a planning application for the erection of a County Council office building, drainage and access infrastructure, including new highway, on land to the east of the A611 at Top Wighay Farm north of Hucknall. Mr Marsh informed members that the key issues related to the provision of sustainable travel/transport links and the scale, siting, design and impact of the development.

Mr Marsh informed Committee that a request to defer the application had been received from County Councillors Dave Shaw, Lee Walters and John Wilmott. The Councillors argue that the application should be deferred because of the uncertainty around the future use of County Hall and the consequences this may have on the future use of the offices at Top Wighay Farm. Mr Marsh stated that the details of any changes that may come out of a review of the County Council's property portfolio are not yet known and do not form part of the application before committee today. Members need to consider the issues in the application before them, detailed in the officer's report, and determine the application accordingly. Mr Marsh informed Committee that officers did not consider that there was a need to defer determination of the application but that ultimately this was a matter for Members to consider and decide.

Following Mr Marsh's introduction, it was confirmed that further funding had been made available for the 141 bus service that would allow it to run for another year. It was confirmed that an express bus service also served the site.

Matthew Neal, on behalf of the applicant, was then given the opportunity to speak and a **summary** of that speech is set out below:

- This application is for an exemplar office base which will improve the authority's ability to deliver services to the community.
- It will provide a quality working environment for our employees.
- It is a key element in the authority's wider approach to its estate which aims to improve service delivery and be more environmentally-friendly.



- This development will allow the authority to exit expensive leased accommodation and move towards an owned accommodation model of estate management.
- Sensitive services relating to children and adults will be provided and it is important therefore that the accommodation is fit for purpose.
- Secure areas will be provided where confidential discussions can take place and allow co-located service providers to exchange information.
- General meeting rooms and training spaces will also be provided.
- This building will be an environment exemplar and be a benchmark for the rest of the authority's estate and will include such features as solar shading, PVs and a green travel plan.

Councillor John Wilmott, as a Member of an adjacent division, was then given the opportunity to speak and **a summary** of that speech is set out below:

- This development has a long history and many things have now changed.
- Covid has hit and many plans have now changed including the introduction of hybrid working which has led to offices being half empty.
- Costs have increased significantly.
- It is not possible to assess the impact traffic will have in the area as no figures have been provided by the Council in terms of staff numbers or details of proposed services. The traffic figures in the report are based on guesswork and therefore the application is contrary to the National Planning Policy Framework.
- In my opinion the application is also contrary to the Local Transport Plan 2011 – 2026
- The transport system in the area will be made worse by this development. Bus services are unreliable – bus companies are cancelling services because of a shortage of drivers.
- The train and tram station is 2.5km from the site which is an unacceptable walking distance.

- Ashfield District Council have officially objected to the application – the local infrastructure will not cope and there is no 106 agreement, or any other agreements in place, to fund improvements to that infrastructure.
- The Council seems to be adopting a car-borne approach which relies on upgrading the roads and goes against County Council policies.
- The development will generate a significant number of extra cars in the area which will exacerbate problems at junctions which are already at capacity, at the Badger Box for example.
- There are no improvements planned to the cycle or pedestrian infrastructure.
- It is unclear how health care provision will be provided for staff in the offices and those in the wider development.
- We have objected to the development on many previous occasions, and I ask Committee to reject the application for the havoc it will cause in Hucknall and the surrounding villages.

Members then debated the item and questions were responded to as follows:

- Section 25 of the Localism Act 2011 allows for Members to cast a vote at a prior meeting concerning a development without this being regarded subsequently as an indication of bias or pre-determination on the part of those Members.
- The wider development of this site, including traffic issues, have been considered and approved by Gedling Borough Council. This development has been further supplemented by a transport statement which considers trip generation and is based on the square meterage of the building. The traffic impact on the area would have been estimated by the consultant and this estimate would have been considered by officers prior to submitting the application.
- The traffic figures in the report are taken from the final, full application and not from the outline application where the figures are different.

Councillor Williamson welcomed the environmental credentials of the development but stated that a more robust traffic survey was required and moved an amendment to the motion, which was seconded by Councillor Meakin, requesting that the decision on the application be deferred until such a survey had been undertaken.

The amendment was put to the vote and was not carried.

Members continued to debate the item and questions were responded to as follows:

- The conditions concerning ecology refer specifically to the application site. If the wider development does not progress the ecological impact of the development will need to be reassessed.
- The route of the 141 bus service does not pass directly by the site, but the site is served by the 'Threes' service which has a 30 minute frequency and if the application is approved extra bus shelters will be provided.

The meeting was adjourned briefly at this point and when proceedings recommenced Mr Marsh recapped so that no Members missed what had been said.

Members continued to debate the item and questions were responded to as follows:

- If the application is approved, it is hoped that the building will be completed by Autumn/Winter 2024. Conditions will ensure that bus access will be provided.
- The use of brise soleil in the construction of the building will not affect window cleaning as this will be undertaken by pole. It will be possible to access the whole of the outside of the building via a cherry picker if required.
- More work is needed on the provision of touch down areas but these have been provided in other county council buildings.
- If the application is approved, the development will provide 1000 high quality, highly paid jobs in the local community.
- Condition 15b specifies the location of gates to allow the passage of mammals through the perimeter fencing on the north and western boundaries of the office site.
- There is no planting on the roof – the whole of the roof is taken up by plant relating to solar power.
- The building design is targeting the Building Establishment Environmental Assessment Method (BREEAM) classification of 'excellent', a rating achieved by only 10% of office buildings.
- There will be approximately 124 trees planted on site in addition to hedges and shrubs.
- Charging for electric cars is future-proofed through the provision of ducting which will allow the installation of further sockets when required.
- More bus provision will be triggered by the occupation of the planned housing estate, as per the Section 106 agreement..

- The positive effects of the development will be felt throughout the County, not just in the south, as a result of the location of the building in the middle of the County.
- Committee is not usually provided with details of the insides of buildings but the building will provide office accommodation not too dissimilar to typical modern offices.

On a motion by the Chairman, duly seconded, it was:

**RESOLVED 2022/041**

That planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1 of the report.

The meeting closed at 3.30pm

**CHAIRMAN**

**27 September 2022****Agenda Item: 5****REPORT OF SERVICE DIRECTOR – PLACE AND COMMUNITIES****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/22/00584/CMA**

**PROPOSAL:** RECONFIGURATION AND ENLARGEMENT OF THE ROUNDABOUT WITH ASSOCIATED LANDSCAPING WORKS AND IMPROVEMENTS TO PEDESTRIAN CROSSING FACILITIES

**LOCATION:** OLLERTON ROUNDABOUT, INTERSECTION OF A614, A616, A6075 AND NEWARK ROAD, OLLERTON, NG22 9DY

**APPLICANT:** NOTTINGHAMSHIRE COUNTY COUNCIL- (PLACE DEPT)

**Purpose of Report**

1. To consider a planning application to enlarge Ollerton roundabout and associated works. The key issues relate to improving the functioning of the highway for motorised and non-motorised users, and site-specific environmental factors including direct loss of part of a Site of Special Scientific Interest (SSSI), impacts to the character/appearance of a Conservation Area and associated heritage assets, flooding/drainage, as well as residential amenity issues. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.
2. This application is subject to an Environmental Impact Assessment and an Environmental Statement has been provided, owing to likely significant environmental impacts. Consequently the works require planning permission and do not benefit from Permitted Development rights that are usually available to the County Highways Authority.

**Background to the A614/A6097 project**

3. Nottinghamshire County Council along with its partner local authorities and agencies has identified a need to improve the capacity and performance of a number of junctions along the A614 and A6097 corridor which forms part of the Major Road Network (MRN) within the County.
4. The A614 is an important north-south route from Nottingham to Retford and beyond, with the A6097 providing a spur to the A46 trunk road linking Leicester with Newark and Lincoln. Both roads are largely two-way single carriageway,

with dual carriageway sections through Lowdham. Running centrally through the County the roads serve as vital commuter and tourist routes linking villages and towns together and with the City of Nottingham and also providing the access to attractions including Rufford Abbey, Sherwood Forest, White Post Farm, and Wheelgate Park. The roads also serve as diversionary routes for the M1 and A1 to the West and East respectively.

5. In recent years the County Highways Authority has undertaken improvements to several junctions along both roads and has also introduced a lower 50mph speed limit (enforced by average speed cameras). The following six junctions have now been identified as requiring intervention to ensure the effective functioning of the road corridor and are shown on the appended 'A614 and A6097 Junction Improvement – Overall Project Location Plan':
  - Ollerton Roundabout (A614/ A616/ A6075)
  - A614/Mickledale Lane/Inkersall Lane
  - White Post Roundabout (A614/ Mansfield Road) Farnsfield
  - Warren Hill (A614/ A6097) gyratory junction
  - Lowdham roundabout (A6097/ A612/ Southwell Road)
  - Kirk Hill (A6097/ Kirk Hill / East Bridgford Road) East Bridgford
6. A further junction (A614/Deerdale Lane/Eakring Road, Bilsthorpe) has been removed from the wider project due to costs and complexities. Each has been submitted for planning permission and are considered in separate reports.
7. The MRN is a middle tier of the country's busiest and most economically important local authority A roads sitting between the Strategic Road Network (SRN) and the rest of the local road network. The A614 and A6097 routes were designated as such in October 2018. The stated objectives of the MRN and of the A614/A6097 project are closely aligned and include:
  - **Improved Journey Times and Reliability-** There are regular delays and queueing at Ollerton, Lowdham and Kirk Hill junctions which are predicted to worsen with traffic and local housing/economic growth. It can also be difficult to access the A614 from Bilsthorpe village.
  - **Network Resilience-** Capacity improvements will support the Strategic Road Network by adding resilience to the highway network which will boost productivity and reduce costs to businesses. Both roads serve as alternative and diversionary routes during incidents or major roadworks.
  - **Economic Growth-** Additional capacity will drive economic growth by facilitating housing and creating jobs. In particular a number of development sites have planning conditions and obligations limiting build out until improvements are made to Ollerton and Lowdham roundabouts.

This includes the development at the former Thoresby colliery. Improvements at the junctions would enable 1,330 dwellings and 24,281m<sup>2</sup> of employment space to be built out stimulating economic growth.

- **Connectivity** - Improving journey times and reliability will improve connectivity to Nottingham and improving access to supply chains and labour markets.

## The Site and Existing Situation

8. This is currently a 6-arm roundabout (one being bus only) connecting the A614 (Blyth Road) to the north, the A6161 (Ollerton Road) to the east, Newark Road (which is a bus-only outwards from Ollerton), the A614 (Old Rufford Road) to the south, the A6075 Mansfield Road to the south west and the A616 (Worksop Road) to the north west (see Plan 1). The junction sits on the western outskirts of the town and forms an eastern edge and 'gateway' to Sherwood Heath and the Sherwood Forest area. It handles a mix of local journeys, strategic trips and visitors/tourists to the area. In the most part the roundabout has single lane approaches and exits and is operating over capacity, resulting in regular queuing on the approaches, particularly on the northbound A614.
9. There are a number of roadside services present on three sides: two fuel stations and shops; a 'McDonalds' drive-through restaurant; 'Costa Coffee' (café and take-away); 'The Big Fish' (take-away); and a pub/restaurant (The Alders). These generally include car parks and landscaped boundaries, typically a mix of low-level shrubbery and grass verges, with some semi-mature trees. A larger group of semi-mature trees fronts the A6075 Mansfield Road approach including outside The Alders Public House.
10. There are three detached residential properties beside the A614 Blyth Road, directly to the north of the roundabout, (1-3 Forest Side – see Plan 1) one of which has a large garden and perimeter hedgerow on the corner of the roundabout. In addition a single detached residential property, The Coombs, is also located on the southern side of the A6075 Mansfield Road adjacent to the Costa Coffee and Big Fish car park.
11. Pedestrian provision is particularly poor around the junction with no proper crossing facilities despite local people visiting the various food and drink establishments. Access to the Sherwood Heath LNR is possible from the Alders PH car park (which has some dedicated spaces) and from Ollerton and Boughton Bridleway 26 which commences on the north-western side of the Mansfield Road beside the PH.
12. There are bus stops (with flags/poles) on the Mansfield Road beside BW 26 (flag/pole on north-west side but acting 'both ways') serving local bus services including the Sherwood Arrow and services to Mansfield and Ollerton. These services use the bus-only Newark Road when leaving Ollerton (and Ollerton Road inbound).

13. The junction is particularly constrained to the west by the Birkland West and Ollerton Corner SSSI (incorporating Sherwood Heath Local Nature Reserve and Local Wildlife Site) which fills in all of the land between the A614 north arm and the A616 western arm as well as land to the south and west of The Alders PH. This SSSI goes on to join with the Birklands and Bilhaugh SSSI further to the west. The separate Birklands and Bilhaugh Special Areas of Conservation (SACs), lie 1.7km to the north-west and 2.3km west. The SSSIs are also denoted as Important Bird Areas which could *potentially* form part of a future Special Protection Area (SPA) for its breeding bird (nightjar and woodlark) interest.
14. To the east, Ollerton Conservation Area (CA) extends towards and up to the roundabout at the corner of Ollerton Road and Newark Road. The latter road is within the CA along with the adjacent meadows and smallholdings. However following a recent formal review by Newark and Sherwood District Council, the CA boundary has been cut back to exclude the McDonalds restaurant and the Esso service station. Located within the CA and approximately 320m to the east of the roundabout is the Grade II\* listed Ollerton Hall which is pending conversion works. There are a further seven Grade II listed buildings and structures clustered around and including the Ollerton watermill (250m east), the Hop Pole Hotel, the War Memorial (and riverside gardens) and St Giles Church.
15. Ollerton roundabout is located within an area of high flood risk (Flood Zone 3, with parts in FZ2) from the River Maun which arrives from the south west and passes to the east. Newark Road bridges the river beside the war memorial and the old watermill – now a popular tearoom. The flood risk map is shown on Plan 2. Groundwaters are also sensitive owing to the principal sandstone aquifer.
16. The application red line area incorporates the existing roundabout and all approaches, but also adjacent strips of land that are required for widening purposes. Some of this land forms part of the designated SSSI at the corner of the A614 and A616. Land is also required from various landscaped areas around the food/drink/fuel services, from part of an adjacent arable field, from a pasture field, and from the garden to No.1 Forest Side. Part of the arable field to the south of the single residential property on the A6075 Mansfield Road is also required temporarily for a construction/contractor's compound. This can be seen on Plan 3. Some minor changes to the red line have been made during the course of the planning application and has formed part of a re-consultation on further information.

## Planning history

17. A previous scheme to enlarge the roundabout (2009) was the subject of a Screening Request from which it was determined that an Environmental Impact Assessment was required (and so planning permission required). However, no planning application was submitted and the project was not taken forward owing to lack of funding amid pressures from the global financial crisis. As an interim measure the Ollerton Road approach to the roundabout was widened in 2011 (works appearing not to have required planning permission).



18. The present proposals (which are similar to the previous draft designs) were preceded by the County Planning Authority (CPA) issuing a Scoping Opinion in September 2021 advising on the scope of the Environmental Statement now submitted with the current application. Comments from technical consultees informed this process and it is to be noted that the ES appears to be substantially based on that scoping advice.
19. Various applications have been determined by the District Council in recent years relating to the surrounding roadside businesses, including the development of 'The Alders' PH on the former Tourist Information Centre site and the redevelopment of the 'Big Fish' restaurant to form a 'Costa coffee', with a retained Big Fish outlet.

### **Proposed Development**

20. This junction is operating well over capacity with regular peak hour journey time delays and queuing (queue length can be 45-50 cars on the A614 and A616 approaches in the AM peak and up to 100 cars on the A614 northbound approach in the PM peak). This is adversely affecting the reliability of local journeys, longer distance journeys including freight, and the experience of visitors and tourists to the area. Its current capacity is also restricting housing and economic growth. For example, the Thoresby Colliery development totalling some 800 new and planned houses as well as commercial space has a planning restriction limiting the build-out until capacity is improved at Ollerton.
21. The application proposes to create an enlarged 5-arm roundabout with the current bus-only arm (Newark Road) realigned onto Ollerton Road, therefore removing the current 6<sup>th</sup> arm (see Plan 4). The approaches to the roundabout would be widened to two lanes, and the enlarged roundabout would feature two lanes circulating around, with two lanes at the exits merging back again to one lane (except for A616 Worksop Road with single lane exit). A reduced speed limit of 40 mph is proposed at the junction and all approaches. New LED lighting and drainage are also included. Signage and markings would also be required.
22. To address the current lack of pedestrian/cyclist crossing facilities, two sets of new Toucan (traffic light controlled) pedestrian crossings are proposed across the A614 outside McDonalds and across the A6075 Mansfield Road between the Costa Coffee/Big Fish and The Alders PH (and Sherwood Heath LNR). Uncontrolled dropped kerb crossings are shown across all remaining arms using 'splitter islands'. Footways (shared use with cyclists) would be provided (3m wide where possible) to facilitate access to all of the food and drink establishments, Forest Side Cottages, and linking back to Ollerton via Newark Road (as a quiet bus only road) and also Ollerton Road (continuous footway both sides).
23. Third party land is required at multiple areas around the roundabout to provide for its enlargement and this is to be acquired in a separate process including, if necessary, via compulsory purchase. The plans show this would impact upon landscaped areas around the PH and fast food/drink restaurants, including

removal of some of the mature trees alongside the Mansfield Road and removal of sections of hedgerow at the corner of Newark Road and Ollerton Road. Notably the area of grass verge at the corner of the A614 and A616 which forms part of the SSSI would need to be removed (this is considered in further detail within the report). New and replacement landscaping is proposed including tree, shrub and hedgerow planting, including tree planting within in the centre of the roundabout, and on the SSSI corner and at the stopped-up end of Newark Road. The landscaping would also incorporate some heathland scrub and acid grassland (see Plan 5).

24. Land is also required from the garden to No. 1 Forest Side Cottage and a new access drive is proposed to serve this property from Ollerton Road. Changes to the access into/out of the Costa Coffee/Big Fish are also identified with this being moved to the south-western end of the car park and the existing access stopped up.
25. Some land would also be temporarily occupied for construction purposes and a large contractor's compound area is proposed on agricultural land to the south of the residential property on Mansfield Road (see Plan 3).

## Consultations

26. **Newark and Sherwood District Council** - *No objection.*
27. *NSDC Conservation advises that the proposals at Ollerton would have a minor-moderate harmful impact on the character and appearance of the Conservation Area and the Grade II\* listed Ollerton Hall. There are public benefits which could outweigh this less than substantial harm, and it is considered that further landscaping could help to minimise the level of harm.*
28. **Ollerton & Boughton Town Council** - *No objection.*
29. **Natural England** – *Objection - at time of writing and any further comments resulting from a re-consultation to follow.*
30. SSSI- *The proposed development would result in direct loss of an area of Birklands West and Ollerton Corner SSSI. The SSSI is designated as a large area of former pasture-woodland with a rich beetle fauna and associated areas of acid grassland and heath.*
31. *The submitted drawings indicate that an area of the SSSI will be permanently destroyed however the area lost to the development is not specified. The area of SSSI lost is crucial as it should be the primary factor in determining the level of compensation required to offset the impacts of the proposed development.*
32. *NE previously (2019) agreed compensation and mitigation measures, including new tree shelter belts on the south eastern corner of the SSSI (junction of A614 Blyth Road and A616) and on south eastern boundary of the SSSI (along Mansfield Road). This would reduce the impact of atmospheric nutrient deposition on the SSSI. This is included in the scheme however the species list*

*is not appropriate/compatible with the SSSI's designation. Any trees planted as part of the development should come from local sources where possible.*

33. *Proposals were also previously agreed to fund scrub clearance and other restoration work on the SSSI to compensate for the permanent destruction of the SSSI. This does not appear to be included as part of the compensation package proposed. NE require details of how this will be delivered.*
34. *NE notes that the applicant intends to create acid grassland on the SSSI around the tree shelter belt. NE welcome this mitigation however due to historic nutrient deposition the soil conditions are unlikely to be suitable and therefore some form of soil management is required to create very low nutrient soil conditions (as well as appropriate drainage) to protect the habitat created but also ensure that grasses are less likely to colonise the area and disperse to the rest of the SSSI.*
35. *Natural England advise that any amenity grassland planting in close proximity to the SSSI would introduce the risk of grass dispersing into the SSSI and damaging the interest features. Any grassland creation should be sympathetic to the interest features of the SSSI.*
36. *BNG- NE advise it would be beneficial to ensure there is Biodiversity Net Gain as part of the development. The government is intending to make this mandatory on new developments in England to deliver an overall increase in biodiversity. NE therefore suggests that the applicant takes the opportunity within this proposal to be an exemplar development which can demonstrate a net gain in biodiversity.*
37. *It appears that the applicant is using Biodiversity Net Gain as mitigation for the impacts on the SSSI. BNG cannot be used to offset impacts on irreplaceable habitats, therefore the calculation can only include areas which lie outside the SSSI to demonstrate delivery of BNG.*
38. *NE welcome the inclusion of tree planting on the new roundabout which would act as a welcome to visitors to the area. Planting a single oak tree would be a better option rather than three oak trees. A single tree with sufficient space would develop a more extensive canopy. The three proposed Silver Birch trees should be retained.*
39. *Shadow Habitats Regulation Assessment - A shadow Habitats Regulations Assessment has been provided, concluding that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. The County Planning Authority, as competent authority under the provisions of the Habitats Regulations, may accept the report*
40. *Paragraph 4.1.20 of the shadow HRA states that 'the overall loss of habitat within the possible ppSPA parcel is approximately 0.1ha, which is a tiny fraction of the overall area of the ppSPA and any impact will, therefore, be insignificant*

*and this pathway can be screened out for any likely significant effects on the Sherwood Forest Area ppSPA'.*

41. *NE advise that on the basis of the information supplied the application may have a likely significant effect on the site. These measures therefore need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) to determine whether a plan or project will have an adverse effect on the integrity of the European site. Natural England advises however that it is a matter for the Authority to decide whether an appropriate assessment of this proposal is necessary in light of the People Over Wind ruling.*
42. *Advises that if the CPA is minded to grant planning permission contrary to the NE advice there is a legal requirement to notify NE of the terms of the permission and allow 21 days to elapse.*
43. **Historic England** - *Defers to the County's own Archaeological and Historic Built Environment specialists and signposts to standing advice.*
44. **NCC (Archaeology)** - *No objections. Conditions required.*
45. *This is possibly the most archaeologically sensitive part of the scheme with good potential for the remains of a tollhouse and other buried features. Adequate opportunity and time to investigate and record any archaeological remains will be required and can be covered by a condition requiring a written scheme of archaeological investigation.*
46. **NCC (Built Heritage)** - *Comments and requests conditions to agree signage and other details.*
47. *The submitted Environmental Statement contains an adequate cultural heritage chapter in accordance with the requirements of NPPF paragraph 194 and is suitably thorough for the most part. The conclusions are generally sound and there is no objection to the judgements concerning levels of harm that the impacts represent for the most part.*
48. *The boundary of Ollerton village Conservation Area has recently been altered by NSDC - this was anticipated. The main purpose was to remove the modern C20th development associated with the junction, however there is still some overlap between the planning application and the conservation area new boundary. Accordingly, the Planning (Listed Building and Conservation Area) Act 1990 apply.*
49. *The Newark Road approach into Ollerton is likely to be the route of a medieval causeway, later becoming a C18th turnpike with a toll house (as noted in the ES). The necessity of re-configuring and stopping off the road is understood, but by closing off this end of road, the scheme will truncate the present views and this will erode the understanding of this as an ancient routeway and the ability to*

*appreciate the village in its medieval context and this does represent a negative impact on the conservation area, although not enormously harmful to character.*

50. *The scheme has been submitted without certain aspects of 'detailed design'. Signage and road markings - where these fall inside the conservation area or affect its setting (Newark Road and Ollerton Road) - have considerable potential to erode the character of the village. Every effort should be made to consider the number, size and positioning of signs to minimise the corrosive impact of the larger junction. NCC Built Heritage requests that all elements of detailed design be reserved or controlled through condition in order to preserve the character of the conservation area.*
51. *The landscape design provides a good level of detail and has considered direct impacts on the CA carefully. It is pleasing that the landscaping scheme has taken a positive approach to planting the roundabout but other parts of the scheme will replace planting with hard landscaping and the overall impact of the highway signage, lining, pedestrian barriers and other components cannot be judged until the details are made available. It is unlikely that the landscaping scheme will be able to substantially mitigate urbanising impacts and it is inevitable that further erosion of the rural, forest character will occur.*
52. *There has been a considerable erosion of the rural, forest character as the junction has developed a concentration of roadside services. Despite being famous and of international significance, there is little recognition in the planning realm of Sherwood, the royal forest, as a heritage landscape along with its folklore traditions. Despite the scheme being able to demonstrate a relatively low impact on designated and non-designated built heritage assets, there will be an impact on this sense of place of this part of Sherwood's heritage and it is imperative that the detailed design process pays attention to reducing that impact.*
53. **Environment Agency** - *No objection subject to a condition to secure drainage details, including pollution prevention measures. Also advises registration to the flood warning service and that Permits may be required for works within 8m of a river or flood defence.*
54. *The proposals at Ollerton involve drainage schemes which present a risk to groundwaters and which are particularly sensitive because the site is within source protection zone 3 and is located upon a principal aquifer (the Chester Sandstone Formation). The submitted Environmental Impact Assessment provides confidence that the risks to groundwater resources can be managed, but further details will be required by condition.*
55. **NCC (Flood Risk)** - *No objections subject to conditions requiring detailed surface water drainage schemes in line with the submitted and published Flood Risk Assessment and drainage strategy.*
56. **NCC (Highways)** – *Supports the objectives of the proposed works (as part of a series of improvement works along the A6097-A614 route).*



57. Capacity and Congestion - The assessments demonstrate that the roundabout is significantly over capacity in both AM and PM peaks and by 2037 will be at even greater levels over capacity if no changes are implemented.
58. The proposed roundabout has been tested and is demonstrated to be at the level of theoretical capacity (0.85 RFC) in the AM peak and just over in the PM peak at 0.90 Ratio of Flow to Capacity (RFC). If the improvement works are not implemented, the capacity of the roundabout will be at 1.74 RFC in the PM peak which will have significant detrimental effects on the major road network and impact further on surrounding local roads as drivers try to find alternative routes.
59. The proposals represent a significant improvement to the capacity of the roundabout, offsetting what would otherwise be severe congestion over and above that already seen, created by traffic growth and development.
60. Highway Safety- Confirms that all issues have been addressed in terms of accident information and pedestrian crossing provision.
61. Whilst in general, the introduction of formal crossing points and a more complex layout with additional lanes will potentially increase the risk of collision when compared to the existing single circulatory lane roundabout, such layouts as proposed are not uncommon and suitable geometric design and minor amendments / mitigation at detailed design stage will reduce this risk, so the highway safety element of the proposals are not considered unacceptable in principle.
62. Changes to local traffic patterns- The Transport Assessment assumes redistribution of traffic would be unlikely due to lack of route choice (tested using the Midlands Connect Highway Model). However, this is in relation to the major and/or strategic road networks and more local roads are likely to see reassignment.
63. The applicant has advised that monitoring of the major road network will be required by the DfT but that this work will look further afield so that villages close the A614/A6097 corridor are captured. The methodology and locations of this is not defined, so it is suggested that this element is controlled by planning in order to identify and address any potential unacceptable or severe impacts on the adjacent local road network.
64. **NCC Transport and Travel Services** - support subject to replacement bus stops being provided.
65. **Bus Stop Infrastructure**: Two bus stops are located within the scheme area: NS0533 and NS0857 (Mansfield Road). NS0533 is a marked stop with pole and bus stop flag only. The following improvements are required to achieve the standard set out in the Council's Highway Design Guide: NS0533 – hard standing area with a raised boarding kerb and bus shelter. NS0857 - bus stop pole, flag hard standing area with a raised boarding kerb and bus shelter. Bus Gate - the revised arrangements for the Bus Gate are noted.

66. *Bus services affected: Stagecoach 14/15/15A/Sherwood Arrow and school services. Any service diversions required as part of the works will impact upon the bus network. Highway works requiring closures or diversions should be limited during the day with overnight closures recommended where the works require closures and/or diversions.*
67. **NCC (Nature Conservation)** – *No objections provided recommended construction management measures, landscaping/biodiversity net gain and other mitigation measures are secured.*
68. *The application is supported by a range of ecological survey work, which can be considered to be up-to-date.*
69. *The identified ecological mitigation measures should be included within a CEMP, required by a pre-commencement condition. In addition, construction areas must be clearly demarcated with temporary protective fencing to ensure that accidental ingress into designated sites is prevented.*
70. *Direct habitat impact* – *The scheme is reported to result in the loss of 0.058ha of the 414ha Birklands West and Ollerton Corner Site of Special Scientific Interest (SSSI) (< 0.02% of the site), 0.158ha of the 965.5ha Birklands and Bilhaugh Local Wildlife Site (LWS) (<0.02%), 0.158ha of the 23.2ha Sherwood Heath Local Nature Reserve (LNR) (0.68%), and 0.1ha of the 7,157ha ‘possible potential’ Sherwood Special Protection Area (ppSPA). (<0.002%, area based on the Sherwood Key Biodiversity Area). As such, the direct loss of (partially overlapping) designated sites is fractional.*
71. *The losses of notable habitats are reported to amount to 0.07ha of woodland, 0.2ha of semi-improved neutral grassland and 290m of hedgerows (with and without trees). No heathland or acid grassland, or trees capable of supporting roosting bats, would be directly lost.*
72. *Loss of habitat for breeding birds and for foraging/commuting bats is minimal and areas of habitat are suboptimal (including for woodlark and nightjar), and already subject to disturbance from noise and artificial lighting. The scheme will have a negligible impact on the ppSPA and a negligible impact is predicted on bats.*
73. *Compensation* – *In light of the need to omit the SSSI area from the BNG calculation, a separate outline Mitigation Proposals document to account for the loss of 0.05ha of roadside SSSI habitat has now been put forward. An area of land under NCC ownership, managed by the Council’s Green Spaces service, has been identified for enhancement to mitigate for the loss of the SSSI habitat. Whilst satisfactory, it will be necessary to gain Natural England’s approval as well. Should the details be considered acceptable, it will be necessary to require (through an appropriate planning mechanism):*
  - *The production and implementation of a detailed programme of works based on the Mitigation Proposals document, to be carried out as part of the scheme in years 1-5;*

- The production of a management plan to cover ongoing maintenance of the mitigation areas for years 6-30;
  - The transfer of sufficient funds to the NCC Green Spaces service to cover these ongoing maintenance works for an agreed period. The total management period should be 30 years to match the BNG provision. The first 5 years of establishment works should be covered by the applicant, with funding provided to cover years 6-30.
74. Bats and lighting- Satisfied that the potential impact of the scheme on bats has now been properly considered, and that there will be no significant impact. A single Common Pipistrelle bat was recorded roosting in the southern gable end of the building, with pipistrelle and Noctule foraging activity also recorded. The survey report gives consideration to the impact of new street lighting on bats and concludes that (a) the increased street lighting will not have an adverse impact on bat roosts, and (b) bats should be able to quickly adapt to the lighting and that it will not form a significant barrier to current bat activity patterns. It is also noted that the lighting scheme has been amended through the removal of a lighting column with the effect that lighting will extend less north up the A614 adjacent to Forest Side, with the 1lux contour extending around 60m further north than under the existing lighting. The proposed lighting is generally considered to be more 'bat friendly', replacing high pressure sodium luminaires. Also agrees that additional illumination would have a negligible impact on nightjars, due to the already suboptimal habitat due to the proximity of the road.
75. Glow worm- Understands only small numbers were recorded in the road verge of the A6075 (2 females recorded here in 2021, for example). Whilst not protected, glow worms are a charismatic and declining species, so it is recommended that a condition is added requiring the production and implementation of a method statement for the local translocation of glow worms from the development area to elsewhere on Sherwood Heath.
76. Air quality impacts on sensitive SSSI habitats have been considered in the Environmental Assessment, but defers to Natural England's advice.
77. Operational noise levels are predicted to result in a negligible impact on birds and bats. Habitats within 20m of the site are suboptimal for woodlark / nightjar due to the high level of disturbance from car headlights, vehicle noise and disturbance. The small increase in noise levels and the suboptimal nature of the habitat in proximity to the road means there would be a negligible impact on foraging bats.
78. Biodiversity Net Gain - The BNG calculation has been re-run and updated. During the initial consultation it was flagged that SSSI habitat loss/gain should not be included in the BNG calculation as it qualifies as 'irreplaceable habitat', and this is now reflected in the BNG calculation. It is concluded that a net change of 16.7% for habitats, and 120.1% for hedgerows will be delivered for this scheme, exceeding the 10% minimum figure which will be required when BNG becomes mandatory.



79. *To ensure that the anticipated net gain is achieved in practice, a Biodiversity Gain Plan should be required prior to commencement of development, implemented with habitat management and monitoring (and which also ensures that Trading Rules are satisfied) for a 30 year period. A detailed landscaping scheme should also be required by condition and which must be fully consistent with the Biodiversity Gain Plan (and vice versa).*
80. *A shadow Habitats Regulations Assessment has been carried out, looking at Likely Significant Effects on both the Birklands and Bilhaugh Special Area of Conservation (SAC) and the “possible potential” Sherwood Special Protection Area (ppSPA). After considering a range of potential impact pathways, likely significant effects (alone and in combination) are screened out for all pathways for both the SAC and the ppSPA. Comments should be sought from Natural England.*
81. **RSPB- Comments**
82. *Following the hierarchical approach to preventing loss of biodiversity, it is unclear if avoiding loss of 0.05 ha of the Birklands West and Ollerton Corner SSSI was considered before proposing mitigation.*
83. *There are records of glow worm on Sherwood Heath and beside the A6075. Whilst not having specific protection, it is a scarce and iconic Sherwood species and so it would be beneficial to include mitigation measures.*
84. *The comments from NCC Nature Conservation are supported.*
85. **Via Safer Highways - Comments and recommendations.**
86. *Via Safer Highways undertook Stage 1 Safety Audits where recommendations to improve the designs were made. It is strongly recommended that further Road Safety Audits are carried out at Stage 2 (Completion of Detailed Design) and Stage 3 (Completion of Construction).*
87. *This scheme will undoubtedly lead to an increase in collisions/injuries compared with the current layout due to the additional conflicts and extra lanes. Some of the exits will be twin lanes which will promote drivers to negotiate the roundabout in pairs and is also likely to increase speeds and overtaking. The new layout could also lead to additional problems with vulnerable 2-wheeled vehicles (powered and non-powered) which can often become “lost” amongst larger vehicles. The scheme is also likely to increase the number of vehicle journeys, increasing the risk of collisions in the immediate local area and wider region.*
88. *The signal-controlled crossings will be very valuable if joined-up with high-quality walking and cycling routes and this should be given detailed attention. It is noted however that three of the roads will have uncontrolled crossings using the splitter islands which is likely to be very difficult at certain times and will create new conflicts. It is questionable as to why these new footway links are being proposed.*

89. **Via (Countryside Access)** – comments and acknowledges that there is insufficient space to install Pegasus crossings.
90. Ollerton & Boughton Bridleway no. 26 exits on to Mansfield Road (A6075) 70m back from the junction. The southern end of BW 26 will be within the road widening and therefore a section will need to be stopped up. This should be included in the Side Roads Order process.
91. Bridleways are for the public on foot, cycle and horseback and consideration should be given to how the bridleway can be safely connected by improved crossings of the A6075 and A614 to reach Newark Road (and from there to a connecting bridleway (Ollerton & Boughton Bridleway no. 7) off Ollerton Road (reached via Newark Road and Main Street).
92. It is appreciated that the installation of Pegasus crossings, instead of Toucan crossings, has been considered but that there is insufficient land available, given the buildings and infrastructure around the junction. The current use is also minimal, although this may be because of the current difficulty.
93. **Via (Landscape)** – Supports, with a number of comments and recommendations.
94. Sufficient information has been provided with the application, (landscape and visual assessment information, existing viewpoint images, year 1 visualisations and detailed landscape design proposals and other additional drawings), to be able to come to a reasoned conclusion that the proposed scheme is acceptable in terms of Landscape and Visual Impact. However a number of omissions, required corrections and textual changes to the assessment have been noted (a full list is available online as part of the background papers).
95. Methodology and baseline - The methodology for determining construction and operational effects is accepted. The relatively small scale of the scheme, combined with screening provided by existing landform, mature woodland and built form, are considered to negate the potential for significant landscape and visual effects beyond 0.75km. There are several other PRowS in the study area which should be added to the baseline text.
96. Physical landscape impact - This has not been quantified within the scheme specific assessment and has not been described in a range from minor to major adverse, however Ch 8 (Biodiversity) calculates the vegetation to be removed as: 0.07 ha broadleaved woodland; 0.2 ha unimproved/semi improved neutral grassland; 190 m species poor hedgerows; and 100 m species poor hedgerows with trees. This should be added to Chapter 7 because this contributes to the degree of landscape impact described.
97. Landscape character impact - Landscape character impacts are agreed as follows:

- *Sherwood Policy Zone 15 River Maun Meadowlands with Plantations – Slight adverse Landscape effects at the Construction stage, Year 1 and Year 15*
  - *Sherwood PZ 26 Budby Estate Farmlands - Slight adverse Landscape effects at the Construction stage, Year 1 and Year 15*
98. *Visual Effects - The Zone of Theoretical Visibility plan was produced at the scoping stage and used to derive viewpoints. These were provided in the scoping report for comment. There were some concerns at this stage in comments by NCC Built Heritage that the setting of both the Ollerton Conservation Area and the listed building Ollerton Hall had not been considered, but these are represented by Viewpoint 4 and Viewpoint 5. A correction is needed to the location of Viewpoint 8. The text should explain the rationale for choosing these viewpoints.*
99. *The conclusions of the assessment of visual effects are set out in table 7.11, 7.12, and 7.13. Via (Landscape) agrees with the assessment and that the methodology is transparent however, the viewpoint descriptions should also make reference to the lighting footprint as the proposed lighting would extend further along the A614 north and A616 northwest than at present.*
100. *No year 15 visualisations were submitted, which would be best practice, to illustrate how the maturing landscape treatment will help to mitigate the proposals. However sufficient information has been provided to show that the landscape proposals have been thoroughly considered at this stage. It would be beneficial to provide Year 15 visualisations to support detailed landscape proposals under planning condition.*
101. *Design, mitigation, and enhancements - The landscape design concept gives a clear indication of the landscape philosophy for the scheme. Some additional text would be helpful to describe how the scheme meets landscape character and ecological objectives, as well as how the landscape treatment mitigates the visual effects. The total amount of vegetation to be replaced is: 0.07 ha broadleaved woodland; 0.13 ha unimproved/semi improved neutral grassland; 0.053 ha mixed scrub; 76 m species rich hedgerows; and 153 m species rich hedgerows with trees.*
102. *A detailed landscape drawing should be requested by planning condition and this should refer to the species list for the Sherwood Landscape Character Area and produced in collaboration with NCC Built Heritage following comments about the erosion of the sense of place and urbanisation.*
103. **Via (Noise Engineer)** - *No objection subject to conditions requiring a construction management plan and prior to commencement baseline noise survey.*
104. *The assessment of operational impact indicates a classification of the effects as being not significant at all receptors, with the magnitude of the impacts varying from negligible adverse to minor beneficial for the operational phase.*

105. *For construction phase impacts, a total of 115 receptors are predicted to experience temporary non-significant effect. However, a total of 4 receptors have the possibility to experience temporary significant adverse effects as a result of the construction works (noise and vibration). In order to mitigate these effects, a list of Best Practicable Means (BPM) has been provided, and it is recommended that those measures should be detailed in a Construction Environmental Management Plan (CEMP).*
106. *The assessment of the effects on the cultural heritage and at the ecological receptors shows a negligible change within the Ollerton Conservation Area and at associated heritage assets.*
107. **Via (Reclamation)** - *no objections subject to conditions to further assess and remediate any contamination and to control construction stage emissions.*
108. *A Phase 1 Geo-Environmental desk study and site-specific environmental statements have been prepared and which are considered acceptable for the purposes of the planning applications.*
109. *Via (Reclamation) raises no objection subject to planning conditions requiring a site investigation/risk assessment to be submitted (prior to commencement) and a method statement detailing how any contamination would be remediated. A validation stage should then evidence this or confirm an absence of contamination. A watching brief is also requested.*
110. *An Environmental Management Plan to control construction effects including noise, vibration, dust, mud, and pollution/spillages and waste disposal is also recommended.*
111. **Cadent Gas Limited** - *No objection, informative note requested.*
112. **Planning Casework Unit** - *(statutory notifications- does not wish to comment).*
113. **Edwinstowe Parish Council; Nottinghamshire Wildlife Trust; Ramblers, British Horse Society, Western Power Distribution, and Severn Trent Water Limited** have not responded. Any response received will be orally reported.

## **Publicity**

114. The application has been publicised by means of site notices, a press notice (jointly with the five other schemes) and neighbour notification letters have been sent to the nearest residential and commercial occupiers in accordance with the County Council's adopted Statement of Community Involvement. Further publicity and consultation with consultees has been undertaken upon receipt of further information under Regulation 25.
115. In addition, the applicant department have undertaken separate and complementary publicity via the 'Email me' bulletin, the Council's twitter feed and have added links to the individual planning applications from the dedicated A614/A6097 project website:

<https://www.nottinghamshire.gov.uk/transport/roads/a614>.

116. Prior to the submission of the planning applications, the applicant department has undertaken extensive local engagement and consultations to inform the final junction designs. Scoping Opinions have also been previously obtained from the County Planning Authority to inform the Environmental Impact Assessment process.
117. Two representations with comments and questions have been received:
  - (a) A question is raised about details of the proposed relocated access to Costa Coffee/The Big Fish car park and possible safety concerns with pulling out into the road. Also a question is raised about changes to the internal layout of the car park to ensure customer traffic is able to clear the road.
  - (b) A question is raised about traffic management for Wellow during construction works. It is said that Wellow cannot cope anymore and the speeding, safety, and HGV issues on Eakring Road in particular are not being fully addressed and that this road is being used as a short cut between Ollerton and the surrounding villages and Bilsthorpe.
118. Councillors Mike Pringle and Scott Carlton have been notified of the application.
119. The issues raised are considered in the Observations Section of this report.

## **Observations**

### The requirement for planning permission

120. The County Council, with its responsibilities as the local Highway Authority, has extensive rights to undertake work to maintain and also improve the highway network. The Town and Country Planning Act 1990 (s55) excludes such works from the planning system where they would be within the boundaries of a road. Where such highway authority works go beyond the road boundaries, utilising adjacent land, such works are ordinarily deemed Permitted Development by virtue of the Town and Country Planning (General Permitted Development Order) (England) 2015 as amended. However these rights are removed where the works are subject to EIA (article 3) as is case here at Ollerton. Therefore an application for planning permission, accompanied by an Environment Statement, is required.

### Planning policy assessment

121. This is one of six inter-related planning applications concerning junctions along the A614/A6097 corridor. Each has to be independently considered and determined however, in the usual way, against the applicable Development Plans and having regard to material considerations.



122. The Development Plan in this instance is the Newark and Sherwood Local Plan comprising of the Amended Core Strategy (CS) (Part 1) (2019) and the Allocations and Development Management Policies document (A&DM) (Part 2) (2013) together with the associated policy map. The National Planning Policy Framework (NPPF) is a material consideration. Other material considerations may include the Nottinghamshire Local Transport Plan (LTP) and the D2N2 Strategic Economic Plan. It is also relevant to note that certain design standards apply including the Design Manual for Roads and Bridges and the NCC Highways Design Guide.
123. The importance of public infrastructure for local communities and to support planned/future development is set out through the Local Plan. CS Spatial Policy 6 (Infrastructure for Growth) seeks to ensure that the infrastructure to support local growth and to deliver the outcomes of the Strategy as a whole are provided. An Infrastructure Delivery Plan (IDP) informs this approach. Strategic Infrastructure in this context is defined as including improvements to the strategic highway network and other highway infrastructure as identified within the IDP. Together with A&DM Policy DM3 there is a framework for securing developer contributions and funds including via the Community Infrastructure Levy.
124. Improvements to the highway network therefore form an important aspect of the approach to infrastructure, notwithstanding the wider objectives of reducing car travel and promoting sustainable patterns of development and travel. Under CS Spatial Policy 7 (Sustainable Transport) and its supporting text, new highway infrastructure will only be required (for the purposes of the Plan) where other measures are insufficient to cope with the impacts of planned developments and that this is informed by the IDP process.
125. Improvements to the A614/A6075/A616 Ollerton Roundabout junction are stated as being required to accommodate additional growth in the area, a finding which stems from the IDP process and the Nottinghamshire LTP. This junction is specifically identified in the IDP and is listed in Appendix D of the Core Strategy as being highway infrastructure works required for the delivery of the Local Plan/Core Strategy itself. Furthermore, the land needed to enlarge this junction is formally safeguarded under Spatial Policy 7 and included on the policies map. Four other junctions within the District, forming part of the wider A614/A6097 corridor scheme (and which are the subject of separate reports) are also listed. This wider improvement scheme is included in the Nottinghamshire LTP and is also an investment priority in the D2N2 Strategic Economic Plan.
126. This appears to confirm that alternatives such as more sustainable transport-focussed solutions (for example an extension to the Robin Hood Line or bus improvements) would not have sufficient effect to the congestion problems. Comments from NCC Highways also note that congestion issues are expected to get significantly worse in future years if this junction is not expanded.
127. Whilst Spatial Policy 7 does ultimately favour sustainable travel, non-car modes of travel (including public transport, walking, cycling) and minimising the need for travel, which aligns with national planning policy (NPPF paras 110 and 112),

it also states that development proposals should contribute to the LTP and does not preclude road based schemes. The policy does however seek to reduce the impact of roads and traffic, increase rural accessibility and enhance the pedestrian environment. A number of further considerations are also listed as follows:

- *minimise the need for travel, through measures such as travel plans for all development which generate significant amounts of movement, and the provision or enhancement of local services and facilities;*
- *provide safe, convenient and attractive accesses for all, including the elderly and disabled, and others with restricted mobility, and provide links to the existing network of footways, bridleways and cycleways, so as to maximise opportunities for their use;*
- *be appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected;*
- *avoid highway improvements which harm the environment and character of the area;*
- *provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements in line with Highways Authority best practice; and*
- *ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems, taking account of any contributions that have been secured for the provision of off-site works.*

128. There are matters which require further assessment, particularly relating to access for all and avoiding harmful environmental impacts. However, at this stage, it can be considered that the proposed works to enlarge and expand highway capacity at Ollerton roundabout are compatible and in accordance with Spatial Policy 7 and is 'strategic infrastructure' necessary and supported by Spatial Policy 6 and the Plan as a whole. The proposals also help deliver the Nottinghamshire LTP.
129. Although the site lies outside of the defined settlement boundary where development is restricted to a narrow list of types of development under A&DM Policy DM8 (Development in the open countryside) whereby transport infrastructure is not one of the listed types, it is clear that these highway improvement works would not be contrary to the purposes of this policy in terms of the Local Plan directing development to where it is sustainable. CS Spatial Policy 3 (Rural Areas) similarly does not have transport infrastructure in mind, but it is evident that the proposals would help support the rural community/economy by reducing congestion and without unacceptable detriment to local character, amenity or other pertinent impacts such as

drainage. There would however be a loss of part of the SSSI, as considered further below.

130. The Local Plan identifies Ollerton & Boughton, as well as nearby Bilsthorpe, as a focus for regeneration, with the former designated a Service Centre and the latter a Principal Village (CS Spatial Policies 1 and 2). These settlements are expected to provide new housing and supporting infrastructure commensurate with their status and it is pertinent that several of the allocated housing sites are now under construction. Policy ShAP2 seeks to promote and strengthen the role of Ollerton & Boughton as a sustainable settlement and service centre including by promoting new housing and economic development and promoting a healthy town centre. This policy also makes specific mention of the need to secure *“the resolution of traffic and transport issues in and around the town including those identified within the IDP such as: A614/A6075/A616 Ollerton Roundabout junction.”*
131. More broadly, the Local Plan/Core Strategy envisages a future Sherwood Forest Regional Park and Policy ShAP1 seeks to ensure that the area’s important ecology, landscape and heritage is maintained whilst promoting sustainable tourism, leisure/recreation and regeneration. Ollerton roundabout is already a key gateway to many of the area’s most popular visitor destinations and so serves a broader role in this respect, but the impact of enlarging it upon aspects of the natural and historic environment will need further, careful consideration.
132. A resolution to the longstanding issues at Ollerton roundabout is also now further heightened by the Core Strategy Review’s allocation of (and the subsequent grant of planning permission for) the former Thoresby colliery as a strategic new housing site for up to 800 dwellings and supporting community uses (Spatial Policy 5 and Policy ShAP 4). This fairly recent allocation simply adds to the longstanding, identified need to upgrade Ollerton roundabout which is only 1.5km to the east of the new community. Furthermore, this development is now substantially under way with the initial phases taking place on former farmland to the front of the ex-colliery site. The original planning permission for this was conditioned with a cap limiting the build out to no more than 150 dwellings and 8,094sqm of employment use until Ollerton roundabout is enlarged. The redevelopment of the former Colliery site has now commenced with well over 50 dwellings now completed. In 2020 a change to this cap was agreed to assist with projected development of the site through a variation to the S106 agreement. This lifted the development cap to 500 dwellings on the basis of the developer contribution towards the roundabout improvement being paid in advance. The funding has since been received. It remains however that the completion and successful regeneration of the former colliery (and in particular the ‘brownfield’ parts of the pit heads to follow) is dependent on additional capacity being created at Ollerton roundabout. This would then enable some further 300 dwellings and 24,281sqm of employment space to progress as per the Local Plan.
133. The proposals would provide this much needed additional vehicular capacity, through widening and additional lanes, which should increase throughput of



traffic and also help filter traffic depending on their destination. The resulting increased capacity of the junction should be widely beneficial, serving not just semi-strategic traffic, as a key junction on the MRN, but also benefiting the local community and businesses moving goods, as well as catering for public transport and non-motorised users. Improvements should also be beneficial for the 'visitor experience' enabling more reliable access to Sherwood Forest and the numerous estates and attractions in the area.

134. The proposals should alleviate the issue of A614 north drivers attempting to bypass congestion at the roundabout by cutting along Station Road (despite traffic calming deterrents) and through the Conservation Area, which is detrimental to maintaining its tight historic character and to the amenity of this area. A petition on this matter has recently been received by the County Council.
135. The current delays also impact upon the reliability of local bus services which negotiate the roundabout including Stagecoach services between Ollerton and Mansfield for example. The proposed new layout would remove the current bus-only entry onto the roundabout (Newark Road) and direct buses around onto the Ollerton Road. Together with the widening it is thought that this would reduce service delays.
136. Finally, of significant benefit to the local community would be the provision of fully designed and traffic light controlled pedestrian crossings, which for the first time will give pedestrians and other non-motorised users a safe and inclusive means of accessing the various local food and drink outlets, as well as Sherwood Heath LNR. These would be linked with improved shared use foot/cycleways around the roundabout and back into the town.
137. It is clear that when considering the above transport and infrastructure plan objectives, the enlargement of Ollerton roundabout is required and is fully supported in principle to resolve the persistent congestion and capacity problems, to enable planned local development to proceed, and to support the visitor economy. The proposals accord with Policies SP6, SP7, ShAP2 and support the regeneration objectives in Policies SP1, SP2 and SP5 and ShAP4 in relation to the former Thoresby colliery site in particular. Given the consistent identification, safeguarding, and support for this proposal throughout the Local Plan and LTP documents, and the dependence placed upon it to deliver the Plan as a whole, Officers consider that there is significant and very strong weight in favour of the proposals in principle.

#### Ecological Impact

138. CS Core Policy 12 sets out to conserve and enhance biodiversity and geodiversity. Development proposals need to give particular regard to sites of international, national and local significance, ancient woodlands, and species and habitats of principle importance. The policy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity

and geological diversity and to increase provision of, and access to, green infrastructure.

139. Following on, A&DM Policy DM5 (Design) amongst other matters states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Wherever possible, this should be through integration and connectivity of the Green Infrastructure to deliver multi-functional benefits. Where it is apparent that a site may provide habitat for protected species, development proposals should be supported by an up-to-date ecological assessment. Significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures), provided where significant impacts cannot be avoided.
140. A&DM Policy DM7 (Biodiversity and Green Infrastructure), whilst repeating much of the above, sets out further detail of how impacts are to be assessed against international, national and locally designated sites. For development proposals on, or affecting, Sites of Special Scientific Interest (SSSIs), it states that planning permission will *not* be granted unless the justification for the development clearly outweighs the nature conservation value of the site. Development proposals on sites of regional or local importance, or sites supporting priority habitats or contributing to ecological networks, or sites supporting priority species, will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site. Significantly harmful ecological impacts to the above sites should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site), provided where they cannot be avoided.
141. The above policy framework is in line with the requirements of national planning policy at paragraph 180 of the NPPF which again repeats that development on land within or outside a SSSI, and which is likely to have an adverse effect on it, should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national SSSI network.
142. The NPPF also states that transport issues should be considered from the earliest stages so that the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account, including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains (NPPF para 104d). Para 174 also states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks.
143. The application is informed by various surveys including an extended phase 1 habitat survey with species specific surveys as required. Bat surveys have since been updated and so these are now considered to be adequate and complete. The site is notably constrained to its west by the Birkland West and Ollerton

Corner SSSI, LWS and LNR designations (which partly overlap). Part of the application site lies within the SSSI at the corner of the A614 Blyth Road and the A616 Worksop Road.

144. It is extremely unusual to be considering a development proposal that if granted, would directly result in the loss of part (0.05ha, or 500sqm) of a biological SSSI, a nationally important designated site afforded a high degree of protection in the planning system and where there is a presumption against granting permission. There are, however, a set of site specific circumstances which need to be worked through in order to decide the acceptability of the loss.
145. Firstly, the availability of undeveloped land around the existing roundabout is evidently limited by the various roadside services and dwellings. Landscaped areas and garden land are all proposed to be utilised to the maximum extent possible, whereas the layout and positioning of the roundabout has been done to limit incursion into the corner of the SSSI which already abuts the highway. The enlargement of the junction, and the benefits this would bring, appear to be only possible by using a small corner of the SSSI. It is also noted that the safeguarded area to enable the enlargement of Ollerton roundabout within the Local Plan includes this corner of the SSSI.
146. Next, in considering the area affected and its biodiversity value, the applicant has been able to demonstrate that area that in quantitative terms would be lost is a tiny fraction of the overall extent of the SSSI (and which is also a LWS), whilst in qualitative terms the land is in reality of very little ecological value and is largely an area of roadside species-poor grass verge, with some bracken (and site for various advertisements) that is exposed to the effects of regular passing (and queuing) traffic, in terms of noise, disruption, lighting and pollution.
147. Thirdly, as the applicant is unable to avoid directly using this area of land, a compensatory package of measures has now been tabled. This would put in place a programme of habitat enhancement and conservation work (including scrub clearance and removal of invasive species) for a nearby area of NCC Green Estate land (Cockglode and Rotary Woods LNR) totalling 4.55ha in area. The enhancement and conservation work would be implemented in such a way that over time its condition could be brought up to SSSI quality, allowing valued heathland habitats to be extended westwards as part of a larger, joined up landscape approach including with the ongoing habitat creation works at the former Thoresby colliery tip.
148. As the statutory consultee in relation to SSSIs, Natural England have been closely involved in the drawing up of the proposals, and has been reconsulted on the proposed off-site compensation plan, but at the time of writing an objection from them remains in place. Any further responses received will be orally reported to the Committee. NCC Nature Conservation are however now satisfied with the proposals subject to securing the compensation plan by condition.
149. Looking at the situation, the demarcation of this corner of land as a SSSI appears arbitrary, and whilst it cannot be dismissed lightly, its loss would not

appear to be harmful to the actual features for which the SSSI is designated nor the species it could support such as common lizard (which would be subject to a construction method statement) or nightjar or woodlark, which are unlikely to find this area suitable due to the level of disturbance. The SSSI citation states that:

*This site is a remnant of the historic Sherwood Forest which supports an outstanding invertebrate fauna associated with old trees characteristic of open oak-birch woodland in Nottinghamshire together with notable tracts of lowland acid grassland and heath.*

150. It is the natural features of the SSSI which matter here, as made clear in the wording of the above local and national planning policies. The proposed compensatory measures and funding therefore would actually be a significant enhancement for biodiversity in the Sherwood Heath area. Furthermore, and separate to this, there would also be an overall net gain for biodiversity within the development site as a result of new and replacement landscaping which will be compatible with and strengthen the edges of the SSSI. Therefore, whilst there would be a technical incursion into the SSSI, the works would not affect its designated features (or the wider network) and at that point the planning policies would be satisfied. However it remains appropriate to compensate for its loss and it can be adjudged that the benefits of improving the roundabout, and the off-site compensatory package at Cockglode and Rotary Woods, clearly outweigh and justify this loss of a small part of the SSSI.
151. A comprehensive landscaping scheme has been proposed which would create 0.07ha broadleaved woodland (including within the roundabout); 0.13ha of unimproved/semi improved neutral grassland; 0.053ha mixed scrub; 76m species rich hedgerows and 153m species rich hedgerows with trees. It will take some years for the different plantings and seeded areas to mature and reach good condition and therefore some temporary/short term slight adverse impacts are acknowledged.
152. Using the Biodiversity Net Gain Calculator the applicant states that there would be an overall net gain on site of some 16.7% for habitats, and 120.1% for hedgerows, which is clearly welcomed, aligns with the thrust of national planning policy and should be afforded moderate positive weight in the overall planning balance. In order to secure the anticipated biodiversity enhancements a biodiversity net gain plan should be required alongside the final landscaping proposals. NCC Nature Conservation requests that this is managed for 30 years. The new landscaping would have to be routinely maintained in any event, but this would ensure that biodiversity informs the approach.
153. On other matters, close attention has been paid to the potential impact to bats from the proposed additional and replacement street lighting, including to a nearby single roost. NCC Nature Conservation is now happy that the lighting scheme has been appropriately designed to minimise impacts to bats including with the use of LED lanterns fitted with rear shielding.

154. Air quality modelling finds that there would be no significant air quality effects for the designated habitats. The applicant would undertake post development air quality monitoring to verify this finding and could undertake additional landscape screening/planting should this be required.
155. A Construction Environmental Management Plan (CEMP) should be required to ensure the developer follows various recommendations to avoid and mitigate harmful impacts to protected species and the water environment during the course of the works.
156. A Shadow Habitats Regulations Assessment has been completed to consider any impacts to breeding nightjar and woodlark in the possible potential SPA for the Sherwood area, parts of which are adjacent within Sherwood Heath. A precautionary approach to assessing development proposals remain in place as guided by Natural England. This submitted shadow assessment screens out any Likely Significant Effects (alone and in combination) for this potential future designated area, a finding which is supported by NCC Nature Conservation. Natural England however have advised they believe an Appropriate Assessment (AA) should be undertaken, but that it is a decision for the Planning Authority.
157. Planning Officers are of the clear view that no AA is necessary in light of the very clear and rational findings of the shadow assessment and that there would not be any likely significant effects, should this be formally designated in the future. A key finding is that the habitats immediately around and back from the junction and its approach roads is suboptimal for nightjar and woodlark birds due to the types of habitats and from the effects of traffic disruption. Planning Officers therefore accept the applicant's assessment and do not agree with Natural England on this matter.
158. Overall the applicant has worked hard to limit the proposal's impact on important habitats, species and the natural environment. There remains a technical loss of 0.05ha of a SSSI to consider, which is outweighed by the clear benefits of improving this roundabout and by the compensatory/enhancement package. The net result, both on and off-site, and given time and appropriate management, would be an enhancement for biodiversity and this should be recognised in the planning balance. Subject to conditioning the offsite compensation works, the onsite landscaping (and its management), and the CEMP, the proposals are considered compliant with the requirements of Core Policy 12, Policy DM5 and Policy DM7, following national planning policy.

#### Heritage issues and Archaeology

159. CS Core Policy 14 and A&DM Policy DM9 seek to ensure the continued conservation and enhancement of the character, appearance and setting of heritage assets and the historic environment, in line with their identified significance, following national policy.

160. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Affording 'great weight' to the conservation of designated heritage assets reflects the statutory duties placed on LPAs to pay special regard to the desirability of preserving listed buildings and their setting and of preserving or enhancing the character or appearance of conservation areas (s66 and s72 Planning (Listed Buildings and Conservation Areas) Act 1990).
161. Where adverse impact is identified there should be a clear and convincing justification. However, national planning policy guides this further in the case of identified 'less than substantial harm' to the significance of a designated heritage asset. This harm should be weighed against any public benefits of the proposal.
162. Where a non-designated heritage asset, including archaeology, is affected directly or indirectly, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
163. The proposals are likely to result in direct and indirect impacts to designated heritage assets by way of impacts to the settings of nearby listed buildings or directly to the character and appearance of Ollerton Conservation Area (CA).
164. Starting with the CA, attention is first drawn to the revised CA boundary which has recently been confirmed by NSDC, following a formal review. This has resulted in the CA being cut back at the roundabout to exclude the clutter of modern forms of roadside development but retaining the open fields, smallholdings and riverside area alongside Newark Road which provide a buffer to the historic part of Ollerton and provide an outer setting to several listed buildings therein, including the Grade II\* listed Ollerton Hall.
165. Having regard to the conservation comments from NSDC and NCC's Built Heritage Officer, it is evident that the proposed enlargement of the roundabout would still result in some harm to the character/appearance and also the setting to the CA and permanently so, rather than just from the temporary impacts of construction as per the findings of the applicant's cultural heritage assessment.
166. Newark Road (bus and non-motorised users only) and the adjacent fields/smallholdings have been retained within the revised CA boundary and these low-lying fields of predominantly pasture alongside the River Maun make a positive contribution to the CA by providing a semblance of rurality on the western side of the historic part of Ollerton and also explain the medieval origins of the settlement. The proposals at Newark Road would involve taking a corner of the adjacent pasture field (and surrounding hedgerows) in order to realign the bus only link onto the Ollerton Road. This would be directly harmful to the CA, although replacement hedgerow would be planted. The western end of Newark Road would also be stopped up, and landscaped, affecting the ability to fully appreciate this as an ancient causeway and later a C18th Turnpike (London to Leeds) including the site of a Toll House (see archaeology below).



167. Beyond the CA boundaries, the enlargement of the roundabout, itself already detracting from the CA, would be expected to create a further, but minor degree of indirect harm to the CA. However, all of the proposed works are generally at/around surface level and would be focussed upon the existing junction, and so would be relatively enclosed by the various roadside services which would remain the more dominant urbanising and detracting development.
168. The request from NCC Built Heritage to agree details and locations of signage, markings or structures such as barriers is noted. Some of this would inevitably fall within the CA and could have an urbanising effect and as such it is reasonable to agree these subsequent details through a planning condition. A balance would be required between the needs of the operational highway and the conservation interests, but this is not an unusual situation.
169. NSDC comments that more could be done with the replacement landscaping proposals to mitigate the impacts to the CA. However a detailed landscaping plan shows replacement hedgerows and other planting being provided, including around Newark Road, and it is considered that with this planting the level of harm to the CA can be mitigated, but not entirely removed. NCC Built Heritage considers there to be a good level of detail and that the landscaping design has considered impacts to the CA carefully.
170. Of benefit to the CA is that the enlarged capacity of the roundabout should effectively end the current practice of some drivers cutting up Station Road, through the central spine of the CA, to avoid congestion at the roundabout. Such traffic is currently detrimental to the tight historic character and general amenity of this old part of Ollerton and removing this traffic would result in a positive enhancement to the very centre of the CA, including the listed buildings within the street scene. This is far more likely to be appreciable than any impacts on the periphery of the CA at/alongside the roundabout.
171. The applicant's assessment quantifies the predicted impact to the CA as slight adverse during construction only, and that no change from operational impacts are predicted, including from traffic noise modelling and from changes to street lighting. However in light of the above advice, Officers advise that there would still be some limited permanent harm after mitigation/replacement planting has taken effect, but for the purposes of planning policy this would still comfortably lie within the arena of 'less than substantial' harm to the character/appearance and direct setting to the CA.
172. Turning to impacts to the setting of nearby listed buildings, these have their own significance and individual settings which has been explored in the applicant's assessment. There are some clear views across the low lying areas to Ollerton Hall (Grade II\*) and also to aspects of the grouping around The Hop Pole, the Watermill, War Memorial and St Giles Church (Grade II listed), although not all of these are clearly visible. Any resulting impacts to the setting of these listed buildings has been assessed by the applicant as *slight adverse* during the construction period only (in terms of construction noise, sight of plant and equipment etc) and clearly within the arena of 'less than substantial' harm. The consultee advice appears to not disagree with the applicant's own assessment

of such harm and there is nothing to suggest that there would be any permanent impact to the setting and significance of these listed buildings. It is noted that they are situated at distance from the roundabout works and which is not part of their immediate setting, that views are partly screened by vegetation and other surrounding buildings forming part of the CA, and that the proposals involve a proportionate enlargement of the existing roundabout with some minor additional land take requirements.

173. Both the permanent and temporary impacts to the CA and the temporary impacts to the setting of the listed buildings, including one of elevated status, cannot be dismissed, as the law and NPPF requires considerable importance and weight to be afforded to the preservation of heritage assets, which are irreplaceable. However, once this has been acknowledged, any resulting or residual harm can and must be balanced against other considerations, including the finding that much of the harm would only be temporary during construction (and replacement landscaping would be provided) and against any public benefits which may flow from the proposed development.
174. This is clearly a case whereby there would be substantial and wide public benefits – indeed as a piece of public infrastructure its very purpose is to provide benefits to the traveling public at large, by increasing capacity and reducing queues and delays whether that be for freight, tourists, or local commuters. Furthermore, the proposals would enhance access and put in place proper crossing provision for a range of non-motorised users wishing to visit the restaurants/takeaways or Sherwood Heath LNR, many of whom will walk through and experience the character of the CA via Newark Road. The conclusion to be reached indicates, overwhelmingly, that the public benefits justify the limited, less than substantial harm to Ollerton CA, and to the setting of nearby listed buildings and that this is permissible by Core Policy 14 and Policy DM9, following national planning policy.
175. Briefly, regarding archaeology, the assessment work finds that there is potential for encountering buried archaeology and notably there is a good prospect of finding the remains of a Toll House once associated with the London to Leeds Turnpike (now Newark Road and the A616 Worksop Road) and which would be a rare and important county find. The County Archaeologist is content that this matter can be appropriately dealt with through conditions requiring the submission of an archaeological scheme of mitigation. In the circumstances this is considered necessary and reasonable in order to satisfy the requirements within Policy DM9, and the recording and investigation of any remains, or if possible, their preservation in-situ, could aid our understanding of the history and development of road transport.

#### Landscape and Visual Impact

176. Under CS Core Policy 13 and as informed by the Landscape Character Assessment Supplementary Planning Document (SPD), proposals for development should positively address the implications of relevant landscape policy zones that is consistent with the landscape conservation and



enhancement aims for the area(s) ensuring that landscapes, including valued landscapes, are protected and enhanced. A&DM Policy DM5 (Design) states all proposals should be considered against the SPD. Local distinctiveness (landscape and built form) should be reflected in the scale, form, mass, layout, design, materials and detailing of development proposals.

177. A landscape and visual impact assessment (LVIA) has been completed and included within the ES. In general terms this considers the existing/baseline situation and then the effects of the junction improvements at year 1 of completion and then after 15 years when new or replacement landscaping would have had time to become fully established. Worst case findings are provided for winter when foliage will be absent. Particular focus is given to localised visual changes because wide area impacts to both landscape character and wider views are not anticipated.
178. In terms of landscape character, reference is given to the applicable policy zone within the Newark and Sherwood Landscape Character Assessment as well as the national equivalent. The site area falls within the Sherwood Regional Landscape Character Area (RLCA) and two Policy Zones (PZs) are affected: Policy Zone 15 River Maun Meadowlands with Plantations and Policy Zone 26 Budby Estate Farmlands.
179. The local landscape condition for PZ15 is described as 'good', sensitivity is described as 'moderate' and the overall landscape strategy is 'conserve and reinforce', including conserving/reinforcing the pastoral character of the river valley, restoring pasture and flood meadow, and conserving and enhancing ecological diversity and riverside vegetation. For built development this should be avoided within the flood plain area to conserve the sparsely settled character of the area. The sense of place can be reinforced by using materials reflective of local character.
180. The local landscape condition for PZ15 is classified as 'good' (but described in fact as very good), sensitivity is described as 'high' and the overall landscape strategy is to 'conserve'. Landscape actions include conserving the rural character of the landscape by concentrating development around the existing settlements at Budby and Perlethorpe, conserving field patterns and hedgerows and restoring/replacing poor quality hedgerows, conserving and creating permanent pasture, conserving ancient woodland, and conserving and respecting the character and setting of Sherwood Forest Country Park. The LVIA considers the policy zone areas to be of medium landscape value.
181. The immediate site context is of a cluster of modern built roadside service development and their associated car parks and service roads, centred upon Ollerton roundabout, which is situated on the edge of the River Maun floodplain to the west of the historic part of the town. Framing this to the west is Sherwood Heath LNR and the forested areas forming the Birklands and Bilhaugh SSSI. There are limited areas of grass verge (some forming part of the SSSI), managed field or residential hedgerow and amenity landscaping around the centre of the junction. There is a line of semi-mature trees alongside one

approach road (Mansfield Road). One area of grazing pasture is present between Newark Road and Ollerton Road enclosed by a managed hedgerow.

182. The proposed works would entail utilising various areas of landscaped space around the existing roundabout and its approaches, including verge areas, garden space, and corners of the adjacent grazing pasture and the corner of an arable field. Sections of hedgerows would be removed along with part of the semimature block of trees. Putting aside the SSSI land, these are marginal, low quality landscape features. It should also be noted that these areas are safeguarded in the Local Plan to enable the enlargement of this roundabout
183. A landscape and planting scheme seeks to create an attractive hub and gateway to the Sherwood area, notably with tree planting within the centre of the roundabout (Oak and Birch), a small block of heathland and woodland at the end of Newark Road, where it would be closed/diverted onto Ollerton Road, and acid grassland and shrub at the SSSI corner. The field hedgerows would also be replaced with species rich planting.
184. The applicant's assessment finds that as a result of the proposed development, there would be a slight adverse effect on both of the landscape policy zones at all stages of the development – i.e. construction, at year 1 and at year 15, although the landscaping would by that point be having some beneficial effect.
185. In terms of visual effects, eight viewpoints have been assessed by the applicant within the ES and again impacts are considered for the construction stage, at year 1 of operation and year 15. Three visualisations were also produced. During construction, moderate adverse visual impact is expected at one viewpoint (outside Forest Side Cottages looking south) and slight adverse impacts are expected at all but one of the remaining viewpoints (one being neutral). At year 1 after completion only slight adverse effects are expected at the viewpoints (one remaining neutral). The impact reduces further at year 15 where five of the viewpoints would experience a slight adverse visual impact.
186. The lighting proposals show that the lit area of highway would be extended further along the A6075 Mansfield Road, (beyond the residential property), the A616 Worksop Road, the A614 Blyth Road (beyond Forest Side Cottages) and along Ollerton Road as a result of additional lighting columns which may increase the perception of night time lighting in the area. The lit area around the A614 Old Rufford Road and on Newark Road would be similar or slightly reduced as a result of the upgrade to LED lighting. LED lighting together with rear shielding would also limit the area of light spill to focus on the highway and its verge area. This should reduce light spillage currently experienced at Forest Side Cottages and would limit impacts to wildlife such as bats in the vicinity of the SSSI.
187. The LVIA has been subject to critical assessment from Via and the landscape and visual conclusions are all agreed with and the proposals adjudged as acceptable and are supported. Whilst a number of minor errors are noted and a series of recommendations are made, there is sufficient information to inform an assessment of landscape and visual impacts. The identified errors/omissions

are on the record and there would be no benefit in seeking amends. Instead the recommendations can be taken forwards as part of necessary planning conditions. Final details of landscape planting, its maintenance and other details such as boundary treatment/fencing should therefore be agreed through planning conditions.

188. In conclusion, the enlargement of this roundabout would result in lasting slight adverse landscape and visual impacts as a result of the intensification of highway infrastructure and extended street lighting. Whilst replacement and new landscaping would be provided, the adverse impacts would not be fully removed and there are aspects that would be contrary to the Policy Zone landscape objectives within the Landscape Character Assessment SPD, including loss of part of the grazing pasture off Newark Road, which would not conserve and reinforce the pastoral character of the river valley. Consequently the objectives within the Landscape Character SPD to 'conserve' and to 'conserve and reinforce' the local landscape would not be fully met. Together with the slight adverse, localised, visual impacts the proposals do not fully accord with the requirements of Core Policy 13 and Policy DM5 and this has to be weighed in the overall planning balance.

#### Highway Design and safety issues

189. The proposals have been subject to an initial Road Safety Audit and found acceptable subject to consideration of a number of detailed recommendations. Certain minor updates to the plans may therefore emerge after any planning permission has been granted and these may need further approvals. Areas requiring further design work include the proposal to relocate the current access into the Costa Coffee/Big Fish car park, along with necessary internal changes to the car park, and the creation of a new access for No.1 Forest Side Cottage from Ollerton Road. Details can be reserved under a condition.
190. Further Road Safety Audits would be conducted at the final/detailed design stage and then after opening to check how the new junction is operating. It is also understood that the Highway Authority would monitor pre and post development traffic flows to check the network is operating as planned. NCC Highways Development Control recommend that the details of this should be agreed under planning conditions. This appears to be an acceptable safeguard against any unforeseen consequential traffic issues in neighbouring areas and it would pick up any further issues in Wellow for example, as raised by the local representation. However the concerns raised are largely unrelated to the current proposal.
191. The Via Road Safety response is noted above. With respect to the enlargement of roundabouts it is highlighted that there would likely be more collisions and injuries in the future, due to the introduction of multiple lanes, two side-by-side lanes around, and two lanes merging at exits. The current junction has a good safety record largely because it is compact, self-regulating and simple to navigate. Via Road Safety however have accepted in the safety audits that increased day-to-day junction capacity is required and that this has to be

balanced against the increased likelihood of accidents at the junction and more widely as a result of more journeys being induced on surrounding roads.

192. The provision for pedestrians, cyclists and horse riders has been a further area of focus. There are welcome improvements proposed however only two of the five arms of the enlarged roundabout would have Toucan signal controlled crossings installed, neither of which would cater for horse riders wishing to access the Bridleway leading into Sherwood Heath. Due to space constraints it would appear not possible to build Pegasus crossing provision for horse riders. The two signalised crossings would cater for the majority of pedestrian trips to/from the various food and drink businesses and Ollerton. There would be footway provision to Forest Side Cottages, but only an uncontrolled crossing over Ollerton Road using the splitter island. On balance the overall crossing provision appears reasonable for pedestrians and cyclists but less so for horse riders. However even at present, the junction is an intimidating environment for such riders and the proposals cannot reasonably address this. The position appears to have been accepted by Via Countryside Access.
193. The two bus stops on Mansfield Road are required to be re-provided as part of the scheme. Details, including their exact location, have not yet been decided and therefore a condition is required to cover these details and to maintain public transport accessibility for the immediate residents, the businesses and their employees.
194. In conclusion the proposals do provide safe provision for a range of highway users, including improvements for non-motorised users. The provision of Toucan crossings is an added benefit of this scheme. As junctions are made larger, with more throughput, there are likely to be more accidents. That reflects both the current situation where the roundabout has a good safety record, and also the more complex nature of the enlarged roundabout that would be created. This therefore is a balance in terms of the design which can be achieved and the overall objectives for improving the A614 and A6097 as part of the MRN.

#### Residential amenity (including construction effects)

195. CS Core Policy 9 and A&DM Policy DM5 seek to ensure high standards of design. Policy DM5 amongst other matters lays out provisions in relation to local amenity. Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact. The layout of development and separation distances from neighbouring development should be sufficient to ensure against unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Proposals resulting in the loss of amenity space will require justification. SP Policy SP3 in relation to rural areas also states that new development should not have a detrimental impact on the amenity of local people, nor have an undue impact on local infrastructure.

196. In terms of construction effects, although details will not be fully known until a contractor is appointed, the Environmental Statement has been able to assess the likely worst-case level of effect based on typical road construction activities. At this stage the construction programme is anticipated to last for approximately 21 months. According to the ES there is potential for significant, *major adverse*, albeit temporary/transient, construction noise effects at the four immediate residential properties (1-3 Forest Side, Blyth Road and The Coombs, Mansfield Road). There could also be some moderate adverse vibration effects which could result in annoyance. However, for all receptors, most of the time the effects would be minor adverse as the major effects would only be for when and where works are taking place within 10m of the receptor and for the most part the proposed works would take place beyond 10m with a typical average distance being greater than 50m.
197. Receptors located further away on the edge of Ollerton could experience negligible to minor adverse daytime noise effects and if night time working is required this could lead to a moderate to major adverse effect.
198. A Construction Management Plan would be developed and the contractor would be expected to use Best Practical Means to control noise and vibration. Typical examples of such mitigation have been identified and could include, for example, the use of temporary acoustic screens. Measures to control dust (considered further below under air quality) and mud would also be covered.
199. Upon completion of the works, when the enlarged junction is operational, the ES finds that for the majority of local noise receptors there would be a negligible beneficial impact. 12 receptors would however experience a negligible adverse impact from traffic noise. This is explained by the larger gyratory, the reduced 40mph speed limits on the approaches, and in the case of Forest Side Cottages whereby there could be a minor benefit/noise reduction due to the northbound A614 moving slightly further west. However, if background traffic levels increase over time, there may be a negligible adverse impact at most of the receptors. Generally, therefore, the local noise environment is not expected to significantly change as a result of the enlarged roundabout reflecting the fact that this is already a busy junction where road noise is dominant and it can be expected to remain so. The various roadside services and outlets would also remain operational.
200. As set out in the preceding section there would be no unacceptable visual impacts to residential receptors and there should be benefits from the use of LED type lighting. The setting and experience at nearby listed buildings would be maintained (e.g at the War Memorial) although some temporary construction noise cannot be fully discounted at this stage.
201. No.1 Forest Side Cottage would be directly impacted as land from the front garden is required to enlarge the roundabout. Alternative driveway access is also proposed from Ollerton Road, subject to final negotiation. An arc of garden land up to 15m in depth would be developed into the enlarged highway. The highway would not encroach any closer to its front elevation on Blyth Road (or to no.s 2-3) but the corner of the new roundabout would turn across much closer



to the southern end elevation of this property. Currently the roundabout corner turns in at around 30m to the south, whereas the new curve line would be within 5m of the end of this property. The outlook from several side windows would be therefore over a smaller garden area, with the arc of the enlarged roundabout encroaching closer. Clearly this would be a detrimental impact compared with the present area of garden which can be enjoyed. However the noise assessment has shown there to be no adverse impact and no noise mitigation or insulation is required. The development of this garden land does however avoid further land take and loss of the SSSI opposite and there is simply a shortage of developable land around this roundabout. Ultimately this land would be acquired through purchase or if necessary compulsory purchase, which is a separate legal process. Whilst the landscaping and new boundary treatment around the property has not been completely finalised, this can be agreed under a planning condition in consultation with the residents and a good sized garden would remain for this property.

202. Overall the proposals are considered acceptable and the general amenity at this junction would be largely unchanged on completion of works and no noise or vibration objections have been raised. The expected reduction in the regular congestion and queueing may be perceived to offer a benefit to local residents immediately affected. However in the case of No.1 Forest Side Cottage the roundabout would move closer to this property and would result in loss of part of the garden area and hedgerow.
203. There would be an intensification of highway infrastructure in terms of additional traffic lanes, new pedestrian crossings and associated lighting, signage, etc. However, the roundabout would continue to be framed by the collection of surrounding roadside businesses and areas of replacement and new landscaping, including new tree planting within the centre of the roundabout, would add some welcome character and help to soften the overall impact. Therefore, whilst the designs are necessarily functional for highway purposes, they do largely meet the objectives under the planning policy to protect local amenity albeit No.1 Forest Side would lose part of its garden area.
204. Construction impacts could be disruptive to the nearest properties (and to the wider travelling public) however this is a necessary means to deliver the improved junction and such impacts are capable of being managed and mitigated as far as possible subject to a construction management plan under planning condition. Traffic management would fall to the County Highways to oversee.

#### Air quality/dust

205. The applicant's Environmental Statement considers that there is potential for construction works to generate adverse but temporary dust effects. There are four residential properties immediately around the junction along with two food/drink receptors and therefore the potential for dust impact to these adjacent receptors is high. In addition there are four designated habitats close by (some of which overlap): Birklands West and Ollerton Corner SSSI (including part of



the Sherwood Forest Area ppSPA); Birklands and Bilhaugh LWS; and Sherwood Heath LNR.

206. The assessment recommends that best practice dust reduction/mitigation measures are employed as part of a CEMP and as a result no significant dust impacts are expected to any sensitive human or ecological receptor. A further safeguard is that construction dust would be routinely monitored at the SSSI, with means to rectify this should a problem arise. Again this would be built into the CEMP.
207. Operational air quality impacts to the sensitive habitats are considered above. At the completed operational stage, the air quality modelling that has been undertaken predicts a small increase in NO<sub>2</sub> concentrations at No.1 Forest Side owing to the roundabout moving closer to this property. Other receptors are expected to see very small or imperceptible reductions in NO<sub>2</sub> concentrations due to the expected reduction in queuing on the approach roads. No receptors are predicted to experience an exceedance of the Air Quality Objectives (for both NO<sub>2</sub> and particulates) and overall there would be no significant air quality effects for human health (or designated habitats) at both construction and operational stages. Subject to securing construction management controls, the proposals would not adversely impact on air quality and A&DM Policy DM10 is therefore satisfied.

#### Flood Risk and Surface Water Drainage

208. CS Core Policies 9 (Sustainable Design), 10 (Climate Change) and A&DM Policy DM5 (Design) together expect development to be located following the sequential approach to flood risk in line with national planning policy and for development to proactively manage surface water, including where feasible, the use of sustainable drainage solutions in order to address run off and flood risk to neighbouring areas or to the existing drainage regime. Development should also be resilient to the future effects of climate change.
209. The application includes a detailed Flood Risk Assessment (FRA). The roundabout and its environs are located on the west side of the River Maun floodplain within Flood Zones 2 and 3 and is therefore considered to be at medium to high risk of fluvial flooding. The river flows to the north east passing under the A614, Newark Road and Ollerton Road. There are also a number of field drains in the area. Further assessment within the FRA finds that whilst parts of the roundabout and its approach roads are at low risk, others remain at high risk and that in the event of a major flood there would be some inundation over parts of, but not all of the existing roundabout, but depths would be low as the junction appears to be slightly elevated and positioned on the edge of the modelled flood extent. The existing risk of surface water flooding is considered low to medium and it is clear that the surrounding roads rise up such that surface water not captured by gullies, or overwhelming them, could collect at the low points around the roundabout. Indeed there is a record from 2012 of such a flood event which closed the A616 Worksop Road for several days. All other sources of flooding are found to be low to medium risk.

210. The enlargement of the roundabout is not expected to affect the current level of fluvial flood risk. This is mainly because although there would be some minor changes to levels around the scheme, overall there would be no wholesale raising or lowering of the junction. This therefore results in an unchanged outcome for fluvial flooding, although the applicant's ES still classifies this as a slight adverse impact. In practice, this is a neutral outcome.
211. Turning to the highway surface water drainage arrangements, in the main it is proposed to drain the new and expanded highway areas via a system of gullies and carrier pipes to discharge into the roadside ditches (as per existing and mostly using existing outfalls), either with a neutral or beneficial discharge rate. No works would be made to parts of the road network which cross the River Maun, or the local drainage ditch linked to the River Maun. Sustainable drainage/soakaways appear to have been found unviable leading to the next best option of discharging to the existing land drains and then the River Maun. The run-off from the expanded junction area would be captured within a buried attenuation tank proposed to be located within the centre of the roundabout (this may need to be reviewed to accommodate the tree planting). A flow control chamber would limit the discharge from this tank to 5 litres per second. The scheme has also been designed to take into account the future effects of climate change. This highway drainage design would better manage runoff generated on the road surface than the existing arrangement, reducing this risk of flooding. However, the fluvial flood risk would remain.
212. Whilst the sequential approach in planning policy applies, such that development should first consider sites at lower risk of flooding, that is clearly not feasible in this instance where there is a pre-existing junction at the convergence of multiple main roads and which requires in situ improvement and enlargement. Road infrastructure such as this is classed as essential infrastructure within the NPPF (annex 3) which has to cross an area at flood risk. The exception test therefore has to be applied and met (following Planning Practice Guidance) which means that the development should demonstrate wider sustainability benefits to the community to outweigh the flood risk and also ensure that the development will be safe for its lifetime taking account of the vulnerability of users, without increasing flood risk elsewhere and, where possible, reducing flood risk overall.
213. The exception test is considered to be satisfied. The wider benefits to community sustainability in terms of addressing the acute congestion issues along with the specific identification within the Local Plan of the need to enlarge this roundabout to support the regeneration of Ollerton & Boughton and other local growth is plainly evident. Whilst the roundabout could still experience flooding in the future, there would be two or more dry routes leading away from the roundabout to the north ensuring people and vehicles would not become trapped. Additionally the surface water drainage system would offer an improvement and reduce the risk of surface water flooding. Flood risk would not be increased to other land.
214. The Environment Agency raises no objection to the proposals, but requests a condition to agree the final drainage scheme, notably which needs to give

further consideration to pollution prevention measures as the discharge could risk sensitive groundwaters forming part of the principal aquifer associated with the Chester Sandstone Formation. It also refers to the flood warning service and it would be precautionary for the developer/contractors to be signed up to this as part of the Construction Management Plan.

215. NCC Flood Risk also raises no objection, however it also requests a condition to require for approval the final surface water drainage scheme.
216. Though a detailed drainage plan has been submitted and the arrangements have been considered through the Flood Risk Assessment and by the above consultees, it is apparent that further/final details are needed. Therefore whilst there are no objections to the scheme as presented, it is agreed that the final details should be reserved for condition and further approval of the consultees.
217. The main construction compound proposed in the field off Mansfield Road also appears to be located in Flood Zone 3 at high risk of fluvial flooding. However because of the overriding need to avoid siting this on the SSSI/Sherwood Heath to the west and the fact that all the surrounding land to the south and east lies also within Flood Zone 3, there appears to be no realistic alternative. The only potential alternative would be to site this further north along the A614 Blyth Road, but this would be remote from the construction area. As no objection has been raised by the Environment Agency and given this would be a temporary incursion, it is considered to be allowable subject to the details under condition which should include any stand-offs or buffers to field drains, surface water drainage arrangements and flood emergency plans.
218. In conclusion, the enlarged roundabout would remain at medium to high risk of flooding from the River Maun, i.e. no change, however it passes the sequential and exception tests in local and national planning policy and is considered essential transport infrastructure. Surface water flood risk would be reduced by a new/expanded and attenuated drainage system, subject to final details being provided under a planning condition. The proposals are therefore acceptable and sufficient to meet the requirements of Core Policies 9 (Sustainable Design), 10 (Climate Change) and Policy DM5 (Design), following national planning policy and guidance on this matter.

#### Contamination/pollution issues

219. CS Policy DM10 governs the potential for pollution from developments to affect public health, the environment and general amenity. Where a site is known, or highly likely to have been contaminated, investigation of this is required, starting with a conceptual site model. A site investigation to confirm the model should then be undertaken and, dependent upon the findings, a remediation/mitigation plan with subsequent validation should then be agreed. Any impact should be balanced against the economic and wider social need for the development. Harmful development which cannot be made acceptable through mitigation will be resisted including those which present an unacceptable risk to a Groundwater Source Protection Zone. Policy DM5 (Design) includes a criterion

to take into account ground conditions resulting from historic mining, which includes the application site/area.

220. Para 183 of the NPPF states that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Adequate site investigation information, prepared by a competent person, should be provided to inform these assessments.
221. The application contains an appropriate level of background assessment work to inform the design and to quantify the risk of contamination or unstable ground conditions. A Phase 1 geo-environmental desk study gathered information from historical mapping and environmental data searches and a site walkover survey was also undertaken. This background work has been reviewed on behalf of the County Planning Authority by Via East Midlands (see Via Reclamation comments above) and confirmed as acceptable at this stage. Should the proposals proceed, it is recommended that further site investigations are conducted and proposals for any decontamination that may be required are drawn up for subsequent submission and approval. A range of conditions to this effect can be attached.
222. There are additional pollution pathway risks to the Principal Aquifer and associated Source Protection Zones. The risk to the aquifer is highlighted also by the Environment Agency's response. Additional ground investigation is proposed at these sites and aquifer protection measures may be required. Again this falls under the recommended planning conditions for subsequent consideration.
223. It will also be necessary to ensure that the drainage scheme incorporates measures to intercept pollution and residues from the highway in the interest of the aquifer, but also for the nearby River Maun.
224. A preliminary risk assessment for controlled waters has been undertaken and a controlled waters risk assessment would be undertaken in advance of construction work. Sustainable drainage features are the preferred attenuation solution as in addition to minimising the impact of flooding they can provide a degree of treatment for pollutants (e.g. suspended solids, metals and hydrocarbons). The proposed discharge to existing ditches adjacent to the roundabout provide a degree of treatment and water quality mitigation before the runoff water discharges to the River Maun.
225. Whilst detailed schemes have been submitted, and the designs have not been challenged by any of the technical consultees, a condition is recommended in line with the Environment Agency's request, to require a final drainage scheme for review and approval. This would ensure a suitable scheme is in place to minimise the risk of groundwater contamination from surface water runoff.
226. Construction management plan measures are also required to prevent accidental pollution, run off or spillages into the environment. This will also ensure that waste is managed appropriately, for example by ensuring soils that

are reused are validated as being suitable and clean. The plan would also ensure other emissions of dust, mud and noise are controlled as far as possible during the construction works.

227. Therefore, whilst there are risks that need to be managed, the issues present are not unusual across the County highways network and there is confidence that these matters can be addressed at the next stages of the design and development and with the oversight of the CPA through the imposition of conditions. Consequently it can be stated that the proposals are compliant with the above local and national planning policies.

#### Agricultural land impacts/conservation of soil resources

228. A&DM Policy DM8 (Development in the open countryside) amongst other matters states that proposals resulting in the loss of the best and most versatile (BMV) areas of agricultural land will be required to demonstrate a sequential approach to site selection and demonstrate environmental or community benefits to outweigh the loss.
229. National planning policy seeks to protect and enhance the natural environment including valued landscapes, sites of biodiversity or geological value and soils in a manner commensurate with their statutory status or identified quality. The wider natural capital and ecosystem service benefits, including the economic and other benefits of BMV agricultural land, should be recognised (NPPF para 174). BMV agricultural land is defined as grades 1, 2 and 3a of the Agricultural Land Classification.
230. Setting aside the impacts on SSSI land and soils as considered separately above, impacts to agricultural land and soils would generally be very low. Small areas/corners of arable and pasture fields are required around the roundabout for enlargement purposes. A total of 0.15ha would be permanently removed including part of the pasture field between Newark Road and Ollerton Road and a small corner of the arable field north of Ollerton Road. Initial surveys indicate this to be Grade 2 BMV agricultural land. There would also be larger areas affected temporarily during construction works the largest being an area of 0.59ha within the arable field on Mansfield Road which is identified for a compound and storage site.
231. Given the other land and property constraints, impacts on adjacent BMV agricultural land is unavoidable if this roundabout is to be enlarged and in any event the permanently affected areas appear to be small, marginal corners of the two affected fields, one of which is in pasture use. The main concern here (again setting aside the SSSI) would be the management of soils affected by the temporary compound and storage sites.
232. Permanent damage and impact to these areas/soils can be avoided with appropriate soil stripping, handling and storage measures, and after completion, the replacement and restoration of these areas back to their former use and condition. A soil resources plan/a materials management plan and an

earthworks strategy would be developed. The works will be carried out in accordance with the Defra “Code of Practice for the Sustainable Use of Soils on Construction Sites” and other standards. Measures would include soil handling and stockpiling techniques and dedicated construction traffic/plant routes. Topsoil and subsoil would first be stripped and stockpiled separately either for use in restoring temporary areas such as the compound, upon completion of the project, or to enable beneficial reuse elsewhere. A range of pollution prevention measures would also be applied to protect soils and nearby surface and ground waters. A condition governing the works for the temporary compound and requiring its restoration thereafter should be applied.

233. Overall the impacts are categorised within the applicant’s Environmental Statement as slight adverse which carries a degree of negative weight into the planning balance. (The permanent loss of part of the adjacent SSSI land however has been categorised as a moderate adverse effect but this is most relevant to considering impacts on biodiversity above.) However, for the purposes of Policy DM8, this is clearly outweighed by the public benefits from improving and enlarging this congested roundabout. As such the proposals are considered to accord with Policy DM8 on this matter.

#### Climate Change and sustainability

234. CS Core Policy 10 sets out to tackle the causes of climate change and to reduce the District’s carbon footprint. Part of the policy seeks to ensure that development proposals minimise their potential environmental impacts during their construction and eventual operation, including by minimising impacts to natural resources, encouraging renewable resources, and efficiencies in the consumption of energy, water etc. This policy is also concerned with flooding and surface water drainage which is considered elsewhere in the report. Core Policy 9 (Sustainable Design) amongst other matters seeks to ensure development will be resilient in the long-term, taking into account the potential impacts of climate change. The production of waste should be minimised and re-use and recycling maximised.
235. Para 152 of the NPPF states that “the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk.... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.” Mitigating and adapting to climate change also forms part of the environmental objective that needs to be pursued alongside economic and social objectives that together form the basis of sustainable development for the purposes of the NPPF.
236. NCC and NSDC have both formally declared a climate emergency. The UK as a whole is subject to the Climate Change Act 2008, as amended in 2019, to reduce carbon emissions to ‘net-zero’ by 2050. A system of 5-year carbon budgets provides a trajectory of reducing greenhouse gas emissions (GHG)



towards that target. Under the terms of the Paris Climate Agreement the UK has committed to at least a 68% reduction in GHG emissions by 2030, compared to 1990 levels. Strategies to achieve decarbonisation have been published by the UK Government including the Net Zero Strategy and the Transport Decarbonisation Plan. Starting with the ending of sales for new petrol and diesel cars and vans from 2030, this is expected to ultimately remove all road emissions at the 'tailpipe'.

237. The Environmental Statement accompanying the proposal has assessed lifecycle GHG emissions from construction works but does not assess operational stage emissions from any changes in traffic conditions. This is because the associated Transport Assessment concludes that the scheme would result in very limited traffic re-routing and would itself not lead to significant traffic growth. Routine maintenance is also not considered further because this is not expected to be dissimilar to the current baseline. The assessment recognises the high sensitivity of the climate to GHG emissions in the context of the Paris Agreement and the more recent Intergovernmental Panel on Climate Change reports highlighting the importance of limiting global warming below 1.5°C.
238. GHG emissions have been estimated as totalling 1,288 tCO<sub>2</sub> for Ollerton with over half attributed to the transport of materials. This would be a contribution of 0.0001% to the 4th UK Carbon Budget (2023-2027).
239. The assessment considers a range of mitigation measures that would be implemented by the contractor. These include developing a plan to reduce energy consumption and carbon emissions, for example potentially using renewable and/or low or zero carbon energy sources; the use of sub-contractors with low emission fleet vehicles; where practicable the use of sustainably sourced materials such as those with lower embodied GHG emissions and/or secondary or recycled aggregates; and waste management measures to reduce waste and reuse materials wherever feasible (e.g. soils) and recycle that which is left (e.g. concrete taken to be crushed off site). These would be delivered through the various construction management plans and materials/waste management plans. The use of LED street lighting is also expected to be used.
240. It is considered that it has been demonstrated that the efficient use of natural resources and measures to manage waste would be enacted and it is recommended that the CEMP be required by planning condition.
241. Whilst all emissions are considered to be capable of being significant due to their combined environmental effect in the atmosphere, the estimated GHG emissions are categorised as being of low magnitude and unavoidable if the scheme is to progress. The ES concludes that this would be a minor adverse (not significant) effect. This is accepted, and there is no policy which appears to direct that these emissions (which have been mitigated to some degree) should be used to withhold planning permission.
242. Whilst the indirect emissions from operational traffic have not been counted, due to the findings that traffic growth would not be significant, even if this was to be

turn out differently with traffic growth and additional journeys prevailing along the road corridor or on local links, the UK motor vehicle 'fleet' of vehicles will progressively decarbonise, starting with hybrid and ELVs (cars and vans) and eventually with alternatives for commercial/heavy vehicles. With the current momentum in this area, there is a good prospect of decarbonising the 'tailpipe' emissions from the fleet, which will still however leave embedded emissions from manufacturing.

243. Whilst the need for the proposal stems from arguably unsustainable vehicular traffic, as noted above provision for non-motorised users is incorporated and there should also be benefits to the reliability of local bus services. Planning policy and NCC initiatives do promote sustainable transport and travel, which is particularly viable for local journeys. However the nature of the junction and the A614/A6097 corridor is that it serves a broader role with long distance traffic, including freight, tourism and diverted traffic from the Strategic Road Network. Therefore the need for the proposed enlargement goes hand in hand with other measures that might be brought forward to develop sustainable travel options more locally.
244. The ES also considers how the scheme would face the climatic changes in the short and longer terms, including precipitation and temperature changes and increased severity and frequency of storm events and heatwaves. This could lead to flood damage (e.g. to surfaces or to electrical equipment), failure of landscape planting, or danger to construction workers. The assessment however assumes the scheme would be designed and built to required standards (it has been designed to accommodate a 1 in 100-year flood event with a +40 % climate change allowance and landscaping proposals also include drought, and extreme weather-tolerant species) and concludes there would be no significant impacts and minor adverse at worst. It is accepted that measures have been designed in to ensure the enlarged junction would be resilient to the longer-term changes to the climate.
245. Overall Officers recognise there would be unavoidable carbon emissions if the proposed development was to progress through to construction, but any future growth in traffic generated emissions is less certain. The applicant's ES predicts no significant traffic growth, but removing congestion 'hot spots' and adding junction capacity can in practice readily induce additional trips as well as redistributing journeys to take advantage of the improved journey conditions. The improvements can and will also result in additional local development in and around Ollerton and Bilsthorpe. These have either already received conditional planning permission or would be subject to future consideration. There is no realistic alternative package of public transport and sustainable travel interventions that could completely replace the need for enlarging the roundabout.
246. In conclusion, the scheme would not be entirely carbon neutral but the emissions contribution is expected to be minor and this should be considered in the wider planning balance. However for the purposes of planning policy, it is considered that the objectives and terms of CS Core Policies 9 and 10 and national planning policy are and can be met.

### Cumulative and combined effects

247. The applicant's Environmental Statement includes a specific part in relation to possible combined effects (for example construction noise, vibration and dust) and cumulative effects between/across the six junction projects which make up the A614/A6097 major project and also with any other local development proposals which may interact.
248. There is acknowledgment that there could be significant impacts from construction noise combining with vibration and dust which is unsurprising, but very much taking a worst case assumption which can be avoided through best construction practice. During operation, no significant combined effects are anticipated, largely due to the geographic separation between the junctions or other proposals and the conclusions on their individual environmental effects being limited. The loss of 3.47ha of agricultural land (including BMV) from across the wider project is given/noted as a moderate adverse categorisation. The majority of this is at the Mickledale Lane, Bilsthorpe junction. Whilst it has been necessary to assess such combined and cumulative effects, ultimately this/each application needs to be individually and separately determined and there does not appear to be cumulative or combined concerns of any significance.

### **Other Options Considered**

249. The applicant and their consultants considered one alternative junction design which would have incorporated multiple traffic signals as well as a through route within the junction. This would have a greater land take and environmental impact and so was ruled out. Grade separation was similarly ruled out at an early stage.
250. The County Council is under a duty to consider the planning application that has been submitted and as amended during the course of its consideration.

### **Statutory and Policy Implications**

251. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### Crime and Disorder Implications

252. The enlargement of this roundabout is not expected to create new opportunities for crime and disorder. Natural surveillance is present from adjacent businesses and other properties. Street lighting would be upgraded to LED models.

#### Data Protection and Information Governance

253. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

#### Financial Implications

254. Consideration of the planning application has identified a requirement for off-site ecological compensation works, which the applicant has submitted a scheme for, and the associated costs would form part of the overall project budget.
255. The implications for financing and proceeding with the development are for Cabinet to consider in due course. It can however be noted that the wider A614/A6097 junctions project has £24.4m of provisionally allocated funding from the Department for Transport towards total scheme costs of £28.635m. Developer contributions have also been secured towards this project from the former Rufford Colliery redevelopment.

#### Human Rights Implications

256. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to immediate proximity of several residential properties at the junction, one of which will entail loss of part of the garden. The impact of this has been noted and the land would need to be acquired through separate negotiation. Construction/highway works are likely to create temporary disruptive impacts including noise/vibration, dust/mud. These can be mitigated through a construction management plan and would be temporary. However upon completion, impacts are assessed as generally neutral or slightly improved. These temporary construction impacts need to be balanced against the wider benefits the proposals would provide in terms of reduced congestion/better junction performance, along with improvements for pedestrians. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

#### Public Sector Equality Duty Implications

257. The proposals relate to the public highway which is accessible to all (within the bounds of the Road Traffic Acts). The enlarged roundabout would incorporate

for the first time, signal-controlled pedestrian crossings enabling safe and improved access to/between the roadside businesses as well as Sherwood Heath LNR. These improvements would disproportionately benefit less mobile pedestrians and those with pushchairs or mobility scooters and may effectively open up access to these facilities and the nature reserve for the first time thereby promoting inclusivity.

#### Safeguarding of Children and Adults at Risk Implications

258. The roadside food and drink businesses are popular with young residents, often as pedestrians from Ollerton. The new pedestrian crossings and footways would provide a much enhanced and safer means of accessing these sites.

#### Implications for Service Users

259. Users of the County Highways network would benefit from the increased junction capacity which would improve traffic conditions and journey reliability by reducing the present queuing and congestion on the approaches to the roundabout. Pedestrians would also significantly benefit from two new crossings.

#### Implications for Sustainability and the Environment

260. These have been considered in the Observations section above, including all the environmental information contained within the Environmental Statement submitted with the application and the advice of consultees.
261. The proposals in this case would lead to a permanent loss of a small part of the SSSI, albeit this is not optimal habitat and is directly beside the existing roundabout. Compensatory proposals have been developed and proposed to improve other nearby habitats and overall the proposal would create a net gain for wildlife. There are also some minor adverse landscape and heritage impacts to consider. Climate change issues, in terms of construction emissions and drainage design have been considered.
262. There are no human resources implications.

#### **Conclusion and planning balance**

263. The proposal is to enlarge and create a roundabout that is fit for purpose as a key junction on the A614 Major Road Network, addressing the regular peak hour congestion, improving access to local services, enabling local regeneration and plan-led development to proceed, and helping improve the experience of tourists and visitors to the area.
264. Improvements to this junction are identified as a necessary strategic infrastructure project in the Newark and Sherwood Core Strategy (Spatial Policy

6 and the Infrastructure Delivery Plan), needed to ensure the delivery of the Local Plan, including its regeneration objectives in this area (Spatial Policies 1, 2 and 3 and ShAP4) and to support new housebuilding currently taking place in the area, including at the former Thoresby colliery site (Policy SP5).

265. The application is supported by a comprehensive Environmental Statement based upon a prior Scoping Opinion. Permanent adverse impacts have been identified in respect of the loss of BMV agricultural land (slight adverse), landscape and views (slight adverse), and local heritage (slight adverse/less than substantial harm to Ollerton Conservation Area). The plans would also result in the partial loss of garden for no.1 Forest Side Cottage. Whilst an objection currently remains in place from Natural England, Officers are satisfied that, despite the technical (and unavoidable) loss of 0.05ha of the adjoining SSSI at the corner of the A614 and A616, this would have limited effect and would be compensated for off-site. The proposals would in fact therefore enhance the longer term quality of priority habitats off site as well as on site through new/replacement landscaping-all secured by planning condition.
266. No unacceptable noise/vibration, air quality, flooding (subject to condition), or climate impacts have been found and there would be no significant cumulative or combined effects. There is local support from the Town Council and no objections from the community. Pre-application community consultation has also been carried out.
267. Officers consider that the benefits of the proposal for the local community and wider travelling public, and its consistent identification and safeguarding within the Local Plan, should afford a very high degree of supportive weight in the decision. In addition the proposal would provide an enhancement/net gain for biodiversity on site of some 16.7% for habitats, 120.1% for hedgerows which is a moderate additional benefit. Tree planting within the centre of the new roundabout would create an attractive feature for this gateway location. There would also be a programme of enhancements to Cockglode and Rotary Woods LNR which is a further moderate benefit. There would be improvements for surface water drainage, though the overall flood risk would remain.
268. Temporary effects from construction including noise/vibration, dust, potential pollution, landscape and visual disruptions are all considered to be controllable to acceptable levels including through the use of a construction management plan secured by planning condition. Such disruption should afford a slight degree of adverse weight in the planning balance rather than the significant and moderate adverse effect findings in the context of the applicant's assessment. GHG emissions stemming from construction are also considered slight.
269. After carefully balancing the competing issues, Officers consider that the proposals can be made sustainable through conditions and that the balance is clearly in favour of granting planning permission. Extensive public benefits would clearly outweigh the limited harmful outcomes to various conservation matters. The proposals comply with local and national planning policy, considered overall, and in particular CS Policies SP1, SP2, SP3, SP5, SP6, SP7, policy ShAP4, Core Policies 9, 10, 12, 13, 14 and A&DM Policies DM5,



DM7, DM8, DM9, and DM10 of the Newark and Sherwood Local Plan, comprising the Amended Core Strategy and the Allocations and Development Management Policies Document. In this situation the NPPF directs that planning permission should be granted without delay.

### **Statement of Positive and Proactive Engagement**

270. In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions and the scoping of the application. The proposals and the content of the Environmental Statement have been assessed against relevant Development Plan policies, the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The County Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; liaised with consultees to resolve issues and progressed towards a timely determination of the application. Issues of concern have been addressed through the submission of further measures, such as for biodiversity, along with the recommended planning conditions, which the applicant has been given advance sight of. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **RECOMMENDATIONS**

271. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

**DEREK HIGTON**

**Service Director- Place and Communities**

### **Constitutional Comments [JL 15/09/22]**

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

### **Financial Comments**

To be orally reported

## **Background Papers Available for Inspection**

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at:  
[www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=ES/4407](http://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=ES/4407)

## **Electoral Divisions and Members Affected**

Ollerton	Councillor Mike Pringle
Sherwood Forest	Councillor Scott Carlton

Report Author/Case Officer

Joel Marshall

0115 9932578

For any enquiries about this report, please contact the report author.

**RECOMMENDED PLANNING CONDITIONS**

1. The development hereby permitted shall be begun within 5 years from the date of this permission.

*Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990 and to allow sufficient time for the development to be delivered alongside the other junction improvements along the A614/A6097 corridor.*

2. The County Planning Authority (CPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

*Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.*

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application (as amended), documents and recommendations of reports, and the following plans:

- (a) Dwg 20949/LLO/O001/00002 – P09 – General Arrangement & Red Line Boundary for Planning received by the CPA on 08/08/2022
- (b) Dwg 20949/GEN/O001/00003 - P02 - General Arrangement (with existing background) received by the CPA on 28/02/2022
- (c) Dwg 20949/GEN/O001/00003 - P02 - General Arrangement received by the CPA on 28/02/2022
- (d) Dwg 20949/GEN/O001/00003 - P03 - General Arrangement (with sections) received by the CPA on 28/02/2022
- (e) Dwg 20249/ELS/O001/00002 A - Landscape Design Proposals received by the CPA on 08/08/2022 (but subject to condition below)
- (f) Dwg 20249/ELS/O001/00001 – Landscape Vegetation Clearance received by the CPA on 28/02/2022 (but subject to condition below)
- (g) Dwg 20949/HDG/O001/SK/00001 P01 – Proposed Drainage for Planning received by the CPA on 28/02/2022 (but subject to condition below)

- (h) Dwg 20949/HDG/O001/SK/00002 P01- Proposed Catchment Areas for Planning received by the CPA on 28/02/2022 (but subject to condition below)
- (i) Dwg 20949/HLG/O001/P-LUX/01 – P04 – Street Lighting Lux Contour Levels received by the CPA on 08/08/2022
- (j) Dwg 20949/LLO/O001/00001 P05- Land Affected Pink and Blue Areas received by the CPA on 28/02/2022

*Reason: For the avoidance of doubt as to the development that is permitted.*

### **Archaeology**

- 4. No development hereby permitted shall take place until an archaeological Written Scheme of Investigation has been submitted to and approved in writing by the CPA. The scheme shall include a mitigation strategy with arrangements for recording and reporting any finds, and/or the preservation of remains in situ, (including timetables for works and using competent persons), and for the subsequent analysis and publication of the findings, with a copy of the final report submitted to the CPA for its written approval within six months of the work, or to a timetable as otherwise agreed in writing with the CPA. The development, along with all archaeological site work, shall be implemented in full accordance with the approved scheme.

*Reason: Details are required to be submitted prior to the commencement of the development to provide an appropriate scheme of archaeological mitigation and so to advance the understanding of the significance of any heritage assets to be lost as part of the development in accordance with the National Planning Policy Framework.*

### **Noise survey**

- 5. Prior to the commencement of construction, a baseline noise survey shall be undertaken and submitted to the CPA for its approval in writing to record the pre-existing noise levels at a range of nearby noise sensitive receptors previously agreed in writing with the CPA. It is recommended that baseline noise surveys are undertaken as close as possible to the commencement of the construction phase to ensure as near 'normal' post pandemic pre-existing baseline noise levels are recorded.

*Reason: Details are required prior to the commencement of the development to inform the management of construction works and to validate the noise assessment work.*

## Ground investigations

6. No development approved by this planning permission shall be commenced until:
- (a) a site investigation and risk assessment recommended in the submitted Phase 1 –Geo-Environmental Desk Top Study has been completed and approved in writing by the CPA.
  - (b) If contamination is identified by the site investigation and risk assessment submitted under (a), a Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters and on the proposed land use, using the information obtained from the site investigation, shall be submitted to the CPA and approved in writing by the CPA prior to that remediation being carried out on the site.

Prior to commencement of the main site works, the approved remediation works shall be completed in accordance with the Method Statement approved in compliance with (b) to the satisfaction of the CPA.

Prior to the development hereby approved first being brought into use:

A validation report including evidence of post remediation sampling and monitoring results, to demonstrate that the required remediation approved under (b) has been fully met shall be submitted to and approved in writing by the CPA;

*Reason: Further site investigation is required prior to the commencement of the development to ensure that the site is suitable for use and to ensure that the development does not pose an unacceptable risk to human health and the local environment.*

7. Prior to the commencement of development, a watching brief to deal with contamination which may be encountered shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details. If during construction, contamination not previously identified is found to be present, no further works shall be carried out in the area identified, unless first agreed in writing by the CPA, until a remediation strategy to deal with the identified contamination (including validation that contamination has been satisfactorily remediated) has been submitted to and approved in writing by the CPA. Works shall be carried out in accordance with the approved details.

*Reason: Details are required to be submitted prior to the commencement of development to provide an appropriate methodology that will ensure that risks of site contamination are properly identified and addressed.*

8. The CPA shall be notified in writing within 7 days of the date of the completion of the development. Within two months of the completion of development, a validation report to confirm an absence of contaminants notified to the CPA in compliance with Condition 7 shall be submitted to and approved in writing by the CPA.

*Reason: To ensure that the site is left in a satisfactory condition and does not pose a risk to human health and the environment.*

## **Construction Management**

9. No part of the development hereby permitted shall commence until a Construction and Environment Management Plan (CEMP) has first been submitted to and has been approved in writing by the CPA. The CEMP shall specify details of the following:

An ecology component comprising:

- (a) The implementation of the recommendations as set out in section 8.6 of the Environmental Statement;
- (b) Measures, including fencing, to clearly demark the boundary of works and to prevent accidental ingress into habitats/designated sites;
- (c) Good practice construction methods including advising all workers of the potential for protected species (and if protected species are found, work should cease until a suitable qualified ecologist has been consulted) and measures to protect any mammals which may stray into working areas, including the use of ramps in any deep excavations and capping off of pipes over 200mm in diameter;
- (d) The production and implementation of a method statement for the local translocation of glow worms from the development area to Sherwood Heath (following the survey guidelines under 'How to Survey for Glow Worms' at [Nottinghamshire Glow Worm Survey \(eakingbirds.com\)](http://eakingbirds.com)).
- (e) Measures to protect existing trees and hedges;
- (f) Dust minimisation measures and monitoring for the SSSI/LWS;
- (g) Work impacting on vegetation used by nesting birds should avoid the active bird nesting season (March to August inclusive), but if this is not possible details of how the impacted area would first be searched by a suitably competent person and any follow up measures shall be set out;
- (h) The undertaking of an updated ecological survey if works have not commenced by April 2023 and every subsequent 2 years if works have not commenced.



A local amenity component comprising:

- (i) details of lorry routeing for construction traffic;
- (j) segregation of pedestrian and vehicular movements on the site;
- (k) measures of Best Practicable Means to control noise and vibration, (including the use of localised temporary screening as may be necessary for the protection of nearby properties), and the procedure to be followed in the event of a complaint;
- (l) An outline strategy for communication and liaison with the public and local Town/Parish Councils;
- (m) details of the proposed construction working hours including any necessary night time working requirements (which should generally be minimised), along with any additional mitigation measures to be employed;
- (n) dust mitigation measures to be put in place during the construction works;
- (o) details of mitigation measures to protect nearby properties from glare and obtrusive light from any lighting required during the construction works.

A pollution prevention component with:

- (p) pollution control measures to prevent mud or contaminated materials from being tracked, spilled or blown off-site;
- (q) aquifer protection measures during the construction work, if required;
- (r) temporary surface water management measures;
- (s) measures to securely store fuels, oils, chemicals or other hazardous materials and the means to remediate any spills.

A soils, materials and waste management component with:

- (t) the segregation of waste materials into different streams for recycling or disposal. This should include measures to handle potentially contaminated arisings and groundwater;
- (u) A soil management strategy to minimise impacts on agricultural soils and to preserve soil quality, through its handling and storage and to identify reuse opportunities for surplus soils putting them to best use reflective of their identified quality.

All construction shall be undertaken in accordance with the approved details.

*Reason: Details are required to be submitted prior to the commencement of the development in the interests of mitigating the effects of construction upon the local environment, local amenity, agricultural soils, and for reasons of highway safety.*

### **Compound and storage areas**

10. No development approved by this planning permission shall be commenced until the details for contractors' compounds, storage areas and access routes has first be submitted to the CPA for its written approval. Details shall include;

- (a) the size and location of the works compound(s);
- (b) the layout and positioning of any temporary buildings/cabins, soil stores, (including heights), and any external lighting;
- (c) the location(s) and means of access;
- (d) provision for contractors' parking;
- (e) temporary means of enclosure of the site operational boundaries or site screening as may be required,
- (f) measures to protect any hedgerows and trees with provision for root protection areas and stand-offs and/or fencing, or details of any required removal works;
- (g) surface water drainage and containment measures;
- (h) temporary soil storage arrangements detailing how/where soils would first be stripped and stockpiled for the future reinstatement of the site (no such soils shall be permitted to leave the project site, unless otherwise approved);
- (i) outline proposals for the full reinstatement of the areas affected on completion of the development shall be provided, including timescales, soil reinstatement, details of any replanting or reseeding, and aftercare steps.

The development shall be carried out in accordance with the approved details. On completion of the construction operations hereby permitted the compound and storage sites, including all buildings, plant, equipment, fences, and hard surfaced areas, shall be removed from the site and the land reinstated to its previous condition in accordance with the final details and timescales which shall be submitted for the prior written approval of the CPA.

*Reason: Details are required to be submitted prior to the commencement of the development in the interests of mitigating the effects of*

*construction upon the local environment, local amenity and for reasons of highway safety.*

### **Details requiring further approval**

11. Within one month of commencement of the development the following details shall be submitted for the CPA's written approval:
- a) On Ollerton Road and Newark Road, details of highway signage, any traffic control equipment, road markings, fencing, barriers etc;
  - b) The new vehicular access to No.1 Forest Side Cottage;
  - c) The replacement boundary treatment to No.1 Forest Side Cottage;
  - d) Finalised vehicle access arrangements for Costa Coffee/Big Fish, along with any alterations to the car park and internal access routes;
  - e) Full designs and locations for re-providing bus stops NS0533 and NS0857 on the A6097 Mansfield Road.

Works shall thereafter take place in accordance with the approved details.

*Reason: Details are required to be submitted prior to the commencement of the development in order to control details of the final highway infrastructure so to minimise potential impacts to the Conservation Area and to neighbouring properties and in the interests of highway functionality.*

### **Drainage**

12. Notwithstanding the submitted surface water drainage scheme the development hereby permitted shall not commence until such time as an updated drainage scheme, including pollution prevention measures, has been submitted to, and approved in writing by, the CPA. The scheme shall be implemented as approved.

*Reason: Details are required to be submitted prior to the commencement of the development to provide appropriate surface water management which does not increase the risk of flooding and does not harm groundwater resources.*

### **Highways**

13. Prior to the approved development commencing a study area and proposed methodology for pre and post construction traffic counts shall be submitted to

and approved in writing by the CPA. The pre-occupation surveys shall be carried out in accordance with the agreed methodology.

*Reason: Details are required to be submitted prior to the commencement of the development to assist with monitoring changes in traffic in order to identify and address any potential unacceptable or severe impacts on the adjacent local road network.*

14. Within 18 months of the works having been substantially completed, a report detailing the results of the pre and post construction traffic surveys (carried out in accordance with the methodology approved in compliance with Condition 13) identifying any impacts caused by any increases in traffic, and if applicable, measures to address any severe impacts shall be submitted to and approved in writing by the CPA.

Any measures identified shall be carried out in accordance with a timetable to be first submitted and agreed in writing by the CPA.

*Reason: To assist with monitoring changes in traffic in order to identify and address any potential unacceptable or severe impacts on the adjacent local road network.*

## **Landscaping and biodiversity**

15. Notwithstanding the details shown within the submitted landscaping and vegetation clearance drawings (20249/ELS/O001/00002-A and 20249/ELS/O001/00001), no works or development shall take place until full and final details of the landscaping and planting scheme along with details of all vegetation clearance have been submitted to the CPA for its prior written approval. The scheme shall include:

- (a) full details of all trees, hedges and shrubs to be retained and the measures for their protection during the course of development such as providing root protection zones or stand offs within which no storage of materials or vehicle movements shall take place;
- (b) final details of all trees, shrubs, hedges and grassed areas to be removed;
- (c) planting and seeding proposals showing numbers, species, seed mixes, density of planting/seeding, positions and sizes of all trees and shrubs/hedging (utilising, where possible, native species appropriate to local landscape character) along with establishment methods including details of pits, staking and guards
- (d) fencing and gates
- (e) timetable for implementation of hard and soft landscape works.

- (f) a landscape management plan and schedule of maintenance for an initial establishment period of 5 years.

The landscaping shall be carried out in accordance with the approved details unless any variation is subsequently agreed in writing by the CPA.

If within a period of 5 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place.

*Reason: Details are required to be submitted prior to the commencement of the development in the interests of biodiversity, landscape, and local amenity and to mitigate impacts to the Conservation Area.*

16. Prior to commencement of development hereby permitted, a Biodiversity Gain Plan shall be submitted for the prior written approval of the CPA. The Plan shall be based on the format of the working draft contained in Annex B of the Consultation on Biodiversity Net Gain Regulations and Implementation (Defra, January 2022), or subsequent published revisions, and shall include the production of a habitat management and monitoring plan, and which also ensures that Trading Rules are satisfied.

Thereafter the Biodiversity Gain Plan along with the habitat management and monitoring plan shall be implemented for a 30 year period commencing at a date to be agreed in writing by the CPA.

*Reason: Details are required to be submitted prior to the commencement of the development in the interests of sustainable development and to ensure the landscaping proposals are maintained long-term such that the development enhances biodiversity.*

17. No development shall commence until final schedules and timescales for undertaking the mitigation proposals for loss of part of the Birklands West and Ollerton Corner Site of Special Scientific Interest, (as set out in the Mitigation proposals for loss of SSSI document dated July 2022 and received by the CPA on 08/08/2022), have been provided to the CPA for its written approval. Thereafter the mitigation works shall be carried out fully in accordance with the approved details and timescales.

*Reason: Details are required to be submitted prior to the commencement of the development to provide appropriate mitigation for the unavoidable loss of land designated as a Site of Special Scientific Interest and to provide an overall enhancement for local biodiversity and landscape.*

## **Informatives/notes to applicants**

1. The Road Safety team in Via East Midlands strongly advises that Stage 2 and Stage 3 Road Safety Audits are carried out and that they are available to undertake this work.
2. In relation to condition 15 the inclusion of year 15 photo-visualisations of the finalised landscape designs would be beneficial to demonstrate the expected maturing landscape appearance.

Cadent Gas advice:

3. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](https://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](https://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

Environment Agency advice:

4. The applicant should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities. For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-forflooding>. To get help during a flood, visit <https://www.gov.uk/help-during-flood>. For advice on what to do after a flood, visit <https://www.gov.uk/after-flood>.

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

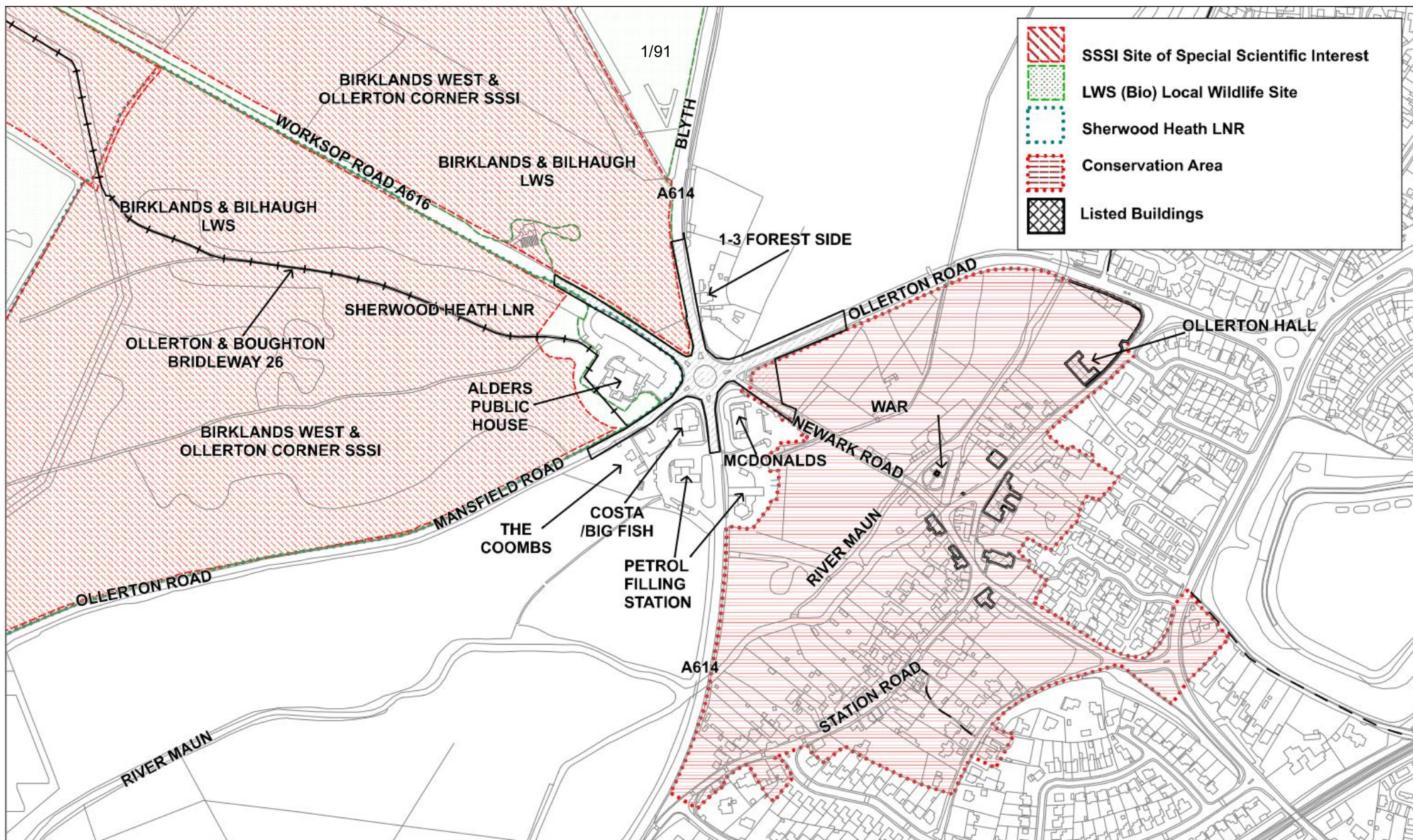
- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal) on or within 16 metres of a sea defence



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

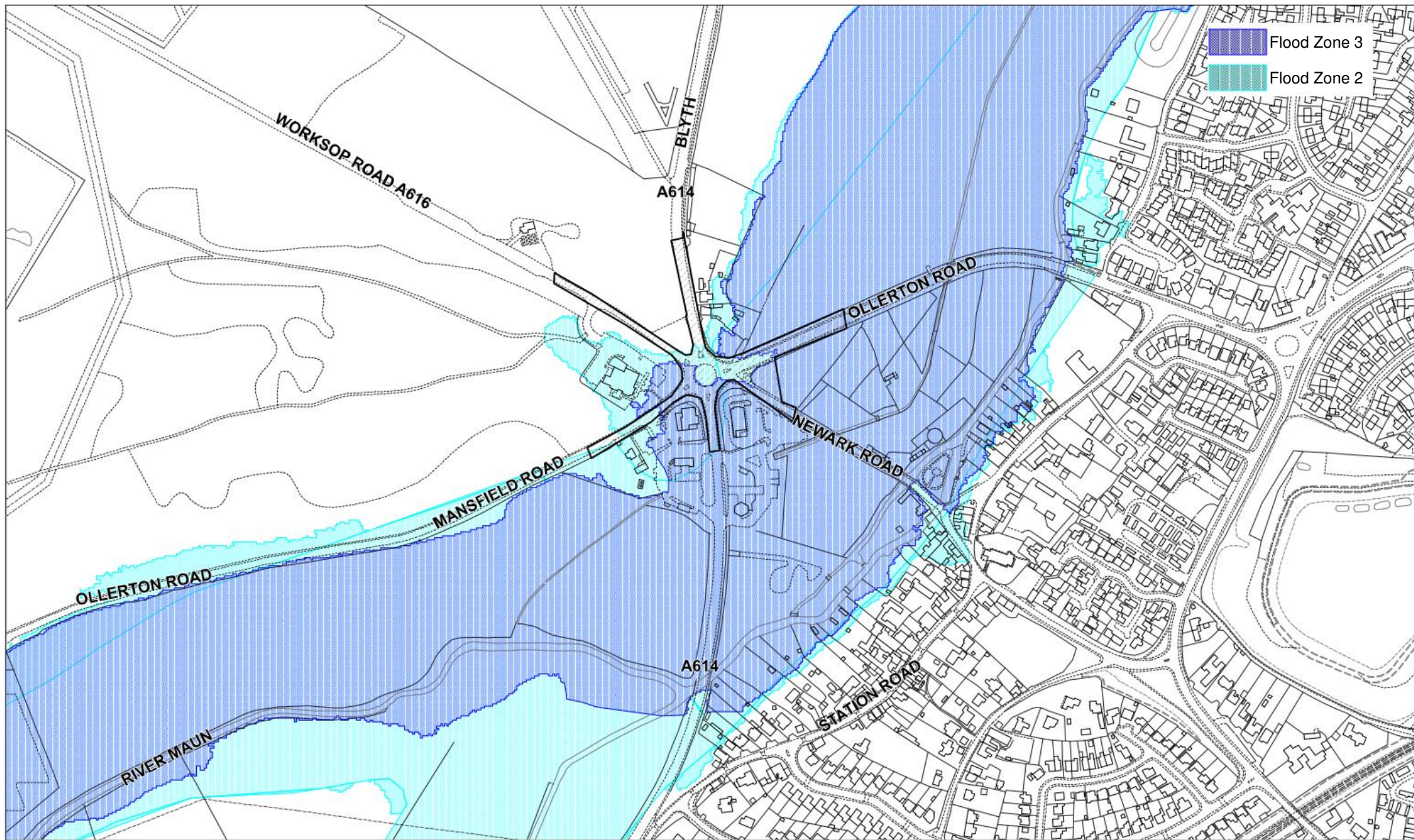
For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environmentagency.gov.uk](mailto:enquiries@environmentagency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.





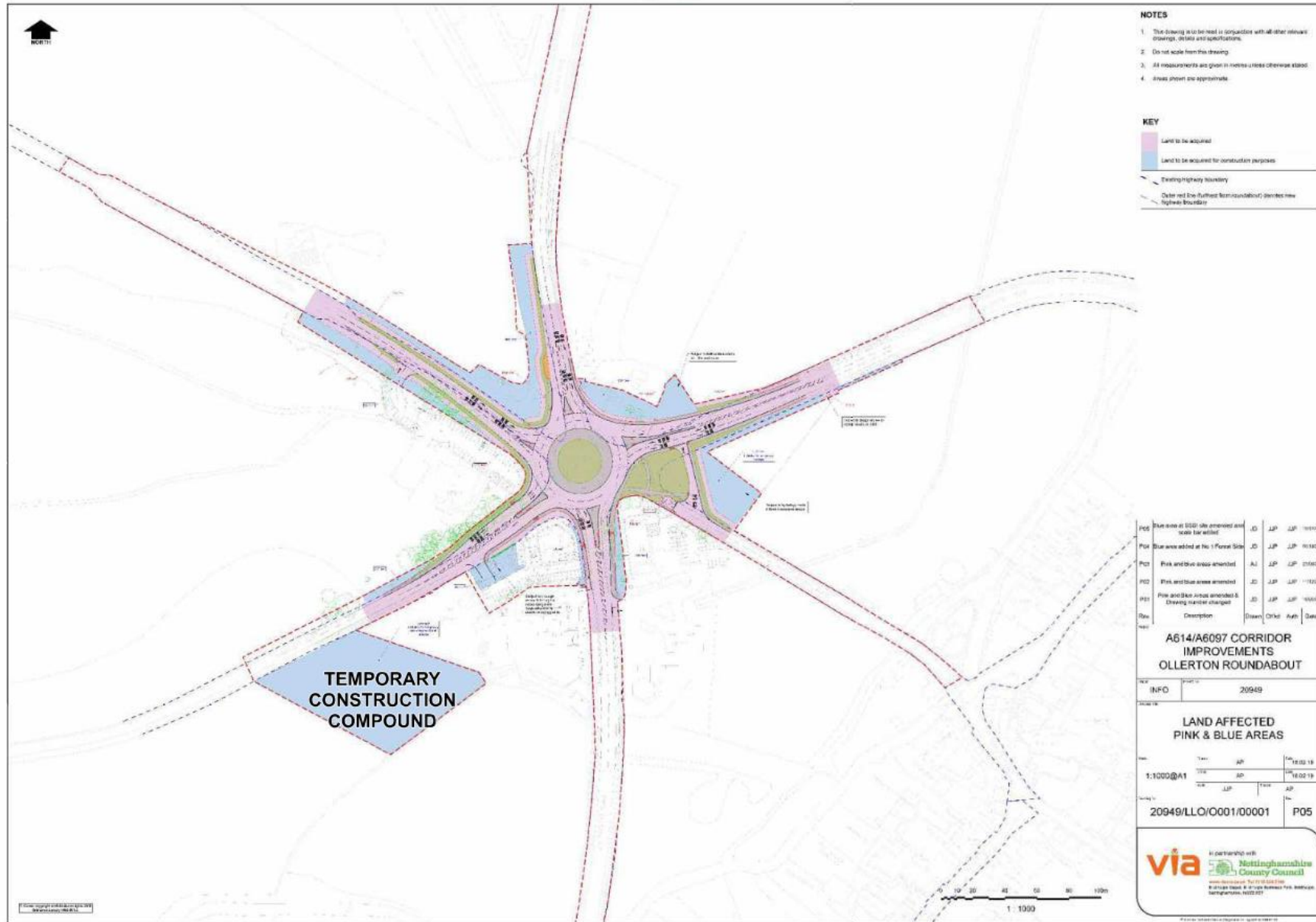










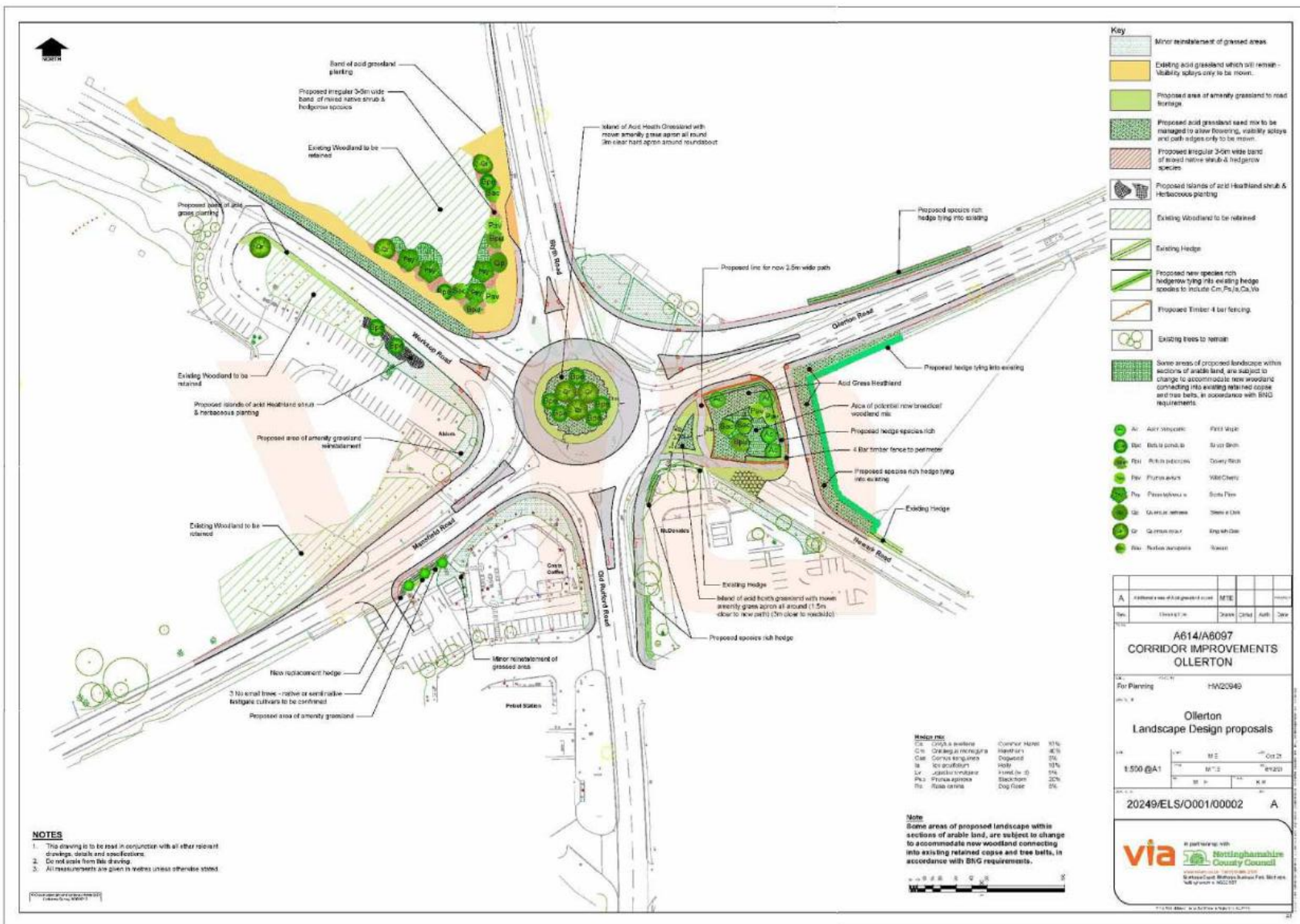
















**27 September 2022****Agenda Item: 6****REPORT OF SERVICE DIRECTOR – PLACE AND COMMUNITIES****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/22/00587/CMA**

**PROPOSAL:** CONSTRUCTION OF TWO ROUNDABOUT JUNCTIONS AND A NEW LINK ROAD CONNECTING THE NEW ROUNDABOUT ON THE A614 (OLD RUFFORD ROAD) TO MICKLEDALE LANE

**LOCATION:** INTERSECTION OF A614 AND MICKLEDALE LANE, BILSTHORPE, NOTTINGHAMSHIRE

**APPLICANT:** NOTTINGHAMSHIRE COUNTY COUNCIL- (PLACE DEPT)

**Purpose of Report**

1. To consider a planning application for a replacement junction and link road at Mickledale Lane and the A614 at Bilsthorpe. The key issues relate to the functioning of the highway for motorised and non-motorised users and site-specific factors including landscape/visual impacts, impacts to agricultural land/soils, residential amenity, and ecology. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.
2. The applicant has elected to undertake an Environmental Impact Assessment and an Environmental Statement has been provided. Consequently the works require planning permission and do not benefit from Permitted Development rights that are usually available to the County Highways Authority.

**Background to the A614/A6097 project**

3. Nottinghamshire County Council along with its partner local authorities and agencies has identified a need to improve the capacity and performance of a number of junctions along the A614 and A6097 corridor which forms part of the Major Road Network (MRN) within the County.
4. The A614 is an important north-south route from Nottingham to Retford and beyond, with the A6097 providing a spur to the A46 trunk road linking Leicester with Newark and Lincoln. Both roads are largely two-way single carriageway, with dual carriageway sections through Lowdham. Running centrally through the County the roads serve as vital commuter and tourist routes linking villages and towns together and with the City of Nottingham, and also providing access

to attractions including Rufford Abbey, Sherwood Forest, White Post Farm, and Wheelgate Park. The roads also serve as diversionary routes for the M1 and A1 to the West and East respectively.

5. In recent years the County Highways Authority has undertaken improvements to several junctions along both roads and has also introduced a lower 50mph speed limit (enforced by average speed cameras). The following six junctions have now been identified as requiring intervention to ensure the effective functioning of the road corridor and are shown on the appended 'A614 and A6097 Junction Improvement – Overall Project Location Plan':
  - Ollerton Roundabout (A614/ A616/ A6075)
  - A614/Mickledale Lane/Inkersall Lane
  - White Post Roundabout (A614/ Mansfield Road) Farnsfield
  - Warren Hill (A614/ A6097) gyratory junction
  - Lowdham roundabout (A6097/ A612/ Southwell Road)
  - Kirk Hill (A6097/ Kirk Hill / East Bridgford Road) East Bridgford
6. A further junction (A614/Deerdale Lane/Eakring Road, Bilsthorpe) has been removed from the wider project due to costs and complexities. Each has been submitted for planning permission and are considered in separate reports.
7. The MRN is a middle tier of the country's busiest and most economically important local authority A roads sitting between the Strategic Road Network (SRN) and the rest of the local road network. The A614 and A6097 routes were designated as such in October 2018. The stated objectives of the MRN and of the A614/A6097 project are closely aligned and include:
  - (a) **Improved Journey Times and Reliability-** There are regular delays and queueing at Ollerton, Lowdham and Kirk Hill junctions which are predicted to worsen with traffic and local housing/economic growth. It can also be difficult to access the A614 from Bilsthorpe village.
  - (b) **Network Resilience-** Capacity improvements will support the Strategic Road Network by adding resilience to the highway network which will boost productivity and reduce costs to businesses. Both roads serve as alternative and diversionary routes during incidents or major roadworks.
  - (c) **Economic Growth-** Additional capacity will drive economic growth by facilitating housing and creating jobs. In particular a number of development sites have planning conditions and obligations limiting build out until improvements are made to Ollerton and Lowdham roundabouts. This includes the development at the former Thoresby colliery. Improvements at the junctions would enable 1,330 dwellings and 24,281m<sup>2</sup> of employment space to be built out stimulating economic growth.

- (d) **Connectivity** - Improving journey times and reliability will improve connectivity to Nottingham and improving access to supply chains and labour markets.

## **The Site and Existing Situation**

8. The A614/Mickledale Lane/Inkersall Lane junction is currently a priority controlled 4-arm crossroad on the west side of Bilsthorpe village (see Plan 1). Traffic gives way to the main A614 flows. Mickledale Lane provides one of the main routes into/out of the village from the A614, but an Environmental Weight Limit prohibits HGVs (vehicles over 7.5t) from travelling along Mickledale Lane except for local access and to Strawson's Ltd which is a nearby large farming complex. Local bus services use Mickledale Lane (including Sherwood Arrow) into/out of the village and a pair of bus stops with flags and poles are sited just back from the A614.
9. Arable fields with hedgerows and trees generally surround the junction, however at the north-west corner of the junction is 'The Limes' café and an adjacent residential property, both accessed from Inkersall Lane and from the A614. There are also four residential properties situated directly on the south-eastern corner of the junction (Labour in Vain cottages) which have driveway access either directly onto the A614 or onto Mickledale Lane.
10. Inkersall Lane to the west has bridleway status which leads into the Sherwood Pines area, but it also serves a number of rural properties and a water pumping station. The presence of the latter places the junction within a Source Protection Zone to protect the drinking water resource. National Cycle Route 645 crosses over the A614 circa 200m to the north utilising the former mineral railway line.
11. The A614 runs at a slightly elevated position with land falling to the east and south. Mickledale Lane therefore falls away to the east towards a local watercourse (Rainworth Water), beside (to the east) of Strawsons, before later rising again into the village.
12. A Local Wildlife Site (Alder Carr LWS) lies approx 600m to the south-west of the current junction (and 25m from the edge of the application site), alongside Rainworth Water which crosses under the A614, before turning north towards Mickledale Lane. The flood risk areas associated with this do not enter the application site and which remains at low risk of flooding.
13. The application red line area incorporates the existing junction and approaches, but also includes parts of the adjacent arable fields and in particular a corridor across the adjacent field to the east, connecting back to Mickledale Lane adjacent to Strawsons (for a new roundabout and link road).

## **Planning history**

14. The only relevant planning history to note is this Council's Scoping Opinion issued in 2021 advising on the scope of the Environmental Statement now

submitted with the current application. Comments from technical consultees informed this process and it is to be noted that the ES appears to be substantially based on that scoping advice.

## **Proposed Development**

15. The application explains that there is a local perception that it can be very difficult to enter the A614 from Mickledale Lane owing to having to wait for suitable gaps in the high speed A614 traffic. This leads to waiting times and poor journey time reliability, but not congestion or large queueing. With new housing being built in the village, this issue is likely to be exacerbated.
16. It is proposed to replace the existing Mickledale Lane junction by constructing a new three-arm roundabout on the A614 approximately 250m south of the existing crossroads with a link road connecting back to Mickledale Lane through a field to the south-east of the existing junction. The new link road would tie into Mickledale Lane via a three-arm mini-roundabout. A new access would also be provided off the new link road into Strawson's Ltd (see Plan 2).
17. The proposed new A614 roundabout would have a diameter of 70m and the approaches and exits would be widened so to provide two entry lanes onto and around the roundabout, followed by two lanes merging back into the single carriageway.
18. New footways would be provided along the spur road and around to the A614 generally 3m wide. The new roundabouts and spur road would be lit with LED lighting. The speed limit along the A614 would remain at 50mph and the link road would have a 30mph limit. Existing weight limits further into the village would remain unchanged. Landscaping would include new hedgerows, trees, meadow and acid grassland verges as well as wet ditches and swales for managing surface water (see Plan 3).
19. The existing part of Mickledale Lane west of the new mini roundabout would be largely closed off and accessed only by utility service vehicles from the east (i.e. not the A614) via a gate. The road surface would be lifted and grassed over, but partly reinforced for these vehicles. The pedestrian footway up to the cottages and the A614, where there is an uncontrolled crossing over to Inkersall Lane, would however be retained in full. Driveway access for Labour in Vain Cottages, directly off the A614, would also be maintained as existing, but otherwise the bell mouth would be closed off to motor traffic including the removal of the ghost right turn lane from the A614 south.
20. A temporary construction and storage compound would be sited within the field next to the proposed new A614 roundabout as shown on plan 4.

## **Consultations**

21. **Newark and Sherwood District Council - No objection.**

22. **Bilthorpe Parish Council** – No response.
23. **Rufford Parish Council**- Supports.
24. **NCC (Highways)** – Supports the objectives of the proposed works (as part of a series of improvement works along the A6097-A614 route).
25. Capacity and Congestion- By their nature, introducing roundabouts will impact negatively on capacity. However, the capacity assessments show that the roundabout on the A614 will operate under the Ratio of Flow to Capacity (RFC) threshold, meaning it will not create a capacity or congestion issue. The secondary roundabout will also not create a capacity issue and is likely to be in this form to overcome geometry issues.
26. Highway Safety- Up to date accident history information has now been provided.
27. Access for non-motorised users at end of Mickledale Lane – This section would be kept open for use by all non-motorised users. The proposed surfacing may not be suitable for cyclists and as such details of the surfacing should be requested to be provided by condition. Details of the gate should also be addressed by condition to ensure it is not obstructive to NMUs. A farm gateway would provide a turning area for any vehicles having entered the restricted section of highway in error.
28. Whilst the existing refuge/crossing over the A614 and linking to rights of way is not wide enough for horses, this is an existing situation which is actually improved by not only traffic being platooned to an extent by the proposed roundabout to the south but also no longer being in conflict with traffic turning in and out of Mickledale Lane.
29. Changes to local traffic patterns- The Transport Assessment assumes redistribution of traffic would be unlikely due to lack of route choice (tested using the Midlands Connect Highway Model). However, this is in relation to the major and/or strategic road networks and more local roads are likely to see reassignment.
30. The applicant has advised that monitoring of the major road network will be required by the DfT but that this work will look further afield so that villages close the A614/A6097 corridor are captured. The methodology and locations of this is not defined, so it is suggested that this element is controlled by planning in order to identify and address any potential unacceptable or severe impacts on the adjacent local road network.
31. **NCC Transport and Travel Services** – comments.
32. Bus Stop Infrastructure: A pair of bus stops are situated at the end of Mickledale Lane close to the A614 junction. These stops will not be served as part of the highway proposals. Transport and Travel Services have approved the removal of these stops due to low usage and no suitable location within the scheme limits to re-locate them.

33. *Bus services affected: Stagecoach Sherwood Arrow. Any service diversions required as part of the works will impact upon the bus network. Highway works requiring closures or diversions should be limited during the day with overnight closures recommended where the works require closures and/ or diversions.*
34. **NCC (Built Heritage)** - *No objection. The proposed new junction is in the vicinity of two non-designated built heritage assets, Featherstone House Farm and to a lesser extent, Labour in Vain Cottage. No designated built heritage assets are within the influence of the scheme. NCC (Built Heritage) is satisfied that these have been properly identified and impacts assessed.*
35. *The 'slight adverse' impact identified, equivalent to a less than substantial level of harm, is a fair assessment in both cases and it is necessary to weigh these impacts against the benefits of the proposed junction improvements (NPPF para 203).*
36. **NCC (Archaeology)**- *No objection and requests conditions requiring a written scheme of archaeological investigation to be submitted for approval.*
37. **NCC (Nature Conservation)** - *No objections provided recommended construction management measures, landscaping/biodiversity net gain and other mitigation measures are secured.*
38. *The application is supported by a range of ecological survey work, which can be considered to be up to date. This scheme does not directly affect any designated sites.*
39. *0.8ha of neutral grassland and 830m of hedgerows would be lost. A minor loss of habitat for foraging/commuting bats would occur, but these are already subject to disturbance from the existing junction (including lighting). Mitigation would be provided through landscaping.*
40. *The indirect impact of artificial lighting on bats is predicted to be negligible, with an avoidance of the direct illumination of habitats. Street lighting is already present at this location, albeit that the extent of lighting will be greater along the new link road.*
41. *Construction works are predicted to have a negligible impact on Common Lizard (with the implementation of a method statement), whilst additional mitigation measures are proposed, including the construction of a lizard tunnel. Further details of this tunnel should be secured through a condition, although the need for this is queried.*
42. *The identified ecological mitigation measures should be included within a Construction Environment Management Plan (CEMP), required by a pre-commencement condition. In addition, construction areas must be clearly demarcated with temporary protective fencing to ensure that accidental ingress into designated sites is prevented.*
43. *A shadow Habitats Regulations Assessment has been carried out, looking at Likely Significant Effects on the "possible potential" Sherwood Special*



*Protection Area (ppSPA) (the site is within the 5km buffer zone). After considering a range of potential impact pathways, likely Significant Effects (alone and in combination) are screened out for all pathways for the ppSPA. Comments should be sought from Natural England.*

44. *Biodiversity gain - The updated Biodiversity Net Gain Assessment now concludes that a net change of 39.96% for habitats, and 99.38% for hedgerows, will be delivered for this scheme, exceeding the 10% minimum figure which will be required when BNG becomes mandatory. An issue with 'trading rules' is however identified.*
45. *To ensure that the anticipated net gain is achieved in practice, a Biodiversity Gain Plan should be required prior to commencement of development, implemented with habitat management and monitoring (and which also ensures that Trading Rules are satisfied) for a 30 year period. A detailed landscaping scheme should also be required by condition and which must be fully consistent with the Biodiversity Gain Plan (and vice versa).*
46. **NCC (Flood Risk) - No objection.**
47. **Environment Agency – No response.**
48. **Natural England - No objection/standing advice.**
49. **Via (Countryside Access) - Comments raised regarding lack of crossing provision for equestrians and on the choice of surfacing at the end of Mickledale Lane.**
50. *There are a number of routes used by the public in the area and latent and growing equestrian use. The applicant needs to consider how are equestrians to safely cross the A614 and how are they to use Mickledale Lane in terms of structures, gaps, and surfacing. Both the surface and the crossing provision should be re-considered.*
51. *The application refers to the lack of use of Bridleway no 5 along Inkersall Lane and therefore no need to provide a safe crossing at this point. It is very likely that the low use is because of the danger of crossing the A614. The reduced speed as a result of the roundabout on the A614 will assist, however more could be considered. Given the latent use, this is an opportunity to improve the crossing and linkages to the non-motorised user network. The installation of a Pegasus crossing is one option.*
52. *On Mickledale Lane, while pedestrians have been accommodated on the existing footway, cyclists and equestrians have not been accommodated appropriately. There is no indication that the footway is to be shared and therefore cyclists would have to use the grass verge (assumed that this wild grass flower verge will be managed for biodiversity) or the reinforced grass surface which may not be suitable for cyclists or equestrians. A 1.5m access gap is also needed around the proposed gate.*

53. **Via (Landscape)** – Supports, with a number of comments and recommendations.
54. Sufficient information has been provided with the application, (landscape and visual assessment information, existing viewpoint images, year 1 visualisations and detailed landscape design proposals and other additional drawings), to be able to come to a reasoned conclusion that the proposed scheme is acceptable in terms of Landscape and Visual Impact. However a number of omissions, required corrections and textual changes to the assessment have been noted (a full list is available online as part of the background papers).
- Methodology and baseline -The methodology for determining construction and operational effects is accepted. The relatively small scale of the Scheme, combined with screening provided by existing landform, mature woodland and built form, are considered to negate the potential for significant landscape and visual effects beyond 0.75km.
55. Physical Landscape impact- This has not been quantified within the scheme specific assessment and has not been described in a range from minor to major adverse, however Ch 8 (Biodiversity) calculates the vegetation to be removed as: Neutral grassland 0.8 ha; Broad leaved woodland 0.02ha; Species poor hedgerow 540m; Species poor hedgerow with trees 290m and Dry ditch 320m. This should be added to Chapter 7 because this contributes to the degree of landscape impact described.
56. Landscape character impact - Landscape character impacts are agreed as follows: SH09 Old Clipstone Estate Farmlands – Slight adverse Landscape effects at the Construction stage and year 1, and neutral effects in Year 15.
57. Visual Effects - The Zone of Theoretical Visibility plan was produced at the scoping stage and used to derive viewpoints. These were provided in the scoping report for comment. The conclusions of the assessment of visual effects are set out in table 7.11, 7.12, and 7.13. Via (Landscape) agrees with the assessment and that the methodology is transparent. However, the viewpoint descriptions should also make reference to the changes in the lighting footprint as the extent of lighting now extends along the proposed link road. This area was previously unlit.
58. No year 15 visualisations were submitted, which would be best practice, to illustrate how the maturing landscape treatment will help to mitigate the proposals. However sufficient information has been provided to show that the landscape proposals have been thoroughly considered at this stage. It would be beneficial to provide Year 15 visualisations to support detailed landscape proposals under planning condition.
59. Design, mitigation, and enhancements- The landscape design concept gives a clear indication of the landscape philosophy for the Scheme. Some additional text would be helpful to describe how the scheme meets landscape character and ecological objectives, as well as how the landscape treatment mitigates the visual effects.

60. *The total amount of vegetation to be replaced is: Neutral grassland 1.34 ha; Broad leaved woodland 0.05ha; Species rich hedgerow 926m; Species rich hedgerow with trees 263m and Dry ditch 394m. In addition, 2.1 ha of arable land will be converted to Amenity grassland 0.05ha; Mixed scrub 0.084 ha; sustainable drainage feature (SUDs) feature 0.113ha and Acid grassland 0.095ha.*
61. *A detailed landscape drawing should be requested by planning condition and this should refer to the species list for the Sherwood Landscape Character Area.*
62. *A habitat management plan should be included as a condition of the application for the proposed SUDs feature to ensure the continued survival of the landscape mitigation.*
63. **Via (Noise Engineer) –** *No objection subject to conditions requiring a construction management plan and prior to commencement baseline noise survey.*
64. *The assessment of operational impact indicates a classification of the effects as being not significant at all receptors, with the magnitude of the impacts varying from negligible adverse to negligible beneficial for the operational phase.*
65. *For construction phase impacts, a total of 6 receptors have the possibility to experience temporary significant adverse effects as a result of the construction works (noise and vibration). In order to mitigate these effects, a list of Best Practicable Means (BPM) has been provided, and it is recommended that those measures should be detailed in a Construction Environmental Management Plan (CEMP).*
66. *The assessment of the effects at the ecological receptors shows a negligible change within the Mickledale Lane junction area.*
67. **Via (Reclamation)-** *no objections subject to conditions.*
68. *A Phase 1 Geo-Environmental desk study and site-specific environmental statements have been prepared and which are considered acceptable for the purposes of the planning applications.*
69. *Via (Reclamation) raises no objection subject to planning conditions requiring a site investigation/risk assessment to be submitted (prior to commencement) and a method statement detailing how any contamination would be remediated. A validation stage should then evidence this or confirm an absence of contamination. A watching brief is also requested.*
70. *An Environmental Management Plan to control construction effects including noise, vibration, dust, mud, and pollution/spillages and waste disposal is also recommended.*
71. **Via Safer Highways-** *Comments and recommendations.*

72. *General- Via Safer Highways undertook Stage 1 Safety Audits where recommendations to improve the designs were made. It is strongly recommended that further Road Safety Audits are carried out at Stage 2 (Completion of Detailed Design) and Stage 3 (Completion of Construction).*
73. *The proposed large roundabout is reasonably “neutral” to road safety. A similar number of accidents would be expected than at the current junction which has a good record. More traffic is likely through Bilsthorpe village, because access will become easier, with consequent detrimental effect to Road Safety.*
74. *It would be beneficial to provide an improved crossing at the existing junction for pedestrians, cyclists and horses over to the west of the A614. It is recommended that central refuges are used on the new link road to control speeds/overtaking.*
75. **Planning Casework Unit** - (statutory notifications- does not wish to comment).
76. **Nottinghamshire Wildlife Trust, The Ramblers, British Horse Society, Trent Valley Internal Drainage Board, Western Power Distribution, Cadent Gas Limited and Severn Trent Water Limited** have not responded. Any response received will be orally reported.

## Publicity

77. The application has been publicised by means of site notices, a press notice (jointly with the five other schemes) and neighbour notification letters have been sent to the nearest residential and commercial occupiers in accordance with the County Council's adopted Statement of Community Involvement. Further publicity and consultation with consultees has been undertaken upon receipt of further information under Regulation 25. There have been no public representations.
78. In addition, the applicant department have undertaken separate and complementary publicity via the 'Email me' bulletin, the Council's twitter feed and have added links to the individual planning applications from the dedicated A614/A6097 project website: <https://www.nottinghamshire.gov.uk/transport/roads/a614>.
79. Prior to the submission of the planning applications, the applicant department has undertaken extensive local engagement and consultations to inform the final junction designs. Scoping Opinions have also been previously obtained from the County Planning Authority to inform the Environmental Impact Assessment process.
80. Councillor Scott Carlton supports the proposals as amended.
81. Councillors Bruce Laughton has also been notified of the application.

## Observations

### The requirement for planning permission

82. The County Council, with its responsibilities as the local Highway Authority, has extensive rights to undertake work to maintain and also improve the highway network. The Town and Country Planning Act 1990 (s55) excludes such works from the planning system where they would be within the boundaries of a road. Where such highway authority works go beyond the road boundaries, utilising adjacent land, such works are capable of being deemed Permitted Development by virtue of the Town and Country Planning (General Permitted Development Order) (England) 2015 as amended. However the development of new roads, such as the link road proposed, usually require planning permission. Furthermore the applicant has elected to undertake an EIA and in this situation the Permitted Development rights are removed under article 3 of the Order and an application for planning permission is therefore required.

### Planning policy assessment

83. This is one of six inter-related planning applications concerning junctions along the A614/A6097 corridor. Each has to be independently considered and determined however, in the usual way, against the applicable Development Plans and having regard to material considerations.
84. The Development Plan in this instance is the Newark and Sherwood Local Plan comprising of the Amended Core Strategy (CS) (Part 1) (2019) and the Allocations and Development Management Policies document (A&DM) (Part 2) (2013) together with the associated policy map. The National Planning Policy Framework (NPPF) is a material consideration. Other material considerations may include the Nottinghamshire Local Transport Plan and the D2N2 Strategic Economic Plan. It is also relevant to note that certain design standards apply including the Design Manual for Roads and Bridges and the NCC Highways Design Guide.
85. The importance of public infrastructure for local communities and to support planned/future development is set out through the Local Plan. CS Spatial Policy 6 (Infrastructure for Growth) seeks to ensure that the infrastructure to support local growth and to deliver the outcomes of the Strategy as a whole are provided. An Infrastructure Delivery Plan (IDP) informs this approach. Strategic Infrastructure in this context is defined as including improvements to the strategic highway network and other highway infrastructure as identified within the IDP. Together with A&DM Policy DM3 there is a framework for securing developer contributions and funds including via the Community Infrastructure Levy.
86. Improvements to the highway network therefore form an important aspect of the approach to infrastructure, notwithstanding the wider objectives of CS Spatial Policy 7 (and national policy) in reducing car travel and promoting sustainable patterns of development and travel. Under Spatial Policy 7 (Sustainable Transport) and its supporting text, new highway infrastructure will only be required (for the purposes of the Plan) where other measures are insufficient to



cope with the impacts of planned developments and that this is informed by the IDP process.

87. Junction improvements at A614/Mickledale Lane form part of the wider A614/A6097 corridor scheme which is included in the Nottinghamshire LTP and is also an investment priority in the D2N2 Strategic Economic Plan. This junction is specifically identified in the IDP and is listed in Appendix D of the Core Strategy as being highway infrastructure works required for the delivery of the Local Plan/Core Strategy itself. Four other junctions – the subject of separate reports- are also listed. There is no statement as to what form the junction improvements at Mickledale Lane should take, but it does appear to confirm that alternatives such as sustainable transport focussed solutions (for example cycle or bus improvements) would not have sufficient effect to the problems at this junction.
88. Whilst Spatial Policy 7 does ultimately favour sustainable travel, non-car modes of travel (including public transport, walking, cycling) and minimising the need for travel, which aligns with national planning policy (NPPF paras 110 and 112), it also states that development proposals should contribute to the LTP and does not preclude road based schemes. The policy does however seek to reduce the impact of roads and traffic, increase rural accessibility and enhance the pedestrian environment. A number of further considerations are also listed as follows:
- *minimise the need for travel, through measures such as travel plans for all development which generate significant amounts of movement, and the provision or enhancement of local services and facilities;*
  - *provide safe, convenient and attractive accesses for all, including the elderly and disabled, and others with restricted mobility, and provide links to the existing network of footways, bridleways and cycleways, so as to maximise opportunities for their use;*
  - *be appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected;*
  - *avoid highway improvements which harm the environment and character of the area;*
  - *provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements in line with Highways Authority best practice; and*
  - *ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems, taking account of any contributions that have been secured for the provision of off-site works.*



89. There are matters above which require further assessment below, however at this stage it can be considered that the proposed new junction and link road are compatible and in accordance with Spatial Policy 7 and is 'strategic infrastructure' necessary and supported by Spatial Policy 6 and the Plan as a whole. The proposals also help deliver the Nottinghamshire LTP.
90. Although the site lies outside of the defined village envelope where development is restricted to a narrow list of types of development under A&DM Policy DM8 (Development in the open countryside) whereby transport infrastructure is not one of the listed types, it is clear that these highway improvement works would not be contrary to the purposes of this policy in terms of the Local Plan directing development to where it is sustainable. CS Spatial Policy 3 (Rural Areas) similarly does not have transport infrastructure in mind, but it is evident that the proposals would help support the rural community/economy by improving access and without unacceptable detriment to local character, amenity or other pertinent impacts such as drainage.
91. The Local Plan identifies Bilsthorpe, as well as nearby Ollerton and Boughton, as a focus for regeneration, with the former designated a Principal Village and the latter a Service Centre (CS Spatial Policies 1 and 2). These settlements are expected to provide new housing and supporting infrastructure commensurate with their status.
92. At Bilsthorpe, the issue is ensuring there is safe and convenient access serving the village, as it grows with new housing and businesses stemming from its identified focus for regeneration in the Local Plan. A new housing development on Eakring Road is now underway and that has followed recent completions at Oldbridge Way. Mickledale Lane is one of the roads that serves much of the village and it can be expected to take some traffic arising from the new Eakring Road development.
93. The proposals are for a new roundabout to the south of the current junction (which it would replace) and link road back to Mickledale Lane. Upgrades at the existing priority junction were considered, but ultimately have not been proposed and instead a more ambitious project has emerged. The new roundabout and link road would improve local access to/from the A614 corridor as it will break up the often constant flow of high speed traffic on the main road which currently makes it difficult and lengthy to pull out onto the A614.
94. NCC Highways Development Control are content with this solution. They recommended that as part of the pre and post development traffic monitoring that will be required under Department for Transport requirements, that the details of this should be agreed under planning conditions. The purpose of this is to check that the highway network performs as predicted, and this appears to be an acceptable safeguard against any unforeseen consequential traffic issues in neighbouring areas.
95. It is however unfortunate that this new/replacement junction and link would not improve access for HGVs accessing businesses in the village, with the exception of any HGVs accessing the adjacent Strawson's complex with the

plans including a dedicated new access off the link road for this business. Due to local weight restrictions in the village, HGVs (those over 7.5t gross) such as those accessing Bilsthorpe Business Park and businesses at Brailswood Road (including a waste oil recycling facility, a scaffolding business, and the Council's Household Waste Recycling Centre) are barred from using Mickledale Lane beyond Strawson's and up to Eakring Road. This weight limit will remain in place. Therefore these HGVs will still need to route up to the Eakring Road junction with the A614 which faces the same, if not greater issues than at Mickledale Lane. Planned improvements to this junction have been deleted from the wider A614 project due to costs and complexities.

96. The end of Mickledale Lane up to the A614 would be closed off with new kerbs and landscaping. The road would have its surface partly lifted and landscaped. Importantly however this would retain access for non-motorised users up to the Limes Café where there is an uncontrolled crossing point, and from there Inkersall Lane offers opportunities for walkers, cyclists and horse riding within the Sherwood Pines area. The details of the surfacing of this section (and a gate) need to be reviewed as advised by NCC Highways and as such these details should be covered by planning conditions.
97. The concerns regarding a lack of crossing provision for equestrians as raised by Via Countryside Access are noted. However the applicant's surveys found there to be minimal use of the junction by these riders and as such a Pegasus crossing has not been proposed. It is also understood the provision of such a crossing, along with the necessary corrals would require additional third party land from the Limes Café and which may lead to impacts to the access and parking arrangements for this business. The provision for horses would therefore appear disproportionate and it would instead seem more appropriate to separately enhance the nearby National Cycle Route (the former mineral railway line which bridges the A614 to the north) as a means for equestrians to cross safely and access the trail networks to the west. This is however outside the scope of this project.
98. The current crossing point outside the Limes Café is however well used by pedestrians and cyclists as evidenced by the applicant's surveys. It would also have been beneficial to install an enhanced crossing for these users, however they would still be able to use the existing crossing and access would be provided up the end of Mickledale Lane. There should therefore be a generally neutral or slightly beneficial impact for walkers and cyclists, including from the reduced speeds of A614 traffic and its 'platooning' due to the insertion of the new roundabout (and the closure of that end of Mickledale Lane to vehicles) as noted by NCC Highways.
99. The proposals have been subject to an initial Road Safety Audit and found acceptable subject to consideration of a number of detailed recommendations. Certain minor updates to the plans may therefore emerge after any planning permission has been granted and these will need further approvals. Further Road Safety Audits would be conducted at the final/detailed design stage and then after opening to check how the new junction is operating. It is also noted that the Highway Authority would monitor post development traffic flows to

check the network is operating as planned. The arrangements for that survey work are covered by a condition as recommended by NCC Highways.

100. It is clear that when considering the above transport and infrastructure plan objectives that the proposals are required and are fully supported in principle to improve access to and from Bilsthorpe village. The plans accord with policies SP6, SP7 and support the regeneration objectives in policies SP1 and SP2. Given the identification and support for this proposal throughout the Local Plan and LTP documents, and the dependence placed upon it to deliver the Plan as a whole, Officers consider that there is moderate to strong weight in favour of the proposals in principle, somewhat weakened by these proposals not improving access for established HGV users/businesses, except Strawson's. The lack of a Pegasus crossing (for equestrians) is not considered to weaken the overall benefits of the proposal.

#### Landscape and Visual Impact

101. Under CS Core Policy 13 and as informed by the Landscape Character Assessment Supplementary Planning Document (SPD), proposals for development should positively address the implications of relevant landscape policy zones that is consistent with the landscape conservation and enhancement aims for the area(s) ensuring that landscapes, including valued landscapes, are protected and enhanced. A&DM Policy DM5 (Design) states all proposals should be considered against the SPD. Local distinctiveness (landscape and built form) should be reflected in the scale, form, mass, layout, design, materials and detailing of development proposals.
102. A landscape and visual impact assessment (LVIA) has been completed and included within the ES. In general terms this considers the existing/baseline situation and then the effects of the new junction at year 1 of completion and then after 15 years when new or replacement landscaping would have had time to become fully established. Particular focus is given to localised visual changes because wide area impacts to landscape character are not anticipated.
103. In terms of landscape character, reference is given to the applicable policy zone within the Newark and Sherwood Landscape Character Assessment as well as the national equivalent. The site area falls within the Sherwood Regional Landscape Character Areas (RLCA) and at the local level the Old Clipstone Estate Farmlands Policy Zone (SH09). The local landscape condition is described as 'moderate', sensitivity is described as 'moderate' and the overall landscape strategy is 'conserve and create', including field/road hedgerows where they have become degraded or lost. The area is gently undulating with some coniferous forestry alongside intensive arable and pig farming. The A614 is noted as a detracting feature, along with large modern agricultural buildings. Field boundaries are poor, but stronger along roadsides where a heathland character can be apparent. The LVIA considers the policy zone area to be of medium landscape value.
104. The immediate site context comprises the busy and fast flowing A614 and its existing junction next to the Limes café and the cottages, with Mickledale Lane

descending into Bilsthorpe Village to the east, and the tree-lined Inkersall Lane leading off to the west and which has bridleway status. Around this are largely medium to large arable fields, including either side of Mickledale Lane. This road has continuous managed hedges and verges on each side and a footway along its southern length. Hedgerows lining the A614 are generally good but to the south are very poor and discontinuous with occasional ash trees. Together with the slightly elevated nature of the road this affords open views east, across the field and towards the large Strawson's complex (partly screened by trees) and the village beyond.

105. The proposed development involves creating a new roundabout to the south and a link road using mostly arable farmland to the east. The roundabout would be on-line with the existing A614 therefore requiring clearance of a stretch of hedgerows and verge alongside the west of the A614. To the east however the hedgerow at this point is extremely poor and partly non-existent. What little there is would be removed along with four or five medium ash trees. Stretches of hedgerows either side of Mickledale Lane would also be removed to create a new mini-roundabout at the terminus of the new link road. A small part of the tree screen to Strawson's would also be removed to provide a new access (revised plans show one access, down from two). The effect of the new link road would be to split up the arable field, leaving a smaller parcel between the A614, the new link road to the east and the closed off part of Mickledale Lane to the north. The new link road would gradually rise in a partial cutting up to the A614 new roundabout. Overall the location and positioning of the roundabout and other works, on the land to the south and east, has been shown to minimise the necessary level of vegetation clearance.
106. This new highway infrastructure would be tied back into the landscape with a comprehensive planting scheme. The plans for this show new species-rich hedgerows and trees, including tree planting on the new roundabout, creation of heathland and acid grassland areas to provide biodiversity value, wildflower verges, shallow flood storage areas and swales. The lifting of the redundant carriageway at the end of Mickledale Lane which is to be closed off, whilst retaining pedestrian connectivity, is welcomed and would partly offset the impact to the adjacent cottages from the new road in the field to their rear/east. Some form of surfacing would however be needed to maintain cycle access and this detail is covered by a recommended condition.
107. The applicant's assessment finds that as a result of the proposed development there would be a slight adverse effect on the Old Clipstone Estate Farmlands Policy Zone during construction (including through the siting of compounds), and year 1, and a neutral effect by year 15 once planting is established.
108. In terms of the visual effects, seven viewpoints have been assessed by the applicant in the ES and again impacts are considered for the construction stage, at year 1 of operation and year 15. Three visualisations were also produced. Slight adverse impacts are expected at: five of the viewpoints during construction, again also taking into account construction works and compounds, at four viewpoints at year 1, and at 3 points at year 15, the remainder being neutral. The lasting slight adverse impacts include the residents at Labour in

Vain Cottages (A614) and at the first properties on Mickledale Lane largely due to the new link road and new street lighting.

109. The lighting proposals show that the lit area along the A614 would remain broadly similar, but with additional lighting around the new roundabout. The new link road would be lit along its full length and this lighting would also continue along Mickledale Lane into the village- currently this section is unlit. The use of LED lights and rear shielding would limit the area of light spill to focus on the highway and its verge area, however the first three residential properties on the north side of Mickledale Lane may see some light spill into their front gardens and generally there would be an increased perception of night time lighting in the area. The scheme is stated to be designed in accordance with the relevant British Standard.
110. The LVIA has been subject to critical assessment from Via and the landscape and visual conclusions are all agreed with and the proposals adjudged as acceptable and are supported. Whilst a number of minor errors are noted and a series of recommendations are made, there is sufficient information to inform an assessment of landscape and visual impacts. The identified errors/omissions are on the record and there would be no benefit in seeking amends. Instead the recommendations can be taken forwards as part of necessary planning conditions. Final details of landscape planting, its maintenance and other details such as fencing and a reduced form of surfacing for the closed section of Mickledale Lane should therefore be agreed through planning conditions.
111. To conclude on this issue, whilst there would inevitably be some slight adverse landscape and visual impacts at construction and year 1 of operation, the landscape effects would be neutralised by year 15, leaving some lasting slight adverse visual effects due to the presence of the new/intensified highway infrastructure and new street lighting. On balance Officers consider that the landscape and site specific character has been properly taken into account as required by Core Policy 13 and Policy DM5, including proposals for landscaping, and that the impacts, being neutral, would conserve local landscape character. There is therefore compliance with the policies, however the slight adverse visual impacts, including to nearby residents, should be noted and carried forward into the overall planning balance.

#### Agricultural land impacts/conservation of soil resources

112. A&DM Policy DM8 (Development in the open countryside) amongst other matters states that proposals resulting in the loss of the best and most versatile areas of agricultural land, will be required to demonstrate a sequential approach to site selection and demonstrate environmental or community benefits to outweigh the loss.
113. National Planning Policy seeks to protect and enhance the natural environment including valued landscapes, sites of biodiversity or geological value and soils in a manner commensurate with their statutory status or identified quality. The wider natural capital and ecosystem service benefits including the economic and other benefits of best and most versatile agricultural land should be recognised



(NPPF para 174). Best and most versatile agricultural land is defined as grades 1, 2 and 3a of the Agricultural Land Classification.

114. The proposals would result in the permanent loss of approximately 2.69ha of mainly Grade 3a BMV agricultural land (areas of Grade 2 and small areas of Grade 3b are also present) and would require the temporary removal of a further 1.82ha for construction purposes including for a compound. The land required is predominantly the arable field to the south-east of the existing junction through which the new link road would be constructed. Smaller areas would also be taken from land to the immediate west of the A614 to enable the construction of the new roundabout, and from land to the immediate north of Mickledale Lane for the new mini-roundabout.
115. As well as the direct and permanent loss of BMV land, it should also be noted that the alignment of the link road would divide the current field in two and leave a remnant area within the bounds of the A614, the link road and Mickledale Lane. Although land access would be created from the end of Mickledale Lane, the small size of this field may reduce or end its commercial viability for arable farming. The area of field left behind to the south, although larger, may also have a reduced value/usefulness. There is no available mitigation as such for the removal/loss of the BMV land although the Environmental Statement states that a soils resource plan would identify any re-use options for the surplus soil material, where possible. The ES concludes that the permanent loss of BMV land would be of moderate adverse significance.
116. The construction works also have potential to create damage to agricultural soils at the construction stage, including from the requirement for a temporary compound in the field to the south east. The ES highlights this possibility as a slight adverse residual effect. Additional mitigation would be in the form of a soil resources plan/a materials management plan and an earthworks strategy. The works will be carried out in accordance with the Defra “Code of Practice for the Sustainable Use of Soils on Construction Sites” and other standards. Measures would include soil handling and stockpiling techniques and dedicated construction traffic/plant routes. Topsoil and subsoil would first be stripped and stockpiled separately either for use in restoring temporary areas such as the compound, upon completion of the project, or to enable beneficial reuse elsewhere. A range of pollution prevention measures would also be applied to protect soils and nearby surface and ground waters. A condition governing the works for the temporary compound and requiring its restoration thereafter should be applied.
117. Overall the permanent loss of 2.69ha BMV agricultural land and the likely reduced usefulness of the two fields that would be left behind, along with a residual risk of reduced land quality following restoration of temporary work areas, carries negative weight into the planning balance. However in terms of compliance with policy, the location of the new junction is appropriate and upgrades at the existing junction were not found to be possible or effective. There would be similar impacts on agricultural land if the proposals were to be sited to the north of Mickledale Lane and therefore this is locationally/sequentially acceptable. It is also clear that the new junction would



deliver biodiversity gains from the associated landscape works and benefits in terms of improved access for the Bilsthorpe community. It is therefore considered that Policy DM8 is complied with on this matter, but in accordance with national policy the loss of BMV land needs to be recognised.

Residential amenity (including construction effects)

118. CS Core Policy 9 and A&DM Policy DM5 seek to ensure high standards of design. Policy DM5 amongst other matters lays out provisions in relation to local amenity. Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact. The layout of development and separation distances from neighbouring development should be sufficient to ensure against unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Proposals resulting in the loss of amenity space will require justification. CS Policy SP3 in relation to rural areas also states that new development should not have a detrimental impact on the amenity of local people, nor have an undue impact on local infrastructure.
119. In terms of construction effects, although details will not be fully known until a contractor is appointed, the Environmental Statement has been able to assess the likely worst-case level of effect based on typical road construction activities. At this stage the construction programme is anticipated to last for approximately 14 months. According to the ES there is potential for significant, *major adverse*, albeit temporary/transient, construction and road demolition noise effects at Labour in Vain Cottages (Nos 1-4), and the first two properties on Mickledale Lane (The Limes and Fairfield Bungalow). There could also be some moderate adverse vibration effects which could result in annoyance. Lesser effects could be felt further along Mickledale Lane. However for all receptors, most of the time the effects would be minor adverse or negligible as the major effects would only be for when and where works are taking place within 10m of the receptor and for the most part the proposed development – including the new roundabout and link road are well in excess of that distance, circa 100m. Furthermore a Construction Management Plan would be developed and the contractor would be expected to use Best Practical Means to control noise and vibration. Typical examples of such mitigation have been identified and could include, for example, the use of temporary acoustic screens. Measures to control dust (considered further below under air quality) and mud would also be covered.
120. Upon completion the ES finds that there would be negligible changes to the noise environment at the residential receptors, with the magnitude of the impacts varying from negligible adverse to negligible beneficial. However if background traffic levels increase over time there may be a negligible adverse impact. The positioning of the new roundabout clearly avoids what would otherwise be significant works and interventions at the current junction with its immediate residential and commercial properties. Access to/from the Limes Café would remain unchanged thereby ensuring impacts to this roadside business are minimised. The closure to motor traffic of the end of Mickledale Lane should have some benefit to the adjacent residents in terms of removing

turning traffic, including HGVs and farm traffic accessing Strawson's. This though is offset by the introduction of the new link road across the field to the east. This road would be in a slight incline/cutting up to the new A614 roundabout. As set out in the preceding section there would be no resulting unacceptable visual impacts to residential receptors, although new night time street lighting along the full length of the new link road would be noticeable. A gap in the current street lighting on Mickledale Lane would also be completed and this may result in some lighting outside of the 'The Limes' and 'Fairfield Bungalow'.

121. The inclusion of a new access to Strawson's directly off the link road could potentially allow the associated commercial traffic to cease the use of Mickledale Lane up to the current main entrance which is at the start of the residential area. Although it is not certain how the site/company would operate at this stage, and whether a new internal route for HGVs and farm traffic would be possible, if a switch to the new access can be achieved this would be supported as it would lessen impacts to the first three properties opposite on Mickledale Lane from turning HGVs and tractors. Restricting the current legitimate access through the planning system however would seem unreasonable and a condition to this effect is not advised. However this matter should still be highlighted by an informative note on any decision notice.
122. The 7.5t weight limit would remain in place on Mickledale Lane to preserve residential amenity. Given that Planning Officers have concerns that the scale and geometry of the new link road could be perceived to offer unrestricted through access for HGVs, it will be critical to ensure there is clear advance signage for the new A614 junction to prevent HGVs mistakenly turning off the main road. The applicant is alert to this and will draw up detailed signs for the project. It does not appear necessary to control this under planning condition in this instance.
123. Overall the positioning of the new junction avoids unacceptable adverse impacts to properties beside the existing junction or leading into the village and no noise or vibration objections have been raised. There would be an intensification of highway infrastructure in this area, particularly from the link road and continuous street lighting, however the A614 and the large commercial site at Strawson's Ltd provide context. The new route would be for local traffic and the weight limit would continue to prevent HGVs along Mickledale Lane except for legitimate local access- potentially still including Strawson's. Whilst the designs are necessarily functional for highway purposes, they do meet the objectives under the planning policy to protect local amenity. Landscape and visual effects are considered above and the significant new and enhanced landscaping would also help to tie the new scheme into the local area, again benefiting local character and amenity. Construction impacts are capable of being managed and mitigated subject to a construction management plan under planning condition.

#### Air Quality/Dust

124. The Environmental Statement considers that construction works have potential to generate adverse but temporary dust effects. There is higher risk of dust with this scheme owing to the scale of earthworks and new road construction proposed. Around 16 properties lie within 100m of the works boundary- those beside the A614 and along Mickledale Lane. An ecological receptor, Alder Carr Local Wildlife Site, is also within 100m but would be over 100m from dust generating works. The assessment recommends that best practice mitigation measures are employed as part of a CEMP and as a result no significant dust impacts are expected to any sensitive receptor.
125. At the completed operational stage, the air quality modelling that has been undertaken predicts a small decrease in NO<sub>2</sub> concentrations at Labour in Vain Cottages due to the closure of that end of Mickledale Lane to motor traffic. No receptors are predicted to experience an exceedance of the Air Quality Objectives and overall there would be no significant air quality effects at both construction and operational stages. Subject to securing construction management controls the proposals would not adversely impact on air quality and CS Policy DM10 is therefore satisfied.

### Ecological Impact

126. CS Core Policy 12 sets out to conserve and enhance biodiversity and geodiversity. Development proposals need to give particular regard to sites of international, national and local significance, ancient woodlands, and species and habitats of principle importance. The policy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and geological diversity and to increase provision of, and access to, green infrastructure.
127. Following on, A&DM Policy DM5 (Design) amongst other matters states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Wherever possible, this should be through integration and connectivity of the Green Infrastructure to deliver multi-functional benefits. Where it is apparent that a site may provide a habitat for protected species, development proposals should be supported by an up-to date ecological assessment. Significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures), provided where significant impacts cannot be avoided.
128. Policy DM7 (Biodiversity and Green Infrastructure), whilst repeating much of the above, sets out further detail of how impacts are to be assessed against international, national and locally designated sites. Development proposals on sites of regional or local importance, or sites supporting priority habitats or contributing to ecological networks, or sites supporting priority species, will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site.
129. National planning policy states that transport issues should be considered from the earliest stages so that the environmental impacts of traffic and transport

infrastructure can be identified, assessed and taken into account, including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains (NPPF para 104d). Para 174 also states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks.

130. The application is informed by various surveys including an extended phase 1 habitat survey with species specific surveys as required. No issue is raised as to their adequacy or completeness.
131. One Local Wildlife Site (LWS) is in close proximity – Alder Carr LWS – an open wet woodland area through which Rainworth Water passes and which is approximately 25m to the south-west of the application boundary. There would be no direct or physical impact on this site. The applicant similarly considers that there would be no adverse indirect impacts, subject to applying best construction practice in terms of dust control and pollution prevention. Clipstone Forest LWS together with Rainworth Water LWS lie approximately 800m to the west which also marks the start of a possible, potential future Special Protection Area for the Sherwood Forest Area. This is considered further in this section.
132. The creation of the new roundabout and link road would require the removal of 830m of hedgerows (species poor and of local value) as well as 0.8ha of neutral grassland (verges). A small loss of the plantation woodland screen to Strawson's would also be felled to provide a new access. These are of local or county importance for biodiversity. Hedgerows provide commuting routes for bats, but these are not optimal at the roadside, particular where lit, and no suitable roosting sites were found within the vicinity of the site. The verges also provide suitable habitat for common lizard and several were encountered when a specific survey for this species was undertaken.
133. The landscaping plans seek to replace and better the above losses of habitats with the creation of 1.39ha of neutral grassland including wet wildflower and meadow grassland, 1,189m of new species rich hedgerow (and occasional trees) (a gain of 359m), the replacement of trees, replacement of a wet ditch, and creation of new shallow swales. It will take some years for the different plantings and seeded areas to mature and reach good condition and therefore some temporary/short term slight adverse impacts are acknowledged.
134. Using the Biodiversity Net Gain Calculator the applicant states that there would be an overall net gain on site of some 39.96% for habitats, 99.38% for hedgerows and 61.80% for river, which is clearly welcomed, aligns with the thrust of national planning policy and should be afforded moderate positive weight in the overall planning balance.
135. Whilst there would be extensive new street lighting to the new link road and roundabouts, the lighting design has been designed to minimise impacts to bats with LED lanterns fitted with rear shielding. The indirect impact of this artificial lighting on bats is predicted to be negligible.

136. The use of a partly sunken gabion stone basket structure along the western side of the new link road will provide a south-north corridor suitable for the common lizard which were recorded on site. A lizard tunnel is also proposed under the closed off section of Mickledale Lane to continue this connectivity.
137. No objection is raised by NCC Nature Conservation subject to the developer following various recommendations to avoid and mitigate harmful impacts to protected species and the water environment as part of a Construction Environmental Management Plan (CEMP) which should be a planning condition requirement. This will need to include a method statement for common lizard to ensure their survival during the construction stage as well as details of the lizard tunnel, although this tunnel may not be necessary.
138. It is noted that a Shadow Habitats Regulations Assessment has been completed to consider any impacts to the ppSPA. This screens out any Likely Significant Effects (alone and in combination) for this potential future designated area, a finding which is noted by NCC Nature Conservation. This is accepted and is not disputed, including by Natural England.
139. In order to secure the anticipated biodiversity enhancements a biodiversity net gain plan should be required alongside the final landscaping proposals. NCC Nature Conservation requests that this is managed for 30 years. The new landscaping would have to be routinely maintained in any event, but this would ensure that biodiversity informs the approach.
140. Overall the location and design of the new junction and link road demonstrates minimisation of adverse impacts to notable habitats or protected species and avoidance of effects to designated wildlife sites. The temporary loss of hedgerows, some in very poor condition, along with verge areas would be outweighed by the extensive new landscaping around the new roundabout and along the link road, resulting in an overall net gain/enhancement for biodiversity. The proposals are therefore considered to be beneficial for the natural environment and this should be recognised in the planning balance. Subject to the CEMP and landscaping conditions the proposals comply with Core Policy 12, Policy DM5 and Policy DM7.

#### Contamination/ground pollution

141. CS Policy DM10 governs the potential for pollution from developments to affect public health, the environment and general amenity. Where a site is known, or highly likely to have been contaminated, investigation of this is required, starting with a conceptual site model. A site investigation to confirm the model should then be undertaken and dependent upon the findings, a remediation/mitigation plan with subsequent validation should then be agreed. Any impact should be balanced against the economic and wider social need for the development. Harmful development which cannot be made acceptable through mitigation will be resisted including those which present an unacceptable risk to a Groundwater Source Protection Zone. A&DM Policy DM5 (Design) includes a criterion to take into account ground conditions resulting from historic mining, which includes the application site/area.



142. Para 183 of the NPPF states that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Adequate site investigation information, prepared by a competent person, should be provided to inform these assessments.
143. The application contains an appropriate level of background assessment work to inform the design and to quantify the risk of contamination or unstable ground conditions. A Phase 1 geo-environmental desk study gathered information from historical mapping and environmental data searches and a site walkover survey was also undertaken. There is also a thorough review of the water environment as in particular the groundwater is considered very sensitive to pollution at this location.
144. This background work has been reviewed on behalf of the County Planning Authority by Via East Midlands -see Via Reclamation comments above- and confirmed as acceptable at this stage. Intrusive surveys can follow prior to construction and it is recommended that these be required under planning condition along with proposals for any decontamination that may be required, followed finally by a validation report upon completion of the project.
145. There are additional pollution pathway risks to the Principal Aquifer and associated Source Protection Zones. A SPZ 1 associated with public water abstraction is in close proximity to the west of the site on Inkersall Lane. Its outer protection Zone SPZ2 extends into the application site. Construction works risk polluting the aquifer if mitigation measures are not taken. This could include fuel spillages or mobilisation of contaminated materials. Additional supplementary ground investigations are proposed and with risk assessments and mitigation (such as aquifer protection measures) put in place, the residual effect would not be significant. The construction management plan would also contain measures to prevent accidental pollution, run off or spillages into the environment. This will also ensure that waste is managed appropriately, for example by ensuring soils that are reused are validated as being suitable and clean. The plan would also ensure other emissions of dust, mud and noise are controlled as far as possible during the construction works. The CEMP is also to be required by planning condition.
146. Therefore whilst there are risks that need to be managed, the issues present are not unusual for a highways scheme of this nature and there is confidence that these matters can be addressed at the next stages of the design and development and with the oversight of the CPA through the imposition of conditions. Consequently it can be stated that the proposals are compliant with the above local and national planning policies.

#### Flood Risk and Surface Water Drainage

147. CS Core Policies 9 (Sustainable Design), 10 (Climate Change) and A&DM policy DM5 (Design) together expect development to be located following the sequential approach to flood risk in line with national planning policy and for development to proactively manage surface water, including where feasible, the



use of sustainable drainage solutions in order to address run off and flood risk to neighbouring areas or to the existing drainage regime. Development should also be resilient to the future effects of climate change.

148. The proposals in this case are all entirely within Flood Zone 1, at low risk of fluvial flooding and at low risk of other forms of flooding. A detailed Flood Risk Assessment has been included.
149. Drainage proposals submitted with the application take account of the increased area of impermeable surfacing from the new A614 roundabout and link road. The scheme has been designed to ensure there would be no increase in runoff from the site, including from the effects of climate change and therefore no increased risk of flooding by all means. Natural infiltration of surface waters is generally considered the most sustainable drainage option, but this has been discounted partly due to geology, despite this area generally having good soil/ground permeability. However the highway drainage scheme would connect partly back into the existing roadside drains, which provides a degree of sustainable infiltration, and partly connected back into the Severn Trent sewer network. Two underground attenuation tanks near to Mickledale Lane would be installed and would limit the discharge into the sewer network to 5 litres per second and provide a betterment to the existing situation as the highway surface at the western end of Mickledale Lane would be lifted as part of its closure to vehicular traffic. Surface water from the A614 would continue to be discharged into a realigned roadside ditch and from there to Rainworth water, circa 100m south but there would be no change in the flooding potential for Rainworth Water. NCC Flood Risk raises no objection and makes no further recommendations in this case.
150. In terms of pollution runoff, the ES has extensively considered risks to all aspects of the water environment. There is potential for fuel, or chemical spills and sediment discharge during the construction phases, with potential to reach local watercourses, such as Rainworth Water, or to groundwaters, noting here that these are sensitive, but standard mitigation measures have been identified and these can be developed further and secured through the CEMP under planning condition.
151. Routine runoff from the operational highway can include pollutants such as heavy metals, fuel/oil spillages, including from serious accidents, and from winter salt de-icing. The Highways England Water Risk Assessment Tool (HEWRAT) has been used to assess the impact/risk to receiving waters and their ecology and what treatment measures are required to mitigate this risk. The proposed drainage system passes this risk assessment, with the exception of ambient copper which is already at a high level in Rainworth Water and for which there could be a very small increase. There are not expected to be any significant effects on water quality, both surface and groundwaters, during operation. The roadside ditches provide a degree of 'treatment' trapping soluble metals and sediments before the water reaches Rainworth Water. A slight adverse categorisation is concluded in the Environmental Statement with respect to effects to water quality/run-off to Rainworth Water.

152. Overall the proposal is at low risk of flooding and has been designed such that the new highways areas would not increase such flood risks. The drainage system would manage surface water run-off neutrally and in part using sustainable means. Climate change has been taken into account. Therefore the requirements of Core Policies 9 (Sustainable Design), 10 (Climate Change) and DM5 (Design) have been met on this matter.

#### Heritage and Archaeology

153. CS Core Policy 14 and A&DM Policy DM9 seeks to ensure the continued conservation and enhancement of the character, appearance and setting of heritage assets and the historic environment, in line with their identified significance, following national policy. As there are no designated heritage assets (e.g. listed buildings) within the influence of the proposed development, the parts of policy in relation to this are not set out here. Where a non-designated heritage asset, including archaeology, is affected directly or indirectly, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
154. The two non-designated heritage assets affected are Featherstone House Farm, located within the wider Strawson's complex to the east, and Labour in Vain Cottage, located further to the east on Mickledale Lane (and not to be confused with Labour in Vain Cottages on the A614). Temporary construction impacts are possible, but the applicant states this would be slight. The new link road would affect part of the agricultural setting to the farmhouse, and bring traffic and associated noise closer. However, this is already compromised by the large modern barn complex which screen views of the proposed works and the farmhouse will continue to be dominated by that immediate setting within the Strawson's complex. At over 250m away, Labour in Vain cottage may also, just, experience a slight adverse effect from the new link road. No objection is raised by NCC Built Heritage on these findings.
155. There is no known archaeology likely to be affected but there is potential for previously unrecorded archaeological remains to survive, particularly in agricultural fields to the east and west of the A614. Features may include remains of the historic road from Bilsthorpe to Inkersall. The applicant's assessment is such remains are likely to be of low heritage value (although this cannot be determined until if and when such features are encountered) resulting in a slight adverse effect if these were to be removed as a result of construction works. NCC Archaeology is content that this matter can be dealt with through a written scheme of investigation, which should be required by a planning condition. This is reasonable and should be required prior to commencement of works.
156. Slight adverse effects have therefore been predicted to the above non-designated heritage assets and potential archaeology which when weighed against the benefits of the proposed new junction, to the wider local community, are considered to be easily justified. The proposals therefore fully accord with Core Policy 14 and Policy DM9, following national planning policy.

157. CS Core Policy 10 sets out to tackle the causes of climate change and to reduce the district's carbon footprint. Part of the policy seeks to ensure that development proposals minimise their potential environmental impacts during their construction and eventual operation, including by minimising impacts to natural resources, encouraging renewable resources and efficiencies in the consumption of energy, water etc. This policy is also concerned with flooding and surface water drainage which is considered elsewhere in the report. Core Policy 9 (Sustainable Design) amongst other matters seeks to ensure development will be resilient in the long-term, taking into account the potential impacts of climate change. The production of waste should be minimised and re-use and recycling maximised.
158. Para 152 of the NPPF states that "the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk.... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure." Mitigating and adapting to climate change also forms part of the environmental objective that needs to be pursued alongside economic and social objectives that together form the basis of sustainable development for the purposes of the NPPF.
159. NCC and NSDC have both formally declared a climate emergency. The UK as a whole is subject to the Climate Change Act 2008, as amended in 2019, to reduce carbon emissions to 'net-zero' by 2050. A system of 5-year carbon budgets provides a trajectory of reducing greenhouse gas emissions (GHG) towards that target. Under the terms of the Paris Climate Agreement, the UK has committed to at least a 68% reduction in GHG emissions by 2030, compared to 1990 levels. Strategies to achieve decarbonisation have been published by the UK Government including the Net Zero Strategy and the Transport Decarbonisation Plan. Starting with the ending of sales for new petrol and diesel cars and vans from 2030 this is expected to ultimately remove all road emissions at the 'tailpipe'.
160. The Environmental Statement accompanying the proposal has assessed lifecycle GHG emissions from construction works but does not assess operational stage emissions from any changes in traffic conditions. This is because the associated Transport Assessment concludes that the scheme would result in very limited traffic re-routing and would itself not lead to significant traffic growth. Routine maintenance is also not considered further because this is not expected to be dissimilar to the current baseline. The assessment recognises the high sensitivity of the climate to GHG emissions in the context of the Paris Agreement and more recent Intergovernmental Panel on Climate Change reports highlighting the importance of limiting global warming below 1.5°C.

161. GHG emissions have been estimated as totalling 2077 tCO<sup>2</sup> for the Bilsthorpe scheme with over half attributed to the transport of materials. This is easily the largest carbon emission contribution from across the wider A614/A6097 scheme, reflecting the amount of new highway to be created. The Bilsthorpe scheme would amount to a contribution of 0.0001% to the 4th UK Carbon Budget (2023-2027).
162. The assessment considers that a range of mitigation measures that would be implemented by the contractor. These include developing a plan to reduce energy consumption and carbon emissions, for example potentially using renewable and/or low or zero carbon energy sources; the use of sub-contractors with low emission fleet vehicles; where practicable the use of sustainably sourced materials (those with lower embodied GHG emissions and/or secondary or recycled aggregates); and waste management measures to reduce waste and reuse materials wherever feasible (e.g. soils) and recycle that which is left (e.g. concrete taken to be crushed off site). These would be delivered through the various construction management plans and materials/waste management plans. The use of LED street lighting is also expected to be installed.
163. It is considered that it has been demonstrated that the efficient use of natural resources and measures to manage waste would be enacted and it is recommended that the CEMP be required by planning condition.
164. Whilst all emissions are considered to be capable of being significant due to their combined environmental effect in the atmosphere, the estimated GHG emissions are categorised as being of low magnitude and unavoidable if the scheme is to progress. The ES concludes that this would be a minor adverse (not significant) effect. This is accepted, and there is no policy which appears to direct that these emissions (which have been mitigated to some degree) should be used to withhold planning permission.
165. Whilst the indirect emissions from operational traffic have not been counted, due to the findings that traffic growth would not be significant, even if this was to turn out differently with traffic growth and additional journeys prevailing along the road corridor or on local links, the UK motor vehicle 'fleet' of vehicles will progressively decarbonise- starting with hybrid and ELVs (cars and vans) and eventually with alternatives for commercial/heavy vehicles. With the current momentum in this area, there is a good prospect of decarbonising the 'tailpipe' emissions from the fleet, which will still however leave embedded emissions from manufacturing.
166. Whilst the need for the proposal stems from arguably unsustainable vehicular traffic, provision would be maintained for non-motorised users and local bus services would find it easier to join the A614 via the new junction. Planning policy and NCC initiatives promotes sustainable transport and travel, which is particularly viable for local journeys. The proposals at this junction however do not add capacity as such and are primarily designed to improve access and egress to the village from the A614/A6097 corridor which serves a broader role with long distance traffic, including freight, tourism and diverted traffic from the

Strategic Road Network. Therefore the need for a new junction goes hand in hand with other measures that might be brought forward to develop sustainable travel options more locally.

167. The applicant's Environmental Statement also considers how the scheme would face the climatic changes in the short and longer terms, including precipitation and temperature changes and increased severity and frequency of storm events and heatwaves. This could lead to flood damage (e.g. to surfaces or to electrical equipment), failure of landscape planting or danger to construction workers. The assessment however assumes the scheme would be designed and built to required standards (it has been designed to accommodate a 1 in 100-year flood event with a +40 % climate change allowance and landscaping proposals also include drought, and extreme weather-tolerant species) and concludes there would be no significant impacts and minor adverse at worst. It is accepted that measures have been designed in to ensure the enlarged junction would be resilient to the longer-term changes to the climate.
168. Overall Officers recognise there would be unavoidable carbon emissions if the proposed development was to progress through to construction, but any future growth in traffic generated emissions is less certain. The applicant's ES predicts no significant traffic growth, but removing congestion 'hot spots' and improving junctions can in practice induce additional trips as well as redistributing journeys to take advantage of the improved journey conditions. There is however no realistic alternative package of public transport and sustainable travel interventions that could completely replace the need for the new/replacement junction.
169. In conclusion, the scheme would not be entirely carbon neutral but the emissions contribution is expected to be minor and this should be considered in the wider planning balance. However for the purposes of planning policy, it is considered that the objectives and terms of CS Core Policies 9 and 10 and national planning policy are and can be met.

#### Cumulative and combined effects

170. The applicant's Environmental Statement includes a specific part in relation to possible combined effects (for example construction noise, vibration and dust) and cumulative effects between/across the six junction projects which make up the A614/A6097 major project and also with any other local development proposals which may interact.
171. There is acknowledgment that there could be significant impacts from construction noise combining with vibration and dust which is unsurprising, but very much taking a worst case assumption which can be avoided through best construction practice. During operation, no significant combined effects are anticipated, largely due to the geographic separation between the junctions or other proposals and the conclusions on their individual environmental effects being limited. The loss of 3.47ha of agricultural land (including BMV) from across the wider project is given/noted as a moderate adverse categorisation, with the majority of this being at the Bilsthorpe site. Whilst it has been

necessary to assesses such combined and cumulative effects, ultimately this/each application needs to be individually and separately determined and there does not appear to be cumulative or combined concerns of any significance.

### **Other Options Considered**

172. As part of developing options the applicant and their consultants first considered upgrading of the existing junction with additional lanes and traffic signals, or a roundabout. It has subsequently been decided to create a new junction and link road to the south where land is available and which avoids unacceptable impacts to the Limes Café and the cottages.
173. The County Council is under a duty to consider the planning application that has been submitted and as amended during the course of its consideration.

### **Statutory and Policy Implications**

174. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

#### Crime and Disorder Implications

175. The new junction and link road is not expected to create new opportunities for crime and disorder. The new link road and its footway would be lit throughout. A gap in the street lighting on Mickledale Lane would also be completed thus ensuring continuous lighting going into the village.

#### Data Protection and Information Governance

176. Given that no representations have been received from the public, it is considered that no data protection issues have been raised.

#### Financial Implications

177. There are no direct financial implications arising from the consideration of this planning application and the recommendation made. The implications for financing and proceeding with the development are for Cabinet to consider in due course. It can however be noted that the wider A614/A6097 junctions project has £24.4m of provisionally allocated funding from the Department for Transport towards total scheme costs of £28.635m.



### Human Rights Implications

178. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to proximity of several residential properties. The proposals have the potential to introduce impacts such as noise (largely at the construction stage) and increased street lighting to nearby residents. Construction impacts can be mitigated through a construction management plan and would be temporary. The residual impacts may be slightly adverse and which need to be balanced against the wider benefits the proposals would provide in terms of improved access for Bilsthorpe. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

### Public Sector Equality Duty Implications

179. The proposals relate to the existing and proposed new public highway which will generally be accessible to all (within the bounds of the Road Traffic Acts). The proposed works include maintaining pedestrian and non-motorised user access along Mickledale Lane to the cottages and to the crossing by the Limes Café, which then affords access down Inkersall Lane and the bridleway network. The new link road also includes new footways.

### Implications for Service Users

180. Users of the County Highways network would benefit from improved ease of access for Bilsthorpe village, particularly upon leaving to join the A614. This is balanced against the A614 traffic needing to negotiate a new roundabout and also that the new access would not serve HGVs needing to access the village industrial estates, apart from any accessing Strawson's Ltd, due to the retention of the current weight limit. There appears to be limited benefits for non-motorised users, notwithstanding new footways along the access road, however existing connectivity for these users up to the A614 and the uncontrolled island crossing by the Limes Café would be retained.

### Implications for Sustainability and the Environment

181. These have been considered in the Observations section above, including all the environmental information contained within the Environmental Statement submitted with the application and the advice of consultees.
182. The proposals in this case have been found to not significantly or notably affect the local environment, including water, air, landscape, and ecology, subject to following best construction practice and ensuring a successful landscaping scheme which will in time deliver a net gain for ecology. The contribution of climate change inducing emissions from construction activities has also been

taken into account. The proposals however do negatively affect Best and Most Versatile soils and whilst a plan can be developed to reuse these soils elsewhere, the permanent loss of the in situ soils as arable farmland cannot be fully mitigated.

183. There are no human resources or Children/Adults at risk implications.

### **Conclusion and planning balance**

184. The proposals seek to create improved access to/from the A614 for the village of Bilsthorpe, replacing the existing junction at Mickledale Lane with a new roundabout and link road to the south and east of the junction. It forms part of the wider proposals to improve the A614 as part of the Major Road Network.
185. Improvements to this junction are identified as a necessary strategic infrastructure project in the Newark and Sherwood Core Strategy (Spatial Policy 6 and the Infrastructure Delivery Plan), needed to ensure the delivery of the Local Plan, including its regeneration objectives in this area (Spatial Policies 1, 2 and 3) and to support new housebuilding currently taking place in the village.
186. The application is supported by a comprehensive Environmental Statement based upon a prior Scoping Opinion. Other than construction impacts and the loss of some BMV agricultural land, no significant permanent effects are anticipated to matters including to ecology, landscape and views, noise/vibration, air quality, flooding/drainage, geology and water resources, local heritage, or to the climate. No significant cumulative or combined effects have been found. There have been no objections from the community or from consultees, though some concern has been raised by Via Countryside Access. Pre-application community consultation has also been carried out.
187. Officers consider that the benefits of the proposal for the local community and rural economy, and its consistency with the Local Plan, should afford a high degree of supportive weight in the decision. In addition the proposal would provide an enhancement/net gain for biodiversity on site of some 39.96% for habitats, 99.38% for hedgerows and 61.80% for river which is a moderate additional benefit. Effects to the local landscape are considered neutral with some beneficial new hedgerow planting, but also an intensification of highway infrastructure, particularly through the new link road and from additional street lighting.
188. Temporary effects from construction including noise/vibration, dust, potential pollution, landscape and visual disruptions are all considered to be controllable to acceptable levels including through the use of a construction management plan secured by planning condition. Such disruption should afford a slight degree of adverse weight in the planning balance rather than the significant and moderate adverse effect findings in the context of the applicant's assessment. GHG emissions stemming from construction are also considered slight.
189. The permanent loss of BMV agricultural land from the construction of the new link road and roundabout, along with the splitting of the field into smaller,

potentially less useful agricultural fields, is considered to attract moderate negative weight in the planning balance. Other impacts including to local amenity are considered neutral or slight adverse in the case of increased night time street lighting. There would be limited benefits for non-motorised users from this scheme, but the existing route for these users would be maintained up to the crossing by the Limes Café, although surface detail needs to be finalised. There would also be no benefit to HGV operators/businesses except for Strawson's Ltd, as a weight limit on Mickledale Lane would remain in force, thereby requiring other HGVs to continue to use the Deerdale Lane/Eakring Road junction to the north. However, the proposal remains acceptable and would be beneficial to all other traffic. Post completion monitoring would be undertaken by the Highways Authority.

190. Overall Officers consider that the proposals are sustainable and can be clearly supported subject to planning conditions and that it complies with local and national planning policy and in particular CS Policies SP1, SP2, SP3, SP6, SP7, Core Policies 9, 10, 12, 13, 14 and A&DM policies DM5, DM7, DM8, DM9, and DM10 of the Newark and Sherwood Local Plan, comprising the Amended Core Strategy and the Allocations and Development Management Policies Document. In this situation the NPPF directs that planning permission should be granted without delay.

### **Statement of Positive and Proactive Engagement**

191. In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions and the scoping of the application. The proposals and the content of the Environmental Statement have been assessed against relevant Development Plan policies, the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The County Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; liaised to resolve issues and progressed towards a timely determination of the application. The applicant has been given advance sight of the recommended planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **RECOMMENDATIONS**

192. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

**DEREK HIGTON**

## **Service Director- Place and Communities**

### **Constitutional Comments [JL 15/09/22]**

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

### **Financial Comments**

To be orally reported

### **Background Papers Available for Inspection**

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at:  
[www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=ES/4409](http://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=ES/4409)

### **Electoral Divisions and Members Affected**

Muskham & Farnsfield	Councillor Bruce Laughton
Sherwood Forest	Councillor Scott Carlton

Report Author/Case Officer  
Joel Marshall  
0115 9932578

For any enquiries about this report, please contact the report author.

## RECOMMENDED PLANNING CONDITIONS

### Commencement and notification

1. The development hereby permitted shall be begun within 5 years from the date of this permission.

*Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990 and to allow sufficient time for the development to be delivered alongside the other junction improvements along the A614/A6097 corridor.*

2. The County Planning Authority (CPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

*Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.*

### Approved Plans

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application (as amended), documents and recommendations of reports, and the following plans:

- (a) Dwg 20949/LLO/M003/00003 P12 - General Arrangement & Red Line Boundary for Planning, received by the CPA on 04/08/2022 (but subject to condition below)
- (b) Dwg 20949/GEN/M003/00006 P01 - General Arrangement for Planning received by the CPA on 04/08/2022 (subject to condition below)
- (c) Dwg 20949/GEN/M003/00006 P02 -General Arrangement for Planning (showing cross sections and existing background) received by the CPA on 04/08/2022 (subject to condition below)
- (d) Dwg 20249/ELS/M003/00004 – A - Landscape Design Proposals Overview received by the CPA on 28/02/2022 (subject to condition below)
- (e) Dwg 20949/GEN/M003/00007 – Landscape Design Proposals Typical Cross Sections received by the CPA on 28/02/2022



- (f) Dwg 20249/ELS/M003/00001 – Vegetation Clearance Overview received by the CPA on 28/02/2022 (subject to condition below)
- (g) Dwg 20949/HDG/M003/SK/00001 - P03 – Proposed Drainage received by the CPA on 28/02/2022
- (h) Dwg 20949/HDG/M003/SK/00002 – P03 – Proposed Drainage Catchment Areas received by the CPA on 28/02/2022
- (i) Dwg 20949/HLG/M003/P-LUX/01 – Street Lighting Lux Contour Levels received by the CPA on 28/02/2022
- (j) Dwg 20949/LLO/M003/00004 – P05 – Land Affected Pink and Blue Areas received by the CPA on 28/02/2022

*Reason: For the avoidance of doubt as to the development that is permitted.*

### **Archaeology**

- 4. No development hereby permitted shall take place until an archaeological Written Scheme of Investigation has been submitted to and approved in writing by the CPA. The scheme shall include a mitigation strategy with arrangements for recording and reporting any finds, and/or the preservation of remains in situ, (including timetables for works and using competent persons), and for the subsequent analysis and publication of the findings, with a copy of the final report submitted to the CPA for its written approval within six months of the work, or to a timetable as otherwise agreed in writing with the CPA. The development, along with all archaeological site work, shall be implemented in full accordance with the approved scheme.

*Reason: Details are required to be submitted prior to the commencement of the development to provide an appropriate scheme of archaeological mitigation and so to advance the understanding of the significance of any heritage assets to be lost as part of the development in accordance with the National Planning Policy Framework.*

### **Noise survey**

- 5. Prior to the commencement of construction, a baseline noise survey shall be undertaken and submitted to the CPA for its approval in writing to record the pre-existing noise levels at a range of nearby noise sensitive receptors previously agreed in writing with the CPA. It is recommended that baseline noise surveys are undertaken as close as possible to the commencement of the construction phase to ensure as near 'normal' post pandemic pre-existing baseline noise levels are recorded.

*Reason: Details are required to be submitted prior to the commencement of the development to inform the management of construction works and to validate the noise assessment work.*

## **Ground investigations**

6. No development approved by this planning permission shall be commenced until:
- (a) a site investigation and risk assessment recommended in the submitted Phase 1 – Geo-Environmental Desk Top Study has been completed and approved in writing by the CPA.
  - (b) If contamination is identified by the site investigation and risk assessment submitted under (a), a Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters and on the proposed land use, using the information obtained from the site investigation, shall be submitted to the CPA and approved in writing by the CPA prior to that remediation being carried out on the site.

Prior to commencement of the main site works, the approved remediation works shall be completed in accordance with the Method Statement approved in compliance with (b) to the satisfaction of the CPA.

Prior to the development hereby approved first being brought into use:

A validation report including evidence of post remediation sampling and monitoring results, to demonstrate that the required remediation approved under (b) has been fully met shall be submitted to and approved in writing by the CPA;

*Reason: Further site investigation is required prior to the commencement of the development to ensure that the site is suitable for use and to ensure that the development does not pose an unacceptable risk to human health and the local environment.*

7. Prior to the commencement of development, a watching brief to deal with contamination which may be encountered shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details. If during construction, contamination not previously identified is found to be present, no further works shall be carried out in the area identified, unless first agreed in writing by the CPA, until a remediation strategy to deal with the identified contamination (including validation that contamination has been satisfactorily remediated) has been submitted to and approved in writing by the CPA. Works shall be carried out in accordance with the approved details.

*Reason: Details are required to be submitted prior to the commencement of development to provide an appropriate methodology that will ensure*

*that risks of site contamination are properly identified and addressed.*

8. The CPA shall be notified in writing within 7 days of the date of the completion of the development. Within two months of the completion of development, a validation report to confirm an absence of contaminants notified to the CPA in compliance with Condition 7 shall be submitted to and approved in writing by the CPA.

*Reason: To ensure that the site is left in a satisfactory condition and does not pose a risk to human health and the environment.*

## **Construction Management**

9. No part of the development hereby permitted shall commence until a Construction and Environment Management Plan (CEMP) has first been submitted to and has been approved in writing by the CPA. The CEMP shall specify details of the following:

An ecology component comprising:

- (a) The implementation of the recommendations as set out in section 8.6 of the Environmental Statement;
- (b) Measures, including fencing, to clearly demark the boundary of works and to prevent accidental ingress into habitats/designated sites;
- (c) Good practice construction methods including advising all workers of the potential for protected species (and if protected species are found, work should cease until a suitable qualified ecologist has been consulted) and measures to protect any mammals which may stray into working areas, including the use of ramps in any deep excavations and capping off of pipes over 200mm in diameter;
- (d) Measures to protect existing trees and hedges;
- (e) Work impacting on vegetation used by nesting birds should avoid the active bird nesting season (March to August inclusive), but if this is not possible details of how the impacted area would first be searched by a suitably competent person and any follow up measures shall be set out;
- (f) The undertaking of an updated ecological survey if works have not commenced by April 2023 and every subsequent 2 years if works have not commenced.

A local amenity component comprising:

- (g) details of lorry routeing for construction traffic;
- (h) segregation of pedestrian and vehicular movements on the site;

- (i) measures of Best Practicable Means to control noise and vibration, (including the use of localised temporary screening as may be necessary for the protection of nearby properties), and the procedure to be followed in the event of a complaint;
- (j) An outline strategy for communication and liaison with the public and local Parish Councils;
- (k) details of the proposed construction working hours including any necessary night time working requirements (which should generally be minimised), along with any additional mitigation measures to be employed;
- (l) dust mitigation measures to be put in place during the construction works;
- (m) details of mitigation measures to protect nearby properties from glare and obtrusive light from any lighting required during the construction works.

A pollution prevention component with:

- (n) pollution control measures to prevent mud or contaminated materials from being tracked, spilled or blown off-site;
- (o) aquifer protection measures during the construction work, if required;
- (p) temporary surface water management measures;
- (q) measures to securely store fuels, oils, chemicals or other hazardous materials and the means to remediate any spills.

A soils, materials and waste management component with:

- (r) the segregation of waste materials into different streams for recycling or disposal. This should include measures to handle potentially contaminated arisings and groundwater;
- (s) A soil management strategy to minimise impacts on agricultural soils and to preserve soil quality, through its handling and storage and to identify reuse opportunities for surplus soils putting them to best use reflective of their identified quality.

All construction shall be undertaken in accordance with the approved details.

*Reason: Details are required to be submitted prior to the commencement of the development in the interests of mitigating the effects of construction upon the local environment, local amenity, agricultural soils, and for reasons of highway safety.*

## **Compound and storage areas**

10. No development approved by this planning permission shall be commenced until the details for contractors' compounds, storage areas and access routes has first be submitted to the CPA for its written approval. Details shall include;
- (a) the size and location of the works compound(s);
  - (b) the layout and positioning of any temporary buildings/cabins, soil stores, (including heights), and any external lighting;
  - (c) the location(s) and means of access;
  - (d) provision for contractors' parking;
  - (e) temporary means of enclosure of the site operational boundaries or site screening as may be required,
  - (f) measures to protect any hedgerows and trees with provision for root protection areas and stand-offs and/or fencing, or details of any required removal works;
  - (g) surface water drainage and containment measures;
  - (h) temporary soil storage arrangements detailing how/where soils would first be stripped and stockpiled for the future reinstatement of the site (no such soils shall be permitted to leave the project site, unless otherwise approved);
  - (i) outline proposals for the full reinstatement of the areas affected on completion of the development shall be provided, including timescales, soil reinstatement, details of any replanting or reseeding, and aftercare steps.

The development shall be carried out in accordance with the approved details. On completion of the construction operations hereby permitted the compound and storage sites, including all buildings, plant, equipment, fences, and hard surfaced areas, shall be removed from the site and the land reinstated to its previous condition in accordance with the final details and timescales which shall be submitted for the prior written approval of the CPA.

*Reason: Details are required to be submitted prior to the commencement of the development in the interests of mitigating the effects of construction upon the local environment, local amenity and for reasons of highway safety.*

#### **Details requiring further approval**

11. Notwithstanding that illustrated on drawing number 20949/GEN/M003/00006 Revision P02, details of the surfacing of the section of Mickledale Lane to be closed to motorised traffic and its gating shall be first submitted to and approved in writing by the CPA. Works shall thereafter take place in accordance with the approved details.

*Reason: In the interests of maintaining suitable access for non-motorised users up to the crossing at the A614.*

## **Drainage**

12. The surface water drainage scheme shall be completed in accordance with the details on dwgs 20949/HDG/M003/SK/00001 P03 and 20949/HDG/M003/SK/00002 P03 (condition 3 above) and in accordance with the submitted Flood Risk Assessment (Aecom Feb 2022). Waters shall be discharged at no greater than 5 litres per second.

*Reason: To provide appropriate surface water management which is sustainable and which does not increase the risk of flooding to the highway or property.*

## **Highways**

13. Prior to the approved development commencing a study area and proposed methodology for pre and post construction traffic counts shall be submitted to and approved in writing by the CPA. The pre-occupation surveys shall be carried out in accordance with the agreed methodology.

*Reason: Details are required to be submitted prior to the commencement of the development to assist with monitoring changes in traffic in order to identify and address any potential unacceptable or severe impacts on the adjacent local road network.*

14. Within 18 months of the works having been substantially completed, a report detailing the results of the pre and post construction traffic surveys (carried out in accordance with the methodology approved in compliance with Condition 13) identifying any impacts caused by any increases in traffic, and if applicable, measures to address any severe impacts shall be submitted to and approved in writing by the CPA.

Any measures identified shall be carried out in accordance with a timetable to be first submitted and agreed in writing by the CPA.

*Reason: To assist with monitoring changes in traffic in order to identify and address any potential unacceptable or severe impacts on the adjacent local road network.*

## **Landscaping and biodiversity**

15. Notwithstanding the details shown within the submitted landscaping and vegetation clearance drawings (20249/ELS/M003/00004–A, 20949/GEN/M003/00007 and 20249/ELS/M003/00001), no works or development shall take place until full and final details of the landscaping and



planting scheme along with details of all vegetation clearance have been submitted to the CPA for its prior written approval. The scheme shall include:

- (a) full details of all trees, hedges and shrubs to be retained and the measures for their protection during the course of development such as providing root protection zones or stand offs within which no storage of materials or vehicle movements shall take place;
- (b) final details of all trees, shrubs, hedges and grassed areas to be removed;
- (c) planting and seeding proposals showing numbers, species, seed mixes, density of planting/seeding, positions and sizes of all trees and shrubs/hedging (utilising, where possible, native species appropriate to local landscape character) along with establishment methods including details of pits, staking and guards
- (d) Fencing and gates and other structures
- (e) Details of the lizard tunnel
- (f) timetable for implementation of hard and soft landscape works.
- (g) a landscape management plan and schedule of maintenance for an initial establishment period of 5 years.

The landscaping shall be carried out in accordance with the approved details unless any variation is subsequently agreed in writing by the CPA.

If within a period of 5 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place.

*Reason: Details are required to be submitted prior to the commencement of the development in the interests of biodiversity, landscape, and local amenity and to mitigate impacts to the Conservation Area.*

16. Prior to commencement of development hereby permitted, a Biodiversity Gain Plan shall be submitted for the prior written approval of the CPA. The Plan shall be based on the format of the working draft contained in Annex B of the Consultation on Biodiversity Net Gain Regulations and Implementation (Defra, January 2022), or subsequent published revisions, and shall include the production of a habitat management and monitoring plan, and which also ensures that Trading Rules are satisfied.

Thereafter the Biodiversity Gain Plan along with the habitat management and monitoring plan shall be implemented for a 30 year period commencing at a date to be agreed in writing by the CPA.

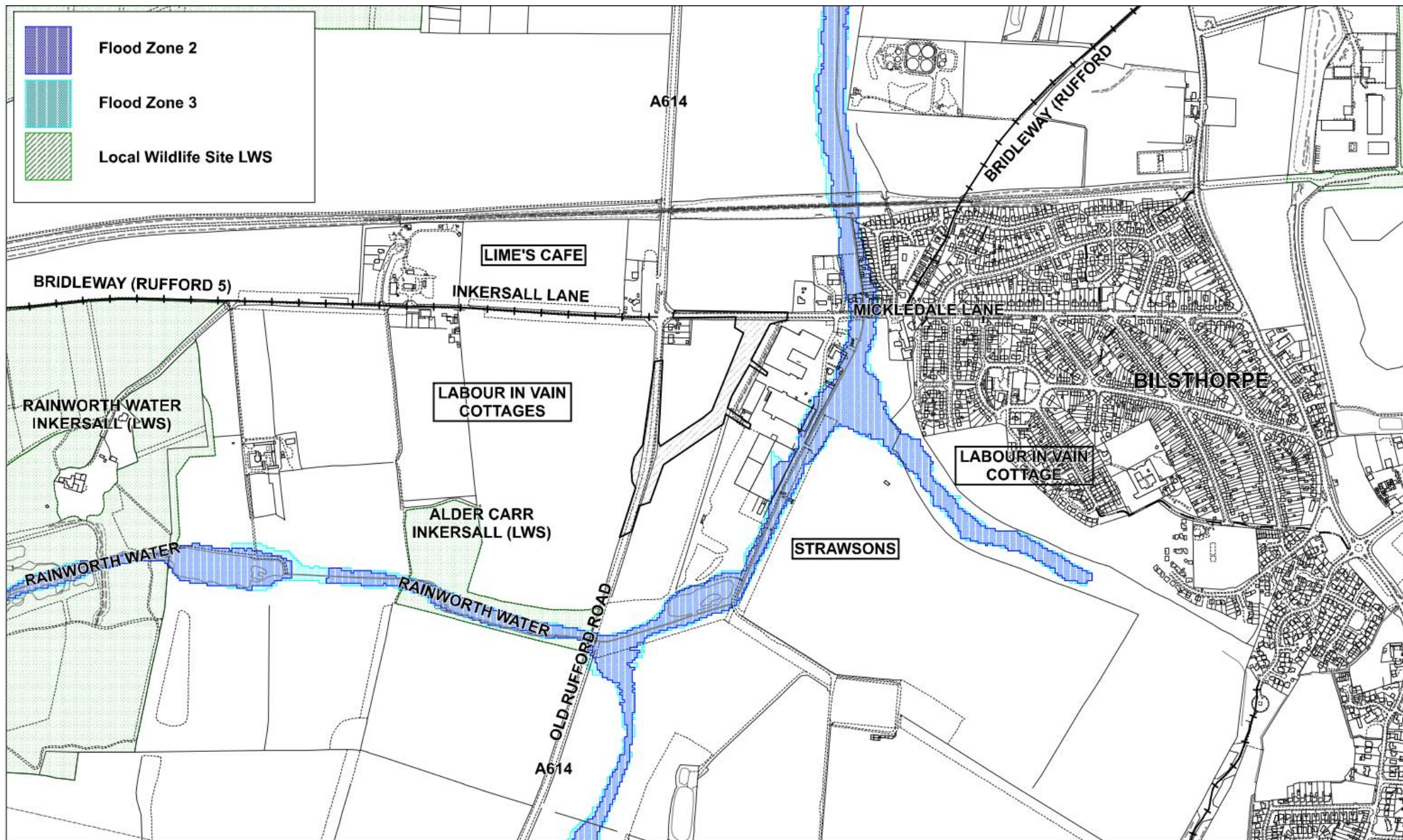
*Reason: Details are required to be submitted prior to the commencement of the development in the interests of sustainable development and to*

*ensure the landscaping proposals are maintained long-term such that the development enhances biodiversity.*

**Informatives/notes to applicants**

1. The proposals include a new access into the Strawson's Ltd site- directly from the new link road. It would be advantageous to local and residential amenity if arrangements can be made for HGVs and farm vehicles accessing this site to utilise this new, direct means of access, instead of the current entrance on Mickledale Lane. The applicant is invited to discuss this further with the company.
2. The Road Safety team in Via East Midlands strongly advises that Stage 2 and Stage 3 Road Safety Audits are carried out and that they are available to undertake this work.
3. In relation to condition 15 the inclusion of year 15 photo-visualisations of the finalised landscape designs would be beneficial to demonstrate the expected maturing landscape appearance.















- Proposed area of amenity grassland to road frontage
- Proposed flowering native meadow grassland - two cuts / year
- Proposed native embankment meadow grassland (drought tolerant) - two cuts / year
- Proposed acid grassland seed mix managed to allow flowering
- Proposed regularly native wet grassland / herbaceous meadow - two cuts / year
- Proposed area of native shrub, sub-shrub & herbaceous mixed planting
- Proposed islands of acid heathland shrub & herbaceous planting
- Proposed Timber 4 bar fencing
- Proposed species rich hedgerow
- Proposed stone filled gabion cages 0.5 x 0.5m cross section
- Proposed Lizard tunnel connection under Mickledale Lane
- Proposed line of wet ditch
- Proposed filter drain to rear of gabion wall
- Proposed aggregate bedded swale within wet meadow - one cut / year
- Native herbaceous planted shallow flood storage aggregate basin - one cut / year
- Proposed reinforced grass surface for service vehicles access
- Existing Woodland to be retained
- Some areas of proposed landscape within sections of arable land, are subject to change to accommodate new woodland connecting into existing retained copse and tree belts, in accordance with BNG requirements.

Ac	Acer campestre	Field Maple
Ag	Alnus glutinosa	Common Alder
Bpe	Betula pendula	Silver Birch
Cm	Crataegus monogyna	Hawthorn
Ca	Corylus avellana	Common Hazel
Qr	Quercus robur	English Oak
Sac	Sorbus aucuparia	Rowan

Hedge mix		
Ca	Corylus avellana	Common Hazel 15%
Cm	Crataegus monogyna	Hawthorn 40%
Csa	Comus sanguinea	Dogwood 5%
Is	Ilex aquifolium	Holly 10%
Lv	Ligustrum vulgare	Privet (wild) 5%
Pp	Prunus spinosa	Blackthorn 20%
Ro	Rosa canina	Dog Rose 5%

**Note**  
Some areas of proposed landscape within sections of arable land, are subject to change to accommodate new woodland connecting into existing retained copse and tree belts, in accordance with BNG requirements.

A		Section lines added & minor amendments updated		MTE	DC	MTE	DC
Rev	By	Description	Drawn	CHND	Auth	Drawn	
<b>A614/A6097</b> <b>CORRIDORS IMPROVEMENTS</b> <b>MICKLEDALE LANE JUNCTION</b>							
Station	Project No.		HW20449				
For Planning	<b>Mickledale</b> <b>Landscape Design Proposals</b> <b>Overview</b>						
Scale	Drawn	MTE	DC	Nov 2021			
1:1000 @A1	Drawn	DC	DCW				
Author			1:10000				
Drawing No.	20249/ELS/M003/00004		A				
 							











**27 September 2022****Agenda Item: 7****REPORT OF SERVICE DIRECTOR – PLACE AND COMMUNITIES****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/22/00589/CMA****PROPOSAL: HIGHWAY IMPROVEMENTS TO ROUNDABOUT****LOCATION: WHITE POST ROUNDABOUT - INTERSECTION OF A614 AND  
MANSFIELD ROAD, FARNSFIELD, NOTTINGHAMSHIRE, NG22 8HU****APPLICANT: NOTTINGHAMSHIRE COUNTY COUNCIL- (PLACE DEPT)****Purpose of Report**

1. To consider a planning application for minor improvements/refurbishments to the White Post Farm roundabout. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.
2. The applicant has elected to undertake an Environmental Impact Assessment for the wider project and an Environmental Statement has been provided. Consequently the works require planning permission and do not benefit from Permitted Development rights that are usually available to the County Highways Authority.

**Background to the A614/A6097 project**

3. Nottinghamshire County Council along with its partner local authorities and agencies has identified a need to improve the capacity and performance of a number of junctions along the A614 and A6097 corridor which forms part of the Major Road Network (MRN) within the County.
4. The A614 is an important north-south route from Nottingham to Retford and beyond, with the A6097 providing a spur to the A46 trunk road linking Leicester with Newark and Lincoln. Both roads are largely two-way single carriageway, with dual carriageway sections through Lowdham. Running centrally through the County the roads serve as vital commuter and tourist routes linking villages and towns together and with the City of Nottingham, and also providing access to attractions including Rufford Abbey, Sherwood Forest, White Post Farm, and Wheelgate Park. The roads also serve as diversionary routes for the M1 and A1 to the West and East respectively.



5. In recent years the County Highways Authority has undertaken improvements to several junctions along both roads and has also introduced a lower 50mph speed limit (enforced by average speed cameras). The following six junctions have now been identified as requiring intervention to ensure the effective functioning of the road corridor and are shown on the appended 'A614 and A6097 Junction Improvement – Overall Project Location Plan':
  - Ollerton Roundabout (A614/ A616/ A6075)
  - A614/Mickledale Lane/Inkersall Lane
  - White Post Roundabout (A614/ Mansfield Road) Farnsfield
  - Warren Hill (A614/ A6097) gyratory junction
  - Lowdham roundabout (A6097/ A612/Southwell Road)
  - Kirk Hill (A6097/ Kirk Hill / East Bridgford Road) East Bridgford
6. A further junction (A614/Deerdale Lane/Eakring Road, Bilsthorpe) has been removed from the wider project due to costs and complexities. Each has been submitted for planning permission and are considered in separate reports.
7. The MRN is a middle tier of the country's busiest and most economically important local authority A roads sitting between the Strategic Road Network (SRN) and the rest of the local road network. The A614 and A6097 routes were designated as such in October 2018. The stated objectives of the MRN and of the A614/A6097 project are closely aligned and include:
  - (a) **Improved Journey Times and Reliability-** There are regular delays and queueing at Ollerton, Lowdham and Kirk Hill junctions which are predicted to worsen with traffic and local housing/economic growth. It can also be difficult to access the A614 from Bilsthorpe village.
  - (b) **Network Resilience-** Capacity improvements will support the Strategic Road Network by adding resilience to the highway network which will boost productivity and reduce costs to businesses. Both roads serve as alternative and diversionary routes during incidents or major roadworks.
  - (c) **Economic Growth-** Additional capacity will drive economic growth by facilitating housing and creating jobs. In particular a number of development sites have planning conditions and obligations limiting build out until improvements are made to Ollerton and Lowdham roundabouts. This includes the development at the former Thoresby colliery. Improvements at the junctions would enable 1,330 dwellings and 24,281m<sup>2</sup> of employment space to be built out, stimulating economic growth.
  - (d) **Connectivity** - Improving journey times and reliability will improve connectivity to Nottingham and improving access to supply chains and labour markets.

## **The Site and Existing Situation**

8. The White Post Roundabout, A614, Farnsfield is situated around 1.5 km to the west of the main village and is at the centre of some popular visitor attractions and other businesses, notably White Post Farm, to the east off Mansfield Road, and Wheelgate Park on the west side off Mansfield Road. Immediately on the roundabout is a large Public House (White Post Inn), a children's day nursery, a plant hire business and a small number of residential properties (see Plan 1).
9. This is a standard four-arm roundabout with the A614 running north-south. Pedestrian footways are present and in particular there is a footway (with safety barrier) and an uncontrolled crossing over the northern arm linking the attractions on either side of the A614. A pair of bus stops are present on Mansfield Road (east arm).
10. There are no conservation constraints to note other than the children's nursery occupies a former farm building which is of local, but non-designated heritage interest. There are no flooding constraints to note, but the ground waters form part of the Principal Aquifer.

## **Planning history**

11. The only relevant planning history to note is this Council's Scoping Opinion issued in 2021. This junction was largely screened out from needing detailed environmental impact assessments, but any impacts needed to be assessed with the five other junction proposals.

## **Proposed Development**

12. Owing to the availability of land with built up development on all corners of the junction which limits any large improvement scheme, it is proposed to undertake in situ refurbishments which could include carriageway maintenance, high friction/anti-skid surfacing, signing, lining and street light upgrades (see Plan 2). This would ensure it continues to perform as effectively and safely as possible as part of the improved standards along the A614/A6097 corridor. No extra junction capacity would however be created and no additional land is required.

## **Consultations**

13. **Newark and Sherwood District Council** - *No objections.*
14. **NCC (Highways)** – *No objection.*
15. *The roundabout is included in improvement works along the A6097-A614 route between East Bridgford and Ollerton.*

16. *It is now understood that this junction requires planning permission due to being included in the EIA for the wider project.*
17. *The proposed works would ordinarily be permitted development, having negligible impact on existing traffic routing and as such, the Highway Authority has no development control related comments in respect of the proposals.*
18. **NCC (Archaeology)** - *No objection and no further action required.*
19. **NCC (Built Heritage)** - *No objection. The proposals are limited to the existing highway and would not impact significantly on the setting of the non-designated heritage asset on the north-east quadrant (White Post Farm (HER ref MNT25098).*
20. **NCC (Flood Risk)** - *No objection.*
21. **NCC (Nature Conservation)**- *Raises no comments.*
22. **Natural England** - *No objection/standing advice.*
23. **Via Safer Highways** - *The proposed high friction surfacing should be beneficial. Recommends use of a colour differential on the immediate approaches to the roundabout. The type of surfacing also requires future maintenance to preserve the benefits.*
24. **Via (Landscape)** -*Raises no comments on landscape and visual impact.*
25. **Via (Noise Engineer)** - *No objection subject to general construction good practice. The nature of these works is considered minor. There is potential for noise and vibration levels to increase temporarily for up to 4 weeks, but this is considered typical of highway maintenance operations. Thereafter the scheme would not result in any changes to junction layout, and so no discernible changes in noise or vibration levels are anticipated.*
26. **Via (Reclamation)** - *no objections subject to conditions.*
27. *Warren Hill and White Post were scoped out of the Environmental Statements as there are unlikely to be any significant effects with these two schemes.*
28. *The works appear to only comprise surface level works with no intrusive groundworks anticipated. However, if significant intrusive ground works are required, a watching brief (and validation report) is recommended by condition.*
29. **Planning Casework Unit** *(statutory notifications only).*
30. **Farnsfield Parish Council, Via (Countryside Access), Ramblers, Environment Agency, Severn Trent Water Limited, Cadent Gas Limited and Western Power Distribution** have not responded. Any response received will be orally reported.

## Publicity

31. The application has been publicised by means of a site notice, press notices (jointly with the 5 other junction proposals) and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement. No representations have been received.
32. In addition, the applicant department have undertaken separate and complementary publicity via the 'Email me' bulletin, the Council's twitter feed and have added links to the individual planning applications from the dedicated A614/A6097 project website:  
  
<https://www.nottinghamshire.gov.uk/transport/roads/a614>.
33. Prior to the submission of the planning applications, the applicant department has undertaken extensive local engagement and consultations to inform the final junction designs. Scoping Opinions have also been previously obtained from the County Planning Authority to inform the Environmental Impact Assessment process.
34. Councillor Bruce Laughton has been notified of the application.

## Observations

### The requirement for planning permission

35. The County Council, with its responsibilities as the local Highway Authority, has extensive rights to undertake work to maintain and also improve the highway network. These proposals involve routine and minor reconfiguration works wholly within the existing highway boundaries. The Town and Country Planning Act 1990 (s55) usually excludes such works from the planning system entirely. However the applicant has elected to undertake and include an EIA for the wider project of which White Post forms part. Section 55 does *not* exclude from the planning system such highways proposals (those which are not exclusively just maintenance), where they may have *significant adverse effects on the environment*. Whilst these proposals are unlikely to reach this threshold of impact, the purpose of this restriction is to link with the separate Town and Country Planning Environmental Impact Assessment Regulations whereby once an Environmental Statement has been provided the development proposal is deemed to be EIA development. This consequently has the effect of removing Permitted Development rights for highways authority works (Town and Country Planning -General Permitted Development Order -England- 2015 as amended- article 3 and Schedule 2, Part 9, Class A). Therefore the proposed works, whilst minor, are 'development' and are excluded from being 'permitted development' and as such require planning permission.

### Planning policy assessment

36. This is one of six inter-related planning applications concerning junctions along the A614/A6097 corridor. The works proposed in this case are very minor in nature but the application needs to be considered and determined in the usual way, against the applicable Development Plans and having regard to material considerations.
37. The Development Plan in this instance is the Newark and Sherwood Local Plan comprising of the Amended Core Strategy (CS) (Part 1) (2019) and the Allocations and Development Management Policies document (A&DM) (Part 2) (2013) together with the associated policy map. The Farnsfield Neighbourhood Plan also sits within this framework but is not considered relevant to the proposals. The National Planning Policy Framework (NPPF) is a material consideration. Other material considerations may include the Nottinghamshire Local Transport Plan and the D2N2 Strategic Economic Plan. It is also relevant to note that certain design standards apply including the Design Manual for Roads and Bridges and the NCC Highways Design Guide.
38. The importance of public infrastructure for local communities and to support planned/future development is set out through the Local Plan. CS Spatial Policy 6 (Infrastructure for Growth) seeks to ensure that the infrastructure to support local growth and to deliver the outcomes of the Strategy as a whole are provided. An Infrastructure Delivery Plan (IDP) informs this approach. Strategic Infrastructure in this context is defined as including improvements to the strategic highway network and other highway infrastructure as identified within the IDP. Together with A&DM Policy DM3 there is a framework for securing developer contributions and funds including via the Community Infrastructure Levy.
39. Improvements to the highway network therefore form an important aspect of the approach to infrastructure, notwithstanding the wider objectives of CS Spatial Policy 7 (and national policy) in reducing car travel and promoting sustainable patterns of development and travel.
40. Junction improvements at the White Post roundabout are identified in the IDP (and Nottinghamshire LTP) and listed in Appendix D of the Core Strategy as being highway infrastructure works required for the delivery of the Local Plan/Core Strategy itself. Four other junctions – the subject of separate reports – are also listed. There is no clear statement as to what form the junction improvements at White Post Farm should take, although the IDP suggests that it could involve an additional approach lane. That is not part of the proposed works which amount essentially to refurbishment of the existing roundabout without creating any additional capacity. That does not however undermine the policy support for these proposals as submitted, nor do the proposals preclude further upgrades being brought forward in the future.
41. Although there is no direct and obvious link between upgrading this junction and the delivery of new housing or regeneration locally, the improvements at this junction would also serve and benefit the wider MRN/A614 corridor, including local tourist/visitor traffic and assist with the regeneration areas at Bilsthorpe

and Ollerton. The proposals also therefore contribute to Plan objectives in SP1 and SP2.

42. In conclusion, the improvement of White Post junction are fully supported in principle planning policy terms even though these proposals amount to minor refurbishments rather than the creation of new capacity, or other improvements. The plans accord with CS policies SP6, SP7 and support the wider plan and regeneration objectives in CS policies SP1 and SP2. Junction improvements at this location are also identified in the Local Plan and LTP documents.

#### Environmental and amenity impacts

43. Due to the minor nature of the works, which amount essentially to refurbishments, a site-specific Environmental Impact Assessment has not been required. It is also not considered necessary for the application to demonstrate net gains for biodiversity in this instance. From an assessment of the proposals, and taking into account the responses above, it can be comfortably determined that once the highway works have concluded there would be no unacceptable impacts to local amenity or to the environment.
44. The roundabout would remain in its current size and configuration but would have improved surfacing and LED lighting is also likely to be installed- the latter generally is known to reduce light spillage and focus on the highway areas. This may benefit slightly the immediate residential occupiers. Resurfacing using high friction approaches is likely to assist in junction safety. A review of signage may also be undertaken but is unlikely to alter the overall character of the immediate area around this existing junction. Pedestrian routes and crossings would remain.
45. The proposals are not considered to result in any harm to the adjacent non-designated heritage asset, but at worst there could be a negligible effect- for example resulting from the signage review. Core Policy 14 and A&DM Policy DM9 allows for such impacts to be balanced. There are no archaeological implications. There would be no impacts to notable habitats or to protected species. Upgrades to LED lighting would reduce associated energy use and emissions. No cumulative planning impacts are expected with any of the other associated junction improvements on the A614/A6097.
46. The only matter which requires some attention is the management of the highways/construction works with respect to local amenity (A&DM Policy DM5 applies). Although these works are expected to be short term and straightforward, as a matter of best practice, construction management measures should be required by planning condition to control noise/vibration, dust/mud and to prevent pollution. A watching brief for any unexpected ground contamination should also be required. Subject to these conditions the proposed works are not likely to cause any unacceptable impacts to local amenity.



## **Other Options Considered**

47. As part of developing options at this junction the applicant and their consultants considered widening the entry/approach lanes, however there is insufficient space and this would require acquisition of adjacent properties. Adding traffic signals was found to be detrimental to the A614 traffic flow. A closure of the Mansfield Road (west arm) was also discounted. The remaining option was therefore to undertake a general road safety and refurbishment scheme as proposed. The County Council has a duty to consider this planning application.

## **Statutory and Policy Implications**

48. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### Crime and Disorder Implications

49. Upgrades to street lighting may be beneficial, but otherwise no implications are identified.

### Data Protection and Information Governance

50. Given that no representations have been received from the public, it is considered that no data protection issues have been raised.

### Financial Implications

51. There are no direct financial implications arising from a decision on this planning application.

### Human Rights Implications

52. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

### Implications for Service Users /Public Sector Equality Duty Implications

53. Users of the junction, both motorised and non motorised would benefit from the general refurbishments and safety improvements being proposed.

#### Implications for Sustainability and the Environment

54. There are no notable impacts to report given the minor nature of the proposed works, but this has been considered in the Observations section above, having regard to the information contained within the Environmental Statement that considers this scheme cumulatively with five other junction proposals, as well as the advice received from consultees.
55. There are no human resources or children/adults at risk implications.

#### **Conclusion**

56. The proposal in this case amounts to only minor surfacing and refurbishment works to the existing roundabout, including signage review and lighting. Unusually planning permission is required as the junction forms part of the wider A614/A6097 project which is subject to an overarching Environmental Impact Assessment. The effect of this is to remove the Highway Authority's usual permitted development rights.
57. Although of limited scale/effect the proposals can gain support from the Newark and Sherwood Core Strategy (Spatial Policy 6 and the Infrastructure Delivery Plan) as this junction is identified as a necessary strategic infrastructure project needed to ensure the delivery of the Local Plan as a whole. No objections have been raised locally or by any consultees. There are no unacceptable planning or environmental impacts subject to conditioning measures to address highway/construction work impacts. Consequently permission is recommended in line with the Development Plan.

#### **Statement of Positive and Proactive Engagement**

58. In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

#### **RECOMMENDATIONS**

59. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

**DEREK HIGTON**

**Service Director – Place and Communities**

**Constitutional Comments [JL 15/09/22]**

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

**Financial Comments**

To be orally reported

**Background Papers Available for Inspection**

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at:  
[www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=ES/4412](http://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=ES/4412)

**Electoral Divisions and Members Affected**

Muskham & Farnsfield

Councillor Bruce Laughton

Report Author/Case Officer

Joel Marshall

0115 9932578

For any enquiries about this report, please contact the report author.

**RECOMMENDED PLANNING CONDITIONS**

1. The development hereby permitted shall be begun within 5 years from the date of this permission.

*Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990 and to allow sufficient time for the development to be delivered alongside the other junction improvements along the A614/A6097 corridor.*

2. The County Planning Authority (CPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

*Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.*

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application, documents and recommendations of reports, and the following plans all received by the CPA on 28/02/22:

(a) Dwg 20949/LLO/WP004/00001 P02 'Red Line Planning Boundary'

(b) Dwg 20949/GEN/WP004/00001 'General Arrangement'

*Reason: For the avoidance of doubt as to the development that is permitted.*

4. Prior to the commencement of construction works, a Construction Environmental Management Plan (CEMP) shall first have been submitted to and approved in writing by the CPA. The CEMP shall specify details of the following:

- a) Measures to protect existing trees and hedges in accordance with BS5837:2012 Trees in relation to design, demolition and construction;
- b) Pollution control measures to prevent mud or contaminated materials from being tracked, spilled or blown off-site, or being deposited onto the highway;
- c) Measures to securely store fuels, oils, chemicals and the means to remediate any spills;
- d) Any temporary surface water management measures and, if required, aquifer protection measures during the construction work;

- e) Measures to control fugitive dust emissions;
- f) Measures to limit noise and vibration;
- g) The segregation of waste materials into different streams for recycling or disposal, including measures to handle potentially contaminated arisings and groundwater.

All construction works shall be carried out in accordance with the approved details.

*Reason: Details are required to be submitted prior to the commencement of the development in the interests of mitigating the effects of construction upon the local environment, local amenity and for reasons of highway safety*

5. Unless otherwise agreed in writing by the CPA and in the circumstances that works would not involve significant intrusive groundworks, prior to the commencement of works, a watching brief to deal with contamination which may be encountered shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details. If during construction, contamination not previously identified is found to be present, no further works shall be carried out in the area identified, unless first agreed in writing by the CPA, until a remediation strategy to deal with the identified contamination (including validation that contamination has been satisfactorily remediated) has been submitted to and approved in writing by the CPA. Works shall be carried out in accordance with the approved details.

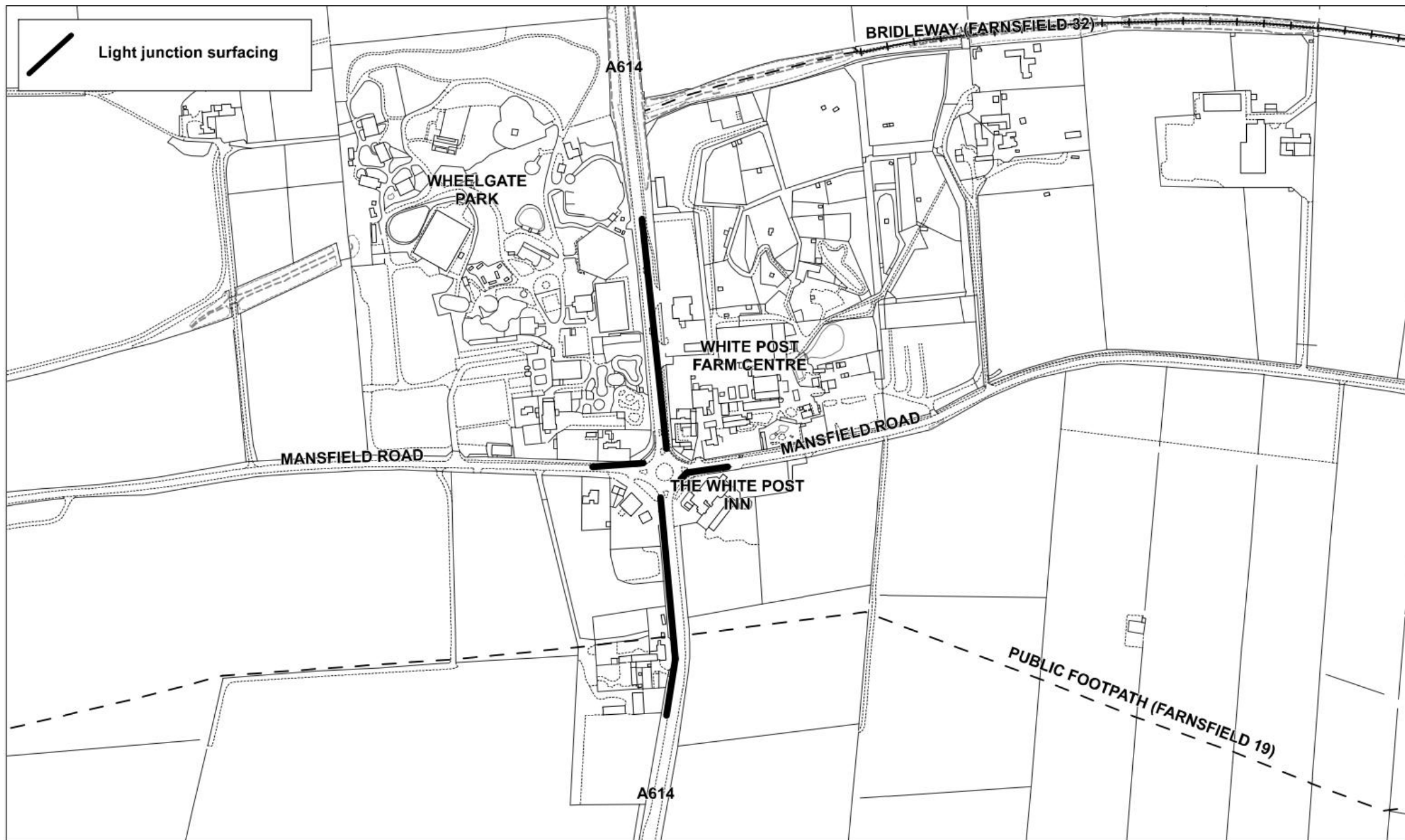
*Reason: Details are required to be submitted prior to the commencement of development to provide an appropriate methodology that will ensure that risks of site contamination are properly identified and addressed.*

6. The CPA shall be notified in writing within 7 days of the date of the completion of the development. Within two months of the completion of development, a validation report to confirm an absence of contaminants notified to the CPA in compliance with Condition 5 shall be submitted to and approved in writing by the CPA.

*Reason: To ensure that the site is left in a satisfactory condition and does not pose a risk to human health and the environment.*

## **Informatives/notes to applicants**

-



**Nottinghamshire  
County Council**

Highway improvements to roundabout.  
White Post roundabout- Intersection of A614 and Mansfield Road, Farnsfield, Nottinghamshire.  
Planning Application No. 3/22/00589/CMA

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the  
Controller of Her Majesty's Stationery Office © Crown copyright.  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2022)

Scale 1:5,000

Produced by: JW

Date: SEPT 2022



**PLAN 1**









**27 September 2022****Agenda Item: 8****REPORT OF SERVICE DIRECTOR – PLACE AND COMMUNITIES****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/22/00588/CMA**

**PROPOSAL:           GEOMETRIC IMPROVEMENTS   AND   ALTERATIONS   TO   THE  
                              GYRATORY JUNCTION**

**LOCATION:            INTERSECTION OF A614/A6097 (WARREN HILL), FARNSFIELD,  
                              NOTTINGHAMSHIRE, NG22 8EW**

**APPLICANT:         NOTTINGHAMSHIRE COUNTY COUNCIL- (PLACE DEPT)**

**Purpose of Report**

1. To consider a planning application for improvements/alterations at Warren Hill junction. The key issue is highway functionality and safety. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.
2. The applicant has elected to undertake an Environmental Impact Assessment for the wider project and an Environmental Statement has been provided. Consequently the works require planning permission and do not benefit from permitted development rights that are usually available to the County Highways Authority.

**Background to the A614/A6097 project**

3. Nottinghamshire County Council along with its partner local authorities and agencies has identified a need to improve the capacity and performance of a number of junctions along the A614 and A6097 corridor which forms part of the Major Road Network (MRN) within the County.
4. The A614 is an important north-south route from Nottingham to Retford and beyond, with the A6097 providing a spur to the A46 trunk road linking Leicester with Newark and Lincoln. Both roads are largely two-way single carriageway, with dual carriageway sections through Lowdham. Running centrally through the County the roads serve as vital commuter and tourist routes linking villages and towns together and with the City of Nottingham, and also providing access to attractions including Rufford Abbey, Sherwood Forest, White Post Farm, and

Wheelgate Park. The roads also serve as diversionary routes for the M1 and A1 to the west and east respectively.

5. In recent years the County Highways Authority has undertaken improvements to several junctions along both roads and has also introduced a lower 50mph speed limit (enforced by average speed cameras). The following six junctions have now been identified as requiring intervention to ensure the effective functioning of the road corridor and are shown on the appended 'A614 and A6097 Junction Improvement – Overall Project Location Plan':
  - Ollerton Roundabout (A614/ A616/ A6075)
  - A614/Mickledale Lane/Inkersall Lane
  - White Post Roundabout (A614/ Mansfield Road) Farnsfield
  - Warren Hill (A614/ A6097) gyratory junction
  - Lowdham roundabout (A6097/ A612/Southwell Road)
  - Kirk Hill (A6097/ Kirk Hill / East Bridgford Road) East Bridgford
6. A further junction (A614/Deerdale Lane/Eakring Road, Bilsthorpe) has been removed from the wider project due to costs and complexities. Each has been submitted for planning permission and are considered in separate reports.
7. The MRN is a middle tier of the country's busiest and most economically important local authority A roads sitting between the Strategic Road Network (SRN) and the rest of the local road network. The A614 and A6097 routes were designated as such in October 2018. The stated objectives of the MRN and of the A614/A6097 project are closely aligned and include:
  - (a) **Improved Journey Times and Reliability-** There are regular delays and queueing at Ollerton, Lowdham and Kirk Hill junctions which are predicted to worsen with traffic and local housing/economic growth. It can also be difficult to access the A614 from Bilsthorpe village.
  - (b) **Network Resilience-** Capacity improvements will support the Strategic Road Network by adding resilience to the highway network which will boost productivity and reduce costs to businesses. Both roads serve as alternative and diversionary routes during incidents or major roadworks.
  - (c) **Economic Growth-** Additional capacity will drive economic growth by facilitating housing and creating jobs. In particular a number of development sites have planning conditions and obligations limiting build out until improvements are made to Ollerton and Lowdham roundabouts. This includes the development at the former Thoresby colliery. Improvements at the junctions would enable 1,330 dwellings and 24,281m<sup>2</sup> of employment space to be built out stimulating economic growth.

- (d) **Connectivity** - Improving journey times and reliability will improve connectivity to Nottingham and improve access to supply chains and labour markets.

## **The Site and Existing Situation**

8. The Warren Hill (A614/ A6097) gyratory junction is situated on a locally elevated position in the open countryside 2km south of White Post roundabout. This is an unusual junction which marks the northern end of the A6097 where it links into the A614 by means of a 3-arm gyratory junction whereby traffic from the A6097 gives way firstly to southbound A614 traffic and thereafter northbound A614 traffic – the latter on the near side, rather than on the off/drivers side. On the A614 approach from the north drivers can continue straight on to the A6097 (towards Oxton) or take a second lane to continue on the A614 south (to Nottingham). The junction currently allows all movements including A614 northbound to A6097 southbound by means of a small link/turn at the top of the junction (see Plan 1).
9. At the north-eastern edge of the junction is a caravan sales business accessed off a side lane - Rob Lane which has byway status. Opposite to the west is a track leading to a farm.
10. There are no immediate environmental constraints. There are a number of trees and shrubs within the centre of the gyratory junction along with amenity grass verges. This junction lies just within the Nottingham Green Belt. There are no flooding constraints to note, but the ground waters form part of the Principal Aquifer.

## **Planning history**

11. The only relevant planning history to note is this Council's Scoping Opinion issued in 2021. This junction was largely screened out from needing detailed environmental impact assessments, but any impacts needed to be assessed with the five other junction proposals.

## **Proposed Development**

12. There is a perception of road safety issues at this junction due to its current non-standard design whereby A6097 northbound traffic joins the A614 by entering on the passenger side rather than the normal driver's side. The junction is also predicted to be a capacity constraint in future years.
13. It is proposed to reconfigure the A614 northbound lanes so that the arriving A6097 traffic, after giving way to A614 southbound traffic as present, merges into the A614 rather than giving way. Minor widening and kerb works would take place along with carriageway resurfacing. All works would be within the confines of the existing highway land (see Plan 2). Revised plans tabled during consideration of the application have removed a previously proposed area of



road markings - the 'tiger tail' - following a road safety audit. The small turning at the north of the junction which currently permits A614 northbound traffic turning south onto the A6097 (or a U-turn back on the A614) would be closed off. The revised plan now shows this turning would be kerbed and landscaped over, whereas the initial plans show removable bollards. The proposals would not add any measurable further junction capacity but would address the perceived safety issue at this junction.

## **Consultations**

14. **Newark and Sherwood District Council** - *No objections.*
15. **NCC (Highways)** – *No objection.*
16. *The gyratory is included in improvement works along the A6097-A614 route between East Bridgford and Ollerton.*
17. *It is now understood that this junction requires planning permission due to being included in the EIA for the wider project.*
18. *The proposed works would ordinarily be permitted development, having negligible impact on existing traffic routing and as such, the Highway Authority has no development control related comments in respect of the proposals.*
19. **NCC (Archaeology)**– *No objection.*
20. **NCC (Built Heritage)** - *No objection. There are no known heritage assets to be impacted.*
21. **NCC (Flood Risk)** - *No objection.*
22. **NCC (Nature Conservation)** - *Raises no comments.*
23. **Natural England** - *No objection/standing advice.*
24. **Via Safer Highways** - *This proposal has the potential to make a positive contribution to road safety by reducing conflicts, overtaking, and speeds in the northbound direction through the junction.*
25. **Via (Landscape)** – *Raises no comment on landscape and visual impact issues.*
26. **Via (Noise Engineer)** - *No objection subject to general construction good practice. The nature of these works is considered minor/typical. The nearest noise sensitive property, at 500m distance, should not experience any construction noise and vibration issues. Thereafter there are no anticipated changes in noise and vibration levels at any nearby receptors.*
27. **Via (Reclamation)** - *no objections subject to conditions.*

28. *Warren Hill and White Post were scoped out of the Environmental Statements as there are unlikely to be any significant effects with these two schemes.*
29. *The design has been amended to include grass surfacing over existing carriageway in the north between the A614 and the A6097 and by constructing a new kerb line. As these changes are likely to require removal of existing areas of hardstanding, it is recommended that the planning conditions include a requirement to provide details on the management of waste materials as part of a construction management plan. A watching brief (and validation report) for any contamination is also recommended.*
30. **Planning Casework Unit** - (*statutory notifications- does not wish to comment*).
31. **Oxton Parish Council, Farnsfield Parish Council, Rufford Parish Council, Bilsthorpe Parish Council, Via (Countryside Access), Environment Agency, British Horse Society, Cadent Gas Limited, Western Power Distribution, and Severn Trent Water Limited** have not responded. Any response received will be orally reported.

## Publicity

32. The application has been publicised by means of a site notice, press notices (jointly with the five other junction proposals) and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement. The revised plans have been subject to an additional round of consultation.
33. One objection was initially received, but is now resolved, regarding the proposed closure of the right turn area due to this currently forming part of a time trial course used by several local cycling clubs. The representation states that the Oxton, Warren Hill, Longdale Lane time trial course is reliant on this area of tarmac to enable competitors to turn from the A614 to the A6097 and complete the last three miles of the ten mile time trial course. The removal of this section of tarmac would result in the direct closure of the course and loss of a competitive sports facility, contrary to planning policy promoting cycling and for the protection of sports facilities and is inconsistent with NCC's longstanding support for the sport, including the Tour of Britain. The representative has subsequently advised that a proposed design amendment has been welcomed and which would enable the course to stay open.
34. In addition, the applicant department have undertaken separate and complementary publicity via the 'Email me' bulletin, the Council's twitter feed and have added links to the individual planning applications from the dedicated A614/A6097 project website:  
  
<https://www.nottinghamshire.gov.uk/transport/roads/a614>.
35. Prior to the submission of the planning applications, the applicant department has undertaken extensive local engagement and consultations to inform the final junction designs. Scoping Opinions have also been previously obtained

from the County Planning Authority to inform the Environmental Impact Assessment process.

36. Councillors Bruce Laughton and Roger Jackson have been notified of the application.
37. The issues raised are considered in the Observations Section of this report.

## Observations

### The requirement for planning permission

38. The County Council, with its responsibilities as the local Highway Authority, has extensive rights to undertake work to maintain and also improve the highway network. These proposals involve routine and minor reconfiguration works wholly within the existing highway boundaries. The Town and Country Planning Act 1990 (s55) usually excludes such works from the planning system entirely. However the applicant has elected to undertake and include an EIA for the wider project of which Warren Hill forms part. Section 55 does *not* exclude from the planning system such highways proposals (those which are not exclusively just maintenance), where they may have *significant adverse effects on the environment*. Whilst these proposals are unlikely to reach this threshold of impact, the purpose of this restriction is to link with the separate Town and Country Planning Environmental Impact Assessment Regulations whereby once an ES has been provided the development proposal is deemed to be EIA development. This consequently has the effect of removing Permitted Development rights for highways authority works (Town and Country Planning - General Permitted Development Order -England- 2015 as amended- article 3 and Schedule 2, Part 9, Class A). Therefore the proposed works, whilst modest, are 'development' and are excluded from being 'permitted development' and as such require planning permission.

### Planning policy assessment

39. This is one of six inter-related planning applications concerning junctions along the A614/A6097 corridor. The works proposed in this case comprise modest junction changes but the application needs to be considered and determined in the usual way, against the applicable Development Plans and having regard to material considerations.
40. The Development Plan in this instance is the Newark and Sherwood Local Plan comprising the Amended Core Strategy (CS) (Part 1) (2019) and the Allocations and Development Management Policies document (A&DM) (Part 2) (2013) together with the associated policy map. The Farnsfield Neighbourhood Plan also sits within this framework but is not considered relevant to the proposals. The National Planning Policy Framework (NPPF) is a material consideration. Other material considerations may include the Nottinghamshire Local Transport Plan and the D2N2 Strategic Economic Plan. It is also relevant to note that

certain design standards apply including the Design Manual for Roads and Bridges and the NCC Highways Design Guide.

41. The importance of public infrastructure for local communities and to support planned/future development is set out through the Local Plan. CS Spatial Policy 6 (Infrastructure for Growth) seeks to ensure that the infrastructure to support local growth and to deliver the outcomes of the Strategy as a whole are provided. An Infrastructure Delivery Plan (IDP) informs this approach. Strategic Infrastructure in this context is defined as including improvements to the strategic highway network and other highway infrastructure as identified within the IDP. Together with A&DM Policy DM3 there is a framework for securing developer contributions and funds including via the Community Infrastructure Levy.
42. Improvements to the highway network therefore form an important aspect of the approach to infrastructure, notwithstanding the wider objectives of CS Spatial Policy 7 (and national policy) in reducing car travel and promoting sustainable patterns of development and travel.
43. Junction improvements at the Warren Hill gyratory junction form part of the wider A614/A6097 corridor scheme which is included in the Nottinghamshire LTP and is also an investment priority in the D2N2 Strategic Economic Plan. This junction is specifically identified in the IDP and is listed in Appendix D of the Core Strategy as being highway infrastructure works required for the delivery of the Local Plan/Core Strategy itself. Four other junctions – the subject of separate reports- are also listed. There is no clear statement as to what form the junction improvements at Warren Hill should take. However, the IDP suggests some widening to form 2-lane ahead movements north-south.
44. The submitted junction proposals involve reconfiguration of traffic lanes and the give way arrangements from the A6097 south to A614 north to create northbound merge lanes within the existing highway. The little-used right turn for A614 northbound traffic to turn onto the A6097 south would also be closed but alternative routes are available locally. The implications for the cycling clubs are considered separately below. These proposals would not create any measurable additional capacity but would address the perceived safety concerns. Nonetheless there remains policy support for these proposals.
45. Although there is no direct and obvious link between upgrading this junction and the delivery of new housing or regeneration locally, the improvements at this junction would also serve and benefit the wider MRN/A614 corridor, including local tourist/visitor traffic, and assist with the regeneration areas at Bilsthorpe and Ollerton. The proposals also therefore contribute to Plan objectives in CS policies SP1 and SP2.
46. In conclusion, the reconfiguration works at the A614/A6097 Warren Hill junction are fully supported in principle even though no measurable new capacity would be created. The plans accord with CS policies SP6, SP7 and support the wider plan and regeneration objectives in policies SP1 and SP2. Junction

improvements at this location are also identified in the Local Plan and LTP documents.

#### Highways safety

47. The road safety office in Via are generally supportive of the proposals, however the Road Safety Audit (RSA) which they previously completed and which accompanies the application recommended against the proposed 'tiger tail' road/lane markings, favouring instead a hard kerb line and/or carriageway reduction where the A614 northbound meets the proposed merge lane entering from the A6097 from the south. This would be to physically prevent any dangerous overtaking by A614 northbound traffic using/driving over the hatched tiger tail, also endangering traffic entering and wishing to merge in from the A6097. Subsequently a revised layout plan has been submitted following and in agreement to the recommendation of the RSA, removing the tiger tail in favour of a new kerb line. No highway objections have been raised to the revised plan.
48. The proposed closure of the A614 north- A6097 south turning area raises a number of issues. The RSA noted that drivers wishing to undertake this movement could instead attempt to undertake a dangerous U-turn- such as within the car park at the adjacent caravan sales business. It recommended that the demand for this movement be assessed and if closed, a suitable alternative route should be well-signed in advance. The applicant has chosen to proceed with the closure citing the traffic data has shown there to be very low demand for the right-hand turn manoeuvre. They advise that removing this turn has allowed for the proposed A614 north/A6097 merge movement which balances the risk of banning the tight turn with the benefits of improving the merge movements. Alternative routes would be signed in advance, but as demand for the turning is low, the vehicles impacted should be minimal.
49. The surveys that were undertaken for non-motorised users (NMUs) indicates the junction is relatively well used by cyclists. The counts were undertaken during the pandemic and in winter over three weekdays and Saturdays and Sundays over a 12hr period. The timing of these surveys may have resulted in an underestimate and underappreciation of the junction's use by cyclists. In particular it is understood that local cycling clubs run time trial events in the summer months- often in the evening. It is reasonable to assume that this has not been counted and the proposed closure of the right turn has therefore not been based on an accurate picture of its usage by these NMUs. Its proposed closure would therefore disproportionately affect these users and the local time trial routes. As a proportion of the overall traffic using this junction the cyclists using the right turn facility will be very small and it has to be recognised that the A614 and A6097 serve a semi-strategic purpose as part of the MRN and are not designed for competitive sporting use (and nor is it a sports facility).
50. Nevertheless consideration has been given to a compromise solution which maintains a small turning area for the affected time trial cyclists, whilst continuing with the closure to motor traffic. The applicant has tabled a draft solution and as noted above this has been shared with the representative of the

cycling club and has been welcomed as a way to ensure their sport can remain using the established course. There are no highway objections to this and the final details can be finalised through a planning condition.

#### Environmental impacts

51. Due to the minor nature of the works a site-specific Environmental Impact Assessment has not been required. From an assessment of the proposals and taking into account the responses above it can be comfortably concluded that, once the highway works have concluded, there would be no unacceptable impacts to the character of this countryside location, or to the environment generally.
52. This junction would remain within its current highway boundaries, with adjustments made internally to the gyratory system, along with upgrades to signage and lighting as required. There are no proposals to remove the central landscape planting and just small adjustments to extend kerbing and to provide additional areas of amenity grass are required, including where the A614N to A6097 S turning area would be closed to vehicular traffic.
53. There would be no changes to a farm access drive and no impacts to an adjacent caravan sales business. Rob Lane (Oxton Byway 11) would similarly be unaffected. The junction's isolated location does not appear to warrant any provisions for walkers or equestrians and Byway 11 has no obvious onward route once it reaches Warren Hill.
54. There are no known heritage assets affected and there are no archaeological implications. There would be no impacts to notable habitats or to protected species. Given the minor nature of the works it is not considered necessary for the application to demonstrate any net gains for biodiversity in this instance.
55. Given its isolated location, together with the straight-forward and short term nature of the works, there is a reduced potential for construction/highway works to lead to disruptive noise or disturbance. However some construction management measures should be required by planning condition to control impacts (A&DM Policy DM5 applies) -particularly dust/mud and to prevent pollution. A watching brief for any unexpected ground contamination should also be required. It is expected that the functioning of the highway during the works would be appropriately managed, and it is not considered a matter which requires planning approval. Subject to including construction management conditions, the proposed works are unlikely to lead to any unacceptable environmental impacts.
56. No cumulative planning impacts are expected with any of the other associated junction improvements on the A614/A6097.

#### Green Belt



57. The Warren Hill junction lies (just) within the Green Belt as confirmed by the Core Strategy and on the associated policies map. Spatial Policy 4B (Green Belt Development) sets out how development such as housing will generally be distributed in Green Belt areas, however it then advises that other proposals in the Green Belt are to be adjudged according to national planning policy.
58. Through chapter 13 of the NPPF, the Government attaches great importance to Green Belts and their fundamental aim is as a policy tool to prevent urban sprawl by keeping land ‘permanently open’ (para 137). The Green Belt serves five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land (para 138). Paras 147 to 151 relate to proposals in the Green Belt and determine whether proposed development is appropriate or inappropriate development within Green Belt locations.
59. The proposals are considered to fall comfortably within the scope of para 150 – particularly para 150c): *“local transport infrastructure which can demonstrate a requirement for a Green Belt location”* -as a form of development which is specifically listed as capable of being ‘not inappropriate’ (and so appropriate) within the Green Belt provided that two tests are met. These two requirements are that the proposed development needs to preserve openness and result in no conflict with the Green Belt purposes (as listed above).
60. The need to demonstrate a requirement for a Green Belt location is self-evidently met, as the affected junction already exists in its current location and is a vital junction between the A614 and A6097. The proposed alterations are proportionate and it would be disproportionate to relocate this junction slightly north to place it outside of the Green Belt.
61. The reconfiguration works, being minor in nature and entirely within the existing highway boundary, at ground level, are considered to result in neutral impacts to openness and is therefore considered to preserve Green Belt openness as it currently exists. Any renewal of signage that might be necessary as such details are worked up, is unlikely to change this finding. It is further considered that there would be neutral outcomes for the purposes of the Green Belt (as listed above). The proposals are therefore considered to be clearly appropriate development in the Green Belt and would therefore comply with national and local planning policy on this matter.

### **Other Options Considered**

62. As part of developing options at this junction the applicant and their consultants considered redeveloping the junction into a conventional roundabout with two lanes entering, around and off before merging back. This was not favoured for cost reasons over the proposed geometric improvements. The County Council

is under a duty to consider the planning application as submitted and as amended.

## **Statutory and Policy Implications**

63. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### Data Protection and Information Governance

64. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

### Financial Implications

65. There are no direct financial implications arising from a decision on this planning application.

### Human Rights Implications

66. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

### Implications for Service Users /Public Sector Equality Duty Implications

67. Users of the junction would benefit from an improved and understandable layout which should address safety concerns.

### Implications for Sustainability and the Environment

68. There are no notable impacts to report given the minor nature of the proposed works, but this has been considered in the Observations section above, having regard to the information contained within the Environmental Statement that

considers this scheme cumulatively with five other junction proposals, as well as the advice received from consultees.

69. There are no Crime and Disorder, Human Resources, Children/adults at risk safeguarding implications.

## **Conclusion**

70. The proposal in this case amounts to minor reconfiguration works to the existing junction, including changes to its lanes/operation, road markings, kerbing and signage. Unusually planning permission is required as the junction forms part of the wider A614/A6097 project which is subject to an overarching Environmental Impact Assessment. The effect of this is to remove the Highway Authority's usual permitted development rights.
71. Although of limited scale/effect, the proposals can gain support from the Newark and Sherwood Core Strategy (Spatial Policy 6 and the Infrastructure Delivery Plan) as this junction is identified as a necessary strategic infrastructure project needed to ensure the delivery of the Local Plan as a whole. The objection to the loss of the right turn facility for the A614 northbound to A6097 south has been responded to and a revision can be accommodated in the final design through a planning condition, and there are no objections from any consultees. There are no unacceptable planning or environmental impacts subject to conditioning measures to address highway/construction work impacts. The proposals are also considered to be appropriate development in this Green Belt location in accordance with national planning policy. Consequently permission is recommended in line with the Development Plan.

## **Statement of Positive and Proactive Engagement**

72. In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATIONS**

73. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

**DEREK HIGTON**

## **Service Director- Place and Communities**

### **Constitutional Comments [JL 15/09/22]**

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

### **Financial Comments**

To be orally reported

### **Background Papers Available for Inspection**

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at:  
[www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=ES/4411](http://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=ES/4411)

### **Electoral Divisions and Members Affected**

Muskham & Farnsfield

Councillor Bruce Laughton

Southwell

Councillor Roger Jackson

Report Author/Case Officer

Joel Marshall

0115 9932578

For any enquiries about this report, please contact the report author.



## RECOMMENDED PLANNING CONDITIONS

1. The development hereby permitted shall be begun within 5 years from the date of this permission.

*Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990 and to allow sufficient time for the development to be delivered alongside the other junction improvements along the A614/A6097 corridor.*

2. The County Planning Authority (CPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

*Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.*

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application (as amended), documents and recommendations of reports, and the following plans:

(a) Dwg 20949/LLO/WH005/00001 P01 'Red Line Planning Boundary' dated 16/11/20 and received by the CPA on 28/02/22.

(b) Dwg HW20949 /GEN/WH005/004 Rev 1 'General Arrangement' received by the CPA on 04/08/22.

*Reason: For the avoidance of doubt as to the development that is permitted.*

4. Notwithstanding the details on the General Arrangement plan under condition 3b above, final details of a surfaced turning area/link for cyclists traveling from the northbound A614 to the southbound A614/A6097 shall be submitted to the CPA and its written approval shall be first be obtained prior to works commencing on the development.

*Reason: Details are required to be submitted prior to the commencement of the development to agree final details of a dedicated facility for cyclists currently using this turning in the junction and to ensure the continuation of this use.*

5. Prior to the commencement of construction works, a Construction Environmental Management Plan (CEMP) shall first have been submitted to and approved in writing by the CPA. The CEMP shall specify details of the following:



- a) Measures to protect existing trees and hedges in accordance with BS5837:2012 Trees in relation to design, demolition and construction;
- b) Pollution control measures to prevent mud or contaminated materials from being tracked, spilled or blown off-site, or being deposited onto the highway;
- c) Measures to securely store fuels, oils, chemicals and the means to remediate any spills;
- d) Any temporary surface water management measures and, if required, aquifer protection measures during the construction work;
- e) Measures to control fugitive dust emissions;
- f) Measures to limit noise and vibration;
- g) The segregation of waste materials into different streams for recycling or disposal, including measures to handle potentially contaminated arisings and groundwater.

All construction works shall be undertaken in accordance with the approved details.

*Reason: Details are required to be submitted prior to the commencement of the development in the interests of mitigating the effects of construction upon the local environment, local amenity and for reasons of highway safety.*

- 6. Prior to the commencement of works, a watching brief to deal with contamination which may be encountered shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details. If during construction, contamination not previously identified is found to be present, no further works shall be carried out in the area identified, unless first agreed in writing by the CPA, until a remediation strategy to deal with the identified contamination (including validation that contamination has been satisfactorily remediated) has been submitted to and approved in writing by the CPA. Works shall be carried out in accordance with the approved details.

*Reason: Details are required to be submitted prior to the commencement of development to provide an appropriate methodology that will ensure that risks of site contamination are properly identified and addressed.*

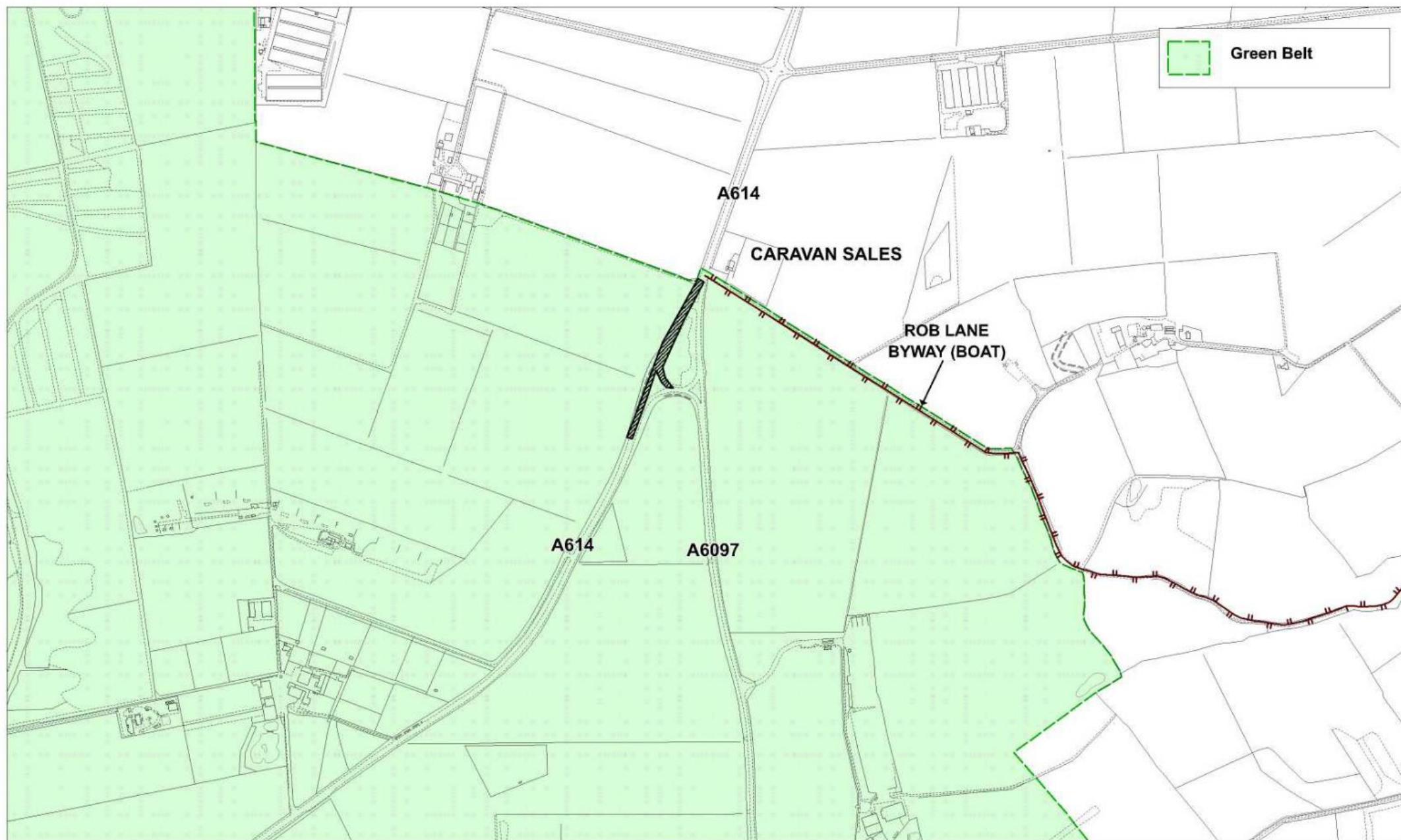
- 7. The CPA shall be notified in writing within 7 days of the date of the completion of the development. Within two months of the completion of development, a validation report to confirm an absence of contaminants notified to the CPA in compliance with Condition 6 shall be submitted to and approved in writing by the CPA.

*Reason: To ensure that the site is left in a satisfactory condition and does not pose a risk to human health and the environment.*

**Informatives/notes to applicants**

-





**Nottinghamshire  
County Council**

Geometric improvements and alterations to the gyratory junction.  
Intersection of A614/A6097 (Warren Hill), Farnsfield, Nottinghamshire.  
Planning Application No. 9/22/00588/CMA

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the  
Controller of Her Majesty's Stationery Office © Crown copyright.  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2022)

Scale 1:10,000

Produced by: JW

Date: SEPT 2022



**PLAN 1**









**27 September 2022****Agenda Item: 9****REPORT OF SERVICE DIRECTOR – PLACE AND COMMUNITIES****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/22/00586/CMA**

**PROPOSAL:** ENLARGEMENT OF ROUNDABOUT WITH ASSOCIATED LANDSCAPING AND IMPROVEMENTS TO PEDESTRIAN CROSSING FACILITIES. CHANGE OF USE OF LAND ADJACENT TO NO.15 NOTTINGHAM ROAD FROM PUBLIC HIGHWAY (FOOTPATH) TO RESIDENTIAL CURTILAGE

**LOCATION:** LOWDHAM ROUNDABOUT, INTERSECTION OF THE A6097, A612 AND SOUTHWELL ROAD, LOWDHAM

**APPLICANT:** NOTTINGHAMSHIRE COUNTY COUNCIL - (PLACE DEPT)

**Purpose of Report**

1. To consider a planning application for the enlargement of Lowdham roundabout and associated works. The key issues relate to the functioning of the highway for motorised and non-motorised users, impacts to local amenity, the use of agricultural land and flooding/drainage. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.
2. The applicant has elected to undertake an Environmental Impact Assessment and an Environmental Statement has been provided. Consequently the works require planning permission and do not benefit from Permitted Development rights that are usually available to the County Highways Authority.

**Background to the A614/A6097 project**

3. Nottinghamshire County Council along with its partner local authorities and agencies has identified a need to improve the capacity and performance of a number of junctions along the A614 and A6097 corridor which forms part of the Major Road Network (MRN) within the County.
4. The A614 is an important north-south route from Nottingham to Retford and beyond, with the A6097 providing a spur to the A46 trunk road linking Leicester with Newark and Lincoln. Both roads are largely two-way single carriageway, with dual carriageway sections through Lowdham. Running centrally through the County the roads serve as vital commuter and tourist routes linking villages

and towns together and with the City of Nottingham and also providing the access to attractions including Rufford Abbey, Sherwood Forest, White Post Farm, and Wheelgate Park. The roads also serve as diversionary routes for the M1 and A1 to the west and east respectively.

5. In recent years the County Highways Authority has undertaken improvements to several junctions along both roads and has also introduced a lower 50mph speed limit (enforced by average speed cameras). The following six junctions have now been identified as requiring intervention to ensure the effective functioning of the road corridor and are shown on the appended 'A614 and A6097 Junction Improvement – Overall Project Location Plan':
  - Ollerton Roundabout (A614/ A616/ A6075)
  - A614/Mickledale Lane/Inkersall Lane
  - White Post Roundabout (A614/ Mansfield Road) Farnsfield
  - Warren Hill (A614/ A6097) gyratory junction
  - Lowdham roundabout (A6097/ A612/ Southwell Road)
  - Kirk Hill (A6097/ Kirk Hill / East Bridgford Road) East Bridgford
6. A further junction (A614/Deerdale Lane/Eakring Road, Bilsthorpe) has been removed from the wider project due to costs and complexities. Each has been submitted for planning permission and are considered in separate reports.
7. The MRN is a middle tier of the country's busiest and most economically important local authority A roads sitting between the Strategic Road Network (SRN) and the rest of the local road network. The A614 and A6097 routes were designated as such in October 2018. The stated objectives of the MRN and of the A614/A6097 project are closely aligned and include:
  - (a) **Improved Journey Times and Reliability-** There are regular delays and queueing at Ollerton, Lowdham and Kirk Hill junctions which are predicted to worsen with traffic and local housing/economic growth. It can also be difficult to access the A614 from Bilsthorpe village.
  - (b) **Network Resilience-** Capacity improvements will support the Strategic Road Network by adding resilience to the highway network which will boost productivity and reduce costs to businesses. Both roads serve as alternative and diversionary routes during incidents or major roadworks.
  - (c) **Economic Growth-** Additional capacity will drive economic growth by facilitating housing and creating jobs. In particular a number of development sites have planning conditions and obligations limiting build out until improvements are made to Ollerton and Lowdham roundabouts. This includes the development at the former Thoresby colliery.

Improvements at the junctions would enable 1,330 dwellings and 24,281m<sup>2</sup> of employment space to be built out stimulating economic growth.

- (d) **Connectivity** - Improving journey times and reliability will improve connectivity to Nottingham and improve access to supply chains and labour markets.

## The Site and Existing Situation

8. Situated on the western edge of Lowdham village, this is a busy conventional 4-arm roundabout (see Plan 1). The A6097 (Lowdham/Epperstone bypass) is a dual carriageway both to the north-west and south-east of the roundabout, whilst the A612 (Nottingham Road) and Southwell Road are single carriageways from the south-west and north-east respectively.
9. Lowdham Cricket Club is situated to the north behind a fringe of mature trees and a grassed embankment. The Cocker Beck flows along the eastern side of the cricket field and then along the Station Road area. The roundabout and surrounding area is consequently denoted as at high risk of flooding (Flood Zone 3) (see Plan 2), however flood defences have recently been improved by the Environment Agency, with a further major upstream project in planning.
10. There are residential properties present to the east (along the short stub of Nottingham Road between Southwell Road and Station Road) and to the west including four properties on the south side of the A612 Nottingham Road which have driveway access directly from the A612.
11. The land to the immediate north-west of the roundabout is a large arable field which rises up northwards. This is enclosed by a low managed hedgerow and a small ditch. The application red line area includes the southern parts of the field. There are areas of highway verge/grass edges around and within the roundabout which are also in the red line. The junction lies within the designated Green Belt.
12. There is limited pedestrian/cycle provision. Narrow footways are present around the roundabout and uncontrolled crossing points are present using the splitter islands across the A6097 on both the north-west and south-east arms. The former is also a shared cycle path linking Lowdham to Burton Joyce and Nottingham.
13. There are five Grade II Listed Buildings within 200m to the north-east, the nearest being the Lowdham War Memorial which stands to the immediate north-east of the roundabout within a landscaped area including a row of mature trees. A pair of bus stops (with shelters, poles and flags) are present on Southwell Road at this point.

## Planning history

14. The only relevant planning history to note is this Council's Scoping Opinion issued in 2021 advising on the scope of the Environmental Statement now submitted with the current application. Comments from technical consultees informed this process and it is to be noted that the ES appears to be substantially based on that scoping advice.

## **Proposed Development**

15. This junction experiences journey time delays and queuing, particularly in peak periods. It is also restricting housing delivery and economic growth, with the Teal Close/ Rivendell development (Colwick) limited by planning condition to 325 dwellings until improvements at Lowdham are provided. A further 680 dwellings would then be able to be built.
16. It is proposed to enlarge the current roundabout but in a slight elliptical arrangement, with mostly two lanes on, circulating around, and off, merging back to single lanes in the case of the south-western A612 arm (the Southwell Road north-eastern arm would be single lane exit) and maintaining the dual carriageways on the A6097 (see Plan 3). The A612 south-west arm on its approach to the roundabout would be widened into three lanes on its approach with the first lane providing a dedicated left turn lane for the A6097 north. This would require removal of a mature ash tree, the field hedgerow and drain. A replacement hedgerow and drain would be provided further back.
17. The existing uncontrolled pedestrian/cycle crossing over the A6097 north-west arm of the roundabout, would be replaced with a pair of signal-controlled Toucan crossings along with adjustments to the approaching footways. Works would also include new signage, LED street lighting and a 30mph speed limit would be imposed.
18. The four properties to the south of the A612 Nottingham Road (No.s 15 to 21) would lose direct access onto this road and instead it is proposed to construct a new access road/drive and turning head from the A612 to the south-west of these properties utilising the edge of an arable field and then using the existing verge and footway space in front of these houses. At no.15, on the roundabout corner, it is proposed to transfer part of the footway space to this property in order to create driveway access and enclose it with a new boundary. As such the planning application also seeks a change of use for this small area from highway land to residential curtilage land. Space would be left on the corner for a narrow footway.
19. An area of arable farmland to the north west of the junction is required permanently for a proposed water attenuation/storage area which would be landscaped as seasonally wet meadow with trees/shrubs (see Plan 4). A grassed bund would protect adjacent properties to the west. A replacement wet ditch would be provided behind the replaced hedgerow around this corner of the roundabout. Surface water would drain out from the attenuation area at a controlled rate into a culvert under the A612. Culverts and receiving drains

would be cleaned out. A full drainage scheme has been included in the application.

20. Further arable farmland to the north-west and south-west are also required for temporary construction compounds – see plan 5.

## Consultations

21. **Newark and Sherwood District Council** - *No objections.*
22. **Lowdham Parish Council** - *No objection but requests that Nottingham Road (short section to Station Road) be made no entry from Southwell Road to prevent a build up of traffic at busy times as traffic awaits to turn right after leaving the roundabout.*
23. *Adequate drainage should be put in place as there has been historic flooding issues in Lowdham. Pedestrian crossings should be provided. Traffic Management will also be necessary during construction to prevent a rat run through Main Street.*
24. **Environment Agency** - *No objection. Advises registration to the flood warning service and that Permits may be required for works within 8m of a river or flood defence.*
25. **NCC (Highways)** - *Supports the objectives of the proposed works (as part of a series of improvement works along the A6097-A614 route).*
26. Capacity and Congestion- *The assessments demonstrate that the roundabout is over capacity in the AM and significantly so in the PM peaks (2023) and by 2037 will be at even greater levels over capacity if no changes are implemented. The proposed roundabout has been tested and is demonstrated to increase capacity, reducing queuing from a theoretical 117 vehicles to 29.*
27. *It is considered therefore that the proposals represent a significant improvement to the capacity of the roundabout, offsetting what would otherwise be severe congestion over and above that already seen, created by traffic growth and development.*
28. Highway Safety- *All issues have now been addressed in terms of accident information and specific queries in regard to cycle provision. The non-motorised users (NMU) information indicates a significant number of cyclists in this vicinity, which is reflected in the accident statistics.*
29. *A Toucan Crossing is proposed to be introduced across the northern arm, linking an existing shared route. (It is accepted it is not necessary to apply LTN1/20 to the design). In order to encourage its use [by cyclists], to offset cyclists using the middle of three lanes, a clearly signed entry point prior to the lane split should be provided at detailed design, with an exit point to the east of the roundabout. If possible, considering land constraints, this latter section*



*should be improved in width to further encourage use, although this could be considered at detailed design.*

30. *It is proposed to increase the numbers of approach lanes from 1 to 2 on the northeast arm. This is a common roundabout layout and is not in itself inherently unsafe. However, considering this in relation to the existing level of cycle accidents, further evidence of NMU activity (i.e. turning diagrams of cyclists) in conjunction with proper first level accident analysis should be submitted for review [ Accident data has now been updated].*
31. *An access road is proposed to serve numbers 15 to 21 Nottingham Road. It appears that the intention of this would be to enable safe residential access for householders, deliveries and refuse collection.*
32. *Tracking of the individual properties served by the access road has been carried out. The tracking in front of number 15 presents some concerns on first appearances as vehicles would have to carry out a several point turn to re-enter the access road in a forward gear. However, there is a 3.3m wide 'buffer zone' included in the tracking drawing which has not been used to facilitate turning movements. This 'buffer zone' is currently fully available for vehicles associated with this property and if utilised as it is now, as part of the parking and turning area associated with the property, it is considered that vehicles will be able to exit the property by reversing and then driving forwards, using just two turns.*
33. *Technically, there is sufficient space for 3 parking spaces within the curtilage of number 15, each with a minimum distance of 6 metres behind them and all exceeding the dimensions required by the Nottinghamshire Highway Design Guide.*
34. *Changes to local traffic patterns- The Transport Assessment assumes redistribution of traffic would be unlikely due to lack of route choice (tested using the Midlands Connect Highway Model). However, this is in relation to the major and/or strategic road networks and more local roads are likely to see reassignment. Request that information is provided, showing any possible reassignment so that an assessment can be made of any potential capacity or safety issues on the wider, local network.*
35. *The applicant has advised that monitoring of the major road network will be required by the DfT but that this work will look further afield so that villages close the A614/A6097 corridor are captured. The methodology and locations of this is not defined, so it is suggested that this element is controlled by planning in order to identify and address any potential unacceptable or severe impacts on the adjacent local road network.*
36. **NCC (Archaeology)** - *Requests conditions requiring a written scheme of archaeological investigation to be submitted for approval.*
37. **NCC (Built Heritage)** - *No objection subject to restrictions on construction works around Remembrance Day/Remembrance Sunday.*

38. *The proposed improvements are within the setting of several designated built heritage assets, the closest being Lowdham War Memorial (Grade II listed). The application contains a thorough assessment of proposal's impact on the setting of Lowdham War Memorial and the other designated and non-designated built heritage assets, including noise and lighting impacts.*
39. *Potential impacts/concerns have been addressed satisfactorily. Detailed signage design is still to be submitted, however a sign close to the war memorial is proposed in the same location as the existing sign.*
40. *Recommends by way of condition that, as well as construction work not taking place on Remembrance Sunday, that work also stops in advance of the 11.00 minute's silence on the 11<sup>th</sup> November. This is to ensure that the principal purpose of Lowdham War Memorial as a location for remembrance is not unduly disrupted.*
41. **NCC (Flood Risk)** – *No objection subject to conditions requiring detailed surface water drainage schemes in line with the submitted and published Flood Risk Assessment and drainage strategy.*
42. **NCC Transport and Travel Services -Comments.**
43. *Bus Stop Infrastructure: Transport and Travel Services have no bus stop infrastructure observations or comments in respect of this application. Bus services affected: NCT 26, 26a, Nottsbus Connect Services 300, 747 and school services. Any service diversions required as part of the works will impact upon the bus network. Highway works requiring closures or diversions should be limited during the day with overnight closures recommended where the works require closures and/or diversions.*
44. **NCC (Nature Conservation)-** *No objections provided recommended construction management measures, landscaping/biodiversity net gain and other mitigation measures are secured.*
45. *The application is supported by a range of ecological survey work, which can be considered to be up to date. This scheme does not directly affect any designated sites.*
46. *In terms of losses of notable habitats, these are reported to amount to:*
47. *0.25ha of neutral grassland and 160m of hedgerows would be lost with mitigation provided through landscaping (including through the creation of a flood detention basin). Minor loss of habitat for foraging/commuting bats would occur, but it is noted that these are already subject to disturbance from the existing junction (including from lighting), with mitigation again provided through landscaping.*
48. *The indirect impact of artificial lighting on bats is predicted to be negligible, with an avoidance of the direct illumination of habitats; in addition, street lighting is already present at this location, albeit that the extent of lighting will be greater on the eastern and western arms of the junction than is currently the case.*

49. *The identified ecological mitigation measures should be included within a CEMP, required by a pre-commencement condition. In addition, construction areas must be clearly demarcated with temporary protective fencing to ensure that accidental ingress into designated sites is prevented.*
50. *Biodiversity gain - The updated Biodiversity Net Gain Assessment now concludes that a net change of 33.95% for habitats, and 118.7% for hedgerows will be delivered for this scheme, exceeding the 10% minimum figure which will be required when BNG becomes mandatory.*
51. *To ensure that the anticipated net gain is achieved in practice, a Biodiversity Gain Plan should be required prior to commencement of development, implemented with habitat management and monitoring for a 30 year period. A detailed landscaping scheme should also be required by condition and which must be fully consistent with the Biodiversity Gain Plan (and vice versa).*
52. **Natural England – No objection/standing advice.**
53. **Via Safer Highways - Comments and recommendations.**
54. *Via Safer Highways undertook Stage 1 Safety Audits where recommendations to improve the designs were made. It is strongly recommended that further Road Safety Audits are carried out at Stage 2 (Completion of Detailed Design) and Stage 3 (Completion of Construction).*
55. *The provision of two lanes of traffic circulating around the roundabout will increase conflicts between vehicles, with the resultant increased risk of collisions/injury. This could be particularly difficult for powered and non-powered 2-wheeled vehicles. The increased capacity is also likely to increase vehicle journeys in the immediate local area as well as in the wider region with a consequent increased risk of collisions.*
56. *The Toucan pedestrian and cycle crossing over the A6097 northern arm will be valuable. Recommended that the supporting links/infrastructure is given attention during detailed design. However the proposal offers little or no improvement for pedestrians on three of the arms. This is a residential area with private dwellings all around the junction, so further consideration could be given to improving the crossing facilities.*
57. **Via (Landscape) - Supports, with a number of comments and recommendations.**
58. Methodology and baseline - *The methodology for determining construction and operational effects is accepted. The relatively small scale of the scheme, combined with screening provided by a combination of existing landform, mature woodland and built form, are considered to negate the potential for significant landscape and visual effects beyond 0.75km.*
59. Physical Landscape impact- *This has not been quantified within the scheme specific assessment and has not been described in a range from minor to major adverse, however the vegetation clearance dwg and Ch 8 (Biodiversity) states*

the vegetation to be removed as unimproved neutral grassland 0.25ha; amenity grassland 0.09ha; arable land 0.38ha; species poor hedgerow and species poor hedgerow with ditch 160m; and seasonally wet flooded ditch 0.12 km. This should be added to Chapter 7.

60. Landscape character impact - Landscape character impacts are agreed as follows: Mid-Nottinghamshire (MN) 40 Epperstone Village Farmlands with ancient woodlands – Slight adverse Landscape effects at the Construction stage and year 1, and negligible effects by Year 15. Mitigation planting will be beginning to have beneficial effects by Year 15.
61. Trent Washlands (TW) 08 Gunthorpe and Hoveringham village farmlands - Slight adverse Landscape effects at the Construction stage, and neutral effects in Year 1 and year 15. – Is incorrect and should instead refer to TW06 Bulcote village farmlands as this is the other Policy Zone directly affected by the proposed development. However it is agreed that landscape effects will be no more than slight adverse at the construction stage, reducing to neutral by Year 1 and in Year 15 because there are limited direct effects on this Policy Zone.
62. Visual Effects - The Zone of Theoretical Visibility plan was produced at the scoping stage and used to derive six viewpoints. Three visualisations were also produced. The text should explain the rationale for choosing these viewpoints.
63. The conclusions of the assessment of visual effects are set out in tables 7.11, 7.12, and 7.13. Agrees with the assessment and that the methodology is transparent however, the viewpoint descriptions should also make reference to the lighting footprint as the proposed lighting would extend further along the A6097 to the north west and south east, and A612 to the southwest.
64. The text for Viewpoint 6 should mention the removal of the mature Ash Tree on the A612 Burton Road, as this is a significant visual feature. Do not however disagree with the overall assessment of slight adverse visual impact.
65. No year 15 visualisations were submitted, which would be best practice, to illustrate how the maturing landscape treatment will help to mitigate the proposals. However sufficient information has been provided to show that the landscape proposals have been thoroughly considered at this stage. It would be beneficial to provide Year 15 visualisations to support detailed landscape proposals under planning condition.
66. Design, mitigation, and enhancements- The landscape design concept gives a clear indication of the landscape philosophy for the scheme. Some additional text would be helpful to describe how the scheme meets landscape character and ecological objectives, as well as how the landscape treatment mitigates the visual effects. The total amount of vegetation to be replaced is: unimproved neutral grassland 0.386ha; amenity grassland 0.045ha; species rich hedgerow 170m; species rich hedgerow 151m and seasonally wet flooded ditch 104m.

67. *A detailed landscape drawing should be requested by planning condition and this should refer to the species list for the Mid Nottinghamshire Farmlands Landscape Character Area.*
68. *A habitat management plan should be included as a condition of the application for the proposed pond, to ensure that arrangements are put in place for the management of this feature and to ensure the continued survival of the landscape mitigation proposed.*
69. **Via (Noise Engineer)** - *No objection subject to conditions requiring a construction management plan and prior to commencement baseline noise survey.*
70. *The result of the overall assessment of operational impact indicates a classification of the effects as being not significant at all receptors, with the magnitude of the impacts varying from negligible adverse to minor beneficial for the operational phase.*
71. *For construction phase impacts, a total of 35 receptors are predicted to experience potentially temporary significant effects. In order to mitigate these effects, a list of Best Practicable Means (BPM) has been provided, and it is recommended that those measures should be detailed in a Construction Environmental Management Plan (CEMP).*
72. *The assessment of the effects on the cultural heritage and at the ecological receptors shows a negligible change within the Lowdham assessment area.*
73. **Via (Reclamation)** - *No objections subject to conditions.*
74. *A Phase 1 Geo-Environmental desk study and site-specific environmental statements have been prepared and which are considered acceptable for the purposes of the planning application.*
75. *Raises no objection subject to planning conditions requiring a site investigation/risk assessment to be submitted (prior to commencement) and a method statement detailing how any contamination would be remediated. A validation stage should then evidence this or confirm an absence of contamination. A watching brief is also requested.*
76. *An Environmental Management Plan to control construction effects including noise, vibration, dust, mud, and pollution/spillages and waste disposal is also recommended.*
77. **Planning Casework Unit** - *(statutory notifications - does not wish to comment).*
78. **Cadent Gas Limited-** *No objection, but notes there is gas infrastructure within the area of the development.*
79. *There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive*



*covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply to have apparatus diverted in advance of any works.*

80. **Via (Countryside Access), Ramblers, Trent Valley Internal Drainage Board, Western Power Distribution, and Severn Trent Water Limited** have not responded. Any response received will be orally reported.

## **Publicity**

81. The application has been publicised by means of site notices, press notices (jointly with the 5 other junction proposal) and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement. Further publicity and consultation with consultees has been undertaken upon receipt of further information under Regulation 25.
82. In addition, the applicant department have undertaken separate and complementary publicity via the 'Email me' bulletin, the Council's twitter feed and have added links to the individual planning applications from the dedicated A614/A6097 project website:
- <https://www.nottinghamshire.gov.uk/transport/roads/a614>.
83. Prior to the submission of the planning applications, the applicant department has undertaken extensive local engagement and consultations to inform the final junction designs. Scoping Opinions have also been previously obtained from the County Planning Authority to inform the Environmental Impact Assessment process.
84. One objection, albeit with multiple correspondence, has been received against this application regarding the proposed changes to residential access to no.15 Nottingham Road/A612. The frontage land that is proposed to be transferred to this property is considered insufficient to allow for vehicle turning within the enlarged residential curtilage in order that vehicles exit onto the access drive in a forward gear. The resident has two vehicles and a business trailer to accommodate on the driveway and is seeking an additional area of highway verge land to the north-east to provide more turning space.
85. The objection is also raised because the underground utilities present within the frontage highway area would not be relocated upon the transfer of this land to the property and as such would be within the private driveway/garden area and could in future require access and excavations by the system operators e.g. Cadent Gas and the associated disruptions.
86. Details of the new boundary are queried and there is a preference for planting rather than close board fencing.



87. Councillor Roger Jackson has been notified of the application and has confirmed verbally that he supports the proposals subject to drainage details.
88. The issues raised are considered in the Observations Section of this report.

## **Observations**

### The requirement for planning permission

89. The County Council, with its responsibilities as the local Highway Authority, has extensive rights to undertake work to maintain and also improve the highway network. The Town and Country Planning Act 1990 (s55) excludes such works from the planning system where they would be within the boundaries of a road. Where such highway authority works go beyond the road boundaries, utilising adjacent land, such works are ordinarily deemed Permitted Development by virtue of the Town and Country Planning (General Permitted Development Order) (England) 2015 as amended. However these rights are removed under article 3 of the Order where the works are deemed to be EIA development, as is case here, where the applicant has elected to submit an Environmental Statement. Therefore planning permission is required.

### Planning policy assessment

90. This is one of six inter-related planning applications concerning junctions along the A614/A6097 corridor. However, each has to be independently considered and determined in the usual way against the applicable Development Plans and having regard to material considerations.
91. The Development Plan in this instance is the Newark and Sherwood Local Plan comprising the Amended Core Strategy (Part 1) (2019) (CS) and the Allocations and Development Management Plan Document (Part 2) (2013) (A&DM) together with the associated policy map. The National Planning Policy Framework (NPPF) is a material consideration. Other material considerations may include the Nottinghamshire Local Transport Plan and the D2N2 Strategic Economic Plan. It is also relevant to note that certain design standards apply including the Design Manual for Roads and Bridges and the NCC Highways Design Guide.
92. The importance of public infrastructure for local communities and to support planned/future development is set out through the Local Plan. CS Spatial Policy 6 (Infrastructure for Growth) seeks to ensure that the infrastructure to support local growth and to deliver the outcomes of the Strategy as a whole are provided. An Infrastructure Delivery Plan (IDP) informs this approach. Strategic Infrastructure in this context is defined as including improvements to the strategic highway network and other highway infrastructure as identified within the IDP. Together with A&DM Policy DM3 there is a framework for securing developer contributions and funds including via the Community Infrastructure Levy.

93. Improvements to the highway network therefore form an important aspect of the approach to infrastructure, notwithstanding the wider objectives of CS Spatial Policy 7 (and national policy) in reducing car travel and promoting sustainable patterns of development and travel. Under Spatial Policy 7 (Sustainable Transport) and its supporting text, new highway infrastructure will only be required (for the purposes of the Plan) where other measures are insufficient to cope with the impacts of planned developments and that this is informed by the IDP process.
94. Junction improvements at the Lowdham roundabout form part of the wider A614/A6097 corridor scheme which is included in the Nottinghamshire LTP and is also an investment priority in the D2N2 Strategic Economic Plan. This junction is specifically identified in the IDP and listed in Appendix D of the Core Strategy as being highway infrastructure works required for the delivery of the Local Plan/Core Strategy itself. Four other junctions – the subject of separate reports – are also listed. The IDP comments that possible interventions could include the introduction of signal controls and associated geometry revisions, but it does not specify exactly what form the junction improvements should take.
95. The current proposals do not propose the introduction of traffic signals and go further than just geometric revisions – a full enlargement of the roundabout is proposed with additional lanes on approach and around, thereby expanding junction capacity and throughput for motor traffic. These are essentially road-based improvements although incorporating improved pedestrian/cycle crossings. The identification in the IDP and Core Strategy of this junction does appear to confirm that capacity improvements are necessary and can be supported and that alternatives such as sustainable transport-focussed solutions (for example cycle or bus improvements) would not be enough resolve the existing and forecasted congestion issues on their own.
96. Furthermore, traffic modelling finds that the current roundabout is significantly overloaded in the pm peak and forecasts congestion and queuing would significantly worsen if no changes are made. The enlargement would therefore significantly improve what would otherwise be severe congestion conditions created by a combination of general growth in traffic and from local development and housing growth.
97. Whilst Spatial Policy 7 does ultimately favour sustainable travel, non-car modes of travel (including public transport, walking, cycling) and minimising the need for travel, which aligns with national planning policy (NPPF paras 110 and 112), it also states that development proposals should contribute to the LTP and does not preclude road based schemes. The policy does however seek to reduce the impact of roads and traffic, increase rural accessibility and enhance the pedestrian environment. A number of further considerations are also listed as follows:
- *minimise the need for travel, through measures such as travel plans for all development which generate significant amounts of movement, and the provision or enhancement of local services and facilities;*

- *provide safe, convenient and attractive accesses for all, including the elderly and disabled, and others with restricted mobility, and provide links to the existing network of footways, bridleways and cycleways, so as to maximise opportunities for their use;*
  - *be appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected;*
  - *avoid highway improvements which harm the environment and character of the area;*
  - *provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements in line with Highways Authority best practice; and*
  - *ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems, taking account of any contributions that have been secured for the provision of off-site works.*
98. Of particular relevance from the above is to avoid harm to the environment and character of the area, which require further assessment below. However, at this stage it can be considered that the proposed enlargement of Lowdham roundabout is compatible and in accordance with Spatial Policy 7 and is 'strategic infrastructure' necessary and supported by Spatial Policy 6 and the Plan as a whole. The proposals also help deliver the Nottinghamshire LTP.
99. Although the site lies outside of the defined village envelope where development is restricted to a narrow list of types of development under A&DM Policy DM8 (Development in the open countryside) whereby transport infrastructure is not one of the listed types, it is clear that these highway improvement works would not be contrary to the purposes of this policy in terms of the Local Plan directing development to where it is sustainable. CS Spatial Policy 3 (Rural Areas) similarly does not have transport infrastructure in mind, but it is evident that the proposals would help support the rural community/economy by reducing congestion and without unacceptable detriment to local character, amenity or other pertinent impacts such as drainage.
100. Lowdham is not a focus for new development or regeneration as is the case along the A614 at Ollerton and Bilsthorpe, and only limited new development is envisaged in the Local Plan. This is partly due to the village's position within the Green Belt. However the congestion and capacity issues here have wider implications for the A6097/A614 corridor and for new developments further afield and from which the resultant traffic is forecast to partly need to use Lowdham roundabout. Strategic housing led developments that are ongoing at Bingham and Newton, in Rushcliffe Borough, and at Teal Close/Rivendell, Gedling will add to the overall forecast traffic growth at Lowdham. The development at Teal Close is also limited by planning condition to 325 dwellings until capacity at Lowdham roundabout is addressed. Therefore, capacity

improvements are key to the completion of major new developments over a wide area, and key to the delivery of strategic/allocated sites within both the Rushcliffe and Gedling Local Plans. This clearly shows the vital role that the A614 and A6097 corridor plays for the Nottinghamshire economy.

101. It is clear that when considering the above transport and infrastructure plan objectives, and the linkages with nearby developments, the proposals are required and are fully supported in principle to provide needed additional road capacity, whilst maintaining its function as part of the MRN on the A6097/A614 corridor. The plans accord with policies SP6, SP7 and support the wider plan objectives in policies SP1 and SP2. The proposals further support the implementation of the Gedling and Rushcliffe Local Plans. Given the identification and support for this proposal throughout the Local Plan and LTP documents, and the dependence placed upon it to deliver the Plan as a whole, Officers consider that there is strong weight in favour of the proposals in principle.

#### Highway design and safety matters

102. The proposed designs have been subject to an initial Road Safety Audit and found acceptable subject to consideration of a number of detailed recommendations. Certain minor updates to the plans may therefore emerge after any planning permission has been granted and these will need further approvals. Further Road Safety Audits would be conducted at the final/detailed design stage and then after opening to check how the roundabout is operating. It is also understood that the Highway Authority would monitor post development traffic flows to check the network is operating as planned.
103. It should be noted that an enlarged roundabout with additional lanes can expect to result in increased accidents/collisions and poses additional difficulties for motorbikes and cyclists. This has to be traded against the overall day to day increased traffic throughput that would be created.
104. Cyclists using the A612 - Southwell Road route would have the option of taking the off-road shared path and Toucan crossing rather than negotiating the roundabout, however there are a large number of road based cyclists using this area. Signage for the cycle route and crossing could be improved at the detailed design stage to encourage its use and it should be recognised that this would be a significant improvement over the existing uncontrolled crossing point which is difficult for pedestrians/cyclists to use due to the often constant flow of A6097 traffic. It is noted that no further controlled crossings are to be provided across the other arms, however there does not appear to be the need for such. However the A6097 currently has an uncontrolled crossing point south of the roundabout providing connectivity to the four properties to the south-west and this should be maintained or re-provided as a minimum.
105. Lowdham Parish Council have made a specific request to turn the short section of Nottingham Road, east of the roundabout, no entry from its junction with Southwell Road, thereby creating a one-way route from the Station Road

direction only. The concern is for traffic waiting to turn right into Nottingham Road delaying off-coming traffic from the roundabout. This has not been identified as a measure that would be needed to make the scheme function effectively and is therefore outside of the scope of the project. However traffic flows in the area would be monitored post development to check that the network is performing as expected and the County Highways Authority would be able to consider the Parish Council's request as a separate/further intervention in the future.

106. A specific issue is raised at the properties on the south-east side of the roundabout, with an objection from no. 15 Nottingham Road as summarised above. For safety and junction performance reasons these four properties would lose their direct driveway access from the A612 and instead a new access road or driveway, segregated from but parallel with the A612, would be created along the front verge area down to a new priority junction to the south-west. As this would also be shared with any pedestrians it is important that vehicles can leave each of the dwellings in a forward gear and have turning space to do so. In the case of no.15, at the end of the access drive, the proposed solution involves a transfer of some of the front highway land to enlarge the resident's driveway area, rather than create a turning head or area beyond. Officers have requested vehicle tracking be undertaken to demonstrate how the arrangement would work for each property and for two cars. It has been demonstrated that each/either car would be able to turn within the drive area and leave in a forward gear, although one car would require a very tight 5-point turn to do so based on the tracking information undertaken. NCC Highways comment that this tracking information appears to be conservative and that there should be turning space and room for 3 parked cars- which would also accommodate the resident's trailer. Details for the new boundary treatment and gates are yet to be determined. Therefore whilst it has been shown that the access drive would be able to serve these dwellings and safely allow for these vehicles to enter and exit the A612 at a point further away from the roundabout, there appears to be certain details which still need to be resolved at no.15 in terms of the boundary treatment and positioning of any gates and as such a condition on this matter is recommended. Further concerns at this property are discussed below.

#### Residential amenity (including construction effects)

107. CS Core Policy 9 and A&DM Policy DM5 seek to ensure high standards of design. Policy DM5 amongst other matters lays out provisions in relation to local amenity. Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact. The layout of development and separation distances from neighbouring development should be sufficient to ensure against unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Proposals resulting in the loss of amenity space will require justification. CS Policy SP3 in relation to rural areas also states that new development should not have a detrimental impact on the amenity of local people nor have an undue impact on local infrastructure.



108. Final construction details will not be fully known until a contractor is appointed, however the applicant's ES has been able to assess the likely worst-case level of effect based on typical road construction activities. The construction programme is anticipated to last for approximately 10-12 months. Up to 27 residential properties could experience a significant, albeit temporary/transient *major adverse* impact, these being situated on or adjacent to the roundabout and within 50m of the works boundary on Nottingham Road, Victoria Avenue and Station Road. There could also be some moderate adverse vibration effects which could result in annoyance to 16 properties. At a greater distance from the works area, between 50m and 75m, the resulting noise impact from construction decreases to minor to moderate adverse and after 75m to negligible to minor adverse. Further areas within the village are therefore affected but to a lesser degree. Construction impacts would be temporary and transient depending on where and when certain work activities are carried out, however the nature of these highway works would not be unusual. Furthermore a Construction Management Plan would be developed and the contractor would be expected to use Best Practical Means to control noise and vibration. Typical examples of such mitigation have been identified and could include, for example, the use of temporary acoustic screens. Measures to control dust (considered further below under air quality) and mud would also be covered.
109. Noise modelling for the completed enlarged roundabout shows that generally there would be a negligible beneficial noise impact locally, partly due to the proposed reduced 30mph speed limit on the A6097 and A612 approaches, and because of high levels of existing background traffic noise, although 8% of receptors would experience a negligible adverse effect from traffic noise. In the longer term if background traffic levels increase, a majority of local receptors would see a negligible adverse effect. The noise modelling takes into account over 700 local receptors including healthcare and education settings and no significant operational effects are expected.
110. No noise or vibration objections have been raised and it is clear that the beneficial enlargement and other improvements planned to this junction would require some short term temporary disruption during construction which is capable of being managed and mitigated as far as possible through a construction management plan, which should be required under planning condition.
111. Street lighting would be upgraded to LED which would limit slight spill from the highway areas. This should be beneficial to properties along Nottingham Road and Station Road. Lighting would however extend along the A6097 for the first time and so is likely to be perceived more at night, whilst the additional columns would be visible by day. The lighting scheme has been designed to the necessary standards and is a highway safety measure.
112. There would be an intensification of highway infrastructure at this edge of village location, including from the additional lanes and extended street lighting. The design of the new roundabout includes provision for enhanced and new landscaping on and around it, including the water attenuation area and it would



maintain a green gateway into the village by avoiding impacting on the cricket club or the adjacent verge area.

113. Adjoining residents would not experience unacceptable noise impacts, however changes to access are needed for no.s 15-21 Nottingham Road as noted above.
114. Concerns at no.15 Nottingham Road, which is particularly affected, have been addressed above, but a further concern is over the utilities that are situated below the highway verge/footway area that is to be transferred to this property to enlarge their drive/garden area. Due to cost reasons it is understood the applicant does not propose to relocate these and so they would exist below what would become the resident's driveway and garden. This in itself is not an unusual occurrence and does not prevent the use and enjoyment of the above ground area for residential purposes. It would be a rare occurrence for a utility operator to need to gain access for excavations and they would have to reinstate such works thereafter. However the presence of utilities can be expected to prevent certain above ground works, particularly the planting of trees and positioning of fence/gate posts etc. The latter affects the final designs needed for the new boundary, which has not yet been decided. Indeed Cadent Gas (comments noted above) which has gas pipes in the affected space, notes that certain above ground works cannot interfere with the legal easements covering the infrastructure. This has created some uncertainty, as such a condition is recommended to agree the designs and positioning of fencing and/or boundary planting and if the utilities prevent an acceptable solution being reached, then this part of the project may need to be redesigned. Notwithstanding this situation it can still be concluded that the proposed change of use of a small area of highway verge area to residential curtilage use is acceptable in planning terms, subject to agreeing a sensitive treatment for the new boundary.
115. On balance the proposed designs are considered acceptable and the general amenity at this junction would be largely maintained on completion of works, particularly by retaining the gateway landscaping into the village and by ensuring nearby residents would not be unduly affected by increased traffic noise, and whilst providing alternative means of access where required. Landscape and visual effects are considered below but new and replacement landscaping would be beneficial to the local character and amenity. Construction impacts are capable of being managed and mitigated subject to a construction management plan under planning condition.

#### Landscape and Visual Impact

116. Under CS Core Policy 13 and as informed by the Landscape Character Assessment Supplementary Planning Document (SPD), proposals for development should positively address the implications of relevant landscape policy zones that is consistent with the landscape conservation and enhancement aims for the area(s) ensuring that landscapes, including valued landscapes are protected and enhanced. A&DM Policy DM5 (Design) states all

proposals should be considered against the SPD. Local distinctiveness (landscape and built form) should be reflected in the scale, form, mass, layout, design, materials and detailing of development proposals.

117. A landscape and visual impact assessment has been completed and included within the ES. In general terms this considers the existing/baseline situation and then the effects of the junction improvements at year 1 of completion and then after 15 years when new or replacement landscaping would have had time to become fully established. Worst case findings are provided for winter when foliage will be absent. Particular focus is given to localised visual changes because wide area impacts to both landscape character and wider views are not anticipated.
118. In terms of landscape character reference is given to the applicable policy zone within the Newark and Sherwood Landscape Character Assessment as well as the national equivalent. The site area falls within two Regional Landscape Character Areas (RLCAs) (Mid-Nottinghamshire (MN) Farmlands RLCA and Trent Washlands (TW) RLCA) and two Policy Zones (PZs) are affected.
119. PZ MN40 Epperstone Village Farmlands with Ancient Woodlands, includes the open spaces north of the roundabout. The landscape condition is described as good, sensitivity is described as 'moderate', and the overall landscape strategy is 'conserve and reinforce'. The area contains generally medium to small scale arable fields, pasture and woodland, some riparian land within the Cocker Beck valley. There is human influence from the transport routes including the A612 and A6097 as well as from the older area of Lowdham including its conservation assets. Views are constrained to the north-west by topography but are more expansive to the south-east across the Trent Valley. The ES considers the area to be of medium landscape value.
120. PZ TW06 Bulcote Village Farmlands includes the arable field south of the A612, part of which is needed for the new residential access drive. (PZ TW08 Gunthorpe and Hoveringham Village Farmlands is incorrectly referred to in the ES). The landscape condition is described as 'moderate', sensitivity is described as 'moderate', and the overall landscape strategy is to 'create and conserve'. The area contains generally large to medium scale intensively farmed arable fields and hedgerows. This is interrupted with transport routes such as the A612 and railway line and by some modern farm buildings. The ES considers the area to be of medium landscape value.
121. The immediate site consists of the existing roundabout and its approaches, including the A6097 Epperstone bypass with its wide central grass reservation and lack of barriers which is characteristic of an early bypass. The character is more suburban or village-edge, with some ribbon development along the A612 Nottingham Road, including properties to the south west and open arable fields rising towards a ridge to the north. A low, managed hedgerow continues around this side of the roundabout. The eastern side is framed by the cricket club and a crescent of mature trees, with some frontage shrub planting together forming a prominent feature.

122. The proposed works involve the removal of the low hedgerow around the north-west corner of the roundabout to allow for widening works and specifically to accommodate a new A612-A6097 left turn lane. This would also entail the felling of a single, mature ash tree adjacent to No.2 Nottingham Road, a significant visual feature as highlighted by the Via Landscape comments. Some hedgerow would also be removed south of the A612 to create an access drive. The mature trees and landscaped areas around the cricket club, forming a gateway into the village, would however be unaffected.
123. New and replacement landscaping is proposed to reintegrate the enlarged junction into the landscape including replacement native hedgerows. There would also be a new water attenuation area (seasonally wet/dry grassland) with areas of shrub and woodland mix planting. This is set out on an accompanying landscaping plan.
124. The applicant's assessment finds that as a result of the proposed development there would be a slight adverse landscape effect at the construction stage (including through the siting of compounds), and at year 1 but by year 15 a neutral effect is expected as landscaping has taken effect. The new water attenuation area would contribute positively to the immediate landscape context balanced against the inevitable intensification of the highway and the greater footprint of the roundabout. These changes and effects would be very localised.
125. In terms of visual effects, six viewpoints have been assessed by the applicant in the ES and again impacts are considered for the construction stage, at year 1 of operation and year 15. Three visualisations have also been produced. Slight adverse impacts are expected at all but one viewpoint during construction, again also taking into account construction works and compounds. The War Memorial viewpoint is neutral by year 1, leaving slight adverse permanent impacts at year 15 for four viewpoints.
126. The lighting proposals include for the first time new lighting columns and LED fittings to the A6097 both to the north west and south east of the roundabout which will increase the perception of night time lighting at the junction. However the use of LEDs, including the replacement of the existing sodium lighting, would limit the area of light spill to focus on the highway and its verge area. There would be reduced light spill to the fronts of properties along Nottingham Road and Station Road.
127. The LVIA has been subject to critical assessment from Via and the landscape and visual conclusions are all largely agreed with and the proposals adjudged as acceptable and are supported. Whilst a number of minor errors are noted, including referencing an incorrect landscape policy zone, and a series of recommendations are made, there is sufficient information to inform an assessment of landscape and visual impacts. The identified errors/omissions are on the record and there would be no benefit in seeking amends. Instead the recommendations can be taken forwards as part of necessary planning conditions. Final details of landscape planting, its maintenance and other details such as fencing should therefore be agreed through a planning condition.

128. There would be a direct impact upon No.15 Nottingham Road whereby the resident's front hedgerow would need to be removed in order to create a modified access via the proposed new driveway serving nos 15-21. A new boundary would be created, which the applicant has tentatively suggested as a fence. This has not been considered in detail at this stage and potential replacement planting should also be considered for this corner. As discussed above, it is reasonable to defer this matter of detail under a planning condition to allow the final boundary treatment to be agreed with the CPA in consultation with the residents.
129. In conclusion, whilst there would inevitably be some slight adverse landscape and visual impacts at construction and year 1 of operation, the landscape effects would be neutralised by year 15, leaving some slight adverse visual effects permanently due to the greater highway area and new lighting. On balance, Officers consider that the landscape and site specific character has been properly taken into account as required by Core Policy 13 and Policy DM5, including proposals for landscaping, and that the impacts, being neutral, would conserve and to a limited extent possibly also reinforce local landscape character. There is therefore compliance with the policies, however the slight adverse visual impacts should be noted and carried forward into the overall planning balance.

#### Flood Risk and Surface Water Drainage

130. CS Core Policies 9 (Sustainable Design), 10 (Climate Change) and A&DM Policy DM5 (Design) together expect development to be located following the sequential approach to flood risk in line with national planning policy and for development to proactively manage surface water, including where feasible, the use of sustainable drainage solutions in order to address run off and flood risk to neighbouring areas or to the existing drainage regime. Development should also be resilient to the future effects of climate change.
131. Core Policy 10a (Local Drainage Designations) is relevant but not engaged in this instance. In recognition of the particular flood risk in Lowdham the policy is a statement of intent to develop a local drainage designation for the area, however to date this has not been taken forward by NSDC.
132. Flooding is a particular concern in Lowdham with the village experiencing several damaging events in recent years, stemming from the Cocker Beck 160m to the east of the roundabout as well as from poorly maintained land drains. A major Environment Agency led project is currently underway to reduce the future risk.
133. The application includes a detailed Flood Risk Assessment. It starts by identifying that the roundabout and its approaches are, in the main, located at high risk of fluvial flooding in Flood Zone 3, with the very centre in Flood Zone 2 (see Plan 2). This map/model does not however take into account local flood defences around and alongside the cricket club. Those defences have recently been enhanced by the Environment Agency and they have a further major

project pending to create an upstream flood alleviation/storage reservoir near to Lowdham Grange. More detailed flood modelling is therefore available for both the current situation, taking into account defences, and for a future baseline once the new alleviation scheme has been completed (currently planned for completion in Spring 2024).

134. The updated Environment Agency modelling shows the Lowdham scheme to be at a low baseline level of flood risk contrary to the Flood Zone maps. In a 1% AEP design event, including a +39% climate change allowance, the roundabout and approaches are shown not to be inundated with water – with the cricket club acting to hold water to the north east and some lesser flooding of streets between the A6097 and Station Road. Once the future flood alleviation scheme has been implemented the modelling shows there would be no change to the flood risk at the roundabout and therefore the junction improvements are not dependent on the EA scheme progressing. Overall the assessment considers the risk of fluvial flooding in the baseline situation to be low. There is a medium risk of surface water flooding (some drainage ditches are understood to be overgrown) and also a medium risk from high groundwater.
135. The flood risk assessment concludes that the proposed roundabout scheme is not expected to affect local fluvial flood risk. It then turns its attention to the proposed highway surface water drainage arrangements. Parts of the existing highway drainage system, on the eastern side, can be reused with some modification. On the western side, the scheme proposes attenuation in the form of a landscaped pond area utilising a corner of the arable field between the A612 and A6097 (to be maintained as part of the highway). The outlet from this would run under the road into a field drain beside no. 21 Nottingham Road but a flow control chamber would limit the discharge to 5 litres per second. In addition an underground attenuation chamber and flow control outlet would be sited under the proposed residential access road for no.s 15 to 21. A linear drain in front of these properties would also protect them from surface water flooding. Together this would result in a significant betterment to the existing surface water discharge. The scheme has also been designed to take into account the future effects of climate change.
136. The Environment Agency raises no objection to the proposals. It refers to the flood warning service and it would be precautionary for the developer/contractors to be signed up to this as part of the Construction Management Plan.
137. NCC Flood Risk also raises no objection however it requests a condition to require for approval the final and detailed surface water drainage scheme. In considering whether this is a reasonable request, though a detailed drainage plan has been submitted and the arrangements were considered through the Flood Risk Assessment, it is apparent that further/final details are requested. Therefore, whilst there are no objections to the scheme as presented, it is agreed that the final details should be reserved for condition and further approval of the consultees.

138. Two sites for temporary construction storage or compounds are proposed – one an arable field alongside the A6097 Epperstone Bypass and the other to the south-west of the A612 Nottingham Road. The flood modelling shows both would be outside the area affected by fluvial flooding and the latter field experiencing only some surface water flooding. The locations appear acceptable subject to details under condition which should include any stand-offs or buffers to field drains, as well as full restoration on completion.
139. In summary, whilst the Flood Map for Planning shows the roundabout at high risk of flooding, more recent and detailed modelling places the site at low risk of fluvial flooding. The reuse and enlargement of this junction is therefore considered to accord with the sequential approach to flooding and land use. The proposed surface water drainage scheme would provide attenuation which would deliver a betterment over the current system whilst also protecting neighbouring properties. The attenuation pond would also provide multi-functional benefits for biodiversity and enhancing the appearance at the corner of the roundabout. These enhancements should be afforded positive weight in the overall planning balance. Subject to final and exact details under condition, the proposals are considered to accord with local and national planning policy on this issue.

#### Agricultural land impacts/conservation of soil resources

140. A&DM Policy DM8 (Development in the open countryside) amongst other matters states that proposals resulting in the loss of the most versatile areas of agricultural land, will be required to demonstrate a sequential approach to site selection and demonstrate environmental or community benefits to outweigh the loss.
141. The NPPF states that planning decisions should contribute to and enhance the natural environment including by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality) and recognise the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile (BMV) agricultural land (para 174). BMV land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification.
142. The proposals require part of the arable field to the west of the roundabout to create a surface water attenuation area as well as a temporary construction compound. A strip of arable land to the south-west is also required to create a new access drive for no.s 15-21 Nottingham Road and again for temporary construction purposes. Initial survey findings indicate that the affected areas of agricultural land are largely Grade 2 and Grade 3a BMV land, with small areas of Grade 3b. The proposals would result in the permanent loss of approximately 0.5ha of BMV agricultural land, mostly for the water attenuation area, and would require the temporary removal of a further 0.88ha for construction purposes. There is no available mitigation as such for the removal/loss of the BMV land although the ES states that a soils resource plan would identify any re-use



options for the surplus soil material, where possible. The ES concludes that the permanent loss of half a hectare of BMV land would be of slight adverse significance, whilst the areas temporarily lost would also be of slight adverse significance.

143. The construction works also have potential to create damage to agricultural soils at the construction stage, including from the requirement for a temporary compound in the field to the west. The ES highlights this possibility as a slight adverse residual effect. Additional mitigation would be in the form of a soil resources plan/a materials management plan and an earthworks strategy. The works will be carried out in accordance with the Defra “Code of Practice for the Sustainable Use of Soils on Construction Sites” and other standards. Measures would include soil handling and stockpiling techniques and dedicated construction traffic/plant routes. Topsoil and subsoil would first be stripped and stockpiled separately either for use in restoring temporary areas such as the compound, upon completion of the project, or to enable beneficial reuse elsewhere. A range of pollution prevention measures would also be applied to protect soils and nearby surface and ground waters.
144. A condition governing the works for the temporary compound and requiring its restoration thereafter should be applied. Other details can be covered within a CEMP.
145. Impacts on adjacent BMV agricultural land is unavoidable if this roundabout is to be enlarged whilst avoiding impacts to the cricket club and neighbouring properties. Meanwhile ensuring highway surface water is sustainably managed is of critical importance to this community. The permanent loss of 0.5ha of BMV land along with a residual risk of reduced land quality following restoration of temporary work areas, carries some negative weight into the planning balance. However, for the purposes of Policy DM8, this is evidently outweighed by the benefits to the community and to wider road users from the resulting increased junction capacity and improved non-motorised user crossing provision. Other benefits include the improved surface water management and biodiversity enhancements, such that the proposals are considered to accord with Policy DM8 on this matter.

#### Green Belt

146. The application site is entirely within the Green Belt as confirmed by the Core Strategy and on the associated policies map. Spatial Policy 4B (Green Belt Development) sets out how development such as housing will generally be distributed in Green Belt areas. However, it then advises that other proposals in the Green Belt are to be adjudged according to national planning policy concerning the Green Belt, as is the case here.
147. Chapter 13 of the NPPF sets out that the Government attaches great importance to Green Belts and their fundamental aim is as a policy tool to prevent urban sprawl by keeping land ‘permanently open’ (para 137). The Green Belt serves five purposes: a) to check the unrestricted sprawl of large

built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land (para 138).

148. Paras 147 to 151 relate to proposals in the Green Belt and determine whether proposed development is appropriate or inappropriate development within Green Belt locations.
149. The proposals are considered to fall comfortably within the scope of para 150 – particularly para 150c): *“local transport infrastructure which can demonstrate a requirement for a Green Belt location”* – as a form of development which is specifically listed as capable of being ‘not inappropriate’ (and so appropriate) within the Green Belt provided that two tests are met. These two requirements are that the proposed development needs to preserve openness and result in no conflict with the Green Belt purposes (as listed above).
150. The need to demonstrate a requirement for a Green Belt location is self-evidently met because of the pre-existence of this junction in this location and that a Green Belt location is unavoidable. The enlargement of the roundabout and its associated works are entirely logical, reasonable and proportionate responses to the pressing congestion issues.
151. On the matter of whether the proposals would preserve openness, whilst this is a planning judgment in a given case, the Courts have provided clarity on this matter<sup>1</sup>. Openness is a broad policy concept which is the counterpart to urban sprawl and is linked to the purposes served by the Green Belt. Openness is not necessarily a statement about the visual qualities of the land, nor does it imply freedom from all forms of development. Whilst views and visual appearance in a landscape may still be capable of being a consideration in this matter of openness (it remains a matter of planning judgment in any given case), there is an emphasis of the Green Belt being a counterpart to ‘urban sprawl’.
152. The proposals do not entail the erection of any buildings or any notable above ground engineering structures, such as bridges, bunds or holding walls. Engineering works are generally planned at or below existing surface level in order to enlarge the roundabout, or to provide surface water drainage solutions.
153. The proposed works predominantly involve existing highway verges and other landscaped edges on the entrance to the village, but careful attention has been made so as to retain the mature trees around the edge of the cricket club (and the ground itself). An area of arable field is required on the north-west corner but

---

<sup>1</sup> R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant) [2020] UKSC 3

this would be predominantly to create a landscaped surface water attenuation area. Where the field hedgerow would be removed it would be replanted on a revised alignment. Changes to signage and street lighting would be required but overall these would be proportionate alterations at an existing junction which has to exist in a Green Belt location. The works to enlarge this roundabout are considered to not be harmful to the current conditions. The works would not create urban sprawl in Green Belt sense (subject to landscaping) and so it is considered that the proposals would preserve openness.

154. It is further considered that there would be neutral outcomes for the purposes of the Green Belt (as listed above). The proposals have not been designed to facilitate further development in the Green Belt or urban sprawl (but do enable planned development elsewhere) and the junction does not serve as an important break/barrier to settlements merging together, nor does it form a setting to any historic town (though conservation issues are still relevant in other aspects). There would be some minor impact upon the adjacent countryside from direct land take, specifically for water attenuation, however the proposals would still fundamentally safeguard the countryside from urbanising development and particularly from built development.
155. If, however Members are of the alternative view that openness would not be satisfactorily preserved, or that there would be direct conflict with the purposes of the land's inclusion in the Green Belt, it would be necessary to consider whether 'very special circumstances' (VSC) clearly existed to justify what would be harmful and inappropriate development in the Green Belt and VSC would only exist where such harm by reason of inappropriateness, and any other harm resulting from the proposals, are clearly outweighed by other considerations (following NPPF paras 147-148). Such considerations would be the resulting public benefits for both the effective flow of road traffic and improved facilities for non-motorised users as a result of the capacity and reconfiguration works. It is Officers' opinion that the benefits would clearly outweigh the harms such that VSC would exist. However, for the reasons set out above, Officers' position is that the proposals are considered to be appropriate development in the Green Belt (subject to landscaping and other conditions) and would therefore comply with national and local planning policy on this matter.

#### Ecological Impact

156. CS Core Policy 12 sets out to conserve and enhance biodiversity and geodiversity. Development proposals need to give particular regard to sites of international, national and local significance, ancient woodlands and species and habitats of principle importance. The policy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and geological diversity and to increase provision of, and access to, green infrastructure.
157. Following on, A&DM Policy DM5 (Design) amongst other matters states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Wherever possible, this should

be through integration and connectivity of the Green Infrastructure to deliver multi-functional benefits. Where it is apparent that a site may provide a habitat for protected species, development proposals should be supported by an up-to date ecological assessment. Significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures), provided where significant impacts cannot be avoided.

158. A&DM Policy DM7 (Biodiversity and Green Infrastructure) whilst repeating much of the above, sets out further detail of how impacts are to be assessed against international, national and locally designated sites. However, there are no such sites in proximity to the Lowdham scheme. Development proposals on sites supporting priority habitats or contributing to ecological networks, or sites supporting priority species, will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site.
159. The application is informed by various surveys including an extended phase 1 habitat survey with species specific surveys and an ecological appraisal. No issue is raised as to their adequacy or completeness.
160. No sites designated for biodiversity would be affected – the nearest LWS is 750m distant on the other side of Lowdham. One veteran tree is located approximately 140m from the scheme boundary on Station Road. Indirect effects to this tree during construction and also upon completion in terms of potential air emissions/dust have been considered, but no adverse effects are predicted.
161. The enlargement of the roundabout and associated works would result in the temporary loss of 0.25ha of neutral grassland (verges) and 160m of species poor hedgerow. These are of local or county importance, and whilst they can support species such as foraging bats, this area is suboptimal, being part of, or adjacent to, busy roads and in the case of hedgerows are heavily managed.
162. The landscaping plans would replace and better these upon completion of works with the provision of 0.38ha of grassland (including some species-rich wildflower meadow verges) and 330m of new species-rich hedgerow, including around the new water attenuation area, which itself will provide new seasonal wet/dry habitats. Two trees would be removed (including the mature Ash) but 24 new trees would be planted. It will take some years for the hedgerows and trees to mature and therefore some temporary/short term slight adverse impacts are acknowledged.
163. Using the Biodiversity Net Gain Calculator, the applicant states that there would be an overall net gain on site of some 33.95% for habitats, 118.70% for hedgerows and 86.74% for river, which is clearly welcomed, aligns with the thrust of national planning policy and should be afforded moderate positive weight in the overall planning balance.

164. Whilst the area is sub optimal for bats, the lighting design nonetheless has been designed to minimise impacts to these species with LED lanterns fitted with rear shielding. The reduced speed limit from 40mph to 30mph may also slightly benefit hedgehogs.
165. No objection is raised by NCC Nature Conservation subject to the developer following various recommendations to avoid and mitigate harmful impacts to protected species and the water environment as part of a Construction Environmental Management Plan (CEMP) which should be a planning condition requirement. A Biodiversity Net Gain plan should also be required in order to realise the anticipated enhancements alongside a final landscaping scheme.
166. NCC Nature Conservation requests that this is managed for 30 years to ensure that the habitats deliver the intended net gains. The new landscaping would have to be routinely maintained in any event, but this would ensure that biodiversity informs the approach. Overall the temporary loss of some fringing vegetation, including managed hedgerow and a mature ash tree, is considered to be justified in order to deliver the highway improvements. The scheme otherwise intentionally seeks to avoid impacting on notable features such as the mature trees surrounding the cricket club, which has resulted in the elliptical roundabout design. Furthermore, in light of the habitat and landscaping enhancements that would be created around the roundabout including replacement hedgerows, trees and the water attenuation area, resulting in an overall net gain/enhancement for biodiversity, the proposals can be adjudged to be beneficial for the natural environment and this should be recognised in the planning balance. Subject to the CEMP and landscaping conditions the proposals comply with Core Policy 12, Policy DM5 and Policy DM7.

#### Heritage and Archaeology

167. CS Core Policy 14 and A&DM Policy DM9 seeks to ensure the continued conservation and enhancement of the character, appearance and setting of heritage assets and the historic environment, in line with their identified significance, following national policy.
168. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Affording 'great weight' to the conservation of designated heritage assets reflects the statutory duties placed on LPAs to pay special regard to the desirability of preserving listed buildings and their setting and of preserving or enhancing the character or appearance of conservation areas (s66 and s72 Planning (Listed Buildings and Conservation Areas) Act 1990).
169. Where adverse impact is identified there should be a clear and convincing justification. National planning policy guides this further in the case of identified 'less than substantial harm' to the significance of a designated heritage asset. In such circumstances this harm should be weighed against any public benefits of the proposal.

170. Where a non-designated heritage asset, including archaeology, is affected directly or indirectly, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
171. The Grade II listed War Memorial lies <100m to the north-east and is set in a landscaped triangle of land between Nottingham Road, Station Road and Southwell Road. It is partly screened from the roundabout by mature trees. Its primary significance stems from the 67 inscribed names - 62 being the fallen from the villages of Lowdham, Gunthorpe and Caythorpe during the First World War, and a further five servicemen lost during the Second World War. They are commemorated on a large stone obelisk with a surrounding remembrance garden. This siting within a landscaped area, at a central position within the village, also contributes to its heritage significance.
172. The proposals to enlarge the roundabout and its approaches take all this into account, avoiding any direct impacts on this green area and on the mature trees which flank the memorial along its rear with Southwell Road. The proposals also avoid impacts to the nearby cricket club and the mature trees on the north-east corner of the junction. Physically therefore the War Memorial and its garden would be fully preserved, however indirect impacts from construction and noise are pertinent.
173. As a place of reflection and remembrance there is potential for temporary noise and construction activity to adversely affect this aspect of its significance. This is acknowledged in the Environmental Statement which also confirms there would be no construction works on Sundays, however a slight adverse level of harmful impact (not significant) is identified due to the indirect views of construction works (particularly in winter when trees are bare) and from associated noise etc. Similarly, a cluster of 19thC Grade II houses just beyond the war memorial, on Southwell Road, could experience some temporary construction noise. Again this would not be significant.
174. In the advice from NCC's Built Heritage Officer, there is a request to reserve such construction impacts at/around 11am on the 11<sup>th</sup> November and also on the remembrance Sunday so to avoid impacting the national minute's silence and parades. Although a condition to this effect is requested, it is considered that this aspect can form part of the wider construction management plan condition that is considered necessary for this and other reasons of amenity.
175. The Environmental Statement also concludes that there could be slight adverse (not significant) impact on this heritage receptor from a negligible increase to operational traffic noise upon completion, notwithstanding the existing high background traffic noise.
176. In terms of other details, the street lighting would be upgraded to LEDs, but plans show the lighting columns in the vicinity of the memorial would retain their present locations and shows there would be a reduced area of light spill. A road sign on Southwell Road near to the memorial, but screened by the trees, would be replaced in this existing position.



177. In terms of archaeology there is potential for unrecorded remains within the agricultural fields to the north and south-west, which would be developed for the flood attenuation area and construction compounds. The Environmental Statement assesses any such remains are likely to be of low heritage value. There is also potential to affect remnants ridge and furrow, which has been previously recorded in the field. However there are no obvious, visual remains and this is classed as of low significance and any impact would be not significant. NCC Archaeology is content subject to the inclusion of a planning condition requiring an archaeological scheme of mitigation. This is reasonable and should be required prior to commencement of works.
178. In conclusion the proposal's impacts on the historic environment would be very limited, largely from the temporary effects of construction (visual/noise). However, some further slight adverse impacts could arise upon completion in terms of potentially slightly increased traffic noise at the War Memorial and from the loss of any surviving archaeology. The Environmental Statement has afforded due weight to each asset in reaching its conclusions on the level of impact to significance. These identified impacts however appear to be on the conservative side. For the purposes of planning policy these are nonetheless harmful impacts but are all squarely within the bracket of 'less than substantial harm' and whilst great weight should be afforded to preserving the setting and significance of heritage assets, the public benefits from improving this key junction are considered to overwhelmingly outweigh the very minor impacts. No conflict is identified with Core Policy 14 and Policy DM9, but the impacts need to be fed into overall planning balance.

#### Air Quality/Dust

179. Air quality impacts in terms of construction dust and operational traffic emissions have been assessed within the ES, including through atmospheric modelling.
180. Construction works have potential to generate adverse but temporary dust effects. Receptors within 50m of the assessment boundary (which is wider than the actual works area) are most sensitive of which there are approximately 40 residential properties. The assessment recommends that best practice mitigation measures are employed as part of a CEMP and as a result no significant dust impacts are expected to any sensitive receptor.
181. The modelling predicts a small decrease in NO<sub>2</sub> concentrations at all the nearest receptors/properties. No receptors are predicted to experience an exceedance of the Air Quality Objectives and overall there would be no significant air quality effects at both construction and operational stages. In addition no likely significant air quality effect is predicted to the Veteran tree located on Station Road. Subject to securing construction management controls the proposals would not adversely impact on air quality and A&DM Policy DM10 is therefore satisfied.

#### Contamination /ground pollution

182. A&DM Policy DM10 governs the potential for pollution from developments to affect public health, the environment and general amenity. Where a site is known, or highly likely to have been contaminated, investigation of this is required, starting with a conceptual site model. A site investigation to confirm the model should then be undertaken and dependent upon the findings a remediation/mitigation plan with subsequent validation should then be agreed. Any impact should be balanced against the economic and wider social need for the development. Harmful development which cannot be made acceptable through mitigation will be resisted including those which present an unacceptable risk to a Groundwater Source Protection Zone. Policy DM5 (Design) includes a criterion to take into account ground conditions resulting from historic mining, which includes the application site/area.
183. Para 183 of the NPPF states that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Adequate site investigation information, prepared by a competent person, should be provided to inform these assessments.
184. The application contains an appropriate level of background assessment work to inform the design and to quantify the risk of contamination or unstable ground conditions. A Phase 1 geo-environmental desk study gathered information from historical mapping and environmental data searches and a site walkover survey was also undertaken. There is also a thorough review of the water environment.
185. This background work has been reviewed on behalf of the County Planning Authority by Via East Midlands - see Via Reclamation comments above - and confirmed as acceptable at this stage. Intrusive surveys can follow prior to construction and it is recommended that these be required under planning condition along with proposals for any decontamination that may be required, followed finally by a validation report upon completion of the project.
186. Construction works risk polluting ground or surface waters if mitigation measures are not taken. This could include fuel spillages or mobilisation of contaminated materials. Additional supplementary ground investigations are proposed and with risk assessments and mitigation (such as aquifer protection measures) put in place, the residual effect would not be significant. The construction management plan would also contain measures to prevent accidental pollution, run off or spillages into the environment. This will also ensure that waste is managed appropriately, for example by ensuring soils that are reused are validated as being suitable and clean. The plan would also ensure other emissions of dust, mud and noise are controlled as far as possible during the construction works. The CEMP is also to be required by planning condition.
187. Therefore whilst there are risks that need to be managed, the issues present are not unusual for a highways scheme of this nature and there is confidence that these matters can be addressed at the next stages of the design and development and with the oversight of the CPA through the imposition of

conditions. Consequently it can be stated that the proposals are compliant with the above local and national planning policies.

### Climate Change and Sustainability

188. CS Core Policy 10 sets out to tackle the causes of climate change and to reduce the District's carbon footprint. Part of the policy seeks to ensure that development proposals minimise their potential environmental impacts during their construction and eventual operation, including by minimising impacts to natural resources, encouraging renewable resources and efficiencies in the consumption of energy, water etc. This policy is also concerned with flooding and surface water drainage which is considered elsewhere in the report. Core Policy 9 (Sustainable Design) amongst other matters seeks to ensure development will be resilient in the long-term, taking into account the potential impacts of climate change. The production of waste should be minimised and re-use and recycling maximised.
189. Para 152 of the NPPF states that "the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk.... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure." Mitigating and adapting to climate change also forms part of the environmental objective that needs to be pursued alongside economic and social objectives that together form the basis of sustainable development for the purposes of the NPPF.
190. NCC and NSDC have both formally declared a climate emergency. The UK as a whole is subject to the Climate Change Act 2008, as amended in 2019, to reduce carbon emissions to 'net-zero' by 2050. A system of 5-year carbon budgets provides a trajectory of reducing greenhouse gas emissions (GHG) towards that target. Under the terms of the Paris Climate Agreement the UK has committed to at least a 68% reduction in GHG emissions by 2030, compared to 1990 levels. Strategies to achieve decarbonisation have been published by the UK Government including the Net Zero Strategy and the Transport Decarbonisation Plan. Starting with the ending of sales for new petrol and diesel cars and vans from 2030 this is expected to ultimately remove all road emissions at the 'tailpipe'.
191. The Environmental Statement accompanying the proposal has assessed lifecycle GHG emissions from construction works but does not assess operational stage emissions from any changes in traffic conditions. This is because the associated Transport Assessment concludes that the scheme will result in very limited traffic re-routing and no significant traffic growth. Routine maintenance is also not considered further because this is not expected to be dissimilar to the current baseline.

192. The assessment recognises the high sensitivity of the climate to GHG emissions in the context of the Paris Agreement and more recent IPCC reports highlighting the importance of limiting global warming below 1.5°C.
193. GHG emissions have been estimated as totalling 735 tCO<sup>2</sup> for the Lowdham roundabout scheme with over half attributed to the transport of materials. This would be a contribution of 0.00004% to the 4th UK Carbon Budget (2023-2027).
194. The assessment considers that a range of mitigation measures that would be implemented by the contractor. These include developing a plan to reduce energy consumption and carbon emissions, for example potentially using renewable and/or low or zero carbon energy sources; the use of sub-contractors with low emission fleet vehicles; where practicable the use of sustainably sourced materials such as those with lower embodied GHG emissions and/or secondary or recycled aggregates; and waste management measures to reduce waste and reuse materials wherever feasible (e.g. soils) and recycle that which is left (e.g. concrete taken to be crushed off site). These would be delivered through the various construction management plans and materials/waste management plans. The use of LED street lighting is also expected to be used.
195. It is considered that it has been demonstrated that the efficient use of natural resources and measures to manage waste would be enacted and it is recommended that the CEMP be required by planning condition.
196. Whilst all emissions are considered to be capable of being significant due to their combined environmental effect in the atmosphere, the estimated GHG emissions are categorised as being of low magnitude and unavoidable if the scheme is to progress. The ES concludes that this would be a minor adverse (not significant) effect.
197. This is accepted, and there is no policy which appears to direct that these emissions (which can be mitigated to some degree) should be used to withhold planning permission.
198. Whilst the indirect emissions from operational traffic have not been counted, due to the findings that traffic growth would not be significant, even if this was to be turn out differently with traffic growth and additional journeys prevailing along the road corridor or on local links, the UK motor vehicle 'fleet' of vehicles will progressively decarbonise, starting with hybrid and ELVs (cars and vans) and eventually with alternatives for commercial/heavy vehicles. With the current momentum in this area, there is a good prospect of decarbonising the 'tailpipe' emissions from the fleet, which will still however leave embedded emissions from manufacturing.
199. Whilst the need for the proposal stems from arguably unsustainable vehicular traffic, as noted above there would be improvements for non-motorised users with a toucan crossing on the shared foot/cycle way and reduced congestion should also benefit the reliability of local bus services. Planning policy and NCC initiatives do promote sustainable transport and travel, which is particularly viable for local journeys. However the nature of the junction and the

A614/A6097 corridor is that it serves a broader role with long distance traffic, including freight, tourism and diverted traffic from the Strategic Road Network. Therefore the need for the proposed enlargement goes hand in hand with other measures that might be brought forward to develop sustainable travel options more locally.

200. The ES also considers how the scheme would face the climatic changes in the short and longer terms, including precipitation and temperature changes and increased severity and frequency of storm events and heatwaves. This could lead to flood damage (e.g. to surfaces or to electrical equipment), failure of landscape planting or danger to construction workers. The assessment however assumes the scheme would be designed and built to required standards (it has been designed to accommodate a 1 in 100-year flood event with a +40% climate change allowance and landscaping proposals also include drought, and extreme weather-tolerant species) and concludes there would be no significant impacts and minor adverse at worst. It is accepted that measures have been designed in to ensure the enlarged junction would be resilient to the longer-term changes to the climate.
201. Overall Officers recognise there would be unavoidable carbon emissions if the proposed development was to progress through to construction, but any future growth in traffic generated emissions is less certain. The applicant's ES predicts no significant traffic growth, but removing congestion 'hot spots' and adding junction capacity can in practice readily induce additional trips as well as redistributing journeys to take advantage of the improved journey conditions. There is no realistic alternative package of public transport and sustainable travel interventions that could completely replace the need for enlarging the roundabout.
202. In conclusion, the scheme would not be entirely carbon neutral but the emissions contribution is expected to be minor and this should be considered in the wider planning balance. However, for the purposes of planning policy, it is considered that the objectives and terms of CS Core Policies 9 and 10 and national planning policy are and can be met.

#### Cumulative and combined effects

203. The applicant's Environmental Statement includes a specific part in relation to possible combined effects (for example construction noise, vibration and dust) and cumulative effects between/across the six junction projects which make up the A614/A6097 major project and also with any other local development proposals which may interact.
204. There is acknowledgment that there could be significant impacts from construction noise combining with vibration and dust which is unsurprising, but very much taking a worst case assumption which can be avoided through best construction practice. During operation, no significant combined effects are anticipated, largely due to the geographic separation between the junctions or other proposals and the conclusions on their individual environmental effects

being limited. The loss of 3.47ha of agricultural land (including BMV) from across the wider project is given/noted as a moderate adverse categorisation- the majority of this is at the Bilsthorpe site. Whilst it has been necessary to assesses such combined effects, ultimately each application needs to be individually and separately determined.

### **Other Options Considered**

205. As part of developing options the applicant and their consultants first considered the use of an enlarged 4-arm conventional roundabout, including potential signalisation. Following public consultation the proposed elliptical roundabout design was selected to reduce land take. A third left turn filter lane from the A612 east to A6097 north was also added.
206. The County Council is under a duty to consider the planning application that has been submitted.

### **Statutory and Policy Implications**

207. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

#### Crime and Disorder Implications

208. The enlargement of this roundabout is not expected to create new opportunities for crime and disorder. Changes to some property boundaries would require new/revised means of enclosure, details of which can be reserved under condition. Street lighting would be upgraded to LED models.

#### Data Protection and Information Governance

209. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

#### Financial Implications

210. There are no direct financial implications arising from the consideration of this planning application and the recommendation made. The implications for



financing and proceeding with the development are for Cabinet to consider in due course. It can however be noted that the wider A614/A6097 junctions project has £24.4m of provisionally allocated funding from the Department for Transport towards total scheme costs of £28.635m. It is understood there are also developer contributions towards the project costs.

#### Human Rights Implications

211. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to immediate proximity of several residential properties. Construction/highway works are likely to create temporary disruptive impacts including noise/vibration, dust/mud. These can be mitigated through a construction management plan and would be temporary. However upon completion, impacts are assessed as negligible. Satisfactory alternative residential access would also be provided. Therefore (only) the temporary construction impacts need to be balanced against the wider benefits the proposals would provide in terms of reduced congestion/better junction performance, along with improvements to the surface water drainage regime. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

#### Public Sector Equality Duty Implications

212. The proposals relate to the public highway which is accessible to all (within the bounds of the Road Traffic Acts). The improvements to this junction include a new Toucan crossing across the A6097 north arm which also forms part of a shared cycle/pedestrian route. The safety for all these users and particularly for vulnerable young and/or disabled users, would be improved.

#### Implications for Service Users/ Safeguarding of Children and Adults at Risk

213. Users of the County Highways network would benefit from the increased junction capacity which would improve traffic conditions along this part of the A6097. Non-motorised users including cyclists and children would benefit from a new Toucan crossing improving the safety for these users.

#### Implications for Sustainability and the Environment

214. These have been considered in the Observations section above, including the main environmental issues covered within the Environmental Statement submitted with the application and the advice of consultees.
215. Of note is that this proposal would result in the loss of some Best and Most Versatile agricultural land. However there would be an improved surface water

drainage system and the landscaping proposals are expected to lead to a moderate net-gain for biodiversity.

216. There are no human resources implications.

### **Conclusion and planning balance**

217. It is proposed to enlarge the existing junction into a 2-lane elliptical roundabout, along with associated changes to residential access and other associated works. It forms part of the wider proposals to improve the A6097 as part of the Major Road Network.
218. Improvements to this junction are identified as a necessary strategic infrastructure project in the Newark and Sherwood Core Strategy (Spatial Policy 6 and the Infrastructure Delivery Plan), needed to ensure the delivery of the Local Plan as a whole, and would also support new housebuilding in neighbouring boroughs.
219. The application is supported by a comprehensive Environmental Statement based upon a prior Scoping Opinion. Other than construction impacts and the loss of some BMV agricultural land, no significant permanent effects are anticipated to matters including ecology, landscape and views, noise/vibration, air quality, flooding/drainage, geology and water resources, local heritage, or to the climate. No significant cumulative or combined effects have been found. A local objection has been considered and responded to and certain matters require further attention through planning conditions.
220. Officers consider that the benefits of the proposals both to the local community and wider Nottinghamshire economy should afford a high degree of supportive weight in the decision. In addition the proposal would provide an enhancement/net gain for biodiversity of 33.95% for habitats, 118.70% for hedgerows and 86.74% for river from the baseline at this location which is a moderate additional benefit. Effects to the local landscape are considered neutral with some beneficial new hedgerow planting and other landscaping around a water attenuation area, but also an intensification of highway infrastructure including further street lighting. The drainage system has been designed to provide a betterment to the current system, which is a further localised minor benefit of the proposals. The permanent loss of BMV agricultural land is considered to be a minor to moderate disbenefit. Any perceived impacts to residential amenity are considered to have been addressed and are outweighed by the wider public and combined benefits.
221. Temporary effects from construction including noise/vibration, dust, potential pollution, landscape and visual disruptions are all considered to be controllable to acceptable levels including through the use of a construction management plan secured by planning condition. Such disruption should afford a slight degree of adverse weight in the planning balance rather than the significant and moderate adverse effect findings in the context of the applicant's assessment. GHG emissions stemming from construction are also considered slight.

222. Overall it is considered that the proposals are sustainable and can be clearly supported subject to planning conditions and that it complies with local and national planning policy and in particular CS Policies SP3, SP6, SP7, Core Policies 9, 10, 12, 13, 14 and A&DM policies DM5, DM7, DM8, DM9, and DM10 of the Newark and Sherwood Local Plan, comprising the Core Strategy and the Allocations and Development Management Policies Document. In this situation the NPPF directs that planning permission should be granted without delay.

### **Statement of Positive and Proactive Engagement**

223. In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions and the scoping of the application. The proposals and the content of the Environmental Statement have been assessed against relevant Development Plan policies, the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The County Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; liaised to resolve issues and progressed towards a timely determination of the application. Most issues of concern have been addressed, although a local objection remains. The applicant has been given advance sight of the recommended planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **RECOMMENDATIONS**

224. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

**DEREK HIGTON**

**Service Director- Place and Communities**

### **Constitutional Comments [JL 15/09/22]**

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

### **Financial Comments**

To be orally reported

### **Background Papers Available for Inspection**

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at:  
[www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=ES/4408](http://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=ES/4408)

### **Electoral Division and Member Affected**

Southwell

Councillor Roger Jackson

Report Author/Case Officer

Joel Marshall

0115 9932578

For any enquiries about this report, please contact the report author.



**RECOMMENDED PLANNING CONDITIONS**

1. The development hereby permitted shall be begun within 5 years from the date of this permission.

*Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990 and to allow sufficient time for the development to be delivered alongside the other junction improvements along the A614/A6097 corridor.*

2. The County Planning Authority (CPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

*Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.*

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application (as amended), documents and recommendations of reports, and the following plans:

- (a) Dwg 20949/LLO/L006/00002 P06 – General Arrangement & Red Line Boundary for Planning received by the CPA on 28/02/2022
- (b) Dwg 20949/GEN/L006/00001 P01 - General Arrangement received by the CPA on 28/02/2022
- (c) Dwg 20949/GEN/L006/00002 – B Landscape Design Proposals received by the CPA on 28/02/2022 (but subject to condition below)
- (d) Dwg 20249/ELS/L006/00001– Vegetation Clearance received by the CPA on 28/02/2022 (but subject to condition below)
- (e) Dwg 20949/HDG/L006/SK/00001 P02- Proposed Drainage received by the CPA on 28/02/2022 (but subject to condition below)
- (f) Dwg 20949/HDG/L006/SK/00002 P02 – Proposed Catchment Areas for Planning received by the CPA on 28/02/2022 (but subject to condition below)
- (g) Dwg 20949/HLG/L001/P-LUX/01 – Street Lighting Lux Contour Levels received by the CPA on 28/02/2022



- (h) Dwg 20949/LLO/L006/00001 P03 – Land Affected Blue & Pick Areas received by the CPA on 28/02/2022

*Reason: For the avoidance of doubt as to the development that is permitted.*

## **Archaeology**

4. No development hereby permitted shall take place until an archaeological Written Scheme of Investigation has been submitted to and approved in writing by the CPA. The scheme shall include a mitigation strategy with arrangements for recording and reporting any finds, and/or the preservation of remains in situ, (including timetables for works and using competent persons), and for the subsequent analysis and publication of the findings, with a copy of the final report submitted to the CPA for its written approval within six months of the work, or to a timetable as otherwise agreed in writing with the CPA. The development, along with all archaeological site work, shall be implemented in full accordance with the approved scheme.

*Reason: Details are required to be submitted prior to the commencement of the development to provide an appropriate scheme of archaeological mitigation and so to advance the understanding of the significance of any heritage assets to be lost as part of the development in accordance with the National Planning Policy Framework.*

## **Noise survey**

5. Prior to the commencement of construction, a baseline noise survey shall be undertaken and submitted to the CPA for its approval in writing to record the pre-existing noise levels at a range of nearby noise sensitive receptors previously agreed in writing with the CPA. It is recommended that baseline noise surveys are undertaken as close as possible to the commencement of the construction phase to ensure as near 'normal' post pandemic pre-existing baseline noise levels are recorded.

*Reason: Details are required to be submitted prior to the commencement of the development to inform the management of construction works and to validate the noise assessment work.*

## **Ground investigations**

6. No development approved by this planning permission shall be commenced until:

- (a) a site investigation and risk assessment recommended in the submitted Phase 1 – Geo-Environmental Desk Top Study has been completed and approved in writing by the CPA.
- (b) If contamination is identified by the site investigation and risk assessment submitted under (a), a Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters and on the proposed land use, using the information obtained from the site investigation, shall be submitted to the CPA and approved in writing by the CPA prior to that remediation being carried out on the site.

Prior to commencement of the main site works, the approved remediation works shall be completed in accordance with the Method Statement approved in compliance with (b) to the satisfaction of the CPA.

Prior to the development hereby approved first being brought into use:

A validation report including evidence of post remediation sampling and monitoring results, to demonstrate that the required remediation approved under (b) has been fully met shall be submitted to and approved in writing by the CPA;

*Reason: Further site investigation is required prior to the commencement of the development to ensure that the site is suitable for use and to ensure that the development does not pose an unacceptable risk to human health and the local environment.*

- 7. Prior to the commencement of development, a watching brief to deal with contamination which may be encountered shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details. If during construction, contamination not previously identified is found to be present, no further works shall be carried out in the area identified, unless first agreed in writing by the CPA, until a remediation strategy to deal with the identified contamination (including validation that contamination has been satisfactorily remediated) has been submitted to and approved in writing by the CPA. Works shall be carried out in accordance with the approved details.

*Reason: Details are required to be submitted prior to the commencement of development to provide an appropriate methodology that will ensure that risks of site contamination are properly identified and addressed.*

- 8. The CPA shall be notified in writing within 7 days of the date of the completion of the development. Within two months of the completion of development, a validation report to confirm an absence of contaminants notified to the CPA in compliance with Condition 7 shall be submitted to and approved in writing by the CPA.

*Reason: To ensure that the site is left in a satisfactory condition and does not pose a risk to human health and the environment.*

## **Construction Management**

9. No part of the development hereby permitted shall commence until a Construction and Environment Management Plan (CEMP) has first been submitted to and has been approved in writing by the CPA. The CEMP shall specify details of the following:

An ecology component comprising:

- (a) The implementation of the recommendations as set out in section 8.6 of the Environmental Statement;
- (b) Measures, including fencing, to clearly demark the boundary of works and to prevent accidental ingress into habitats/designated sites;
- (c) Good practice construction methods including advising all workers of the potential for protected species (and if protected species are found, work should cease until a suitable qualified ecologist has been consulted) and measures to protect any mammals which may stray into working areas, including the use of ramps in any deep excavations and capping off of pipes over 200mm in diameter;
- (d) Measures to protect existing trees and hedges;
- (e) Work impacting on vegetation used by nesting birds should avoid the active bird nesting season (March to August inclusive), but if this is not possible details of how the impacted area would first be searched by a suitably competent person and any follow up measures shall be set out;
- (f) The undertaking of an updated ecological survey if works have not commenced by April 2023 and every subsequent 2 years if works have not commenced.

A local amenity component comprising:

- (g) details of lorry routeing for construction traffic;
- (h) segregation of pedestrian and vehicular movements on the site;
- (i) measures of Best Practicable Means to control noise and vibration, (including the use of localised temporary screening as may be necessary for the protection of nearby properties), and the procedure to be followed in the event of a complaint;

- (j) An outline strategy for communication and liaison with the public and local Town/Parish Councils;
- (k) details of the proposed construction working hours including any necessary night time working requirements (which should generally be minimised), along with any additional mitigation measures to be employed;
- (l) dust mitigation measures to be put in place during the construction works;
- (m) details of mitigation measures to protect nearby properties from glare and obtrusive light from any lighting required during the construction works.

A pollution prevention component with:

- (n) pollution control measures to prevent mud or contaminated materials from being tracked, spilled or blown off-site;
- (o) aquifer protection measures during the construction work, if required;
- (p) temporary surface water management measures;
- (q) measures to securely store fuels, oils, chemicals or other hazardous materials and the means to remediate any spills.

A soils, materials and waste management component with:

- (r) the segregation of waste materials into different streams for recycling or disposal. This should include measures to handle potentially contaminated arisings and groundwater;
- (s) A soil management strategy to minimise impacts on agricultural soils and to preserve soil quality, through its handling and storage and to identify reuse opportunities for surplus soils putting them to best use reflective of their identified quality.

All construction shall be undertaken in accordance with the approved details.

*Reason: Details are required to be submitted prior to the commencement of the development in the interests of mitigating the effects of construction upon the local environment, local amenity, agricultural soils, and for reasons of highway safety.*

### **Compound and storage areas**

10. No development approved by this planning permission shall be commenced until the details for contractors' compounds, storage areas and access routes has first be submitted to the CPA for its written approval. Details shall include;

- (a) the size and location of the works compound(s);
- (b) the layout and positioning of any temporary buildings/cabins, soil stores, (including heights), and any external lighting;
- (c) the location(s) and means of access;
- (d) provision for contractors' parking;
- (e) temporary means of enclosure of the site operational boundaries or site screening as may be required,
- (f) measures to protect any hedgerows and trees with provision for root protection areas and stand-offs and/or fencing, or details of any required removal works;
- (g) surface water drainage and containment measures;
- (h) temporary soil storage arrangements detailing how/where soils would first be stripped and stockpiled for the future reinstatement of the site (no such soils shall be permitted to leave the project site, unless otherwise approved);
- (i) outline proposals for the full reinstatement of the areas affected on completion of the development shall be provided, including timescales, soil reinstatement, details of any replanting or reseeding, and aftercare steps.

The development shall be carried out in accordance with the approved details. On completion of the construction operations hereby permitted the compound and storage sites, including all buildings, plant, equipment, fences, and hard surfaced areas, shall be removed from the site and the land reinstated to its previous condition in accordance with the final details and timescales which shall be submitted for the prior written approval of the CPA.

*Reason: Details are required to be submitted prior to the commencement of the development in the interests of mitigating the effects of construction upon the local environment, local amenity and for reasons of highway safety.*

#### **Details requiring further approval**

11. Within one month of commencement of the development the following details shall be submitted for the CPAs written approval:
  - a) Details of the boundary treatment/planting to no.15 Nottingham Road
  - b) Details and provision of an uncontrolled crossing over the A6097 south arm

Works shall thereafter take place in accordance with the approved details.

*Reason: In the interests of the amenity and to ensure continued pedestrian access is available to the adjacent properties.*

## **Drainage**

12. Notwithstanding the submitted surface water drainage scheme, the development hereby permitted may not commence until such time as an updated drainage scheme, including pollution prevention measures, has been submitted to, and approved in writing by, the CPA. The scheme shall be implemented as approved.

*Reason: Details are required to be submitted prior to the commencement of the development to provide appropriate surface water management which does not increase the risk of flooding and does not harm groundwater resources.*

## **Highways**

13. Prior to the approved development commencing a study area and proposed methodology for pre and post construction traffic counts shall be submitted to and approved in writing by the CPA. The pre-occupation surveys shall be carried out in accordance with the agreed methodology.

*Reason: Details are required to be submitted prior to the commencement of the development to assist with monitoring changes in traffic in order to identify and address any potential unacceptable or severe impacts on the adjacent local road network.*

14. Within 18 months of the works having been substantially completed, a report detailing the results of the pre and post construction traffic surveys (carried out in accordance with the methodology approved in compliance with Condition 13) identifying any impacts caused by any increases in traffic, and if applicable, measures to address any severe impacts shall be submitted to and approved in writing by the CPA.

Any measures identified shall be carried out in accordance with a timetable to be first submitted and agreed in writing by the CPA.

*Reason: To assist with monitoring changes in traffic in order to identify and address any potential unacceptable or severe impacts on the adjacent local road network.*

## **Landscaping and biodiversity**



15. Notwithstanding the details shown within the submitted landscaping and vegetation clearance drawings (20949/GEN/L006/00002–B & 20249/ELS/L006/00001), no works or development shall take place until full and final details of the landscaping and planting scheme along with details of all vegetation clearance have been submitted to the CPA for its prior written approval. The scheme shall include:
- (a) full details of all trees, hedges and shrubs to be retained and the measures for their protection during the course of development such as providing root protection zones or stand offs within which no storage of materials or vehicle movements shall take place;
  - (b) final details of all trees, shrubs, hedges and grassed areas to be removed;
  - (c) planting and seeding proposals showing numbers, species, seed mixes, density of planting/seeding, positions and sizes of all trees and shrubs/hedging (utilising, where possible, native species appropriate to local landscape character) along with establishment methods including details of pits, staking and guards
  - (d) fencing and gates
  - (e) timetable for implementation of hard and soft landscape works.
  - (f) a landscape management plan and schedule of maintenance for an initial establishment period of 5 years.

The landscaping shall be carried out in accordance with the approved details unless any variation is subsequently agreed in writing by the CPA.

If within a period of 5 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place.

*Reason: Details are required to be submitted prior to the commencement of the development in the interests of biodiversity, landscape, and local amenity and to mitigate impacts to the Conservation Area.*

16. Prior to commencement of development hereby permitted, a Biodiversity Gain Plan shall be submitted for the prior written approval of the CPA. The Plan shall be based on the format of the working draft contained in Annex B of the Consultation on Biodiversity Net Gain Regulations and Implementation (Defra, January 2022), or subsequent published revisions, and shall include the production of a habitat management and monitoring plan, and which also ensures that Trading Rules are satisfied.

Thereafter the Biodiversity Gain Plan along with the habitat management and monitoring plan shall be implemented for a 30 year period commencing at a date to be agreed in writing by the CPA.

*Reason: Details are required to be submitted prior to the commencement of the development in the interests of sustainable development and to ensure the landscaping proposals are maintained long-term such that the development enhances biodiversity.*

### **Informatives/notes to applicants**

1. The Road Safety team in Via East Midlands strongly advises that Stage 2 and Stage 3 Road Safety Audits are carried out and that they are available to undertake this work.
2. In relation to condition 15 the inclusion of year 15 photo-visualisations of the finalised landscape designs would be beneficial to demonstrate the expected maturing landscape appearance.
3. Given the proximity to the war memorial to the area of works, the CEMP (condition 9) should consider ceasing disruptive construction works around the national minute of silence on the 11<sup>th</sup> of November and on Remembrance Sunday.

#### **Cadent Gas advice:**

4. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](https://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](https://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

#### **Environment Agency advice:**

5. The applicant should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities. For practical advice on preparing

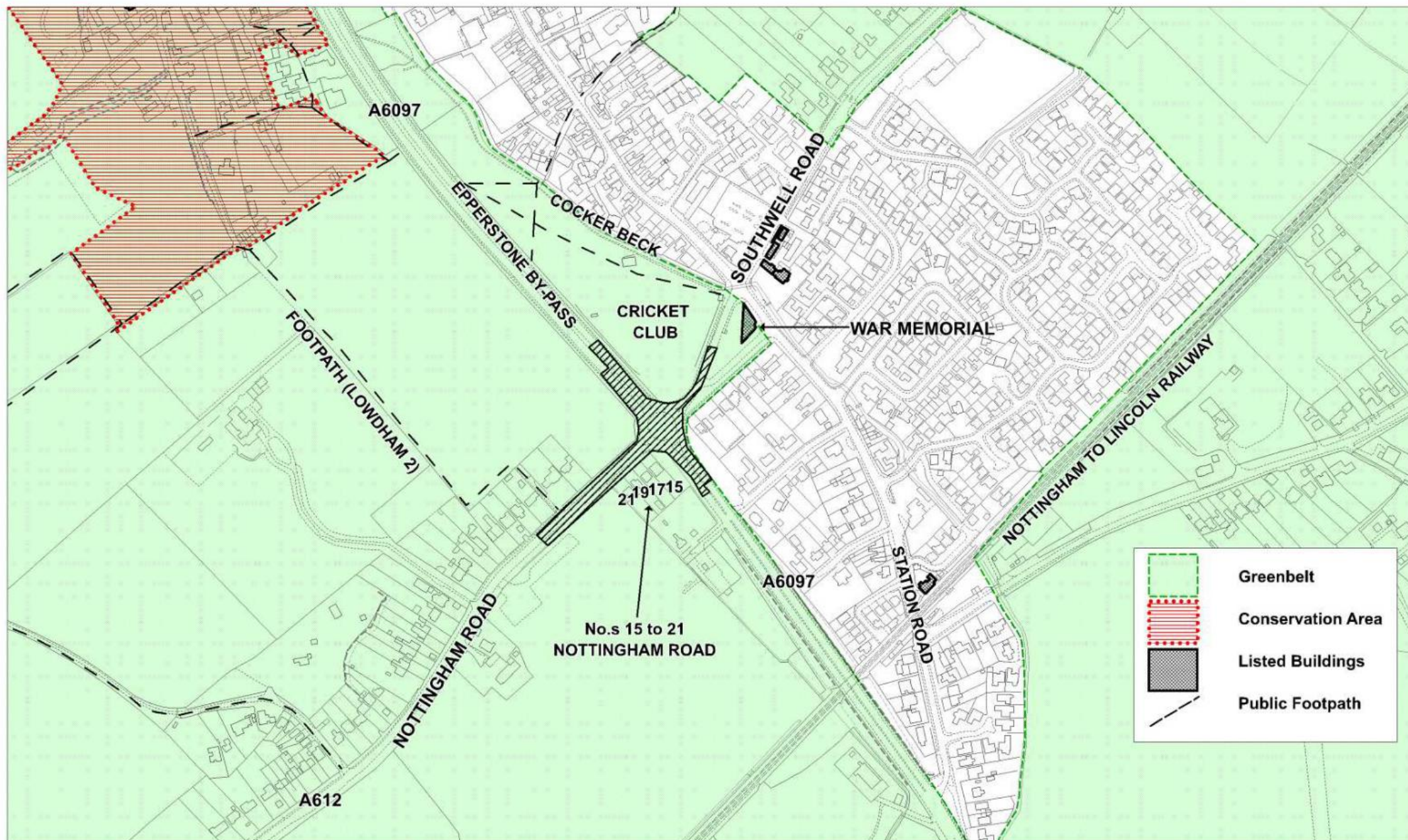
for a flood, visit <https://www.gov.uk/prepare-forflooding>. To get help during a flood, visit <https://www.gov.uk/help-during-flood>. For advice on what to do after a flood, visit <https://www.gov.uk/after-flood>.

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

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

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environmentagency.gov.uk](mailto:enquiries@environmentagency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.





**Nottinghamshire  
County Council**

Enlargement of roundabout with associated landscaping and improvements to pedestrian crossing facilities.  
Change of use of land adjacent to no.15 Nottingham Road from public highway (footpath) to residential curtilage.  
Lowdham roundabout, Intersection of the A6097, A612 and Southwell Road, Lowdham, Nottinghamshire.  
Planning Application No. 21/191715

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the  
Controller of Her Majesty's Stationery Office © Crown copyright.  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2022)

Scale 1:5,000

Produced by: JW

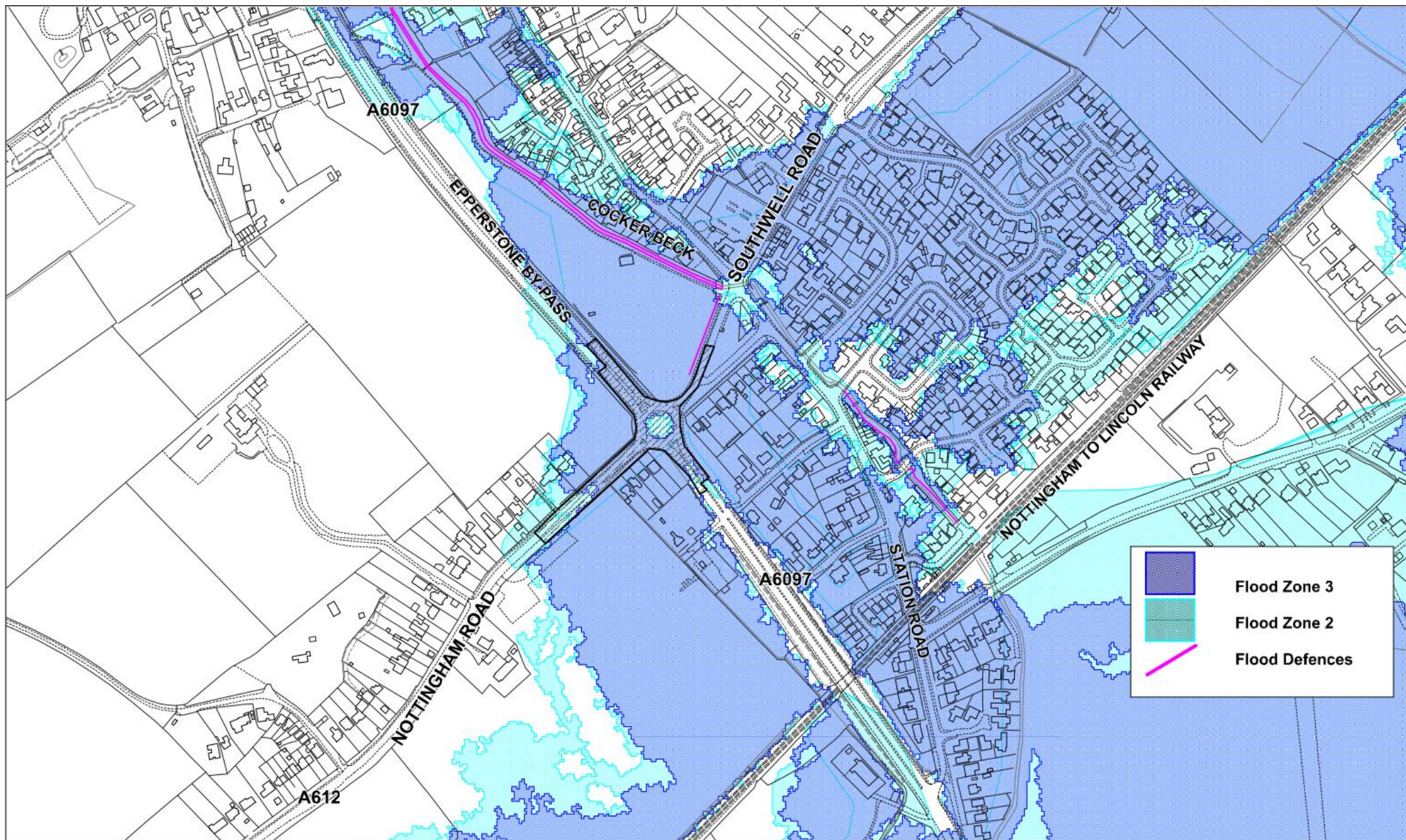
Date: SEPT 2022



**PLAN 1**





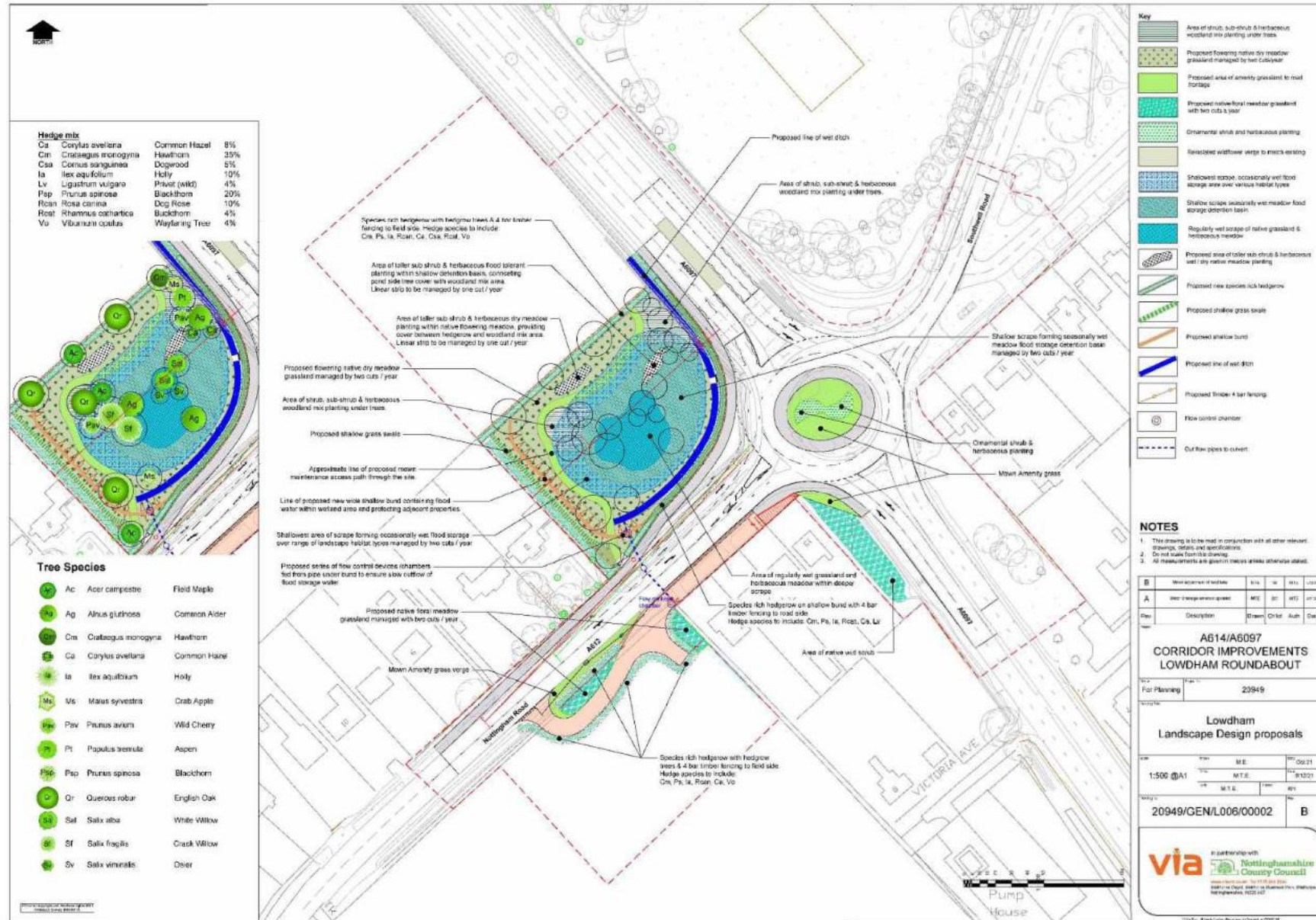






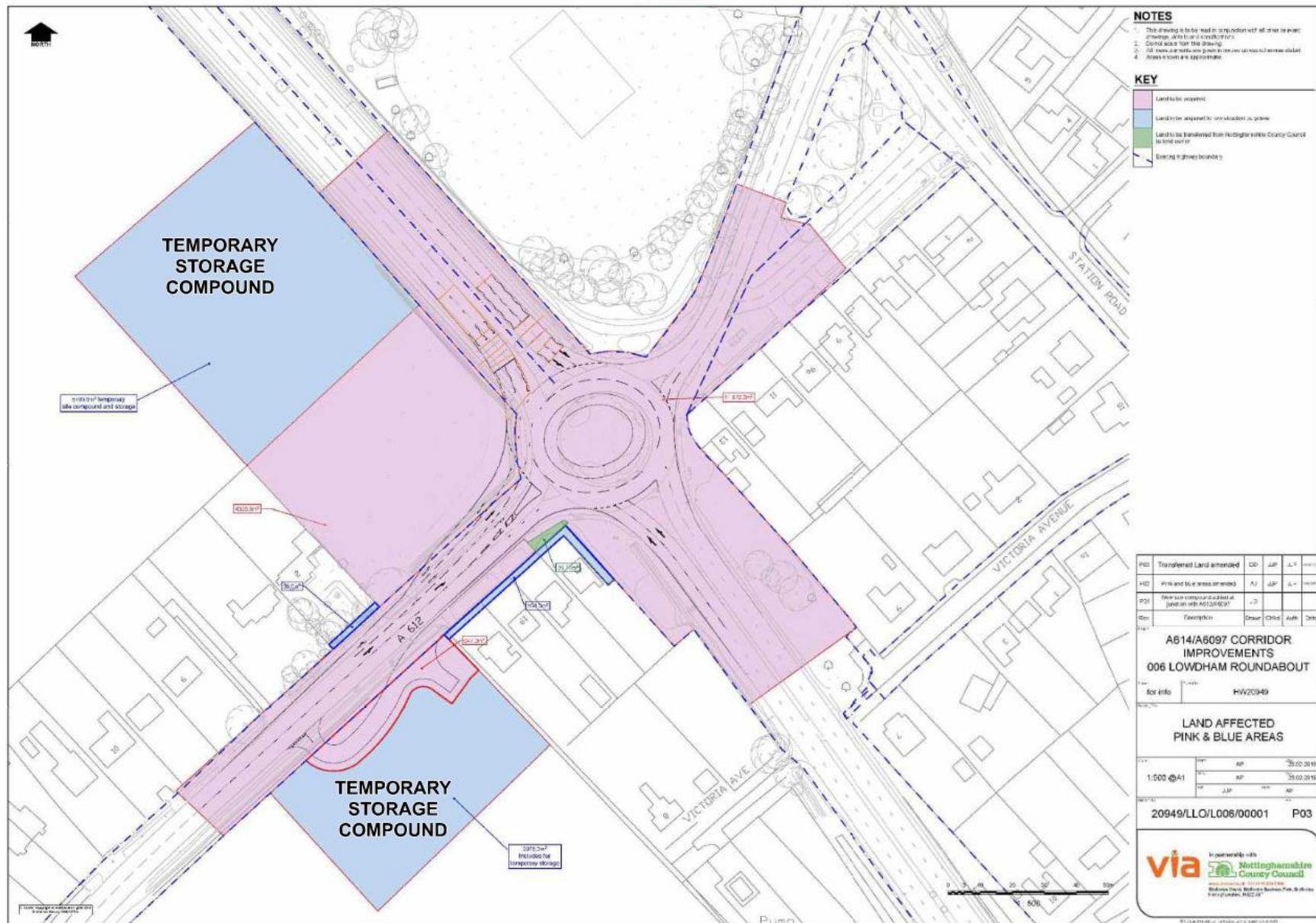
















**27 September 2022****Agenda Item: 10****REPORT OF SERVICE DIRECTOR – PLACE AND COMMUNITIES****RUSHCLIFFE DISTRICT REF. NO.: 8/22/00559/CTY**

**PROPOSAL: ENLARGEMENT OF JUNCTION WITH ASSOCIATED ANCILLARY  
LANDSCAPING AND IMPROVEMENTS TO PEDESTRIAN AND  
EQUESTRIAN CROSSING FACILITIES**

**LOCATION: KIRK HILL JUNCTION, INTERSECTION OF KIRK HILL/A6097, EAST  
BRIDGFORD, NOTTINGHAMSHIRE**

**APPLICANT: NOTTINGHAMSHIRE COUNTY COUNCIL- (PLACE DEPT)**

**Purpose of Report**

1. To consider a planning application for work to enlarge the Kirk Hill/A6097 junction and its approaches, including improvements for non-motorised users. The key issues relate to impacts on the character/appearance of East Bridgford Conservation Area and local/residential amenity generally, and impacts in relation to public rights of way and other paths. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.
2. The applicant has elected to undertake an Environmental Impact Assessment and an Environmental Statement has been provided. Consequently the works require planning permission and do not benefit from Permitted Development rights that are usually available to the County Highways Authority.

**Background to the A614/A6097 project**

3. Nottinghamshire County Council along with its partner local authorities and agencies has identified a need to improve the capacity and performance of a number of junctions along the A614 and A6097 corridor which forms part of the Major Road Network (MRN) within the County.
4. The A614 is an important north-south route from Nottingham to Retford and beyond, with the A6097 providing a spur to the A46 trunk road linking Leicester with Newark and Lincoln. Both roads are largely two-way single carriageway, with dual carriageway sections through Lowdham. Running centrally through the County the roads serve as vital commuter and tourist routes linking villages and towns together and with the City of Nottingham and also providing access

to attractions including Rufford Abbey, Sherwood Forest, White Post Farm, and Wheelgate Park. The roads also serve as diversionary routes for the M1 and A1 to the west and east respectively.

5. In recent years the County Highways Authority has undertaken improvements to several junctions along both roads and has also introduced a lower 50mph speed limit (enforced by average speed cameras). The following six junctions have now been identified as requiring intervention to ensure the effective functioning of the road corridor and are shown on the appended overarching 'A614 and A6097 Junction Improvement – Overall Project Location Plan':
  - Ollerton Roundabout (A614/ A616/ A6075)
  - A614/Mickledale Lane/Inkersall Lane
  - White Post Roundabout (A614/ Mansfield Road) Farnsfield
  - Warren Hill (A614/ A6097) gyratory junction
  - Lowdham roundabout (A6097/ A612/ Southwell Road)
  - Kirk Hill (A6097/ Kirk Hill / East Bridgford Road) East Bridgford
6. A further junction (A614/Deerdale Lane/Eakring Road, Bilsthorpe) has been removed from the wider project due to costs and complexities. Each has been submitted for planning permission and are considered in separate reports.
7. The MRN is a middle tier of the country's busiest and most economically important local authority A roads sitting between the Strategic Road Network (SRN) and the rest of the local road network. The A614 and A6097 routes were designated as such in October 2018. The stated objectives of the MRN and of the A614/A6097 project are closely aligned and include:
  - (a) **Improved Journey Times and Reliability-** There are regular delays and queueing at Ollerton, Lowdham and Kirk Hill junctions which are predicted to worsen with traffic and local housing/economic growth. It can also be difficult to access the A614 from Bilsthorpe village.
  - (b) **Network Resilience-** Capacity improvements will support the Strategic Road Network by adding resilience to the highway network which will boost productivity and reduce costs to businesses. Both roads serve as alternative and diversionary routes during incidents or major roadworks.
  - (c) **Economic Growth-** Additional capacity will drive economic growth by facilitating housing and creating jobs. In particular a number of development sites have planning conditions and obligations limiting build out until improvements are made to Ollerton and Lowdham roundabouts. This includes the development at the former Thoresby colliery. Improvements at the junctions would enable 1,330 dwellings and 24,281m<sup>2</sup> of employment space to be built out stimulating economic growth.

- (d) **Connectivity** - Improving journey times and reliability will improve connectivity to Nottingham and improving access to supply chains and labour markets.

## The Site and Existing Situation

8. Lying 1km south-east of Gunthorpe Bridge and therefore within Rushcliffe Borough, this is a signal-controlled crossroads. The A6097 (Bridgford Street) runs north-west to south-east, whilst Kirk Hill turns off to the north-east with a dog-leg and provides one of the main accesses into East Bridgford. The opposing minor road (East Bridgford Road) routes south-west to Newton (see Plan 1).
9. The southern side of the crossroads features a wide highway grass verge and hedgerow with arable fields beyond. A small woodland is present to the northwest which the A6097 passes through. Trees and roadside vegetation line the immediate northern side of the A6097. The junction is within the Green Belt.
10. Kirk Hill takes a sharp left hand bend off the A6097 and passes a row of three residential properties which are situated between the A6097 (behind the hedge/trees) and Kirk Hill. The road takes a further bend into the village. The northern and eastern sides of Kirk Hill are lined with a mature outgrown hedgerow beyond which are a series of paddocks.
11. A Bridleway (No.28) runs up from the south-east and crosses Kirk Hill at the blind bend near to the main junction. Its definitive line is not accessible as it passes through the residential properties, therefore a narrow footway (<1m) and an informal alleyway provides the route along the southern side of Kirk Hill. Public footpath 27 leads off from the Bridleway heading back north into the village. Shelford public footpath no.9 leaves the Bridleway at the northern end and crosses over the A6097 routeing south-west. There is also a local toll ride in the area for equestrians, whereby riders can access routes over private land, including land to the south of the junction off East Bridgford Road.
12. Kirk Hill lies within and forms the outer edge to East Bridgford Conservation Area. The nearest listed buildings are Grade II – ‘The Hill’, the Garden House, Stable and Garden Wall at the Hill, and the Old Rectory which are on Kirk Hill some 300m north from the centre of the junction, and ranging from 65m to circa 150m from the application site boundary. St Peters Church (Grade I) is circa 180m north-east. The Scheduled Monument at Trent Lane (former Motte and Bailey castle) is approximately 500m to the north-west. The grounds at East Bridgford Hill (and now incorporating properties at Hill Farm) are also a non-designated historic park and garden which bounds Kirk Hill to the north, behind a brick boundary wall and gates.
13. The area is not at risk of fluvial flooding, but surface water flooding records are noted along Kirk Hill.

14. The application site area incorporates the existing highway, but also extends onto the land north of Kirk Hill including the mature hedgerows and parts of the adjacent paddocks. The redline also includes a strip of the arable fields to the south of the junction immediately behind the hedgerow (see plan 2).

## **Planning history**

15. The only relevant planning history to note is this Council's Scoping Opinion issued in 2021 advising on the scope of the Environmental Statement now submitted with the current application. Comments from technical consultees informed this process and it is to be noted that the ES appears to be substantially based on that scoping advice.

## **Proposed Development**

16. The junction currently experiences significant delays and queueing (particularly at peak periods on the main A6097). In recent years the County Council has closed Trent Lane to motor vehicles between the A6097 at Gunthorpe Bridge and East Bridgford, thereby leading to additional local traffic also using the Kirk Hill junction.
17. It is proposed to enlarge/widen the existing junction and increase its capacity, firstly to provide additional through lanes on the A6097 in both directions (two lanes through, with the left lanes shared for left turns, before merging back to one lane) as well as re-providing dedicated right turn lanes both into Kirk Hill and East Bridgford Road. This would be operated with new traffic signal systems (see Plan 3).
18. Secondly on Kirk Hill itself it is proposed to locally widen the carriageway to facilitate easier turns and then to provide a wide grass verge area running alongside the north-east side of Kirk Hill onto which Bridleway (no.28) would be relocated/diverted and so correcting the current anomaly with its definitive line and providing a safer off-road route. The revised bridleway would have an uncontrolled crossing point at the corner outside No.10 Kirk Hill (from the alleyway) and upon reaching the corner by the A6097 would continue as present, through a woodland area to the south east. These works would require removal of all the existing outgrown hedgerow and trees alongside the north-eastern section of Kirk Hill and a further section east of Kirk Hill on its approach into the village.
19. Replacement hedge and tree planting is proposed on a new line further back from Kirk Hill into what is currently the adjacent paddocks. A revision to the plans now seeks to create an area of scrub behind the new hedgerow in order to mitigate the scheme's impact to biodiversity and wildlife. Accordingly the application red line has been extended further into the adjacent paddocks for this additional habitat and landscaping area.
20. In response to the need to provide equestrians, including the local toll riders, with a means to cross the A6097 it is proposed to install a full 'Pegasus'

crossing around 100m south east of the junction where the A6097 comes back to single carriageways. Designed specifically for horse riders, this would link bridleway 28 to a new bridlepath that would be created along the southern side of the A6097, back to East Bridgford Road and towards Newton. Revised plans have moved the proposed bridlepath behind the existing field hedge and so the application red line now incorporates a strip of the adjacent arable field.

21. Also included within the red line is a site for a temporary construction compound at the corner of East Bridgford Road with the A6097 as shown on Plan 4.
22. New LED street lighting, lining and signage would be provided. The speed limit is proposed to be reduced on the A6097 from unrestricted/national speed limit to 50mph between the terminus of the Gunthorpe Bridge 40mph section and the A46(T).

## Consultations

23. **Rushcliffe Borough Council** - *No objection, advice provided.*
24. *RBC's Environmental Health Officer notes the findings of the Environmental Statement and associated reports. Air quality impacts - the assessment concludes the scheme is considered to be 'not significant' for air quality for the construction and operational phases. Noise/vibration - Significant adverse effects have not been identified for the operational phase. At construction there is a potential for major and moderate impacts at the nearest receptors and the potential for a significant adverse effect cannot be discounted. Recommends a condition requiring the submission of a Construction Environmental Management Plan (CEMP). Potential Land Contamination - The Phase 1 report identifies a low potential for land contamination to impact on human health and/or the water environment. Recommend conditions are attached to ensure any unexpected contamination is dealt with appropriately.*
25. *RBC's Ecology and Sustainability Officer advises that the ecological surveys were carried out in accordance with good practice. The site consists of hardstanding, neutral grassland (verges), species poor and species rich hedgerow (priority habitat) within a rural landscape, with adjacent broadleaved woodland and improved grassland. The development provides opportunities for ecological enhancement. The favourable conservation status of protected species is unlikely to be impacted. A series of recommendations for conditions/informative notes are made.*
26. *RBC advise that Bingham Town Council raises no objection but requests that consideration be given to a pedestrian crossing, low road noise surfacing, and that ecology should be considered and protected.*
27. *RBC further advise that East Bridgford Community Plan Group has commented on road safety and concerns over red light running and questions what measures can be done to dissuade this. Comments from East Bridgford Parish Council have been received directly and are found below.*



28. **East Bridgford Parish Council** - *No objection, with requests.*
29. *Requests that consideration is given to pedestrians, cyclists and horse riders with a pedestrian crossing and extending the cycle path.*
30. *The loss of hedges and trees, together with reshaping of the bend will increase the urbanisation of the village and this causes concern. Requests that all hedges and trees will be replaced.*
31. *Requests that low noise road surfacing should be used.*
32. *An ecological/wildlife survey should be completed to protect local wildlife.*
33. *Requests that a public meeting is held, prior to construction, to discuss management of the works.*
34. **National Highways** - *No objection.*
35. *The Project comprises improvements to six existing junctions along the A614/A6097 corridor. The Kirk Hill junction is located on the major road network, approx. 1km west of the Trunk Road A46, and is managed and maintained by the Local Highway Authority. The improvement works will improve this section of the major road network and will have no adverse impact the Strategic Road Network.*
36. **NCC (Highways)** - *Supports the proposed scheme which will provide capacity improvements at the junction to reduce journey time delays. The scheme will also improve crossing facilities for equestrian users.*
37. *The assessment shows that the Kirk Hill arm is significantly over capacity in both AM and PM peaks and by 2037 will be at even greater levels over capacity if no changes are implemented. The proposals would significantly improve junction capacity offsetting what would otherwise be severe congestion over and above that already seen, created by traffic growth and development.*
38. *The proposed 5m wide grass verge Bridleway is also welcomed and will create a safer passage for those using the Right of Way.*
39. **NCC Transport and Travel Services – Comments.**
40. *Bus Stop Infrastructure: Transport and Travel Services have no bus stop infrastructure observations or comments in respect of this application. Bus services affected: Trent Barton Rushcliffe Villager and school bus services. Any service diversions required as part of the works will impact upon the bus network. Highway works requiring closures or diversions should be limited during the day with overnight closures recommended where the works require closures and/ or diversions.*
41. **NCC (Built Heritage)** - *Comments and requests conditions.*

42. *The proposals directly affect East Bridgford village conservation area. Kirk Hill is bounded by several historic buildings including a positive contributing early 19th century vernacular building and a pinfold. The Conservation Area appraisal also identifies the hedges and trees as 'significant' and seeks to protect and supplement them. The felling of trees over 75mm diameter requires a 6 week notice period.*
43. *Advises that the harmful impacts of the scheme have the potential to be much greater than presented in the application depending on the final details. The Environmental Statement is mostly accurate in identifying the 'residual effects' - the 'sensitivity of receptor' is 'medium', but it is incorrect in identifying the magnitude, and residual effect to significance as 'slight adverse' at this stage.*
44. *The landscape proposals demonstrate that the impacts on the character of the conservation area have been identified and considered in the scheme design.*
45. *There are crucial details which remain to be fully worked up and for which the character of the Conservation Area should be taken into account in order to mitigate harmful impacts. The positioning and extent of signage, lining, fencing, and kerbing needs to be addressed. There is a preference for a grass verge for the bridleway and minimal hard kerbing. There is also potential to 'underground' the overhead powerlines. Recommends that these details are reserved under a condition.*
46. **NCC (Archaeology) - No objections. Conditions required.**
47. *This is particularly sensitive as the A6097 follows the course of a Roman road and there is potential for uncovering a Roman road surface, as was found during works on the A46 Fosse Way. Adequate opportunity and time to investigate and record any archaeological remains will be required and can be covered by a condition requiring a written scheme of archaeological investigation.*
48. **NCC (Flood Risk) - No objection.**
49. **NCC (Nature Conservation) - No objections provided recommended construction management measures, landscaping/biodiversity net gain and other mitigation measures are secured.**
50. *The application is supported by a range of ecological survey work, which can be considered to be up to date. This scheme does not directly affect any designated sites.*
51. *0.67ha of neutral (species-rich) grassland, 0.12ha of woodland and 440m of hedgerows would be lost. Loss of habitat for foraging/commuting bats would occur, but it is noted that these are already subject to disturbance from the existing junction (including from artificial lighting), and a negligible impact is predicted. Mitigation is provided through landscaping.*
52. *The indirect impact of artificial lighting on bats is also predicted to be negligible, with an avoidance of the direct illumination of habitats; in addition, street lighting*

*is already present at this location, albeit that the extent of lighting will be greater on the southern and eastern arms of the junction than is currently the case.*

53. *The identified ecological mitigation measures should be included within a CEMP, required by a pre-commencement condition. In addition, construction areas must be clearly demarcated with temporary protective fencing to ensure that accidental ingress into designated sites is prevented.*
54. *Biodiversity gain - The updated Biodiversity Net Gain Assessment now concludes that a net change of 0.13% for habitats, and 11.2% for hedgerows will be delivered for this scheme. This obviously does not meet the 10% minimum figure which will be required when BNG becomes mandatory. However, BNG is not mandatory until November 2023, and the scheme does, very minimally, deliver a net gain. In addition, it should be noted that 10% net gain is comfortably achieved across all schemes when combined – 26.22% for habitats, 71.75% for hedgerows and 67.14% for rivers.*
55. *To ensure that the anticipated net gain is achieved in practice, a Biodiversity Gain Plan should be required prior to commencement of development, implemented with habitat management and monitoring (and which also ensures that Trading Rules are satisfied) for a 30 year period. A detailed landscaping scheme should also be required by condition and which must be fully consistent with the Biodiversity Gain Plan (and vice versa).*
56. **Natural England-** *No objection/standing advice.*
57. **Via (Countryside Access)** - *No objection (revised plans) but requests retention of pedestrian crossing provision over the A6097 within the junction.*
58. *The initial objection has been resolved by the addition of a new bridleway within the adjacent field (as opposed to it being situated on the A6097 verge) linking the new Pegasus crossing to East Bridgford Road.*
59. *The current signalised junction, while not a formal pedestrian crossing, should retain its dropped kerbs on the north west signal location, as this is a direct crossing and links to the footway alongside the A6097. It is very unlikely that pedestrians will use the Pegasus crossing as it is 545m approx. longer, so will cross at this point.*
60. *Questions are raised on ownership and maintenance of the bridleway surfaces and adjacent hedges.*
61. *The visibility at the bridleway crossing at the corner of Kirk Hill should be acceptable, however it would be beneficial to reduce the speed limit from the current unrestricted in line with other village approaches, although speeds around this corner would be reduced due to its geometry.*
62. *The Side roads Order should include both the diversion of Bridleway no 28 and the dedication of the new field edge bridleway.*

63. **Ramblers** - No objection. The paths will be better, but equestrians will have some problems crossing Kirk Hill due to the sharp corners.
64. **Via (Landscape)** -Supports, with a number of comments and recommendations.
65. Methodology and baseline - The methodology for determining construction and operational effects is accepted. The relatively small scale of the scheme, combined with screening provided by a combination of existing landform, mature woodland and built form, are considered to negate the potential for significant landscape and visual effects beyond 0.75km.
66. Physical landscape impact - This has not been quantified within the scheme specific assessment and has not been described in a range from minor to major adverse, however the vegetation clearance dwg and Ch 8 (Biodiversity) states the vegetation to be removed as 0.12 ha broadleaved woodland; 0.67 ha neutral grassland; 0.18 ha improved neutral grassland; 200 m species poor hedgerows and 240 m species poor [sic – species-rich] hedgerows with trees. This should be added to Chapter 7 because this contributes to the degree of landscape impact described.
67. Landscape character impact - Landscape character impacts are agreed as follows: East Bridgford Escarpment Farmlands 05 – Slight adverse Landscape effects at Construction stage, and Year 1, and a neutral effect by Year 15.
68. Visual Effects - The Zone of Theoretical Visibility plan was produced at the scoping stage and used to derive viewpoints and panoramic photographs were provided. One visualisation was also produced. The text should explain the rationale for choosing these viewpoints. Some minor formatting errors are also highlighted.
69. The conclusions of the assessment of visual effects are set out in tables 7.11, 7.12, and 7.13. Agrees with the assessment and that the methodology is transparent however, the viewpoint descriptions should also make reference to the lighting footprint as the proposed lighting would extend further along the A6097 and East Bridgford Road.
70. No year 15 visualisations were submitted, which would be best practice, to illustrate how the maturing landscape treatment will help to mitigate the proposals. However sufficient information has been provided to show that the landscape proposals have been thoroughly considered at this stage. It would be beneficial to provide Year 15 visualisations to support detailed landscape proposals under planning condition.
71. Design, mitigation, and enhancements - The landscape design concept gives a clear indication of the landscape philosophy for the scheme. Some additional text would be helpful to describe how the scheme meets landscape character and ecological objectives, as well as how the landscape treatment mitigates the visual effects. The total amount of vegetation to be replaced is: 0.061 ha

*broadleaved woodland; 0.411 ha neutral grassland; 0.211 amenity grassland; 239 m species rich hedgerows and 474 m species rich hedgerows with trees.*

72. *The road verges to the southwest of the junction have species rich grassland. Arrangements should be made to store the removed turf for reuse in the scheme, or the topsoil derived from the turf once it has been stored can be respread and the seed bank re-established in the same area. This requirement will need to be included on the detailed site clearance drawings.*
73. *A detailed landscape drawing should be requested by planning condition and this should refer to the species list for the South Nottinghamshire Farmlands Landscape Character Area. The Built Heritage Team will need to be involved in the detailed design of the area to the north west of the junction to reduce the amount of urbanising features in the Conservation Area.*
74. **Via (Noise Engineer)** - *No objection subject to conditions requiring a construction management plan and prior to commencement baseline noise survey.*
75. *The result of the overall assessment of operational impact indicates a classification of the effects as being not significant at all receptors, with the magnitude of the impacts varying from negligible adverse to negligible beneficial for the operational phase.*
76. *For construction phase impacts, a total of four receptors have the possibility to experience temporary significant adverse effects as a result of the construction works (noise and vibration). In order to mitigate these effects, a list of Best Practicable Means (BPM) has been provided, and it is recommended that those measures should be detailed in a Construction Environmental Management Plan (CEMP).*
77. *The assessment of the effects at the ecological receptors shows a negligible change within the Kirk Hill junction area.*
78. **Via (Reclamation)** - *No objections subject to conditions.*
79. *A Phase 1 Geo-Environmental desk study and site-specific environmental statements have been prepared and which are considered acceptable for the purposes of the planning applications.*
80. *Revised plans: Due to additional land take it would be advisable to review the Environmental Statement, Geo-Environmental Desk Study and Soils and Agricultural Land Quality assessments. It would be acceptable to incorporate this requirement within a planning condition in relation to how any contamination would be remediated.*
81. *An Environmental Management Plan to control construction effects including noise, vibration, dust, mud, and pollution/spillages and waste disposal is also recommended.*
82. **Via Safer Highways** - *Comments and recommendations.*



83. *General - Via Safer Highways undertook Stage 1 Safety Audits where recommendations to improve the designs were made. It is strongly recommended that further Road Safety Audits are carried out at Stage 2 (Completion of Detailed Design) and Stage 3 (Completion of Construction).*
84. *The provision of additional traffic lanes (which then merge back) is likely to increase conflicts between vehicles by promoting overtaking and increased speeds through and beyond the junction. More broadly the scheme is likely to increase journeys in the local area as well as in the wider region with a consequent increased risk of collisions.*
85. *This proposal as it stands offers little improvement for non-motorised road users. Recommends that the needs of pedestrians, cyclists and horse-riders are considered at the junction itself where people are likely to want to cross.*
86. **Western Power Distribution** - *No objection and advice is provided about works in proximity to the electricity network.*
87. **Planning Casework Unit**- *(statutory notifications- does not wish to comment).*
88. **Newton Parish Council, Shelford Parish Council, The Environment Agency, Nottinghamshire Wildlife Trust, British Horse Society, Cadent Gas Ltd, and Severn Trent Water Limited** have not responded. Any response received will be orally reported.

## Publicity

89. The application has been publicised by means of site notices, a press notice (jointly with the five other schemes) and neighbour notification letters have been sent to the nearest residential occupiers in accordance with the County Council's adopted Statement of Community Involvement. Further publicity and consultation with consultees has been undertaken upon receipt of further information under Regulation 25.
90. In addition, the applicant department have undertaken separate and complementary publicity via the 'Email me' bulletin, the Council's twitter feed and have added links to the individual planning applications from the dedicated A614/A6097 project website:  
  
<https://www.nottinghamshire.gov.uk/transport/roads/a614>.
91. Prior to the submission of the planning applications, the applicant department have undertaken extensive local engagement and consultations to inform the final junction designs. Scoping Opinions have also been previously obtained from the County Planning Authority to inform the Environmental Impact Assessment process.
92. Three representations with comments and requests have been received:



- (a) There is concern over increased traffic noise to nearby properties and a request for acoustic fencing.
  - (b) There is a request for average speed limit cameras to enforce the proposed reduced 50mph speed limit on the A6097. Also the speed limit on Kirk Hill should be reduced.
  - (c) A question is raised regarding provision for highway drainage on Kirk Hill as it currently experiences surface water flooding.
  - (d) A question is raised over whether there will be a pedestrian crossing and that the existing footpath crossing (N-W of the junction) to Shelford has largely been omitted from the plan.
93. Councillors Francis Purdue-Horan, Roger Upton and Neil Clarke MBE have been notified of the application.
94. The issues raised are considered in the Observations Section of this report.

## **Observations**

### The requirement for planning permission

95. The County Council, with its responsibilities as the Local Highway Authority, has extensive rights to undertake work to maintain and also improve the highway network. The Town and Country Planning Act 1990 (s55) excludes such works from the planning system where they would be within the boundaries of a road. Where such highway authority works go beyond the road boundaries, utilising adjacent land, such works are ordinarily deemed Permitted Development by virtue of the Town and Country Planning (General Permitted Development Order) (England) 2015 as amended. However these rights are removed under article 3 of the Order where the works are deemed to be EIA development, as is case here, where the applicant has elected to submit an Environmental Statement. Therefore planning permission is required.

### Planning policy assessment

96. This is one of six inter-related planning applications concerning junctions along the A614/A6097 corridor. Each has to be independently considered and determined however, in the usual way, against the applicable Development Plans and having regard to material considerations.
97. As this particular proposal lies within Rushcliffe Borough, the Development Plan in this instance is the Rushcliffe Local Plan in two parts, comprising the Core Strategy (CS) (2014) and the Land and Planning Policies Document (LAPP) (2019). The National Planning Policy Framework (NPPF) is a material consideration. Other material considerations may include the Nottinghamshire Local Transport Plan and the D2N2 Strategic Economic Plan. It is also relevant

to note that certain design standards apply including the Design Manual for Roads and Bridges and the NCC Highways Design Guide.

98. The Kirk Hill junction was a late addition to the wider NCC A614/A6097 junctions project. Congestion issues appear to have worsened in recent years since the dualling of the nearby A46(T) and also through increased village traffic as a result of the decision to close Trent Lane to motor vehicles. The proposals therefore seek primarily to provide greater junction capacity/throughput to alleviate congestion.
99. Improvements to this junction are not specifically identified as being required in the Rushcliffe Local Plan, or for its overall delivery (unlike the five other proposals in Newark and Sherwood, which are part of the required infrastructure for the NSDC Local Plan). The Local Transport Plan also does not specifically identify this junction as needing investment or upgrade, though it could be seen to now form part of the integrated programme to address delays along the A614/A6097 corridor.
100. RBC CS Policy 14 (Managing Travel Demand) contains a hierarchy for the delivery of a sustainable transport network, favouring measures to reduce private car use and promote sustainable travel choices such as public transport, walking and cycling. Policy 3 (the Spatial Strategy) similarly advises that new transport infrastructure will be provided in line with the hierarchy of provision, with the aim of reducing the need to travel, especially by private car. This overall approach aligns with the LTP and also national planning policy. Under Policy 14 where those measures are insufficient, network management measures and then highway capacity enhancements to deal with severe impacts arising from residual car demand would be the approach adopted, i.e. the bottom of the hierarchy. It adds that there will be a level of iteration between the stages, for example improved highway operation may facilitate improved public transport.
101. CS Policy 15 (Transport Infrastructure Priorities) then goes on to set out a number of transport schemes needed to support the delivery of the Plan and its strategic allocations, including at nearby Bingham and Newton. Neither the A6097 nor the Kirk Hill junction are listed as part of the planned infrastructure. It states that where new development gives rise to the need for additional transport infrastructure, it should be prioritised in accordance with the delivery of the Spatial Strategy (Policy 3), the principles of travel demand management in Policy 14 and the priorities of the LTP. The policy however accepts that further infrastructure needs may emerge over time including stemming from Part 2 of the Plan. Under LAPP policies 8.1 and 8.2, East Bridgford is allocated a total of 125 dwellings on two sites on Butt Lane. Once again, however the LAPP and site allocations make no reference to upgrading the Kirk Hill junction.
102. It appears therefore from the above that the County Council/Highways Authority has identified a need to upgrade this junction subsequently and outside of the Development Plan and infrastructure planning process. Whilst the policy framework does permit flexibility to consider additional proposals that might be subsequently be identified by infrastructure providers it cannot be concluded

that the enlargement of the A6097/Kirk Hill junction is absolutely necessary for the overall delivery of the plan. However matters have moved on somewhat.

103. It has subsequently emerged that the developer at the Newton site is subject to a planning obligation to provide an upgrade at the A6097/Kirk Hill junction. However the scheme that was put forward was not considered adequate to the County Highways Authority and there were concerns that it would not provide the additional capacity required. Local consultation also highlighted the present congestion issues. This has influenced the decision for the Authority to intervene directly with a more ambitious scheme as part of the wider A614/A6097 project (with a financial contribution from the Newton developer).
104. The proposals therefore take on a semi-strategic purpose that is wider than just the delivery of the Rushcliffe Local Plan, forming part of the A6097/A614 MRN. There is an identified need to add additional junction capacity in order to ensure the entire corridor operates effectively as background traffic growth is forecast to rise, some of which will stem from the strategic sites at Newton and Bingham.
105. In terms of compliance with planning policy, the project is not a policy priority, including by it adding highway capacity which is at the bottom of the transport hierarchy. However, there is nothing obvious in the policy framework to adjudge this as being contrary to plan policy and no objection has been raised by Rushcliffe Borough Council. The existing congestion issues are plainly a material consideration, as is the existing obligation linked to the Newton development and it is clear from traffic modelling that omitting this junction from the project would result in continuing peak time congestion on this part of the corridor, undermining its intended purpose as part of the MRN. NCC Highways support the proposals as they would significantly improve junction capacity offsetting what would otherwise be severe congestion over and above that already seen, created by traffic growth and development.
106. Whilst this is predominantly a road capacity scheme it also contains significant proposals for non-motorised users, including a relocated bridleway and new Pegasus crossing (as discussed below) and the improvements should also assist the reliability of the local bus services serving the village. The proposals are therefore considered to provide benefits for a wide range of users and it is considered that there is no conflict with policies 3, 14 and 15. The proposals have the support from Highways England due to the connectivity with the A46(T) as well as NCC Highways Development Control. Safe and suitable access would be incorporated for equestrians and other non-motorised users in accordance with Policy 1 and paras 110-112 of the NPPF as further consider below.

#### Highways Safety and Rights of Way issues

107. LAPP Policy 1 (Development Requirements) sets out a range of general sustainable development requirements for all forms of development proposals. Of relevance is the need to ensure suitable access (and parking) without

detriment to highway safety. Policy 14 of the CS seeks to promote and incorporate provision for walking and cycling - indeed it prioritises the needs of pedestrians above private cars. The NPPF again seeks to promote sustainable transport modes and safe and suitable access, minimising conflicts between pedestrians, cyclists and vehicles (NPPF paras 110 and 112).

108. The proposed works to this junction also seek to address an acute issue affecting non-motorised users, particularly local equestrians, who are either following the bridleway or are seeking to cross the A6097 to access the local toll ride routes.
109. The legal line of Bridleway No.28 along Kirk Hill is impassable and is a historical anomaly which this scheme would address. It would do so by relocating and providing a new bridleway on a widened grass verge along the northern/eastern side of Kirk Hill before linking back into the established route. This would be a direct and level line and the opportunity to rectify the anomaly and provide much safer route for these users is a notable additional public safety benefit. It is also likely to encourage greater use by NMUs. Currently riders (including children and vulnerable adults) can be seen using Kirk Hill and negotiating the blind bend at the main junction, or crossing Kirk Hill at this point to continue south-west on the bridleway, which is a safety risk. This aspect of the plans has been designed in close consultation with the Via Rights of Way office and are fully supported.
110. The actual legal designation process for the relocated bridleway would be undertaken through the Side Roads Order process, which is a separate legal process.
111. The addition of a new 'Pegasus' crossing over the main A6097 circa 100m to the south would also be a notable additional benefit for equestrians as well as being usable by other NMUs. There is space at this point to provide the necessary carrells/fencing, which is not possible at the centre of the junction once widened. The return bridlepath leg along the south side of the A6097 was initially subject to an objection from Via Rights of Way, which has now been resolved with an amendment placing this path behind the field hedge in order to create a safer and screened route for horses. It would be necessary to provide gaps within the hedgerows at either end to access this new path, but this is acceptable. The path would be 4m wide and would be maintained within a new/widened highway boundary.
112. Via Rights of Way however have requested further provision is made for pedestrians crossing the A6097 and comments have also been made by East Bridgford Parish Council and Via (Safer Highways) in relation to pedestrians and cyclists.
113. In response it is noted that cyclists using the minor arms – i.e. from East Bridgford to Newton can be expected to continue to cross the junction directly with other traffic, with the traffic signals stopping A6097 traffic. Cyclists that are not confident doing so would have the option of using the bridleway and then the Pegasus crossing 100m to the south-east, with the return bridlepath back to

East Bridgford Road. The realignment of Kirk Hill would also help with creating more space for these users, particularly on the bend up to the signals. Details of any associated signage or markings have not yet been developed.

114. In terms of pedestrians, within the junction itself there is currently a semblance of a pedestrian crossing (including dropped kerbs) utilising the splitter/traffic signal island and the very narrow footway leading around Kirk Hill, however there is no segregated onward route on the southern side. There are no footways along East Bridgford Road nor any rights of way to directly connect to. Despite this, a number of pedestrians have been recorded between Kirk Hill and East Bridgford Road. In response to the consultee requests the applicant has confirmed that dropped kerbs would again be provided at the junction using the new splitter/traffic signal islands. Since this is not detailed on the submitted plans a condition is recommended to secure this provision.
115. Shelford public footpath 9 crosses the A6097 north-east of the junction within the small wooded area. There are no proposals to alter this crossing point, however the reduction in the speed limit to 50mph would assist users crossing the road at this point and which will retain its current width at this point. There would therefore be a neutral to slight benefit to the users of this path.
116. Overall the proposals would enhance the local rights of way network and would provide enhanced provision for non-motorised users, particularly local equestrians, responding to local demand and existing safety concerns. The safety of these users has been and will continue to be fully taken into account in the designs. Final details such as fencing, crossing points and surfacing can be agreed under planning conditions. Designs would also be informed by further Road Safety Audits (beyond the stage 1 audit already undertaken) as required by Via (Safer Highways). The proposals are however fundamentally acceptable and are considered to accord with LAPP Policy 1 and national planning policy on this matter.

#### Heritage issues and Archaeology

117. CS policies 10 (Design and Enhancing Local Identity) and 11 (Historic Environment) and LAPP policies 28 (Conserving and Enhancing Heritage Assets) and 29 (Development affecting Archaeological Sites) apply along with NPPF chapter 16 with which they are consistent.
118. Under CS Policy 10, development should make a positive contribution to the public realm and sense of place, be attractive, safe, reinforce local character, be adaptable to the effects of climate change and reduce the dominance of motor vehicles. Regard should be had to a range of design matters including local landscape/townscapes, views/vistas, street patterns, and the conservation of heritage assets and their settings. CS Policy 11 is a high-level policy which seeks to conserve and enhance the historic environment, with the subsequent LAPP policies providing the detail.

119. Policy 28 firstly requires an applicant to demonstrate an understanding of the significance of any heritage assets affected, including their settings, and identify the impact of the development upon them, providing a clear justification for the development in order that a decision can be made as to whether the merits of the proposals bring public benefits which decisively outweigh any harm arising. Proposals are then assessed against a range of criteria including the significance of the asset(s); whether the proposals would conserve or enhance the character and appearance of the heritage asset; details; materials; street patterns; landscape and views.
120. Policy 29 regards archaeology and firstly requires appropriate archaeological assessment. It then guides the treatment of any remains of significance, preferring in situ preservation, but if not feasible and if wider public benefits outweigh the harm/loss, it requires full excavation, recording and deposition of any findings.
121. There is also a statutory duty to have regards to the desirability of preserving Listed Buildings (and settings) and preserving or enhancing the character/appearance of Conservation Areas (s66 and s72 Planning (Listed Buildings and Conservation Areas) Act 1990).
122. There is some concern about the potential impacts to the village Conservation Area (CA), which includes all of Kirk Hill itself, up to but not extending to the A6097, which is largely screened by a belt of trees and garden land.
123. This part of the CA acts as a distinctive approach into the village, characterised by brick cottages and country houses separated from the road by long stretches of brick wall. The Conservation Area Appraisal and Management Plan (RBC, 2008) highlights the positive features of note including the 'strong sylvan setting of the village, with mature trees giving Kirk Hill...a particularly strong character' and, equally important, 'the trees and hedgerows surrounding fields and paddocks on the edge of the village'.
124. In order to widen the current geometry of Kirk Hill and in particular to provide a relocated bridleway on the opposite (east and north) sides this will entail the removal of a dense, tall/out-grown and continuous hedgerow and a number of associated semi-mature trees which also provide a positive setting and outlook to three characterful, but non-designated cottages opposite. Replacement hedge and tree planting is proposed in detail – on an alignment further back using additional/adjacent land (from adjacent paddocks). This does demonstrate that the CA has been taken into account in the design, but landscape planting would clearly take a number of years to mature, a point which is perhaps not grasped within the applicant's heritage assessment (but is elsewhere in relation to landscape matters).
125. NCC's Built Heritage officer considers that the applicant's heritage assessment underplays the level of predicted impacts to the CA and takes particular interest in details that have yet to be decided, including signage, lining, fencing, kerbs etc, all of which in totality could further lead to a feeling of urbanisation at this point of the CA (also raised by the Parish Council).



126. Officers agree that the heritage assessment underplays the residual likely effects of the proposals on the CA. Sufficient information has been provided and evidence gathered, however there is a disagreement with the conclusions and findings made at this stage. It finds that any changes in the local noise and lighting environment would be negligible, but it does not pay sufficient attention to the associated landscape changes save for acknowledging the existing landscape entrance to the village is an identified positive feature.
127. Whilst replacement planting is proposed for the loss of the mature hedgerow, the new hedgerow/tree planting would not have immediate vertical impact to replace the present condition and character. However, Officers do observe that in time the new landscaping would restore the village entrance. The proposed new bridleway is likely to be a natural grass surface, giving the newly widened Kirk Hill a very generous, wide grass verge, which is also potentially a positive gateway feature into the CA. Nevertheless the slight adverse level of impact identified by the applicant at this stage is questioned. Of note however is that matters of detail such as those outlined above require further work and these are matters which can be subsequently agreed under planning conditions to ensure the best possible outcome for the appearance of the Conservation Area. This would also counter any highway intensification in the general appearance of this area as per design Policy 10.
128. No impacts are considered likely to arise in relation to any Listed Buildings in proximity to the works – including those further along Kirk Hill going into the village. Seven Grade II Listed buildings and one Grade I listed building (St Peters Church) lie within 500m. The former category includes 'The Hill', a 18<sup>th</sup>C country house with associated landscaped grounds and outbuildings. The notable brick boundary walling and gateways which are present along the western side of the road would be unaffected and the setting to the listed buildings would be preserved. There is no intervisibility between the site and these assets. In addition, temporary noise and other construction effects are also not considered likely to create harm to the setting of any listed buildings.
129. In terms of non-designated heritage assets, the row of brick cottages on Kirk Hill are post-medieval in origin, but have been denoted as of low heritage value. The verdant setting contributes to their value. There would be no direct physical impacts, but construction works would have a slight adverse, temporary effect to the setting of these cottages (in noise/vibration impact terms there is potential for significant adverse effects) and may for a period alter the character of the southern extremes of the CA. The heritage assessment classes this as a slight adverse (not significant) effect which is reasonable for what is a temporary issue.
130. The location of the remains of a pinfold between Kirk Hill and the A6097 may also be directly lost/physically impacted. The site is considered to be of negligible heritage value and so its loss would be a slight adverse (not significant) effect.
131. Identified impacts to local heritage are therefore largely limited to the southern extremes of the village CA. It is the case that the proposals would result in harm

to the CA, particularly in the short term before replacement landscaping has effect. Although the slight adverse level of identified impact is questioned, matters of details can be agreed under condition and in any event no significant impacts are likely.

132. For planning policy purposes, Policy 29 guides the decision as to whether the proposal is compatible with the historic environment and allows harmful effects to be weighed against the public benefits of a development proposal. The NPPF expressly goes further and requires that 'great weight' should be given to the heritage asset's conservation (and the more important the asset, the greater the weight) and that any harm to, or loss of, the significance of a designated heritage asset (including development within its setting), should require clear and convincing justification. Conservation Areas are a heritage asset but are established locally rather than nationally designated Listed Buildings for example.
133. The adverse impacts resulting from removing the continuous hedgerow along Kirk Hill, and particularly before replacement planting has had effect, along with localised widening of the highway, would comfortably fall as 'less than substantial' harm to the character/appearance of the CA for the purposes of the NPPF and Policy 28. This must be afforded proper and 'great weight', albeit is a locally designated asset, and any harm must be clearly justifiable. Clearly in order to provide the needed junction improvements and to improve the safety and access for equestrians and other users it is necessary to widen Kirk Hill within the CA. The less than substantial harm has to be balanced in this case against the resulting *public* benefits to further justify such harms. The conclusion to be reached indicates, overwhelmingly, that the public benefits justify the limited in area, less than substantial harm to the CA. As a project to improve public infrastructure – both for motorists and non-motorists – there are obvious and tangible public benefits to the public at large and to the local community within East Bridgford itself. Policy 28 and national planning policy has therefore been worked through and the proposals are considered compliant subject to landscaping and other details to be agreed under condition. There would also be no significant adverse impacts for the purposes of the general sustainable development Policy 1.
134. Briefly with regards to archaeology, the applicant's assessment work that has been undertaken finds that there is potential for encountering buried Roman finds, notably the A6097 Bridgford Street follows a Roman road alignment. The assessment advises that if any such remains are encountered (which is currently unknown) any such remains may be of medium heritage value and their loss would be a moderate adverse effect. The County Archaeologist is however content that this matter can be appropriately dealt with through a condition requiring the submission of an archaeological scheme of mitigation. This should be required and is considered necessary and reasonable. If any remains were to be encountered this would guide the decision as to whether to preserve in situ or excavate and record, but clearly the nature of highway widening will severely limit opportunities for in situ preservation and as such the latter option would be fully justifiable and compliant with Policy 29.

### Landscape and Visual Impact

135. Under the requirements of CS Policy 10, development should make a positive contribution to the public realm and sense of place, be attractive, safe, reinforce local character, adapt to the effects of climate change and reduce the dominance of motor vehicles. Regard should be had to a range of design matters including local landscape/townscapes, views/vistas, street patterns, and heritage assets.
136. CS Policy 16 includes consideration of landscape character which should be protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment. LAPP Policy 1 states as a general development requirement that there should be no significant adverse effects on landscape character.
137. A landscape and visual impact assessment (LVIA) has been completed and in general terms this considers the existing/baseline situation and then the effects of the junction improvements at year 1 of completion and then after 15 years when replacement landscaping would have had time to become fully established. Worst case findings are provided for winter when foliage will be absent. Particular focus is given to localised visual changes, such as along Kirk Hill itself, because wide area impacts to both landscape character and wider views are not anticipated.
138. In terms of landscape character, reference is given to the applicable policy zone within the Greater Nottingham Landscape Character Assessment as well as the national equivalent. The site falls within the South Nottinghamshire Farmlands Regional Landscape Character Area and then the East Bridgford Escarpment Farmlands Policy Zone SN05. The landscape condition is described as 'moderate', character is described as 'moderate', and the overall landscape strategy is 'enhance'. This is a rural area with medium to large arable fields and hedgerows, but limited woodland cover. Extensive views are available over the Trent valley from the escarpment and there is a more gradual fall towards the A46. East Bridgford is nestled into this landscape with mature landscape boundaries which reduces its prominence. The approach via Kirk Hill is part of the Conservation Area and the long brick wall is a prominent and formal feature. Landscape actions include the enhancement of field boundaries including selected planting of trees within hedgerows and the conservation of pockets of permanent pasture around village fringes. The applicant considers that overall the local landscape is of medium value.
139. The immediate site is a busy main road junction, at an elevated position and characterised by the main road as it bypasses the village and continues towards Gunthorpe Bridge in a slight cutting and through an area of woodland to the north-west of the junction. The southern side is mainly wide mown grass verge and low hedges surrounding arable fields resulting in a more open aspect. The north is bounded by a continuous screen of trees and tall hedges. Kirk Hill has a dogleg as it enters East Bridgford village and features a further dense, tall outgrown hedgerow opposite two cottages. The vegetation screens the junction and main road traffic from the village.

140. The proposed works would entail the removal of 200m plus of low managed hedgerow along the south of the A6097 (to the west of the junction only) along with a small section of woodland and the verge. Whilst on Kirk Hill another 240m of the outgrown hedge and trees would be removed. The proposed replacement landscaping is designed to mitigate for the unavoidable loss of the above features through replacement planting and seeding to re-integrate the junction as far as possible, whilst also maximising biodiversity value. A reasonably detailed landscape scheme is included in the application and has been taken into account.
141. The applicant's assessment finds that as a result of the proposed development there would be a slight adverse landscape effect at the construction stage, at Year 1, and a neutral effect by Year 15 once landscaping has matured. These findings also reflect the very limited geographical extent of the works at this existing road junction within the wider landscape policy zone and factor into account all the proposed mitigation replacement planting to integrate the enlarged junction back into the local landscape.
142. Street lighting has been taken into account in the LVIA and although the lit area would extend further along the A6097 and East Bridgford Road, the use of low light spill LED lanterns in place of sodium fittings is expected to lead to a neutral effect. The lit area would not be extended along Kirk Hill.
143. The predicted visual impacts would similarly be limited in area and focussed around the existing junction and Kirk Hill. Various viewpoints have been assessed by the applicant including along the highways, local rights of way, and from the edge of the village. Impacts are again considered at the construction stage, years 1 and 15. Three viewpoints would experience a slight adverse effect at construction and at year 1 at the A6097/Kirk Hill junction, the right of way rear of Mill Gate, and along Kirk Hill itself. At year 15 the effect of replacement planting would have neutralised the effects at these viewpoints except at the A6097/Kirk Hill junction.
144. The LVIA has been subject to critical assessment from Via and the landscape and visual conclusions are all agreed to and the proposals adjudged as acceptable and are supported. Whilst a number of minor errors are noted and a series of recommendations are made, there is sufficient information to inform an assessment of landscape and visual impacts. The identified errors/omissions are on the record and there would be no benefit in seeking amends. Instead the recommendations can be taken forwards as part of necessary planning conditions for the replacement landscaping.
145. The removal of roadside vegetation, including a small area of trees and a length of low, managed hedgerow appears to be an unavoidable consequence in order to permit the widening of the main A6097. In addition, the removal of 240m of the outgrown hedgerow along Kirk Hill also appears largely unavoidable to permit geometric changes on the bend up to the junction and in order to create space for a relocated bridleway utilising a widened verge. Officers would draw particular attention to the visual effects at this point as this is a very positive and verdant entrance feature into the village and its Conservation Area. This matter

is also raised by the NCC Built Heritage Officer. Removal and replanting on a revised alignment would open up the tight character of this road and open up views between the minor road and the adjacent paddocks. Whilst the LVIA concludes that at year 15 this would be neutralised, it must be recognised that the view would still be different, and more open/less enclosed. However the further line of trees between Kirk Hill and the A6097 would continue to screen the main road traffic (and highway infrastructure) ensuring the effects are very localised.

146. Potentially the bridleway link could have been located behind and parallel to the hedgerow, enabling much of its retention, in a similar way to the proposed bridlepath to the south of the A6097 between the proposed crossing and East Bridgford Road. That is not however what has been proposed and it is noted that the paddock land to the rear is at a higher level and so may not be as suitable as maintaining the bridleway on the level, following alongside Kirk Hill. This would also be the direct line to link into the bridleway as it continues north-west and south-east.
147. The resulting slight adverse landscape effects during construction and at completion are therefore detrimental to the Policy 16 objectives of enhancing local landscape character in line with the local landscape policy area recommendations, and to a degree the design objectives of Policy 10. However after 15 years and subject to the replacement landscaping being maintained, the effect is adjudged to be neutralised. One of the recommended actions has been incorporated into the landscaping scheme, namely the use of occasional trees within the replanted hedgerows (which would also be species rich and using appropriate species to the local landscape). Consequently Officers consider there to be some tension with Policy 16 due to the adverse removal of landscape features and from road widening. However a balanced view needs to be taken when also considering the interests of highways users, including the needs of horse riders, and the opportunity to maximise the ecological value of new planting compared with some of the existing. It is imperative that landscape planting and other details such as fencing are finalised and agreed through a planning condition. The short and longer term maintenance of the landscaping is also necessary in the interests of achieving a successful outcome for landscape, visual, biodiversity and heritage reasons.

#### Ecological Impact

148. CS Policy 17 (Biodiversity) seeks to increase local biodiversity. Development should avoid fragmentation of Green Infrastructure, provide new biodiversity features and improve existing biodiversity wherever appropriate, and where harm to biodiversity is unavoidable it should be demonstrated that no alternative sites or scheme designs are suitable. Development should as a minimum firstly mitigate, and if not possible, compensate for the habitat lost.
149. LAPP Policy 1 lists general development requirements including that there should be no significant adverse effects on important wildlife interests and where possible, an application demonstrates biodiversity net gains. Policy 36



(Designated Nature Conservation Sites) concerns impacts to designated nature conservation sites but is not directly engaged in this instance.

150. Policy 37 (Trees and Woodlands) states that adverse impacts on mature trees must be avoided, mitigated or, if removal of the tree(s) is justified, it should be replaced (with a range of locally native species in the right place). Planning permission will not be granted for development which would adversely affect an area of ancient, semi-natural woodland or an ancient or veteran tree, unless the need for, and public benefits of, the development in that location clearly outweigh the loss.
151. Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) generally expects developments to preserve, restore and re-create priority habitats and to protect and allow recovery of priority species. Development should, where appropriate, seek to achieve biodiversity net gains. Developments that significantly affect a priority habitat or species should avoid, mitigate or as a last resort compensate any loss or effects.
152. National planning policy states that transport issues should be considered from the earliest stages ... so that the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account, including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains (NPPF para 104d). Para 174 also states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks.
153. The application is informed by various surveys including an extended phase 1 habitat survey with species specific surveys and an ecological appraisal. No issue is raised as to their adequacy or completeness. The existing junction and that of the overall proposed site area is not directly affected by any designated sites (the nearest Local Wildlife Site is some 600m to the north east above Gunthorpe Lock) and no ancient woodland or ancient/veteran trees are within the study area.
154. The widening of the A6097 would utilise and result in the loss of 0.67ha of neutral species-rich grass verge, mainly on the southern side. Although heavily managed/mown, this area is classified in the plans as an 'ecology classified verge to be removed'. The plans also show the felling of a number of mature and semi-mature ash and oak trees (approximately 15) and scrub on the southern side of the main road at the north-west corner of the scheme (affecting 0.12ha) along with the section of species poor hedgerow leading down to the junction (but retaining the section along the south-east side of the junction).
155. On Kirk Hill itself the widening would require the removal of a large (240m) stretch of mature/outgrown species-rich hedgerow containing semi-mature trees such as Horse Chestnut and Oak. This hedgerow is approximately 15m tall and 3m wide and a continuous stretch from the junction, and then leading around the two corners of Kirk Hill going partly back towards the village centre, would



be cleared. Additional land would also be required back from the hedgerow but comprises general improved grassland and is a series of horse paddocks.

156. Both the species-rich hedgerow with trees and the unimproved neutral grassland are priority habitats of County level importance. The hedgerows provide suitable habitats for a range of species such as breeding birds, hedgehogs, brown hare and for commuting bats. However all the trees identified for removal have been assessed as negligible or low suitability for roosting bats and are affected by traffic and lighting disturbance.
157. The application is accompanied with reasonably detailed landscaping proposals through which it is proposed to mitigate the loss of the above features and deliver an overall net gain for wildlife, albeit a small one. This includes replacement of hedgerows with species rich, local landscape compatible planting, along with new trees, and replacement grassland verges comprising flowering native dry meadow grassland (and which will be sensitively managed and cut twice a year) with the immediate verges comprising managed amenity grass for visibility/safety reasons. The proposals state that the removal of the 200m stretch of species poor hedgerow alongside the A6097 would be replaced and slightly expanded (239m) with new species rich hedgerow with trees. The 240m long species rich hedgerow and trees along Kirk Hill would be replaced with 474m of new species rich hedgerow with trees, however this appears erroneous as the landscape plans shows no more than replacement of this stretch. In a revision to the plans an area of wildlife scrub is now proposed behind Kirk Hill requiring an additional area of the paddock land. Without this the proposals would likely result in a net loss of habitats compared to the present situation which would not be policy compliant.
158. Using the Biodiversity Net Gain Calculator the applicant can now state that there would be an overall net gain on site of some 0.13% for habitats, and 11.20% for hedgerows and which is a minor additional benefit, aligns with the thrust of national planning policy and should be afforded slight positive weight in the overall planning balance. Whilst the gain for habitats is below the target of 10% (which will in time be the mandatory minimum) a gain is nonetheless now proposed which is considered policy compliant.
159. The street lighting has been designed to minimise impacts to bats with LED lanterns fitted with rear shielding. The lit area would increase further down the A6097 including the verges, hedgerows and trees but these are generally isolated and the surrounding area is considered to be sub-optimal bat habitat. The application finds that this would be a neutral impact. Lighting may also be dimmed by 50% between 10pm and 7am as per NCC policy. Changes to the noise environment would also be insignificant.
160. No objections have been raised from NCC Nature Conservation or from Rushcliffe Borough Council subject to the developer following various recommendations to avoid and mitigate harmful impacts to protected species and the water environment as part of a Construction Environmental Management Plan (CEMP) which should be a planning condition requirement.

This includes ecological supervision when clearing vegetation and a preference to undertake this outside of the bird breeding season.

161. The future gains from the proposed replacement landscaping would require management to reach optimum condition. A biodiversity net gain plan should be required alongside the final landscaping proposals. NCC Nature Conservation requests that this is managed for 30 years. The new landscaping would have to be routinely maintained in any event, but this would ensure that biodiversity informs the approach.
162. Overall the application finds that after replacement landscaping and other steps have been taken, there would be a slight adverse effect resulting from the net-loss of some broadleaved woodland and similarly of neutral grassland verge and also for the removal of hedgerows. Before the landscaping has had time to mature the impacts from the losses are classified as moderate adverse.
163. In terms of compliance with planning policy, there would be no significant adverse effects to wildlife, but the removal of some trees, hedgerow and verge priority habitats appears unavoidable in order to provide for road widening purposes and also to create room for a relocated bridleway along Kirk Hill. However compensatory landscaping utilising locally appropriate species is proposed in some detail and construction effects can be mitigated through a CEMP. Furthermore, following amendments, there would also now be a very small enhancement/net gain for biodiversity which is a minor additional benefit. Therefore the above policies have been followed through in terms of the ecological mitigation hierarchy and can be adjudged to be satisfied subject to conditions governing site clearance/construction and thereafter the final landscaping details and its ongoing management.

#### Green Belt

164. The application site is entirely within the Green Belt as confirmed by the Rushcliffe Local Plan policy map and LAPP Policy 21 (Green Belt) defers assessment of individual planning proposals on the matter of Green Belt acceptability entirely to the National Planning Policy Framework.
165. Chapter 13 of the NPPF sets out that the Government attaches great importance to Green Belts and their fundamental aim is as a policy tool to prevent urban sprawl by keeping land 'permanently open' (para 137). The Green Belt serves five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land (para 138).
166. Paras 147 to 151 relate to proposals in the Green Belt and determine whether proposed development is appropriate or inappropriate development within Green Belt locations.

167. The proposals are considered to fall comfortably within the scope of para 150, particularly para 150c): “*local transport infrastructure which can demonstrate a requirement for a Green Belt location*” as a form of development which is specifically listed as capable of being ‘not inappropriate’ (and so appropriate) within the Green Belt provided that two tests are met. These two requirements are that the proposed development needs to preserve openness and result in no conflict with the Green Belt purposes (as listed above).
168. The need to demonstrate a requirement for a Green Belt location is self-evidently met because of the pre-existence of this junction in this location. The proposed enlargement and widening works are entirely logical and reasonable and proportionate responses to the congestion and other issues.
169. On the matter of whether the proposals would preserve openness, whilst this is a planning judgment in a given case, the Courts have provided clarity on this matter<sup>1</sup>. Openness is a broad policy concept which is the counterpart to urban sprawl and is linked to the purposes served by the Green Belt. Openness is not necessarily a statement about the visual qualities of the land, nor does it imply freedom from all forms of development. Whilst views and visual appearance in a landscape may still be capable of being a consideration in this matter of openness (it remains a matter of planning judgment in a given case), there is an emphasis of the Green Belt being a counterpart to ‘urban sprawl’.
170. The proposed junction enlargement does not entail the erection of any buildings or any notable above ground engineering structures, such as bridges, bunds or holding walls. Engineering works are generally planned at existing surface levels and to tie in with adjacent changes in level. There are certain aspects of the proposals which may result in a more urbanised appearance than the current situation, particularly in the short term before replacement landscape planning has matured. The widening of Kirk Hill itself along its northern and eastern sides in order to accommodate a relocated bridleway would change its fairly narrow and enclosed character and would result in the removal of the tall and mature hedgerow and trees. The landscaping proposals shows how a new replacement hedgerow and trees would be created on the slope further back from the existing highway and therefore, given time and appropriate management, the actual impacts would be satisfactorily mitigated. The bridleway itself would utilise a natural (likely grass) surface, rather than additional hard tarmac. Along the A6097, the widening and additional lanes would largely be within the existing highway area and whilst some roadside vegetation would be lost, new planting is proposed where possible. The enlarged junction would require new traffic signals, signage, markings and street lighting, but these would not be dissimilar to current arrangements. Details could be reserved under condition, not least for conservation reasons.

---

<sup>1</sup> R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant) [2020] UKSC 3

171. Overall these would be proportionate alterations at an existing junction which has to exist in a Green Belt location. The works would not create urban sprawl in Green Belt sense (subject to landscaping) and so it is considered that the proposals would preserve openness.
172. It is further considered that there would be neutral outcomes for the purposes of the Green Belt (as listed above). The proposals have not been designed to facilitate further development in the Green Belt or urban sprawl (but do enable planned development elsewhere) and the junction does not serve as an important break/barrier to settlements merging together, nor does it form a setting to any historic town (though conservation issues are still relevant in other aspects). There would be some very minor impact upon the adjacent countryside from direct land take, however the proposals would still fundamentally safeguard the countryside from urbanising development and particularly from built development.
173. If, however Members are of the alternative view that openness would not be satisfactorily preserved, or that there would be direct conflict with the purposes of the land's inclusion in the Green Belt, it would be necessary to consider whether 'very special circumstances' (VSC) clearly existed to justify what would be harmful and inappropriate development in the Green Belt and VSC would only exist where such harm by reason of inappropriateness, and any other harm resulting from the proposals, are clearly outweighed by other considerations (following NPPF paras 147-148). Such considerations would be the resulting public benefits for both the effective flow of road traffic and improved facilities for non-motorised users as a result of the capacity and reconfiguration works. It is Officer's opinion that the benefits would clearly outweigh the harms such that VSC would exist, however for the reasons above Officer's position is that the proposals are considered to be appropriate development in the Green Belt (subject to landscaping and other conditions) and would therefore comply with national and local planning policy on this matter.

#### Residential Amenity (including construction effects)

174. LAPP Policy 1 sets out the general development requirements including those relating to local and residential amenity. Proposals should ensure that there would be no significant adverse effect upon amenity, particularly the residential amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated. Other considerations include design/layout and use of sympathetic materials. Proposals should not lead to an over intensive form of development, be overbearing for neighbouring properties, nor lead to undue overshadowing or loss of privacy. Noise attenuation should be achieved and light pollution minimised. LAPP Policy 40 (Pollution and Land Contamination) is also partly relevant.
175. In terms of construction effects, although details will not be fully known until a contractor is appointed, the Environmental Statement has been able to assess the likely worst-case level of effect based on typical road construction activities. At this stage the construction programme is anticipated to last for approximately

9 months. As summarised above under the Via (Noise) comments, there is potential for moderate adverse construction noise and vibration impacts at the three closest residential properties. This would be temporary and transient depending on where and when certain work activities are carried out. Clearly the works to widen Kirk Hill itself would be most impactful. In order to address this the construction works should be subject to measures within a CEMP including communication and liaison from the contractor. A planning condition is recommended. Measures to control dust (considered further below under air quality) and mud would be employed and can be required through the submission of a CEMP.

176. Clearly construction works would inevitably create some traffic and local disruption, both on the A6097 and on Kirk Hill. The junction works are however not unusual and traffic management measures would be expected to be put in place. East Bridgford Parish Council requests that a pre-construction meeting is held in the village to discuss these management measures and the applicant has committed to this. Indeed, the main contractor would be expected to arrange liaison events as part of being a 'considerate contractor'.
177. Noise modelling indicates that upon completion there would be negligible (both beneficial and adverse) noise changes at local properties, but over the longer term taking into account predicted general traffic growth, the beneficial changes are expected to revert to negligible adverse impacts. No additional mitigation measures are identified as being required. On this matter a local representation has requested whether noise attenuation fencing could be provided, whilst East Bridgford Parish Council ask whether a low noise road surface could be used. Certainly during construction the use of temporary noise barriers has been identified as one possible way of mitigating the impacts of construction noise and this would be decided upon later through the CEMP. However it does not appear necessary in planning terms to require the installation of permanent noise barriers or acoustic fencing, or to specify a type of surfacing, based on the noise assessment and the consultee advice. Nevertheless these requests have and can be again referred to the applicant for further consideration as the designs are further detailed prior to construction. The Via Noise Engineer also advises that pre-construction background noise surveys are undertaken in order to capture the most up to date picture of the 'new normal' post pandemic. This should help verify the assessment work but could also reveal the need for mitigation. Therefore the applicant would have a process in place to keep this matter under review.
178. The new street lighting would employ LED lanterns incorporating rear shields. The submitted lighting scheme and Lux contour map indicates that light spill would be reduced at the nearest properties along Kirk Hill – reflecting the use of modern LED lighting over the current high pressure sodium fittings. This should therefore be beneficial to residential amenity. Whilst the lit area would extend further along the A6097 and East Bridgford Road to the south, this does not affect any properties and is consistent with the nature of this existing junction and would ensure its safety and improved standard as part of the MRN.



179. In the most part the proposed highway improvements, once completed, are not considered to be harmful to local amenity, though along Kirk Hill the removal and replacement of the mature outgrown hedgerow to enable road widening and bridleway provision would undeniably change the landscape and visual character of this entrance into the village (and conservation area). A sensitive approach to designing details such as kerbing, signage and markings can be undertaken by planning condition. The levels and nature of local/village traffic using Kirk Hill are unlikely to significantly change, but this would be reviewed post development by the Highways Authority. The road alignment would remain as current, but locally widened. There would be no privacy or overbearing impact concerns to the neighbouring properties. No air quality concerns are also expected.
180. LAPP policies 1 and 40 have therefore been considered and no unacceptable local or residential amenity impacts have been identified, subject to conditions managing construction impacts and for certain final highway design details.

#### Climate Change and Sustainability

181. CS Policy 2 states that all development proposals are expected to mitigate against and adapt to climate change and comply with national and local targets on reducing carbon emissions and energy use, unless it can be clearly demonstrated that full compliance with the policy is not viable or feasible. Development is expected to make effective use of sustainably sourced resources/materials and minimise waste. New development should be located and designed to withstand the long term impacts of climate change, particularly the effect of rising temperatures and periods of intense storms.
182. Para 152 of the NPPF states that “the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk.... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.” Mitigating and adapting to climate change is also form part of the environmental objective that needs to be pursued alongside economic and social objectives that together form the basis of sustainable development for the purposes of the NPPF.
183. NCC and RBC have formally declared a climate emergency. The UK as a whole is subject to the Climate Change Act 2008, as amended in 2019, to reduce carbon emissions to ‘net-zero’ by 2050. A system of 5-year carbon budgets provides a trajectory of reducing greenhouse gas emissions (GHG) towards that target. Under the terms of the Paris Climate Agreement the UK has committed to at least a 68% reduction in GHG emissions by 2030, compared to 1990 levels. Strategies to achieve decarbonisation have been published by the UK Government including the Net Zero Strategy and the Transport Decarbonisation Plan. Starting with the ending of sales for new petrol



and diesel cars and vans from 2030 this is expected to ultimately remove all road emissions at the 'tailpipe'.

184. The Environmental Statement accompanying the proposal has assessed lifecycle GHG emissions from construction works but does not assess operational stage emissions from any changes in traffic conditions. This is because the associated Transport Assessment concludes that the scheme will result in very limited traffic re-routing and no significant traffic growth. Routine maintenance is also not considered further because this is not expected to be dissimilar to the current baseline.
185. The assessment recognises the high sensitivity of the climate to GHG emissions in the context of the Paris Agreement and more recent Intergovernmental Panel on Climate Change reports highlighting the importance of limiting global warming below 1.5°C.
186. GHG emissions have been estimated as totalling 735 tCO<sup>2</sup> for the Kirk Hill works with over half attributed to the transport of materials. This would be a contribution of 0.00004% to the 4th UK Carbon Budget (2023-2027).
187. The assessment considers a range of mitigation measures that would be implemented by the contractor. These include developing a plan to reduce energy consumption and carbon emissions, for example potentially using renewable and/or low or zero carbon energy sources; the use of sub-contractors with low emission fleet vehicles; where practicable the use of sustainably sourced materials (those with lower embodied GHG emissions and/or secondary or recycled aggregates); and waste management measures to reduce waste and reuse materials wherever feasible (e.g. soils) and recycle that which is left (e.g. concrete taken to be crushed off site). These would be delivered through the various construction management plans and materials/waste management plans. The use of LED street lighting is also expected to be used.
188. It is considered that it has been demonstrated that the efficient use of natural resources and measures to manage waste would be enacted and it is recommended that the CEMP be required by planning condition.
189. Whilst all emissions are considered to be capable of being significant due to their combined environmental effect in the atmosphere, the estimated GHG emissions are categorised as being of low magnitude and unavoidable if the scheme is to progress. The ES concludes that this would be a minor adverse (not significant) effect. This is accepted, and there is no policy which appears to direct that these emissions (which have been mitigated to some degree) should be used to withhold planning permission.
190. Whilst the indirect emissions from operational traffic have not been counted, due to the findings that traffic growth would not be significant, even if this was to be turn out differently with traffic growth and additional journeys prevailing along the road corridor or on local links, the UK motor vehicle 'fleet' of vehicles will progressively decarbonise, starting with hybrid and ELVs (cars and vans) and

eventually with alternatives for commercial/heavy vehicles. With the current momentum in this area there is a good prospect of decarbonising the 'tailpipe' emissions from the fleet, which will still however leave embedded emissions from manufacturing.

191. Whilst the need for the proposal stems from arguably unsustainable vehicular traffic and local commuting, as noted above provision for non-motorised users, especially equestrians, is incorporated and there should also be benefits to local bus services. Planning policy and NCC initiatives do promote sustainable transport and travel, which is particularly viable for local journeys. However the nature of the junction at the southern end of the A614/A6097 corridor and linking into the A46(T), is that it serves a broader role with long distance traffic, including freight and diverted traffic from the Strategic Road Network. Therefore the need for the proposed enlargement goes hand in hand with other measures that might be brought forward to develop sustainable travel options more locally, particularly as part of strategic developments in the area.
192. The applicant's Environmental Statement also considers how the scheme would face the climatic changes in the short and longer terms, including precipitation and temperature changes and increased severity and frequency of storm events and heatwaves. This could lead to flood damage (e.g. to surfaces or to electrical equipment), failure of landscape planting or danger to construction workers. The assessment however assumes the scheme would be designed and built to required standards (it has been designed to accommodate a 1 in 100-year flood event with a +40% climate change allowance and landscaping proposals also include drought, and extreme weather-tolerant species) and concludes there would be no significant impacts and minor adverse at worst. It is accepted that measures have been designed in to ensure the enlarged junction would be resilient to the longer-term changes to the climate.
193. Overall Officers recognise there would be unavoidable carbon emissions if the proposed development was to progress through to construction, but any future growth in traffic generated emissions is less certain. Background traffic may still increase, but the junction capacity improvements could also induce additional trips as well as redistributing journeys to take advantage of the improved journey conditions, which would be contrary to the applicant's prediction. This is something that the Highways Authority would monitor and review post completion. As this junction serves a broader role on the MRN, no alternative package of sustainable transport measures could completely replace the need for the proposed works.
194. In conclusion, the scheme would not be entirely carbon neutral but the emissions contribution is expected to be minor and this should be considered in the wider planning balance. However for the purposes of planning policy, it is considered that the objectives and terms of CS Policy 2 and national planning policy are and can be met.

#### Contamination/pollution issues

195. LAPP Policy 40 (Pollution and Land Contamination) stipulates that permission will not be granted for development which would result in an unacceptable level of pollution, or is likely to result in unacceptable exposure to sources of pollution, or would be liable to result in the infiltration of contaminants into groundwater resources, having regard to any cumulative effects of other developments and the degree of vulnerability of the resource, unless measures would be carried out as part of the development to prevent such contamination taking place. It requires appropriate site investigation of potentially contaminated land and details of effective and sustainable remedial measures.
196. Para 183 of the NPPF states that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Adequate site investigation information, prepared by a competent person, should be provided to inform these assessments.
197. The application contains a good level of background assessment work to inform the design and to quantify the risk of contamination or unstable ground conditions. A Phase 1 geo-environmental desk study gathered information from historical mapping and environmental data searches and a site walkover survey was also undertaken. Phase 2 ground investigations followed comprising various trial excavations, boreholes and soil sampling. No evidence of major contamination was encountered during the Phase 2 ground investigations and sample testing did not identify any significantly elevated concentrations of potential contaminants, such as lead or total petroleum hydrocarbons. There is still potential for contamination in made ground/infilled ground however. Geologically, although fault lines are present this should not prevent the scheme progressing.
198. This background work has been reviewed by the CPA's advisors, Via East Midlands (whilst they oversaw the assessment work, appropriate review mechanisms have been ensured) and confirmed as acceptable at this stage. Should the proposals proceed, it is recommended that further site investigations are conducted and proposals for any decontamination that may be required are drawn up for subsequent submission and approval. A range of conditions to this effect can be attached.
199. Construction management plan measures are recommended to prevent accidental pollution, run off or spillages into the environment. This will also ensure that waste is managed appropriately, for example by ensuring soils that are reused are validated as being suitable and clean. The plan would also ensure other emissions of dust, mud and noise are controlled as far as possible during the construction works. The CEMP is also to be required by planning condition.
200. Therefore whilst there are risks that need to be managed, the issues present are certainly not unusual across the County highways network and there is confidence that these matters can be addressed at the next stages of the design and development and with the oversight of the CPA through the imposition of

conditions. Consequently it can be stated that the proposals are compliant with the above local and national planning policies.

### Other matters

#### Soil resources

201. LAAP Policy 1 (Development Requirements) amongst other matters states that development should have regard to the best and most versatile (BMV) agricultural classification of the land, with a preference for the use of lower quality over higher quality agricultural land. Development should also aim to minimise soil disturbance as far as possible.
202. The NPPF states that planning decisions should contribute to and enhance the natural environment including by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality) and recognise the wider benefits from natural capital and ecosystem services – including the economic and other benefits of BMV agricultural land (para 174). BMV land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification.
203. The proposals seek to upgrade the existing junction, and in doing so this limits the footprint/impact on adjacent agricultural land in line with the approach as per Policy 1. The works do require some adjacent agricultural land, both temporarily for construction purposes including a site compound, and permanently to deliver road widening and new bridle routes. The Environmental Statement quantifies the temporary loss as being approximately 0.77ha, whilst the permanent loss as being 0.29ha (including areas of proposed woodland (0.06 ha). However the revision to the southern bridlepath which moves this into the inside edge of the adjacent field (behind the hedgerow) will increase the permanent loss to approximately 0.45ha. In addition, a strip of paddock land is now earmarked for scrub planting behind Kirk Hill. Initial findings from an agricultural land quality survey indicates that the agricultural land at the site predominantly comprises fine loamy soils over slowly permeable reddish clay that gives it a subgrade 3b agricultural quality. However some subgrade 3a and grade 2 soils exist in the eastern area, these being BMV quality. The ES finds the loss would not be discernible and therefore of slight adverse effect and there is no reason to believe this finding would not still apply to the revised area of loss. In practice the only area of agricultural land affected is a small strip alongside the southern arable fields with the remainder being used for horse grazed paddocks.
204. The construction works have potential to create damage to agricultural soils at the construction stage – particularly from the requirement for a temporary compound at the corner of the A6097 and East Bridgford Road. The ES highlights this possibility as a significant but moderate adverse effect. Additional mitigation would be in the form of a soil resources plan/a materials management plan and an earthworks strategy. The works will be carried out in accordance with the Defra “Code of Practice for the Sustainable Use of Soils on

Construction Sites” and other standards. Measures would include soil handling and stockpiling techniques and dedicated construction traffic/plant routes. Topsoil and subsoil would first be stripped and stockpiled separately either for use in restoring temporary areas such as the compound, upon completion of the project, or to enable beneficial reuse elsewhere. A range of pollution prevention measures would also be applied to protect soils and nearby surface and ground waters. A condition governing the works for the temporary compound and requiring its restoration thereafter should be applied.

205. Overall, the permanent loss of around 0.45 ha of BMV agricultural land, along with a residual risk of reduced land quality following restoration of temporary work areas, carries a minor degree of negative weight into the planning balance, but the impacts on soils from the proposed scheme is insignificant and the benefits of the junction improvements far outweigh any residual impact. The requirements under Policy 1 on this matter have been met.

#### Air Quality/Dust

206. Air quality impacts in terms of construction dust and operational traffic emissions have been assessed within the ES, including through atmospheric modelling. This focuses on effects to human health as there are no sensitive ecologically sensitive sites in proximity.
207. There is potential for adverse but temporary dust effects to the five closest residential properties on Kirk Hill. The assessment recommends that best practice mitigation measures are employed as part of a CEMP and as a result no significant dust impacts are expected to any sensitive receptor.
208. At the completed operational stage the air quality modelling that has been undertaken predicts a small decrease in NO<sub>2</sub> concentrations at the nearest residential receptors likely due to the changes to the main A6097 lanes. No receptors are predicted to experience an exceedance of the Air Quality Objectives and overall there would be no significant air quality effects at both construction and operational stages. Subject to securing construction management controls the proposals would not adversely impact on air quality and RBC Policy 41 is therefore satisfied.

#### Drainage and water issues

209. LAPP Policies 17 (Managing Flood Risk), 18 (Surface Water Management), 20 (Water Quality) and 40 (Pollution and Land Contamination) are relevant.
210. A comprehensive flood risk assessment has been undertaken which also considers in detail the proposed surface water drainage arrangements. The Kirk Hill site, being elevated, is at low risk of fluvial flooding, being in Flood Zone 1 and is at low risk of flooding from other sources including surface water. There are records of localised surface water flooding on Kirk Hill itself and which has been highlighted by a local resident. Some of this however lies beyond the area of works further to the north-east. At present highway surface waters drain into a

combination of land drains and sewers. As the development would lead to an increase in impermeable area a new highway drainage system is proposed.

211. This new system would incorporate several underground attenuation tanks (to be maintained as part of the highway) from which water would be released to the drains and sewer via a flow control chamber limited to 5 litres per second (infiltration is considered unfeasible due to local geology). This would provide a significant betterment to the existing surface water discharge and would improve downstream flood risk. Ditches to which the water would discharge would also be cleaned out as required. This approach accords with the requirements of Policy 17 and Policy 18 not only in terms of addressing the increased run off, but also bettering the current system. In terms of Policy 18 there is a preference for surface water storage to also provide multi-functional benefits to enhance local amenity and biodiversity, which this particular scheme would not deliver with the use of underground attenuation tanks. However, given the space constraints, the choice of these tanks does assist in limiting land take including from adjacent farmland. As such this arrangement is considered acceptable and does not detract from the overall compliance with Policy 18. The NCC Flood Team also raises no objection to the proposals. Therefore, subject to the drainage plans forming part of the list of approved plans, the development is considered acceptable on flooding and drainage grounds.
212. There is potential for fuel, or chemical spills and sediment discharge during the construction phases, with potential to reach local watercourses, or to groundwaters, but standard mitigation measures have been identified and these can be developed further and secured through the CEMP under planning condition. The underlying geology is a Secondary Aquifer and is therefore vulnerable, however the near-surface strata has been found to be of low permeability which would restrict any migration of contamination. The ES therefore places a medium sensitivity on the groundwater. A number of slight adverse, but not significant potential impacts are identified from the potential for increased runoff or infiltration of pollutants, but these can be addressed by the CEMP.
213. At the operational stage, the final drainage strategy is expected to consider the potential risks to controlled waters associated with the proposed surface water drainage and identify any additional mitigation measures required. The drainage would be designed to have a neutral to beneficial effect compared with the existing baseline conditions.
214. Overall the proposal is at low risk of flooding and has been designed such that the enlarged highway areas would not increase such flood risks. The drainage system would manage surface water run-off. Climate change has been taken into account. Therefore the requirements of the relevant policies have been met on this matter.

#### Cumulative and combined effects



215. The applicant's Environmental Statement includes a specific part in relation to possible combined effects (for example construction noise, vibration and dust) and cumulative effects between/across the six junction projects which make up the A614/A6097 major project and also with any other local development proposals which may interact.
216. There is acknowledgment that there could be significant impacts from construction noise combining with vibration and dust which is unsurprising, but very much taking a worst case assumption which can be avoided through best construction practice. During operation, no significant combined effects are anticipated, largely due to the geographic separation between the junctions or other proposals and the conclusions on their individual environmental effects being limited. The loss of 3.47ha of agricultural land (including BMV) from across the wider project is given/noted as a moderate adverse categorisation. The majority of this is at the Mickledale Lane, Bilsthorpe junction. Whilst it has been necessary to assess such combined and cumulative effects, ultimately this/each application needs to be individually and separately determined and there does not appear to be cumulative or combined concerns of any significance.

#### Other Material Considerations

217. A local representation asks whether additional 'SPECS' average speed limit cameras would be installed to enforce the reduced speed limit (from national speed limit to 50mph) through the junction as part of the section of the A6097 between the A46(T) to the 40mph section at Gunthorpe Bridge. The applicant indicates that there are no current plans to add further enforcement cameras. This is a matter for the applicant and Highways Authority to keep under review, particularly after completion of the junction improvements.

#### **Other Options Considered**

218. The applicant and their consultants considered an alternative junction design which would have realigned Kirk Hill by removing the current dogleg, with a new road then linking back to Kirk Hill via a mini-roundabout. This would have increased the land needed to be acquired and was discounted on environmental grounds.
219. The County Council is under a duty to consider the planning application that has been submitted and as amended during the course of its consideration.

#### **Statutory and Policy Implications**

220. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and

where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

#### Crime and Disorder Implications

221. The alterations to this junction are not expected to create new opportunities for crime and disorder. Where third party land is acquired and new or revised boundaries created, new fencing and landscaping would be installed, with final details to be agreed under planning condition. Street lighting would be upgraded to LED models.

#### Data Protection and Information Governance

222. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

#### Financial Implications

223. There are no direct financial implications arising from the consideration of this planning application and the recommendation made. The implications for financing and proceeding with the development are for Cabinet to consider in due course. It can however be noted that the wider A614/A6097 junctions project has £24.4m of provisionally allocated funding from the Department for Transport towards total scheme costs of £28.635m. The Kirk Hill junction upgrade would also use a contribution from a developer as per the planning obligations imposed on the development of the 'Newton Garden Village'.

#### Human Rights Implications

224. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to immediate proximity of several residential properties along Kirk Lane. Construction/highway works are likely to create temporary disruptive impacts including noise/vibration, dust/mud. These can be mitigated through a construction management plan and would be temporary. However upon completion, impacts are assessed as neutral or slightly improved. Therefore (only) the temporary construction impacts need to be balanced against the wider benefits the proposals would provide in terms of reduced congestion/better junction performance, along with improvements to the rights of way network. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

### Public Sector Equality Duty Implications

225. The proposals relate to the public highway which is accessible to all (within the bounds of the Road Traffic Acts). The improvements to this junction include specific measures for non-motorised users, particularly equestrians. Improved access to the rights of way network and the countryside generally, can assist in the fostering of good relations between people who share a protected characteristic and those who do not. The safety for all these users and particularly for vulnerable young and/or disabled users would also be improved.

### Safeguarding of Children and Adults at Risk Implications

226. There are a number of local horse riders that fall into these groups and which are at risk of collision using the current bridleway routes and crossing facilities. The proposed improvements to the bridleway/path connections and crossing would benefit the health and wellbeing of these riders.

### Implications for Service Users

227. Users of the County Highways network would benefit from the increased junction capacity which would improve traffic conditions along this part of the A6097. Non-motorised users would benefit from new bridleway links and a new Pegasus crossing improving the safety for these users.

### Implications for Sustainability and the Environment

228. These have been considered in the Observations section above, including all the environmental information contained within the Environmental Statement submitted with the application and the advice of consultees.
229. The proposals in this case have been found to not significantly or notably affect the local environment including water, air, landscape, and ecology subject to following best construction practice and ensuring a successful landscaping scheme is implemented. Landscaping would also provide a very small net gain for wildlife. The contribution of climate change inducing emissions from construction activities has also been taken into account.
230. There are no human resources implications.

### **Conclusion and planning balance**

231. Whilst improvements to this junction have not been identified as an infrastructure planning requirement through the Local Plan process, the need to add junction capacity has emerged subsequently in order to address current congestion issues and to cater for expected background traffic growth, including from the nearby strategic developments at Newton and Bingham. The developer of the former is subject to a planning obligation requiring the junction to be

upgraded and would now provide a financial contribution towards the current plans. There is support from NCC Highways and National Highways and the added capacity would ensure the A6097 functions as an effective part of the Major Road Network. A moderate to strong degree of supportive weight should be afforded to the proposals.

232. Whilst these are essentially road based proposals there would also be notable additional benefits for non-motorised users, especially local equestrians, through the provision of a relocated bridleway running alongside Kirk Hill, and a full Pegasus crossing over the A6097 to the south east of the junction with a new bridlepath back to East Bridgford Road. Together these aspects would improve safety and enhance the rights of way network and this would be a moderate additional public benefit of the proposed development.
233. The application is supported by a comprehensive Environmental Statement based upon a prior Scoping Opinion. Other than construction impacts, no significant permanent effects are anticipated to matters including to ecology, landscape and views, noise/vibration, air quality, flooding/drainage, geology and water resources, local heritage, or to the climate. No significant cumulative or combined effects have been found. There are no objections from any consultees and the comments and requests that have been received from the community have been responded to. Pre-application community consultation has also been carried out.
234. The proposals, following amendments, would also now provide a very small enhancement/net gain for biodiversity on site of 0.13% for habitats, and 11.20% for hedgerows and which is a minor additional benefit.
235. Weighing against the proposals would be the short to medium term harm to the character and appearance of the Conservation Area, resulting from the removal of the mature outgrown hedge and trees along Kirk Hill which is currently a positive landscape feature at the entrance to the CA. Similarly this would be a negative visual impact at least until replacement planting has had time to take effect. Whilst this may neutralise the landscape impact, the visual impact and harm to the CA may not be fully neutralised and some harm could remain as a result of the widening of this part of Kirk Hill. Any such residual harm is considered to be clearly less than substantial and outweighed by the wider public benefits that the scheme would provide.
236. Temporary effects from construction including noise/vibration, dust, potential pollution, landscape and visual disruptions are all considered to be controllable to acceptable levels including through the use of a construction management plan secured by planning condition. Such disruption should afford a slight degree of adverse weight in the planning balance rather than the significant and moderate adverse effect findings in the context of the applicant's assessment. GHG emissions stemming from construction are also considered slight. The permanent loss of BMV agricultural land is also slight.
237. On balance it is considered that whilst certain individual policies are less than supportive (CS policies 3, 14, 15 and 16), there is no conflict with the

Development Plan taken as a whole and that there are material considerations which justify the capacity improvements to this junction and that the resulting benefits to the travelling public and local recreational users prevail and would outweigh the identified harms. The proposals can be considered as sustainable and can be supported subject to planning conditions. The proposed development complies with the majority of the local planning policies and national planning policy and in particular Core Policies 2, 10, 11, and 17 of the Rushcliffe Core Strategy and policies 1, 17, 18, 20, 21, 28, 29, 37, 38 and 40 of the Land and Planning Policies Document. In this situation CS Policy 1 and the NPPF directs that planning permission should be granted.

### **Statement of Positive and Proactive Engagement**

238. In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions and the scoping of the application. The proposals and the content of the Environmental Statement have been assessed against relevant Development Plan policies, the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The County Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; liaised with consultees to resolve issues and progressed towards a timely determination of the application. Issues of concern have been addressed through acceptable amendments to the proposals along with the recommended planning conditions, which the applicant has been given advance sight of. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **RECOMMENDATIONS**

239. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

**DEREK HIGTON**

**Service Director- Place and Communities**

## **Constitutional Comments [JL 15/09/22]**

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

## **Financial Comments**

To be orally reported

## **Background Papers Available for Inspection**

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at: [www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=ES/4410](http://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=ES/4410)

## **Electoral Divisions and Members Affected**

Bingham East	Councillor Francis Purdue-Horan
Radcliffe on Trent	Councillor Roger Upton
Bingham West	Councillor Neil Clarke MBE

Report Author/Case Officer  
Joel Marshall  
0115 9932578

For any enquiries about this report, please contact the report author.





**RECOMMENDED PLANNING CONDITIONS**

**Commencement and notification**

1. The development hereby permitted shall be begun within 5 years from the date of this permission.

*Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990 and to allow sufficient time for the development to be delivered alongside the other junction improvements along the A614/A6097 corridor.*

2. The County Planning Authority (CPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

*Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.*

**Approved Plans**

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application (as amended), documents and recommendations of reports, and the following plans (received by the CPA on 28/02/2022 unless otherwise stated)
  - (a) Dwg 20949/LLO/KH007/00003 – P12 General Arrangement & Red Line Boundary For Planning – received by the CPA on 10/08/2022;
  - (b) Dwg 20949/SRO/KH007/00003 – P1 Detailed Engineering Drawing with Red Line Boundary – received by the CPA on 10/08/2022;
  - (c) Dwg 20249/ELS/KH007/00001 Rev A- Vegetation Clearance Drawing – received by the CPA on 04/08/2022 (but subject to conditions below);
  - (d) Dwg 20249/ELS/KH007/00002 Rev D- Landscape Design Proposals received by the CPA on 04/08/2022 (but subject to conditions below);
  - (e) Dwg 20249/ELS/KH007/00003 - Landscape Design Typical Cross Section (but subject to conditions below) received by the CPA on 28 February 2022;
  - (f) Dwg 20949/HDG/KH001/SK/00001 P03 - Proposed Drainage Incl Culverting received by the CPA on 28 February 2022;

- (g) Dwg 20949/HDG/KH001/SK/00002 P03 - Proposed Drainage Catchment Areas received by the CPA on 28 February 2022;
- (h) Dwg 20949/HLG/KH001/P-LUX/01 P01 - Street Lighting Lux Contour Levels received by the CPA on 28 February 2022;
- (i) Dwg 20949/LLO/KH007/00002 P06- Land Affected Blue and Pink Areas received by the CPA on 28 February 2022.

*Reason: For the avoidance of doubt as to the development that is permitted.*

## **Archaeology**

- 4. No development hereby permitted shall take place until an archaeological Written Scheme of Investigation has been submitted to and approved in writing by the CPA. The scheme shall include a mitigation strategy with arrangements for recording and reporting any finds, and/or the preservation of remains in situ, (including timetables for works and using competent persons), and for the subsequent analysis and publication of the findings, with a copy of the final report submitted to the CPA for its written approval within six months of the work, or to a timetable as otherwise agreed in writing with the CPA. The development, along with all archaeological site work, shall be implemented in full accordance with the approved scheme.

*Reason: Details are required to be submitted prior to the commencement of the development to provide an appropriate scheme of archaeological mitigation and so to advance the understanding of the significance of any heritage assets to be lost as part of the development in accordance with the National Planning Policy Framework.*

## **Noise survey**

- 5. Prior to the commencement of construction, a baseline noise survey shall be undertaken and submitted to the CPA for its approval in writing to record the pre-existing noise levels at a range of nearby noise sensitive receptors previously agreed in writing with the CPA. It is recommended that baseline noise surveys are undertaken as close as possible to the commencement of the construction phase to ensure as near 'normal' post pandemic pre-existing baseline noise levels are recorded.

*Reason: Details are required prior to the commencement of the development to inform the management of construction works and to validate the noise assessment work.*

## **Ground investigations**

6. No development approved by this planning permission shall be commenced until:
- (a) a site investigation and risk assessment recommended in the submitted Phase 1 –Geo-Environmental Desk Top Study has been completed and approved in writing by the CPA. The site investigation report shall include a review of the Phase 1 desk study information to account for any changes to the red line boundary.
  - (b) If contamination is identified by the site investigation and risk assessment submitted under (a), a Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters and on the proposed land use, using the information obtained from the site investigation, shall be submitted to the CPA and approved in writing by the CPA prior to that remediation being carried out on the site.

Prior to commencement of the main site works, the approved remediation works shall be completed in accordance with the Method Statement approved in compliance with (b) to the satisfaction of the CPA.

Prior to the development hereby approved first being brought into use:

A validation report including evidence of post remediation sampling and monitoring results, to demonstrate that the required remediation approved under (b) has been fully met shall be submitted to and approved in writing by the CPA;

*Reason: Further site investigation is required prior to the commencement of the development to ensure that the site is suitable for use and to ensure that the development does not pose an unacceptable risk to human health and the local environment.*

7. Prior to the commencement of development, a watching brief to deal with contamination which may be encountered shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details. If during construction, contamination not previously identified is found to be present, no further works shall be carried out in the area identified, unless first agreed in writing by the CPA, until a remediation strategy to deal with the identified contamination (including validation that contamination has been satisfactorily remediated) has been submitted to and approved in writing by the CPA. Works shall be carried out in accordance with the approved details.

*Reason: Details are required to be submitted prior to the commencement of development to provide an appropriate methodology that will ensure that risks of site contamination are properly identified and addressed.*

8. The CPA shall be notified in writing within 7 days of the date of the completion of the development. Within two months of the completion of development, a validation report to confirm an absence of contaminants notified to the CPA in compliance with Condition 7 shall be submitted to and approved in writing by the CPA.

*Reason: To ensure that the site is left in a satisfactory condition and does not pose a risk to human health and the environment.*

### **Construction Management**

9. No part of the development hereby permitted shall commence until a Construction and Environment Management Plan (CEMP) has first been submitted to and has been approved in writing by the CPA. The CEMP shall specify details of the following:

An ecology component comprising:

- (a) The implementation of the recommendations as set out in section 8.6 of the Environmental Statement;
- (b) Measures, including fencing, to clearly demark the boundary of works and to prevent accidental ingress into habitats/designated sites;
- (c) Good practice construction methods including advising all workers of the potential for protected species (and if protected species are found, work should cease until a suitable qualified ecologist has been consulted) and measures to protect any mammals which may stray into working areas, including the use of ramps in any deep excavations and capping off of pipes over 200mm in diameter;
- (d) Measures to protect existing trees and hedges;
- (e) Work impacting on vegetation used by nesting birds should avoid the active bird nesting season (March to August inclusive), but if this is not possible details of how the impacted area would first be searched by a suitably competent person and any follow up measures shall be set out;
- (f) The undertaking of an updated ecological survey if works have not commenced by April 2023 and every subsequent 2 years if works have not commenced.

A local amenity component comprising:

- (g) details of lorry routeing for construction traffic;
- (h) segregation of pedestrian and vehicular movements on the site;

- (i) measures of Best Practicable Means to control noise and vibration, (including the use of localised temporary screening as may be necessary for the protection of nearby properties), and the procedure to be followed in the event of a complaint;
- (j) An outline strategy for communication and liaison with the public and local Parish Councils;
- (k) details of the proposed construction working hours including any necessary night time working requirements (which should generally be minimised), along with any additional mitigation measures to be employed;
- (l) dust mitigation measures to be put in place during the construction works;
- (m) details of mitigation measures to protect nearby properties from glare and obtrusive light from any lighting required during the construction works.

A pollution prevention component with:

- (n) pollution control measures to prevent mud or contaminated materials from being tracked, spilled or blown off-site;
- (o) aquifer protection measures during the construction work, if required;
- (p) temporary surface water management measures;
- (q) measures to securely store fuels, oils, chemicals or other hazardous materials and the means to remediate any spills.

A soils, materials and waste management component with:

- (r) the segregation of waste materials into different streams for recycling or disposal. This should include measures to handle potentially contaminated arisings and groundwater;
- (s) A soil management strategy to minimise impacts on agricultural soils and to preserve soil quality, through its handling and storage and to identify reuse opportunities for surplus soils putting them to best use reflective of their identified quality.

All construction shall be undertaken in accordance with the approved details.

*Reason: Details are required to be submitted prior to the commencement of the development in the interests of mitigating the effects of construction upon the local environment, local amenity, agricultural soils, and for reasons of highway safety.*

## **Compound and storage areas**



10. No development approved by this planning permission shall be commenced until the details for contractors' compounds, storage areas and access routes has first be submitted to the CPA for its written approval. Details shall include;
- (a) the size and location of the works compound(s);
  - (b) the layout and positioning of any temporary buildings/cabins, soil stores, (including heights), and any external lighting;
  - (c) the location(s) and means of access;
  - (d) provision for contractors' parking;
  - (e) temporary means of enclosure of the site operational boundaries or site screening as may be required,
  - (f) measures to protect any hedgerows and trees with provision for root protection areas and stand-offs and/or fencing, or details of any required removal works;
  - (g) surface water drainage and containment measures;
  - (h) temporary soil storage arrangements detailing how/where soils would first be stripped and stockpiled for the future reinstatement of the site (no such soils shall be permitted to leave the project site, unless otherwise approved);
  - (i) outline proposals for the full reinstatement of the areas affected on completion of the development shall be provided, including timescales, soil reinstatement, details of any replanting or reseedling, and aftercare steps.

The development shall be carried out in accordance with the approved details. On completion of the construction operations hereby permitted the compound and storage sites, including all buildings, plant, equipment, fences, and hard surfaced areas, shall be removed from the site and the land reinstated to its previous condition in accordance with the final details and timescales which shall be submitted for the prior written approval of the CPA.

*Reason: Details are required to be submitted prior to the commencement of the development in the interests of mitigating the effects of construction upon the local environment, local amenity and for reasons of highway safety.*

#### **Details requiring further approval**

11. Within one month of commencement of the development the following details shall be submitted for the CPA's written approval:

- (a) The highway signage scheme;
- (b) Lining/road markings;
- (c) The location of traffic signals and any equipment cabins;
- (d) The bridleway surface alongside Kirk Hill;
- (e) Details of the Pegasus crossing and corrals;
- (f) Details of fencing;
- (g) Details of a dropped kerbs allowing pedestrians across the A6097 utilising the north-west traffic signal locations.

Within East Bridgford Conservation Area the details shall be tailored to have regard to the desire to preserve/enhance the historic character. Works shall thereafter take place in accordance with the approved details.

*Reason: Details are required to be submitted prior to the commencement of the development in order to control details of the final highway infrastructure so to minimise potentially urbanising impacts to the village Conservation Area.*

## **Drainage**

12. The surface water drainage scheme shall be completed in accordance with the details on drawings 20949/HDG/KH001/SK/00001P03 and 20949/HDG/KH001/SK/00002 P03 (condition 3 above) and in accordance with the submitted Flood Risk Assessment (Aecom Feb 2022). Waters shall be discharged at no greater than 5 litres per second.

*Reason: To provide appropriate surface water management which is sustainable and which does not increase the risk of flooding to the highway or property.*

## **Landscaping and biodiversity**

Notwithstanding the details shown within the submitted landscaping and vegetation clearance drawings (20249/ELS/KH007/00002 Rev D, 20249/ELS/KH007/00003 and 20249/ELS/KH007/00001 Rev A), no works or development shall take place until full and final details of the landscaping and planting scheme along with details of all vegetation clearance have been submitted to the CPA for its prior written approval. The scheme shall include:

- (a) full details of all trees, hedges and shrubs to be retained and the measures for their protection during the course of development such as providing root

protection zones or stand offs within which no storage of materials or vehicle movements shall take place;

- (b) final details of all trees, shrubs, hedges and grassed areas to be removed;
- (c) information about the retention and reuse of existing turves or topsoil from the south west side of the existing junction.
- (d) planting and seeding proposals showing numbers, species, seed mixes, density of planting/seeding, positions and sizes of all trees and shrubs/hedging (utilising, where possible, native species appropriate to local landscape character) along with establishment methods including details of pits, staking and guards;
- (e) fencing and gates;
- (f) timetable for implementation of hard and soft landscape works;
- (g) a landscape management plan and schedule of maintenance for an initial establishment period of 5 years;

The landscaping shall be carried out in accordance with the approved details unless any variation is subsequently agreed in writing by the CPA.

If within a period of 5 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place.

*Reason: Details are required to be submitted prior to the commencement of the development in the interests of biodiversity, landscape, and local amenity and to mitigate impacts to the Conservation Area.*

13. Prior to commencement of development hereby permitted, a Biodiversity Gain Plan shall be submitted for the prior written approval of the CPA. The Plan shall be based on the format of the working draft contained in Annex B of the Consultation on Biodiversity Net Gain Regulations and Implementation (Defra, January 2022), or subsequent published revisions, and shall include the production of a habitat management and monitoring plan, and which also ensures that Trading Rules are satisfied.

Thereafter the Biodiversity Gain Plan along with the habitat management and monitoring plan shall be implemented for a 30 year period commencing at a date to be agreed in writing by the CPA.

*Reason: Details are required to be submitted prior to the commencement of the development in the interests of sustainable development and to ensure the landscaping proposals are maintained long-term such that the development enhances biodiversity.*

## **Informatives/notes to applicants**

1. The Road Safety team in Via East Midlands strongly advises that Stage 2 and Stage 3 Road Safety Audits are carried out and that they are available to undertake this work.
2. In relation to condition 13 the inclusion of year 15 photo-visualisations of the finalised landscape designs would be beneficial to demonstrate the expected maturing landscape appearance.

Advice from Western Power Distribution:

3. Western Power Distribution advises it has Network within close proximity to this site. Please contact the WPD Mapping Team on [wpdmidsmcqanrtheast@westernpower.co.uk](mailto:wpdmidsmcqanrtheast@westernpower.co.uk) to obtain records. There may be a charge levied for this service.

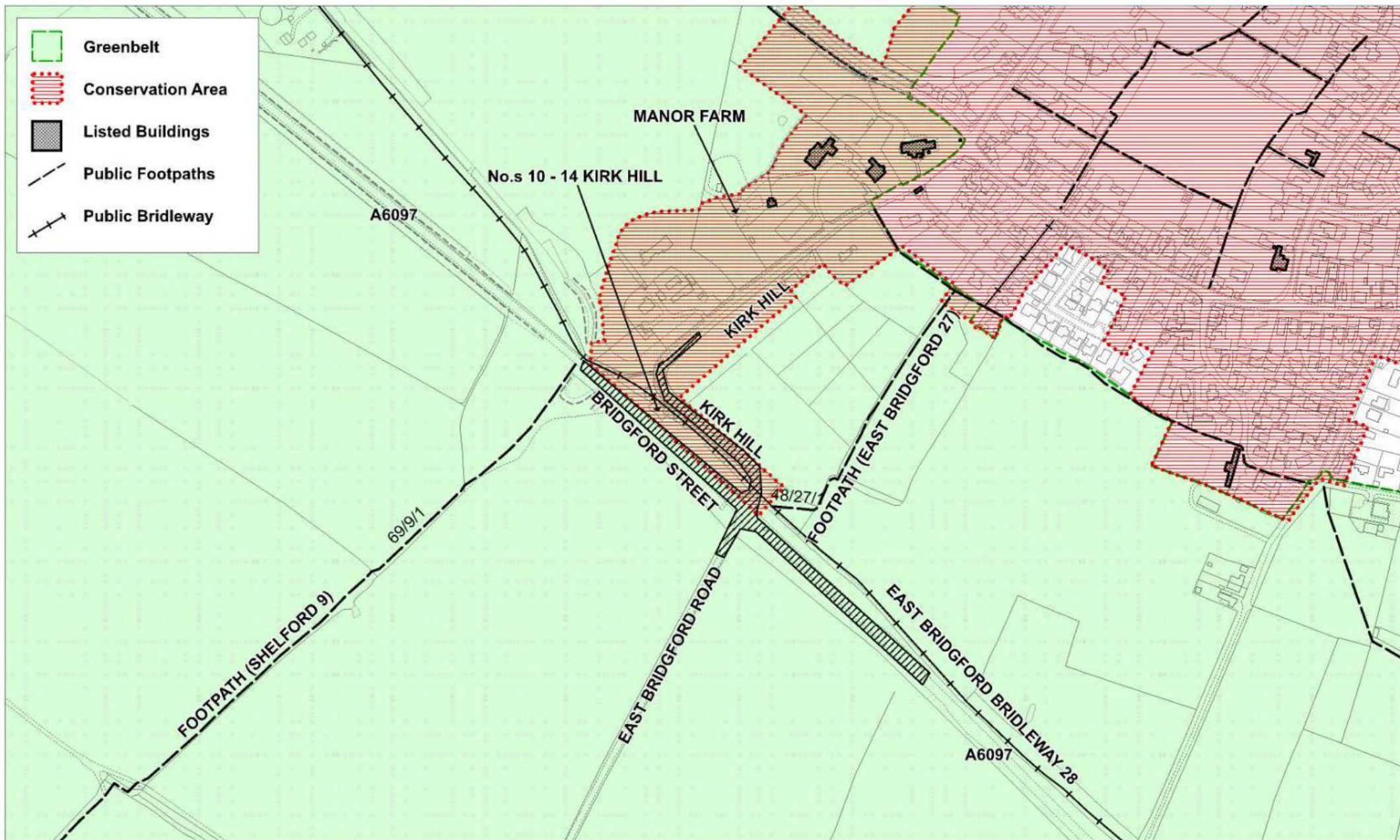
Any excavations or works to be conducted within proximity to our apparatus attention must be paid to guidance documents HSG47 and GS6. Because Western Power Distribution has Network within this site; it is within the obligations of our Distribution License and that outlined within The Electricity Act 1989 section 9 (General Duties of Licence Holders) that as the Electrical Distributor we have a duty to maintain and develop an efficient, coordinated and economic system of electricity distribution and access must be granted for the 24hour period in the event of emergency.

We must emphasise that any alteration, building or ground works proposed in the vicinity of our network that may or may not directly affect our cables, must be notified in detail to Western Power Distribution.

For further information please call us on 0845 724 0240 or at Western Power Distribution, Harriman's Lane, Lenton Lane Industrial Estate, Nottingham, NG7 2NR











1. This drawing is to be read in conjunction with all other relevant drawings, details and schedules on it.
2. Fabric is to form this drawing.
3. All measurements to be given in metric unless otherwise stated.

Proposed: new outcrops and existing outcrops, including low cliffs

- Proposed space usage including a safety advisory  
Proposed fire wide boundary  
Existing highway boundary  
Cutting 3 cm at 1:2 gradient  
Proposed 1 highway boundary  
Existing Highway boundary  
Test Line Planning Co. study

Proposed ID: main lighting column incorporating a single 1.2m long bracket shall be fitted, with a side entry box, used 8440 variant ID: 1046 with pre-programmed dimmed down and 2/7 pin in-line socket housing a 220V (phoenix)  
design ac using a triac phase-cut, neutral white OLED  
LAN/ETH  
(model reference: mtr 2/wf70.v4.20 p118 TE 5261)

• Proposed Traffic sign

- 100 standard digital pins with 5V interface socket (3.3V and floating out)

[illegible]

A614/A6097  
CORRIDOR IMPROVEMENTS  
KIRK HILL JUNCTION

FLANNING	HW 20649
----------	----------

### GENERAL ARRANGEMENT & RED LINE BOUNDARY FOR PLANNING

1 1250041	Est	J.B	23/10/10
	Dir	J.D	23/10/10
	Gen	J.D	J.B

20949/LLO/KH007/00003 P1















1. The drawing is to be read in conjunction with all other relevant drawings, details and specifications.
2. Do not scale from the drawing.
3. All measurements are given in metres unless otherwise stated.
4. Approx values are approximate.

**KEY**

	Land to be acquired
	Land to be acquired for construction purposes
	Existing highway boundary
	New highway boundary

P05	Scale bar added	N5B	N5B	N5B	P05
P03	Existing Highway boundary removed	N5B	N5B	N5B	P03
P04	Pink and blue areas amended	N5B	N5B	N5B	P04
P02	Pink and blue areas amended	A1	A1	A1	P02
P02	Pink and blue areas amended	A1	A1	A1	P02
P01	Site compound added to blue area	A0	A0	A0	P01

A614/A6097 CORRIDOR  
IMPROVEMENTS  
KIRK HILL JUNCTION

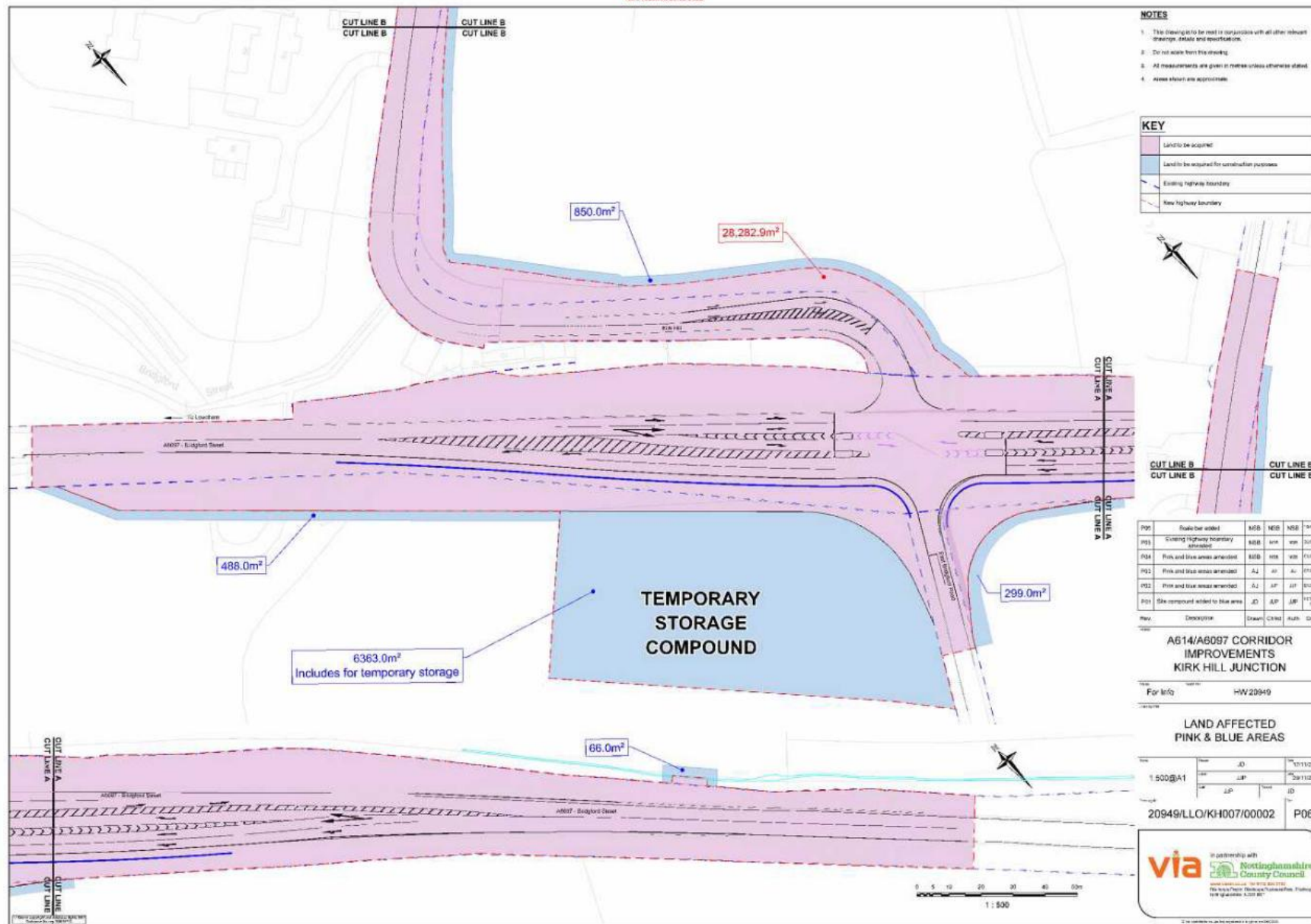
For info HW 20949

LAND AFFECTED  
PINK & BLUE AREAS

Nome	Matrícula	Idade
1.5000041	10	17/11/00
	11	29/11/00
	12	10

20949/LLO/KH007/00002

POB



**Nottinghamshire  
County Council**

Kirk Hill junction, Intersection of Kirk Hill/A6093, East Bridgford, Nottinghamshire  
Planning Application No. 3/22/00586/CMA

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2022)

Not to scale  
illustration only  
Produced by: JW

Date: SEPT 2022



## PLAN 4





27<sup>th</sup> September 2022

Agenda Item: 11

**REPORT OF SERVICE DIRECTOR, PLACE AND COMMUNITIES****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/21/02478/CMA**

**PROPOSAL:** CREATION OF FISH FARMING POND SHOWN ON PLAN FP2 TO INVOLVE INCIDENTAL MINERAL EXTRACTION, PROCESSING AND EXPORT OF MINERALS, FORMING PRE PHASE OF THE WIDER DEVELOPMENT GRANTED UNDER APPEAL DECISION REF: 19/00551/FULM

**LOCATION:** FIELD REFERENCE 7600, OFF NORTH SCARLE ROAD, WIGSLEY, NOTTINGHAMSHIRE NG23 7EU

**APPLICANT:** MR D HUDSON (FLOAT FISH FARM)

**Purpose of Report**

1. To consider a planning application to make modifications to the depth of a fish rearing pond previously approved as part of a wider fish farm development on predominantly agricultural land near Wigsley village, Newark. The deepening of the pond would recover approximately 70,000 tonnes of sand and gravel and therefore this aspect of the development represents minerals extraction and falls to the County Council to determine as the Minerals Planning Authority.
2. The removal of the mineral from the site raises planning issues in terms of the need and justification for undertaking the work, how the development would be carried out alongside the wider fish farm construction project, compliance with minerals planning policy, and the environmental effects of the development, in particular the effects of transporting the minerals.
3. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1 of the report.

**The Site and Surroundings**

4. The planning application site is located within open countryside to the south-east of Wigsley village, a small rural settlement approximately 18km north of Newark town centre and 11.5km to the west of Lincoln city centre (see Plan 1). The site is close to the border of Lincolnshire County Council and North

Kesteven District Council. The River Trent is located approximately 4.5km to the west.

5. The application site is located on the eastern side of North Scarle Road and is low lying with around 90% of the site falling within flood zone 2 (land with an annual probability of between 1:100 – 1:1000 risk of flooding). The area is also locally identified as being prone to surface water flooding.
6. The planning application site extends to approximately 7 hectares incorporating part of a larger arable agricultural field and some scrub land. The site historically was a former second world war airfield and incorporates areas of exposed hardstanding connected to this previous use.
7. The planning application site does not incorporate any designated ecological sites. A biological Local Wildlife Site (LWS) known as 'Wigsley Dismantled Airfield' lies to the south-west of the application site. The habitat is recognised as a mosaic of diverse habitats on an abandoned airfield. Spalford Warren Site of Special Scientific Interest (SSSI), a nationally important ecologically designated site, is located approximately 2.8km from the application site to the east of the A1133 Newark-Gainsborough road midway between the minor roads to Girton and Spalford. The SSSI is recognised for its blown sand heath habitat.
8. The nearest settlement is Wigsley village, situated to the north-west of the planning application site. The nearest property outlying the edge of Wigsley village is located approximately 200m away.

## **Background and Planning History**

9. The applicant operates a fish farm near Peterborough which started trading in 2007. The Peterborough facility comprises 8 lakes on a 21ha site which are used for both recreational angling and as a commercial fish farm. The applicant states that this business has outstripped the capacity of the site and a second site is needed in the East Midlands area to focus the core business (the fish farm) and allow the Peterborough site to focus on the company's leisure arm.
10. In June 2009 Newark and Sherwood District Council granted planning permission for a fish farm development incorporating the development of a lake, growing ponds and a utility building on a 9ha site at Wigsley Airfield. The planning permission was subsequently renewed in August 2012 but was never implemented.
11. In November 2019 planning permission (reference 19/00551/FULM) was granted following a successful appeal against a refusal of planning permission by Newark and Sherwood District Council for a fish farming facility at Wigsley Airfield (see Plan 2). The key components of this approved development comprise:
  - The approved site extends to c26 hectares in area incorporating the current planning application site and additional land to the east and south.

- The fish farm would breed and rear freshwater species of fish to supply the ornamental and sport fishing market, capable of supplying around 11,500kg of live fish per year. No leisure or sport use is proposed.
  - The development would involve the excavation and clay lining of a range of engineered growing ponds, fish stock ponds/lakes and a reed bed filtration pond including four lakes (ranging from 9,251m<sup>2</sup> to 1.89ha) to depths of 1.5m and eleven fish growing ponds (ranging from 2,450m<sup>2</sup> to 484m<sup>2</sup>) in size with depths of between 0.9m and 1.5m (see Plan 2). The approved scheme did not provide consent for any minerals or waste material to be exported from the site but does allow scope for excess topsoil to be sold off-site.
  - Three single storey utility buildings towards the site entrance would be developed.
  - The development would be constructed over a four-year period.
12. Since this planning application sought to re-engineer the site with excavated material (except for some topsoil) being retained on site and used within site landscaping with the depths of excavation carefully managed to avoid any mineral extraction works, the planning application was determined by Newark and Sherwood District Council rather than Nottinghamshire County Council acting in its capacity as Minerals Planning Authority. The planning permission has not been implemented.

### **Proposed Development**

13. The applicant has confirmed that it is his intention to implement the fish farming business development recently granted planning permission with the successful planning appeal.
14. As part of the fish farming planning permission there is a requirement under Condition 17 to obtain approval from Newark and Sherwood District Council of a scheme to manage surface water discharges to the surrounding drains and watercourses particularly in terms of sediment control during construction works. If this current planning application is approved, the drainage arrangements and sediment control measures it proposes would be submitted to the District Council with a view to seeking formal approval under the requirements of Condition 17.
15. The current planning application seeks to make modifications to one of the originally approved fish rearing ponds known as Pond FP2 to enable it to function as a settlement pond during construction works and provide a deeper pond to 'grow on' and mature fish as part of the wider operation of the fish farm. Pond FP2 is located in the north-eastern corner of the wider fish farm development site adjacent to the road frontage with North Scarle Road.
16. Planning permission is sought to excavate Pond FP2 to a greater depth from the currently consented depth to enable it to operate as a settlement lagoon more successfully. The deepening of this pond would result in the excavation of the

underlying sand and gravel which would be recovered, processed and exported as an aggregate. These works represent a minerals extraction activity and therefore planning permission is required for this aspect of the development from Nottinghamshire County Council acting in its capacity as Minerals Planning Authority. The planning application also seeks to recover some of the indigenous clay which underlays the sand and gravel to line the ponds within the wider fish farm development.

17. The boundaries of the current planning application site have been drawn to incorporate all the operational areas associated with the extraction and processing of mineral from Pond FP2. In total the area of the application site extends to around 7 hectares comprising around 3.5 hectares underlying Pond FP2 and around 3.5 hectares of ancillary operational land including the site haul road, soil and overburden storage areas and mineral processing area. The boundaries of the current planning application site are shown on Plan 3.
18. The application seeks planning permission to excavate Pond FP2 to a depth of 6 metres (see Plan 4). The current approved depth of the pond is 1.5m. The deepening of Pond FP2 would be undertaken as the first phase of the wider fish farm development so that it is available to manage suspended solids arising from the construction works of the larger project.
19. The pond would provide a facility into which heavily sedimented water flows arising from the wider construction project can be pumped. The additional depth of the Pond FP2 would provide a large body of water within which sediments would settle prior to the clean waters being discharged to a receiving watercourse located to the north and east of the fish farm.
20. The deepening of Pond FP2 would result in the extraction of 70,000 tonnes of sand and gravel over an anticipated 12-month period. The sand and gravel would then be removed from the site immediately following the completion of extraction during a second 12-month period, thereby resulting in a 24 month development programme. The applicant proposes to excavate Pond FP2 without any dewatering. Excavation works would utilise dozers and long arm excavators to scoop sand and gravel which would be increasingly saturated at depth as the works progress below the water table. During the excavation works associated with the construction of Pond FP2, no sediment material would be discharged from the site as this would be retained either within the stockpiled material or retained within the water body being dug. Excavated material would be hauled by dump truck to a temporary storage area prior to processing within a mobile screen plant once the Pond FP2 desilting lagoon is complete, allowing materials to be processed under the desilting regime developed. A number of temporary staff welfare cabins would be installed in the storage compound area for the duration of the construction project.
21. The applicant states the deepening of Pond FP2 would provide a number of water management benefits during the construction period in comparison to a shallower pond. Specifically, with a shallow pond the only natural hydraulic connection between the pond and the water table would be at the bottom of the pond, however the base of the pond would quickly become covered with

sediment negating any drainage into the underlying groundwater and introducing a requirement to regularly remove silt and sediment to enable the pond to function satisfactorily. This silt removal process would result in the whole settlement pond being stirred up, stalling the settlement function of the pond for an extended period of time. The applicant states the proposed deeper water body has the ability to leave much more debris, silt and settlement material on the bottom of the lagoon without disturbance from wind and wave action whilst providing a side wall batter of naturally occurring porous mineral to dissipate water from the lagoon. The greater storage capacity and retained porosity of the side walls of the deeper pond ensures that any necessary silt and sediment removal can be undertaken less frequently at a time when weather and site conditions are favourable for such operations.

22. Topsoil and subsoil from the Pond FP2 area would be stripped and stored in accordance with Defra guidelines to preserve their quality and integrity. Most soils stored on site would be re-used on site with the exception of soils allowed to be exported in accordance with the extant planning permission granted on appeal.
23. On completion of all works across the wider fish farm development, settlement Pond FP2 would be excavated of silt. This silt would be utilised for general landscaping owing to it being naturally rich in nutrients. Pond FP2 would thereafter be retained and would be similar in appearance to the pond approved under the Newark and Sherwood District Council planning permission, albeit constructed to a greater depth and not incorporating the island features originally proposed because of this greater depth.
24. The supporting transport statement provides consideration of the highway implications associated with the transportation of 70,000 tonnes of recovered mineral from the application site. This mineral is proposed to be removed over a 12-month period which would necessitate an average of 270 tonnes or 15 HGV loads per day. The transport statement acknowledges that there is potential for some fluctuation between quieter and busy days with a maximum of up to 30 loads (60 movements) per day on a busy day. All traffic would be routed to the south via Wiglsey Road, Hives Lane, Besthorpe Road and Sand Lane to Besthorpe where it would join the A1133 and in turn the A46 to the south or A57 to the north (see Plan 5).
25. Construction works and associated transport of recovered minerals would be limited to between 08:00 – 18:00 Monday to Friday. On Saturdays only plant and site maintenance works are proposed between 08.00 – 13.00. There would be no operations on Sundays or Public and Bank Holidays.
26. The planning application submission is supported by a noise assessment which sets out the existing background noise levels and the effect the noise emissions associated with the construction works would have on the surrounding area.
27. The current planning application submission also references a number of the original reports that were submitted to inform the wider Fish Farm development



planning permission. These reports give consideration to ecology, flood risk and agricultural land classification.

28. During the course of processing the planning application, supplementary information and clarification has been provided by the applicant to address and overcome concerns raised by the case officer and planning consultees as set out below:
29. Alternatives: The applicant was requested to consider potentially alternative less-intensive designs for managing water quality. In response the applicant states they have taken further advice from their consulting engineers who advise that the deepened Pond FP2 design represents the preferred solution for providing water quality management during the construction phase of the wider fish farm development. Specifically, the applicant advises that the current development provides a cost-effective solution which is generally consistent with the approved landform for the wider fish farm development and does not necessitate major re-construction works at the end of the development programme. The deeper design of the settlement lagoon would also require less ongoing silt management control during its operational life in comparison to a network of shallower settlement lagoons.
30. Clay lining the lagoon: The applicant has amended the original design of Pond FP2, no longer proposing to clay line the lake, acknowledging that this would be counter-productive insofar that any clay lining would remove the interconnection between the lake and the natural water table and restrict beneficial drainage flows into and out of the pond by seepage. It is still proposed to clay line other ponds in the wider development.
31. Wider benefits of deepening Pond FP2: The applicant has been requested to identify whether there are any wider benefits in terms of deepening Pond FP2 in additional to water management control. The applicant has acknowledged the following benefits:
  - The estimated 70,000 tonnes of sand and gravel yielded from the deepening of the pond is likely to contribute around £150,000 to the wider fish farm development project ensuring the financial stability and sustainability of the project going forward.
  - The development will benefit local businesses and create additional employment opportunities in the local area.
  - The incidental mineral extraction will assist in addressing wider mineral shortages in the local and regional area.
  - The deepened pond will benefit the future operation of the fish farm, enabling the business to rear fish beyond the second season growth and sell the fish for more money. In the case of carp, these reach 2 to 3lb in weight at year two but the fish will continue to grow in the deepened pond to 15 to 18lb. Prices for a second year carp at between 2lb and 3lb in weight average around £4.50 per pound in weight whereas the heavier five-year carp will fetch £20 - £24 per lb.

- The approved ponds are all designed to be 1.25 metres to 1.5 metres deep and clay or heavy soil lined. This means these ponds are sealed from the water table and will not fluctuate up and down with the water table. Although these water depths are viable, during summer months there will be a lot of water evaporation. The enlarged FP2 pond would provide a source of water to top these ponds up, guaranteeing the business a supply of top-up water during drought periods when other local water sources may dry out. The top up water would also be beneficial in terms of improving the oxygen content of the ponds.
  - The water within Pond FP2 would be clean and free from potentially contaminated run-off from agricultural land or industrial uses which could kill fish stocks.
32. Mitigation of potential adverse impacts from changes in groundwater levels within Spalford Warren SSSI: To address questions raised by Natural England regarding potential changes to groundwater levels within Spalford Warren SSSI as a result of proposed dewatering associated with the extraction of sand and gravel within Pond FP2, the applicant has amended their proposed working methodology to excavate Pond FP2 'wet' utilising long reach excavators and therefore avoid the necessity to dewater the site, thus ensuring there would be no change to groundwater levels within Spalford Warren SSSI.
33. Design modifications to restored lake: The original planning submission stated that Pond FP2 would be created exactly as the original drawings with island reed beds and edging to suit its original intended designation. Following questions raised by the case officer the submitted drawings have been amended by the applicant to show the additional depth of the pond and omit the originally proposed island features in the lake design which are no longer proposed to be incorporated in this deeper lake.
34. Connection to the wider land drainage network: The submitted drawings have been annotated to show the drainage connection to the wider drainage network along the northern boundary of the site and also to provide confirmation that the necessary discharge consent will be obtained from the Environment Agency at the appropriate time.
35. Noise Assessment: The applicant has confirmed that the extraction of 'wet' sand and gravel would utilise the same plant and machinery as that originally proposed for the dewatered extraction methodology and the change in the extraction methodology would not change the predicted level of noise emissions from the development. The applicant acknowledges that there is a new residential property being constructed locally at a distance of 700m from the development site and concludes that the magnitude of maximum predicted noise impacts from the development will not be increased on the basis that these predictions have been calculated on the basis of a 250m noise source to receptor separation.
36. Bore hole samples: Bore hole samples have been provided to confirm the geological depths of the mineral reserve at the site and the level of the water table.

## Consultations

37. **Newark and Sherwood District Council:** *Raise a holding objection.*
38. *The District Council acknowledge that the site has the benefit of a conditional planning permission for the development of a fish farm and have previously been contacted by the applicant with a view to agreeing a surface water management scheme through a submission to discharge planning condition 17.*
39. *The submission to the District Council under condition 17 proposed the excavation of Pond FP2 to a depth of 4.25m to allow it to function as a settlement lagoon. The planning condition was not discharged by the District on the basis that the proposed scheme involved significant development works including mineral extraction which required planning permission in their own right. The District wishes to draw attention to the differences in depth of excavation between the scheme submitted to them and the current planning application to excavate to 6m in depth and question whether there is any clear or convincing justification for the proposal currently submitted to NCC.*
40. *The District Council is concerned this proposal would fundamentally alter the scheme that has been granted approval, meaning this could not be carried out in complete accordance with the approved plans, specifically its depth and question how the works within Pond FP2 would be phased with the wider development of the site, questioning how the 'pre-phase' works to construct Pond FP2 are compatible with the wider approved development.*
41. *The District state the submitted plans incorporate details of additional elements, including additional temporary buildings, soil bunds, processing and storage areas and a water distribution dyke that do not form part of the approved development which would be present on site for the duration of the wider development and, therefore, require due consideration by the District, questioning the mechanism that would be used to regulate these matters.*
42. *Based on the above, NSDC advise that it would not be possible to implement planning permission 19/00551/FULM, as the originally proposed 'Phase 1' and part of 'Phase 3' would be superseded by the proposed 'Phase 1 plus dewatering' currently under consideration and Pond FP2 would be retained at a depth of 6.0 metres once project construction is completed.*
43. *Planning permission 19/00551/FULM is due to expire on 31<sup>st</sup> October 2022, however, if Nottinghamshire County Council were minded to approve the proposed scheme, it is the District Council's view that the wider fish farm development would be sterilized as it could not be implemented as approved. Consequently, the District consider the applicant has two options to resolve this matter:*
- *Option A - Add the remaining phases, i.e. 2-4, to the proposed scheme as ancillary elements to the 'Phase 1 plus dewatering' proposal currently under consideration;*

- *Option B – Re-apply to the District Council for a revised scheme, excluding ‘Phase 1 / Phase 1 plus dewatering’ as this is now a County matter.*
44. *Both options would involve changes to the existing and proposed red line boundaries of the District planning permission. Depending on when the applicant plans to start, they may also wish to submit additional information to support any such revised application to avoid pre-commencement conditions, such as those relating to planning permission 19/00551/FULM, from being imposed.*
  45. *The District Council state that they have recently received a revised planning application for the wider fish farm, but they have not validated this submission because they consider it incorporates out of date information.*
  46. *The District Council state that they do not consider the NCC planning application should progress ahead of the determination of a revised application to the District Council. The District Council consider the approach suggested by NCC to use a planning condition to link the minerals extraction scheme to a future planning application which has not been granted would not be enforceable on the basis the wording would not be precise and therefore fails to meet the tests in national policy. Furthermore, the use of such condition would be contrary to Policy DM13 ‘Incidental Mineral Extraction’ of the Nottinghamshire Minerals Local Plan (2021) and the requirement for proposals to be compatible.*
  47. *In light of the above, the District Council implores Nottinghamshire County Council to delay determination of F/4338 so the two planning applications, i.e. F/4338 and 22/01612/FULM (currently invalid), can be considered at the same time, as per para. 5.141 of the Minerals Local Plan.*
  48. **Wigsley Parish Meeting:** *Object to the planning application.*
  49. *The primary reason for the Parish’s objection to this application is due to concerns relating to the level of noise and potential disturbances resulting from the gravel extraction and associated lorry movements, particularly noting the proximity of the development to the village.*
  50. *The Parish Meeting consider the application should be described as mineral extraction with incidental fish farming pond. The Parish feel the applicant has misrepresented Newark and Sherwood District Council in terms of the amount of spoil to be removed from the site which was previously agreed to be limited to only 2 lorry movements per day. However, the developer has subsequently sought to modify this agreement through a submission under the planning conditions and increase the HGV movements to 60 movements per day.*
  51. *Policy DM13 of the Nottinghamshire Minerals Local Plan requires that applications for incidental mineral extraction are refused where there are unacceptable environmental or other impacts resulting from the development which the Parish consider is the case in this instance.*

52. *The Parish Meeting's concerns are that:*

- *The nearest dwelling is only 200 metres from the site boundary with the heart of the village being 400 metres from the site boundary.*
- *The working hours are long at 10 hours per day on Mondays to Fridays and 5 hours on a Saturday.*
- *60 lorry movements per day are projected which equates to 330 per week acknowledging shorter working hours on Saturdays, this represents a 3,000% increase in the number of lorries from the originally approved limit of 2 lorries.*
- *Minerals extracted are not only to be dug out on site using large, noisy earth moving machinery but are to be processed on site, adding to the noise and disturbance for village residents. The Noise Assessment only takes account of gravel extraction machinery not increased lorry movements and the Parish have little confidence that the findings of the noise assessment can be relied on.*
- *The Parish report that the area surrounding Wigsley is quiet and noise travels significant distances.*
- *The Parish is concerned that the applicant may seek to submit successive applications for 'incidental gravel extraction' for many years to come, which across 26.2 hectares would equates to the extraction of 260,000 tonnes over an 8 year plus time period.*
- *The application form states that the operations will be completed within a year, which is not consistent with statements made elsewhere in the submission which indicate the development would take 2 years to complete.*
- *The application is accompanied by an outdated Ecological Scoping Survey dating back to 2017 and no species-specific site surveys so cannot be relied upon to give a proper assessment of the ecological impact.*

53. *The Parish Meeting has been reconsulted in connection with the submission of supplementary information. The Parish continue to maintain an objection to the planning application, considering the supplementary information does not address the concerns raised by the planning officer and the Parish continue to have concerns regarding the amenity impacts of the development and associated traffic, inaccurate measurement of distances from properties, the duration of the works for two years, the use of water pumps 24 hours a day, the financial benefits of the development to the applicant should not be used to override amenity protection for residents, alternative less intensive water management solutions should be utilised, and the noise assessment has not been updated. Because the development has adverse impacts the Parish Meeting submit that the development is contrary to Policy DM13 of the Nottinghamshire Minerals Local Plan relating to incidental mineral extraction. The Parish consider there is not a need for the development some 50 miles from the applicant's existing business.*



54. *Upon the publication of the committee report prepared for the meeting of 5 July, the Parish Meeting submitted some further comments. The Parish sought confirmation in the report that the proposed development is a two year programme of works, despite the extraction period being only 12 months. The Parish Meeting does not consider the mineral extraction to be incidental and therefore in compliance with Policy DM13, given that Newark and Sherwood District Council point out that the granting of planning permission for this development precludes the implementation of the existing fish farm consent. This application should be held in abeyance whilst the applicant secures a new consent from the district council. The Parish considers the Grampian condition proposed (Condition 2) to be a convoluted and unsatisfactory way of trying to satisfy Policy DM13. The Parish Meeting also highlights a number of accidents at the Eagle/Spalford crossroads which HGVs would pass through. The condition of the road and road markings are considered very poor and need addressing. Finally, regarding the Parish Meeting's concerns about the deepening of other ponds on the fish farm development, the Parish states that this was referenced in the original Noise Assessment submitted by the applicant.*
55. **North Kesteven District Council:** *No objection.*
56. **Lincolnshire County Council:** *No objection.*
57. *The submitted transport statement, in support of the application, details the development traffic associated with the proposed development and the anticipated movements of 270 tonnes, which equates to 15 HGV loads per day (30 movements) with a potential fluctuation on busier days of up to 30 loads (60 movements) per day and Lincolnshire County Council have concluded that it would not cause a severe impact on the highway network and will operate in capacity, which is in line with the NPPF and paragraph 111, which advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*
58. *Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:*
- *The highway network is over-capacity, usually for periods extending beyond the peak hours;*
  - *The level of provision of alternative transport modes;*
  - *Whether the level of queuing on the network causes safety issues.*
59. *In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to the NPPF.*
60. **Environment Agency:** *No objection.*



61. *The Environment Agency request a planning condition should be imposed requiring a detailed scheme to treat and remove suspended solids from surface water run-off during construction works to be agreed prior to commencement.*
62. **Natural England:** *No objection.*
63. *Natural England originally raised an objection to the planning application on the basis that ground dewatering originally proposed as part of the extraction of Pond FP2 could result in potential significant effects on the hydrology of Spalford Warren Site of Special Scientific Interest (SSSI).*
64. *Natural England have subsequently withdrawn their objection following the receipt of the supplementary information, specifically the revisions to extraction methodology incorporating arrangements to excavate the site wet rather than dewatered.*
65. **NCC (Archaeology):** *No objection.*
66. *The change to the depth of excavations within Pond FP2 does not raise any archaeological concerns.*
67. **NCC (Flood Risk):** *No objection.*
68. *The development will not increase surface water run off nor will it alter existing run off to an extent that it would have a detrimental impact on the area.*
69. **NCC (Highways):** *No objection.*
70. *The access to the site for the proposal would be via the approved access for the wider fish farm development onto Wigsley Road comprising a formal bellmouth junction with a 15m radius and a 7.3m road width. If this application was to be approved, the access should be conditioned to be constructed to the Highway Authority's specification with adequate visibility splays before any works commence on site to enable safe access to the highway network.*
71. *The forecast traffic generation associated with this "pre-phase" proposal associated with the removal of 70,000 tonnes of material off the site over a 12-month period is 15 HGV loads (30 movements i.e., 15 in and 15 out) per day. For robustness, the submitted report considers a peak daily flow of twice this number i.e., 30 loads (60 movements i.e., 30 in and 30 out). The proposed routeing would be south of the site from Wigsley Road to the A1133, which would avoid lorry routeing through the local villages. The Highway Authority has considered these transport arrangements and concluded there would be no highway objections to the proposal.*
72. *To control the amount of HGVs, the Highway Authority would request a condition to ensure that the site would not generate a weekly average traffic level which exceeds the daily average to allow the site to operate over average daily HGV movements on some days (where there is need for it) but would limit the HGVs on other working days (170 HGVs per week or 85 in and 85 out).*

73. *The applicant has considered on-site wheel cleaning supplemented by the use of a road sweeper in order to prevent mud or dirt entering the public highway from the site.*
74. **NCC (Nature Conservation):** *No objection.*
75. *It is acknowledged that the site benefits from planning permission granted on appeal to extract Pond FP2 in the same location and that this planning application will not change the level of ecological impact over and above that which has been previously assessed. Ecological issues including the need for further/follow-up surveys and various mitigation measures are covered by conditions attached to the appeal decision.*
76. *On this basis it is requested that if granted planning permission, this application should proceed in accordance with the conditions imposed on the appeal decision permission with specific ecological information provided in terms of lighting during construction, potential to retain habitats in the application site area and ensuring soil stockpiles do not adversely impact any designated habitat.*
77. **Via (Noise Engineer):** *No objection.*
78. *The Noise Impact Assessment which supports the planning application utilises two background noise surveys taken at two different locations and are considered to provide a fair representation of the nearest Noise-Sensitive Receptors. This noise data has been used to generate a series of noise contour plans to consider the level of noise emissions in the wider local area.*
79. *The excavation of Pond FP2 to a greater depth would utilise similar plant and machinery to the previously approved development but introduces additional machinery to process the excavated sand and gravel and HGV haulage to transport the processed mineral. The noise emissions of all these activities have been calculated within the revised noise assessment.*
80. *The noise assessment shows that whilst the threshold of LA90 + 10 dB(A) would be exceeded at the closest property within Wigsley village to the north of the development site, the actual level of noise would be 7dB(A) below the upper limit of 55 dB(A) permitted for mineral working schemes set out within the Government's Planning Practice Guidance. The results of the worst-case hour assessment for each phase therefore indicates that the noise from the proposed development would not be significant at the nearest receptors assessed.*
81. *No objections are therefore raised to the planning application, subject to the imposition of planning conditions to regulate the maximum level of noise emissions at noise sensitive receptors and the development of a noise complaints procedure in the event that a complaint is received.*
82. **Via (Reclamation):** *No objection.*
83. *Contamination could be present at the site and the proposed development has the potential to change or introduce new sources, pathways or receptors.*

84. *The submitted documents do not include a geo-environmental desk study for the site. This would be required to determine whether there are any unacceptable contamination risks associated with the proposal and whether any identified risks can be adequately mitigated or controlled, but these matters can be regulated through planning condition.*
85. *The Construction Environmental Management Plan (CEMP) submitted with the application appears to be an outline plan which will need to be developed as the project progresses towards the construction stage. A materials management plan is also likely to be required, regulated through planning condition.*
86. **Upper Witham Internal Drainage Board:** *No objection, but request:*
- *an access strip of at least 6m is left adjacent to Wigsley Pump Drain (Board maintained watercourse),*
  - *any discharges will be limited to the greenfield rate,*
  - *Board Byelaw consent will be required for any proposed temporary or permanent works or structures in, under, over or within the byelaw distance (6m – soon to be 9m) of the top of the bank of a Board maintained watercourse (Wigsley Pump Drain).*
87. **National Air Traffic Services Ltd, Nottinghamshire Wildlife Trust, Cadent Gas Limited, Severn Trent Water Limited, Western Power Distribution:** *No representations received. Any responses received will be orally reported.*

## **Publicity**

88. The application has been publicised by means of site notices, a press notice and notification letters posted to occupiers of nearby residential properties and adjacent agricultural land in accordance with the County Council's adopted Statement of Community Involvement.
89. Two letters of representation have been received from residents of Wigsley which raise the following concerns:
- a. *The site is in too close proximity to the village of Wigsley, and even closer to the former airfield Control Tower that is now being converted to a residential dwelling. The lorry movements and all-day extraction and processing of sand and gravel will be incredibly disturbing to the life of our residents of the village which is small and quiet in character.*
  - b. *The local roads are narrow and twisting and not suitable for the proposed traffic levels.*
  - c. *The proposal for an average 15 lorries a day is significantly greater than the previously approved level in the NSDC planning permission which equated to 2 loads a day.*
90. The Council has reconsulted local residents in connection with the submission of the supplementary information and received a further two letters of

representation which re-iterate many of the concerns previously raised and the following additional matters:

- a. The proposed large-scale opencast mining scheme (with incidental fish farm) is in too close proximity to residential properties in the village of Wigsley and will affect owners' rights to the peaceful enjoyment of their property.*
- b. The site boundary is less than 200m from the nearest property (The Oaks bungalow) and is approximately 400m from the centre of Wigsley village.*
- c. Noise disturbance from sand and gravel extraction and processing will disrupt the peaceful nature of the village. Due to the open, flat nature of topography, bunding is likely to have little effect in mitigating noise levels.*
- d. Wigsley is a peaceful rural community with low background noise levels. The proposed development would involve the use of water pumps 24 hours per day. Constant noise from these pumps would have an adverse environmental impact, with a particularly negative effect on nearby village residents, causing unnecessary distress and disturbance. The noise assessments submitted by the applicant do not contain noise contour plans so their models representing 'worst case scenarios' are not transparent and do not cater for the impact of water pumps running 24 hours a day.*
- e. The increase in articulated lorries travelling to and from the site is completely unacceptable and will be detrimental to cyclists and pedestrians who use these roads. The haulage vehicles will damage the public highway.*
- f. Concerns are raised that the HGV traffic may choose to use Wigsley as a shortcut to and from the A57. Such movements would significantly increase noise, vibration and disturbance to village residents. It would also present a serious danger to walkers (as there are limited footpaths) and children playing in the village, where many driveways lead directly onto the main road.*
- g. It appears that what was represented as a relatively harmless fish farming pond proposal has morphed into something more significant. The extraction of soils and minerals does not appear to be 'truly incidental', there is no proof of any 'biodiversity net gain' associated with the development or any economic benefit for the village as claimed by the applicant. The scale and duration of the proposed development would bring no benefits to the village of Wigsley and would have negative environmental impacts in contravention of Policy DM13 of the adopted Nottinghamshire Minerals Local Plan.*

91. Councillor Debbie Darby has been notified of the application.

92. The issues raised are considered in the Observations Section of this report.

## **Observations**

## Introduction

93. The scope of this current planning application is limited to the excavation of one of the previously approved fish breeding ponds (Pond FP2) to increase its depth from 1.25m to 6m and to allow the excavated sand and gravel from this deeper excavation to be processed and sold as a mineral resource. The deepened pond would be used as an operational settlement lagoon during the construction of the wider fish farm development and thereafter as a fish growing pond as part of the wider fish farm business.
94. The planning permission for the wider fish farm development was originally refused planning permission by Newark and Sherwood District Council contrary to planning officers' advice for the following reason:

*'In the opinion of the Local Planning Authority the application has failed to demonstrate credibility and enforceability regarding the amount of material to be removed from the site during the construction period, the consequences of which could give rise to significant impacts on the environment including the associated vehicle movements which may not be properly mitigated. The application has given rise to uncertainty regarding the impact of the sports fishing taking place on site (and whether this did indeed form part of the final proposal or not) and whether proper regard had been had in terms of the cumulative assessment of traffic and disturbance impacts associated with this element. The application also failed to demonstrate that the scheme could be appropriately phased, or its implementation be guaranteed in order to avoid a part completed development and avoid visual harm to the landscape. The application also fails to demonstrate how the scheme passes the sequential flood risk test. Taking all matters into account, it is concluded that the development has failed to demonstrate its acceptability in terms of the following policies of the Development Plan. These are from the adopted Newark and Sherwood Core Strategy; Spatial Policies 3 (Rural Areas) & 7 (Sustainable Transport), Core Policies 9 (Sustainable Design), 10 (Climate Change) 12 ( Biodiversity and Green Infrastructure) and 13 (Landscape Character) and from the adopted Allocations & Development Management DPD; Policies DM5 (Design), DM7 (Biodiversity and Green Infrastructure), DM8 (Development in the Open Countryside) and DM12 (Presumption in Favour of Sustainable Development) as well as the National Planning Policy Framework 2019 and its associated Planning Practice Guidance. There were no material considerations that outweighed the failure to demonstrate the above matters.'*

95. This decision was successfully appealed in November 2019 (Consent Ref: APP/B3030/W/19/3232873) with planning permission being granted. The key matters which were taken into consideration by the Planning Inspectorate are summarised below:
- a. Newark and Sherwood Allocations & Development Management Development Plan Document (N&S A&DMD) Policy DM8: Development in the Open Countryside is supportive of rural diversification of existing



businesses which contribute to the local economy. Whilst the previous planning decision acknowledged that the fish farm development is an entirely new use of rural land and not a diversification of an existing business (to which Policy DM8 directly relates to) it was concluded that Policy DM8 and NPPF policy is supportive of the development on the basis that it is a land-based rural businesses in the countryside.

- b. The loss of c26ha of Grade 3a (best and most versatile) agricultural land was assessed as a negative factor in the overall planning balance, but the benefits provided by the development were assessed as outweighing the level of harm resulting from the loss of the agricultural land.
  - c. The removal of surplus soils from the site (average of 1 HGV tipper load per week) was considered acceptable in road safety and amenity terms and the overall volume of traffic was considered to be low.
  - d. The scheme was considered to be supported by Newark and Sherwood Amended Core Strategy Development Plan Document (N&S CS) Policy Core Policy 9: Sustainable Design and N&S A&DMD Policy DM5: Design on the basis that the construction and operation of the fish farming facility would not adversely impact amenity and provide existing residents acceptable living conditions.
  - e. In terms of landscape and visual impacts, the excavation of the ponds and the use of the spoil material to create comparatively low-lying mounds was considered to have an acceptable visual and landscape impact and the works would readily assimilate into the wider setting. It was therefore concluded the development was compliant with the visual impact and landscape protection policies of the development plan.
  - f. The impact of the tree and vegetation loss was considered to be low with mitigation provided through the planting of native species as part of the wider landscaping of the site. The ecological effects of the development were also found to be acceptable and the scheme would deliver ecological enhancements following its completion and thus the development is compliant with N&S CS Core Policy 9: Sustainable Design and N&S A&DMD Policy DM7 – Biodiversity and Green Infrastructure.
  - g. The development is considered to be a water compatible use and therefore suitable for a location within flood zone 2.
96. The boundaries of the current planning application site have been drawn around a 7-hectare parcel of land incorporating Pond FP2, an associated working area and the proposed site access. This site sits within the larger 26-hectare parcel of land granted planning permission for the wider fish farm development.
97. The two planning applications are clearly connected to each other with the primary planning permission for the fish farm development being the NSDC planning consent and the current application submitted to the County Council for the deepening of Pond FP2 required to support this wider development.
98. In terms of assessing the merits of the current planning application it is not necessary to re-examine the original planning merits of the wider fish farm



development. This report therefore focuses on the planning issues associated with the deepening of Pond FP2 which is a significant construction project in its own right, resulting in the recovery of approximately 70,000 tonnes of sand and gravel which would be sold to industry as a mineral resource.

Planning policy relating to recovering minerals as part of a wider development

99. Planning policy in relation to the recovery of minerals as an incidental element of another development project is set out within Nottinghamshire Minerals Local Plan (MLP) Policy DM13. The supporting text to this policy acknowledges that in principle the recovery of minerals as an incidental element of another development proposal promotes sustainable development by helping to conserve mineral resources that might otherwise be lost. The policy is set out below:

**Policy DM13: Incidental Mineral Extraction**

1. Planning applications for the extraction of minerals as a necessary element of other development proposals on the same site will be supported where it can be demonstrated that the scale and duration of the mineral extraction does not result in adverse environmental impacts and that it brings environmental and other benefits to the development it is incidental to.
2. Where planning permission is granted, conditions will be imposed to ensure that the site can be adequately restored to a satisfactory after-use should the main development be delayed or not implemented.

100. In terms of the benefits that the deepening of Pond FP2 brings to the wider fish farm development, the planning application sets out that the primary need for the development is to provide sediment control for the management of surface water discharges from the development of the wider fish farm development. The approved 1.25m depth of Pond FP2 is comparatively shallow and would compromise the ability of the pond to function as a sediment lagoon. Specifically, the shallow water depth would mean that any suspended solids which disperse to the base of the pond would be vulnerable to disturbance from wave and wind action meaning that silt would be disturbed within the wider water body, reducing the ability of the pond to function properly as a settlement lagoon. The shallow depth would also increase the frequency that settled silt would need to be removed from the base of the pond, increasing maintenance liabilities as well as rendering the settlement lagoon unusable for the duration of the maintenance works. The deepening of Pond FP2 to 6m would provide a body of water of much greater depth to function more satisfactory as a sediment lagoon and assist in sediment control within the wider fish farm construction project.
101. The excavation of Pond FP2 represents a significant development project and alternative design solutions have been explored which would be less intensive to develop and avoid the need to excavate, process and transport off-site the

70,000 tonnes of sand and gravel. Whilst it is acknowledged that there are alternative design solutions which are likely to achieve a similar level of benefit in terms of sediment control, the applicant remains keen to excavate Pond FP2 to a greater depth because of the wider benefits the scheme brings to the proposed fish farm development.

102. The applicant identifies that the deepening of Pond FP2 would provide benefits to the future operation of the fish farm as set out within paragraph 30 of the report. In summary the benefits relate to the long-term viability of the fish breeding business in terms of enabling fish to be grown larger, benefits in water quality and the economic benefits derived from the sale of 70,000 tonnes of mineral.
103. Chapter 6 of the NPPF incorporates planning policy in relation to the socio-economic effects of development. Specifically, NPPF paragraph 81 states that:  
  
*‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development’.*
104. NPPF paragraph 7 confirms that achieving sustainable development is the primary objective of the planning system, with NPPF paragraph 8 confirming the importance that the economic role of development has in delivering sustainable development.
105. The benefits to the fish farming business from deepening Pond FP2 are supported by the economic policies of the NPPF. The NPPF advises that significant weight should be given to these economic benefits and their contribution to delivering sustainable development. The benefits to the wider fish farm business also means the development is supported by MLP Policy DM13, subject to there being no unacceptable environmental impacts.

Connection between current planning application and the consented wider fish farm development

106. The NCC planning application site is located within a wider c26 hectare parcel of land granted planning permission for a fish farm development following the successful appeal of Newark and Sherwood District Council’s (NSDC’s) decision to refuse planning permission (planning reference 19/00555/FULM). The NCC planning application extends to 8-hectares of land wherein planning permission is sought to excavate the previously consented pond FP2 to a greater depth of 6m and recover/sell the underlying mineral. It is the applicant’s intention to develop the remainder of the c26 hectare fish farm development under the terms of the consented appeal decision.
107. Because the deepening of pond FP2 results in the extraction of 70,000 tonnes of sand and gravel, there is a need to obtain a separate consent for these works from the County Council acting in its capacity as Minerals Planning Authority,

hence this submission to NCC. The fact that there is a need for two separate planning permissions from different planning authorities should not unduly complicate the planning process. However, where this planning application is procedurally more difficult is the fact that the applicant has made a minerals submission which is not consistent with the wider district scheme approved on appeal by the Planning Inspectorate. Specifically the approved c26 wider fish farm development shows Pond FP2 constructed to a depth of 1.5m and of a slightly different design incorporating island features.

108. Because of these differences between the plans for the site, if NCC were to grant this current submission the land at Wigsley would benefit from two separate and independent planning consents which are not consistent with each other and therefore if a commencement was made with the deepening of Pond FP2 pursuant to the NCC planning permission it would not be possible for the applicant to implement the NSDC Planning Permission in full compliance with the approved plans and therefore lawfully carry out that planning permission. The applicant readily acknowledges that if the NCC planning application for the deepening of Pond FP2 is granted planning permission then there is a need to modify the approved layout for the wider fish farm with NSDC to ensure both schemes are consistent.
109. NCC Officers therefore agree with NSDC's conclusion that the modifications proposed to Pond FP2 within the current planning submission effectively renders the approved wider fish farm planning permission un-implementable in its current format, and thus agree with the District Council's conclusion that a further planning approval will need to be granted by the District to modify the approved scheme so that there is consistency between the two planning submissions. Since the existing planning permission expires on the 31<sup>st</sup> October 2022 there is also a need to extend this commencement date with the District Council.
110. The District Council have confirmed that they have received a planning application submission from the developer seeking to modify the proposed layout/design of pond FP2 to ensure consistency between the two planning submissions and also extend the commencement date for the planning permission (planning reference 22/01612/FULM). Whilst the District have not validated this planning application submission at present time, its submission clearly shows that the applicant is actively seeking to modify the wider fish farm development to ensure consistency between the two planning applications prior to commencing the development.
111. The NCC planning application is a 'stand-alone' submission and if consented provides scope for Pond FP2 to be extracted to its greater depth of 6m with associated mineral extraction and ancillary operations independent of the wider fish farm development progressing. If this were to occur many of the justifications for supporting the deepening of the pond as set out in the proceeding section of this report would not exist and there would be a different planning balance in the planning assessment.

112. NSDC's holding objection to the current planning application relates to the fact that they consider NCC should delay the determination of the mineral extraction planning submission so the two planning applications (NCC planning application 3/21/02478/CMA and NSDC planning application 22/01612/FULM (currently invalid)) can be considered at the same time. NSDC also consider that the current planning application should not be linked by planning condition to a planning submission which has not yet been validated on the basis that they consider the planning condition would not be enforceable.
113. NCC's Officers consider the most appropriate way to provide a link between the two planning permissions is to impose a planning condition as part of any planning permission issued by NCC and consider the reservations expressed by the District Council can be overcome by the careful wording of the planning condition.
114. The suggested planning condition to provide the link between the two planning permissions for the site and ensure the deepening of Pond FP2 proceeds as a joined-up project with the wider fish farm development is a 'Grampian' style planning condition which restricts a commencement of the NCC planning permission until such time that a development consent is in place for the wider fish farm development which is consistent with the deepened Pond FP2 development.
115. NCC Officers acknowledge the concerns expressed by the District Council in terms of the original draft planning condition, noting that this condition was drafted at a time when it was anticipated the modifications to the Newark planning permission would be approved through an amendment to the existing planning approval rather than by a new planning submission. The planning condition has therefore now been updated now it has become clearer that a new planning permission will be required.
116. The planning condition does not tie the NCC development to a specific planning submission, acknowledging that the revised planning application which is likely to provide this link has not currently been validated or progressed by the District. Furthermore, the planning condition does not seek to 'pre-judge' the District's decision in terms of this future planning application, with the control through the 'Grampian' style wording regulating that the NCC planning permission can not be implemented until such time that a satisfactory development consent from NSDC is in place. Therefore if the District Council were not to grant this subsequent planning permission the NCC planning permission could not be implemented.
117. The planning condition also incorporates a requirement that the applicant is required to obtain NCC's written approval that a consistent planning permission is in place with the District Council prior to commencing works, so as to provide another level of assurance that the NCC planning permission would not be implemented in isolation of a valid planning permission for the wider fish farm development.

118. It is therefore concluded that planning condition 2, which has been updated following the consultation advice from NSDC, satisfies the tests within NPPF paragraph 55 and the supporting Planning Practice Guidance (PPG): Use of Planning Conditions paragraph 3, meeting the relevant tests in terms of it being necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise; and reasonable in all other respects.
119. Policy in respect to the use of planning conditions within the NPPF Paragraphs 55-58 and the supporting PPG is that planning conditions should be used '*to enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects*' (PPG Paragraph 1). Since the purpose of the planning condition is to enable the development to proceed as part of the wider fish farm development whereas the development may not be acceptable without this link, the condition is fully compliant with the above policies.
120. NPPF Paragraph 47 sets out the Government's policy to planning authorities when determining planning application, stating that '*decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant*'. Since it is the Government's expectation for the planning system to progress planning decisions expediently, any decision to defer a decision on this current NCC planning application pending the validation/determination of Newark planning application ref: 22/01612/FULM needs to be fully justified, particularly since the applicant has stated that he wants NCC to proceed with the determination of this planning application at the earliest available opportunity. It should also be acknowledged that the applicant has a legal right to progress a planning appeal against the non-determination of a planning application, if he considered the County Council were delaying making a decision without reasonable grounds.
121. Having regard to the Government's policy in terms of the use of planning conditions to enable development to proceed, and their expectations for planning applications should be determined as quickly as possible, Officers consider it is inappropriate to delay a decision on this planning application for an unspecified period of time whilst an application is validated and then subsequently determined by the District Council when there is a perfectly acceptable and legally robust solution to grant planning permission for the development now, subject to the Grampian planning condition as recommended. By contrast Officers consider it is helpful to the wider fish farm project that a decision is made to confirm the acceptability or otherwise of the deepening of Pond FP2 so that both the applicant and the District Council have a level of certainty regarding the acceptability of this scheme to the Minerals Planning Authority within the re-appraisal of the wider development project and ensuring consistency between the two planning applications in accordance with the policy objectives set out within paragraph 5.141 of the MLP.
122. Whilst a Grampian planning condition would ensure that there continues to be lawful planning permission for the wider fish farm project throughout the Pond FP2 excavation works, the planning condition does not go as far as to require



that once commenced the wider development has to be constructed in full. Such a condition would not be lawful and could not be enforced.

#### Assessment of Environment Effects

123. The policy support from MLP Policy DM13 for incidental minerals extraction requires that the scale and duration of the minerals extraction does not result in adverse environmental impact. This policy compliments Policy DM1: Protecting Local Amenity which confirms that proposals for minerals development will be supported where it can be demonstrated that any adverse impacts on amenity are avoided or adequately mitigated to an acceptable level.
124. The context of the assessment of the environmental effects associated with the deepening of Pond FP2 has regard to the existing consented NSDC development for the wider fish farm. This planning permission establishes a number of environmental baselines, providing a development consent for a very similarly sized and designed Pond FP2, all be it of a shallower depth. It confirms the acceptability of the wider fish farm development in this location and site-specific environmental sensitivities in terms of site clearance and construction works.
125. The assessment of this planning application therefore references the previous conclusions reached by NSDC and the Planning Inspectorate regarding the environmental effects of the wider fish farm development, re-examining the validity of these conclusions in light of modified environment impacts associated with the deepening of Pond FP2.
126. Whilst acknowledging the close links between this planning application and the wider fish farm development across the larger 26ha site, development works associated with deepening Pond FP2 (if approved) within the 7ha development site would be undertaken and regulated under a NCC minerals planning consent. It is therefore important that the schedule of planning conditions for this current planning application regulates all environment aspects of the development insofar that they are relevant to the Pond FP2 development site.
127. These matters are considered in the following section of the report.

#### Highway Considerations

128. The NSDC wider fish farm development involved limited HGV movements associated with the removal of soils averaging one HGV load a day. The extraction, processing and sale of minerals associated with the deepening of Pond FP2 would significantly increase the volume of HGV traffic associated with the construction works and is one the main areas of concern expressed by Wigsley Parish Meeting and local residents.
129. The key policy for assessing the highway implications of the development is MLP Policy DM9: Highways Safety and Vehicle Movements / Routeing. The policy is set out below:



### **Policy DM9: Highways Safety and Vehicle Movements / Routeing**

Proposals for minerals development will be supported where it can be demonstrated that:

- a) The highway network including any necessary improvements can satisfactorily and safely accommodate the vehicle movements, including peaks in vehicle movements, likely to be generated;
- b) The vehicle movements likely to be generated would not cause an unacceptable impact on the environment and/or disturbance to local amenity;
- c) Where appropriate, adequate vehicle routeing schemes have been put in place to minimise the impact of traffic on local communities;
- d) Measures have been put in place to prevent material such as mud contaminating public highways.

- 130. N&S A&DMD Spatial Policy 7: Sustainable Transport requires that new development should be appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected.
- 131. The NPPF (paragraph 111) states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 132. The planning application is supported by a transport statement which provides a quantified assessment of the anticipated average and maximum levels of operational traffic associated with the development and the capacity of the surrounding road network to accommodate the projected traffic levels, taking into account issues of safety and general site accessibility.
- 133. Access to the site would be via the access junction onto North Scarle Road previously approved under the NSDC planning permission for the wider fish farm development. The proposed access design incorporates a formal bell mouth junction with a 15m radii and 7.3m road width.
- 134. The transport statement calculates the number of trips that would be generated by the development based on the haulage of 70,000 tonnes of material over a 12-month period, forecasting the traffic generation averaging 15 loads (30 movements) per day, but with potential peak daily flows of 30 loads (60 movements).
- 135. Haulage traffic would be routed to the south of the site from North Scarle Road to the A1133 via Wigsley Road, Hives Lane, Besthorpe Road and Sand Lane and thus would avoid lorry routeing through the local villages including Wigsley. These roads along which HGVs would travel pass through Lincolnshire as well

as Nottinghamshire. The traffic flow survey on Wigsley Road identifies that the existing level of vehicles using this road is 774 vehicles per day which includes 33 HGV movements. The average of 15 HGV loads (30 movements per day) would almost double the level of HGV traffic on Wigsley Road for a 12-month period but would only increase overall traffic levels by 3.8%. On Sand Lane the traffic flow is 1,290 vehicles per day which includes 128 HGV movements. The average of 15 HGV loads (30 movements per day) would increase the level of HGV traffic on Sand Lane by around 23% for a 12-month period but would only increase overall traffic levels by 2.3%. The accident record along these roads has been assessed and demonstrates that there are no existing road safety issues which need to be addressed.

136. The County Highway Authority has reviewed the transport assessment and does not raise any road safety or capacity objections to the development proposals but requests a series of planning conditions to regulate the highway implications of the development.
137. Firstly, the Highway Authority requests the access road into the site and visibility splays are fully constructed with a bound surface and appropriately drained, in accordance with a specification to be agreed in writing.
138. To control the number of HGVs to an appropriate level along the proposed lorry route, the Highway Authority requests a planning condition to regulate the maximum number of HGVs over a weekly period. Taking the average HGV number of 30 per day (15 in and 15 out), the suggested limit is 170 HGVs per week (85 in and 85 out). This approach allows the site to operate over average daily HGV movements on some days (where there is need for it) but would limit the HGVs on other working days.
139. The Highways Authority is satisfied the proposed measures to prevent mud and other detritus contaminating the public highway are appropriate and should be regulated by planning condition.
140. A planning condition is also recommended to regulate lorry routeing and to require all HGV traffic to access the site from the south via Wigsley Road, Hives Lane, Besthorpe Road and Sand Lane to the A1133. The controls in relation to lorry routeing would be achieved through the display of signage on the site and the issuing of instructions to lorry drivers.
141. Operating hours for the haulage of materials would be between Monday to Friday 08.00–18.00 with no operations on Saturdays, Sundays Bank or Public Holidays. It is recommended that these delivery hours are regulated by planning condition to ensure the amenity of surrounding properties are not adversely impacted by HGV movements at unsociable hours.
142. Lincolnshire County Council, as the Highways Authority for the section of the HGV route which lies within that county, have been consulted and again raise no objection to the application. Wigsley Parish Meeting has raised concerns regarding the condition of the road and road markings at the Eagle/Spalford crossroads which HGVs would pass through. This crossroads is within

Lincolnshire and the Parish Meeting should raise their concerns with Lincolnshire County Council as the Highways Authority for that area.

143. Overall, it is concluded the development would not result in a significant uplift in overall vehicle movements along Wigsley Road and Sand Lane or the wider highway network, even though there would be significant increases in HGV movements on Wigsley Road and Sand Lane for the 12-month period when mineral is being transported from the site. Despite this, significant adverse highway impacts are not anticipated as a result of the development proposal, and it is concluded that the vehicle movements generated can be safely accommodated on the highway network without cause for unacceptable disturbance to local communities. The development is therefore considered to be compliant with MLP Policy DM9 and N&S A&DMD Spatial Policy 7.

#### Noise

144. The NSDC planning permission examined the level of noise emissions associated with the construction and operation of the wider fish farm development. The excavation of Pond FP2 to a greater depth would utilise similar plant and machinery to the previously approved development but introduces additional machinery to process the excavated sand and gravel and HGV haulage to transport the processed mineral and the noise emissions of all these activities have been calculated within a revised noise assessment.
145. A revised noise assessment has been prepared under the relevant guidance of the Government's Planning Practice Guidance and 'BS 5228:2009+A1:201: Code of practice for noise and vibration control on construction and open sites' to assess the noise emissions from these activities. The noise calculation takes account of the presence of bunding proposed to be constructed around the northern and western site boundaries and calculates the level of noise emissions from the extraction, processing and haulage plant and machinery to be used to calculate the level of this noise at the nearby receptors.
146. The background noise measurements recorded within Wigsley village and a leisure facility to the east over the daytime period are set out in the table below. The noise monitoring confirms that the local noise environment is generally quiet with only bird song, breeze and distant traffic noise contributing to the background noise.

Location	Time Period	LAeq,T	LA90	LAmx
1: Camper UK Leisure Park	Daytime - 08:00 -18:00	45.4	37.3	70.4
2: Properties North of proposed Development	Daytime - 08:00 -18:00	48.3	37.0	78.1

**LAeq, T** – the equivalent continuous A-weighted sound pressure level in dB determined over time period T.

**LA90** – the sound level exceeded for 90% of the time.

**LAmx** – the maximum sound level.

147. The Government's Planning Practice Guidance sets out national policy guidance in respect of minerals development. Paragraph 21 of this document provides specific guidance in relation to noise emissions from mineral workings, advising that mineral planning authorities should aim to establish a noise limit, through a planning condition, at noise-sensitive properties that does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900). However, the guidance acknowledges that where existing background noise levels are very low it may be difficult to carry out mineral extraction within a 10dB(A) threshold above background noise without imposing unreasonable burdens on the mineral operator. In these locations the guidance states that the noise limit should be set as near the 10dB(A) level as practicable, and to not exceed 55dB(A) LAeq, 1h (free field during the daytime period).
148. The results of the assessment of noise emissions from the proposed development calculates that the level of noise emissions from the excavation of Pond FP2 and processing of mineral would result in a noise level of 47.5dB LAeq,1h at the nearest residential property (The Oaks). This represents an increase of 10.5dB above the existing background level at this location, indicating that noise emissions from site activities would be audible at this location. However, the noise level is 7.5dB lower than the 55dB limit identified in the Government's Planning Guidance above which noise emissions are considered intrusive. In comparison, noise emissions from the construction of Phase II of the previously approved wider fish farm development comprising excavations of ponds to the rear (east) of Pond FP2 are predicted to generate higher noise emissions at The Oaks of 48.1dB LAeq,1h. These higher noise emissions are attributable to the fact that there is no requirement to install noise attenuation bunding on the boundary of this part of the site. The level of noise emissions at the leisure facility to the east is calculated to be 40.1dB LAeq,1h, which is an increase of 2.8dB above the existing background level.
149. Based on the results of the noise assessment it is concluded that noise emissions from the development would not exceed the limits set out within the Government's Planning Practice Guidance leading to the conclusion that the development is unlikely to result in justified adverse noise impact. It is acknowledged that the magnitude of the predicted noise emissions from excavating Pond FP2 to a greater depth and associated works are slightly lower than the levels previously considered as being acceptable in the previous NSDC planning decision.
150. Wigsley Parish Meeting have raised concerns that the noise assessment does not take account of the increased lorry movements. This is not the case and Table 5-1 of the noise assessment sets out the machinery measured within the noise model and includes emissions from both HGV and car movements. The Parish Meeting also raise concerns that the noise monitoring position used within the noise assessment is located within the centre of the village at a distance of 400m from the site and therefore question whether it is representative of noise emissions at the closest residential properties located to the south of the village at a distance of 200m from the site. To address these concerns the applicant has provided a noise contour plan which identifies the

calculated level of noise emissions at the nearest residential property, The Oaks. The noise data provided within this report sets out the levels of noise at this nearest residential property. Via's Noise Engineer accepts these findings. The applicant has also confirmed that groundwater dewatering pumps will not be used within the development and a planning condition is recommended to regulate this matter.

151. It is therefore concluded that the development is compliant with MLP Policy DM1: Protecting Local Amenity which is supportive of minerals development where it is demonstrated that any adverse impacts on amenity from noise are avoided or adequately mitigated to an acceptable level and N&S A&DMD Policy DM5 which requires development proposals to have regard to the impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.
152. To ensure appropriate control and regulation is provided to control the level of noise emissions from the development and to minimise potential adverse impacts, planning conditions are recommended to limit the level of noise emissions from the site so that they do not exceed the levels set out within the noise assessment, controls relating to the hours of operation to ensure consistency with the wider NSDC planning permission (08:00 and 18:00 Mondays to Fridays), for the mobile plant to utilise broadband type (white noise) reversing alarms, and the development of a Construction Environmental Management Plan (CEMP) to regulate noise emissions. It is also recommended that a noise complaints procedure is established.

#### Landscape and Visual Impact

153. The original appraisal of landscape and visual impacts undertaken to inform the NSDC planning decision concluded that the regrading and levelling works of the wider fish farm development would be imperceptible across such a large site and would readily assimilate into the wider setting. It was also considered the areas of woodland and habitat created by the development would positively contribute to the landscape character of the area and would have an acceptable visual impact.
154. The current planning application does not seek to change the size of Pond FP2 from the scheme consented under the NSDC planning permission, but does make modifications to the depth of the pond and no longer incorporates an island. The change to the depth of the pond would not be visually perceptible once backfilled with water and the omission of the original island would not result in any significant visual or landscape effects. The development therefore is considered to comply with MLP Policy DM5: Landscape Character which is supportive of minerals development where it is demonstrated that they will not adversely impact on the character and distinctiveness of the landscape and that landscaping, planting and restoration proposals take account of the relevant landscape character policy area as set out in the Landscape Character Assessments covering Nottinghamshire.

155. The current planning application introduces new aspects to the development project including temporary mineral stockpiling and processing and the extension of the temporary bunding around the site. These aspects of the development would have a minor visual effect, but they would be temporary for the duration of the construction period and thus would not have long term visual or landscaping effects.
156. Planning conditions are recommended to require the grass seeding of the outward facing slope of the soil bunds, controls over stockpile heights to limit them to a maximum 5m height and the removal of the stockpiles, processing equipment and bunds after two years. These measures would minimise the visual impact of these aspects of the development and ensure that these impacts are temporary in nature.

### Ecology

157. The planning decision for the wider development of the fish farm was informed by an ecological impact assessment which confirmed that the wider development site is predominantly in arable agricultural use and of low ecological value, but acknowledged that parts of the site incorporate some areas of more diverse scrub, grassland, trees and hedgerow which have potential to provide a more valuable habitat quality. The NSDC planning permission provides consent for the clearance and redevelopment of this land, subject to ecological mitigation measures regulated through planning conditions.
158. The ecological features of the current development site are consistent with the wider planning application site being predominantly arable agricultural land but also incorporating an area of scrub. The ecological condition of the site has not changed since the NSDC planning permission and the deepening of Pond FP2 will not change the level of ecological impact over and above that which has been previously assessed.
159. Ecological matters, including the need for further/follow-up surveys and various mitigation measures are covered by planning conditions within the NSDC planning permission. Since the application under consideration in this report would not change the character or magnitude of ecological impact, it is recommended that the controls within the NSDC planning permission are replicated within any grant of planning permission for this application, insofar as they are relevant to this application. The matters covered by the planning conditions are set out below:
- The removal of vegetation outside the bird breeding season to avoid disturbance of nesting birds is necessary and should be regulated within any grant of planning permission for this application.
  - The replacement and enhancement of habitats within the site will require regulation within any grant of planning permission for this application. It is recommended that this is delivered in a similar manner to the NSDC planning permission which requires by planning condition the submission



of a landscape and management plan which should be drafted with an ecological focus.

- Although the wider site has potential Great Crested Newt and Reptile habitat, the NCC development area is not considered to provide suitable habitat for these species and therefore adverse impacts are not anticipated. Nevertheless, it is acknowledged that habitats can evolve over time and therefore it is recommended that further surveys are undertaken prior to the clearance of vegetation as a requirement of a planning condition to ensure the ecological baseline has not changed.
- The development does not affect any watercourse and therefore no impacts to water voles and badgers is anticipated, or mitigation required, within any grant of planning permission for this application.
- Although the NCC development area did not contain any badger setts at the time of the original survey, these species are transient in nature and may have formed new habitats since this time. It is therefore recommended that prior to works in the NCC land a fresh survey should be undertaken for active badger setts with appropriate mitigation if necessary, regulated through planning condition.
- The trees/scrub on site have low potential for bat habitat and no further mitigation is required.

160. One specific potential ecological impact directly linked to the deepening of Pond FP2 has been identified in Natural England's consultation response in connection with ground dewatering to artificially lower the water table in the vicinity of Pond FP2 during the extraction works to enable the underlying sand and gravel to be worked dry. Natural England has raised concerns that this dewatering would lower groundwater levels on adjoining land, specifically raising concerns of potential changes to groundwater levels in Spalford Warren Site of Special Scientific Interest (SSSI) and impacts on plants in this habitat. The SSSI is located around 2.8km south west of the application site. In response, the applicant has sought to address the concern by amending their working methodology for the site, no longer proposing to utilise ground dewatering for the extraction of Pond FP2. Instead the site would be extracted 'wet' using long arm excavators and thus ensure there would be no changes to groundwater levels as a result of the development. This modification has addressed Natural England's original concerns regarding potential impacts at Spalford Warren SSSI, enabling them to withdraw their holding objection to the planning application. A planning condition is recommended to ensure that no groundwater dewatering is undertaken within the Pond FP2 application site area to ensure appropriate regulation of this matter.

161. Subject to the above planning conditions, it is concluded that satisfactory mitigation and compensation measures are provided for any impacts to habitats and species resulting from site clearance works and following the re-landscaping of the site the development should result in a net gain to biodiversity and therefore the development is assessed as being compliant with

MLP Policy DM4: Protection and Enhancement of Biodiversity and Geodiversity, N&S CS Core Policy 12: Biodiversity and Green Infrastructure and N&S A&DMD Policy DM7: Biodiversity and Green Infrastructure.

### Dust

162. MLP Policy DM1: Protecting Local Amenity states that proposals for minerals development will be supported where it can be demonstrated that any adverse impacts on amenity from dust emissions are avoided or adequately mitigated to an acceptable level.
163. The outline Construction Environment Management Plan (CEMP) submitted in support of the planning application acknowledges that the excavation of Pond FP2 and associated mineral stockpiling, processing and haulage has potential to generate dust, particularly in dry conditions and therefore identifies the following dust suppression measures to mitigate these impacts:
- Daily weather checks including wind direction;
  - Limiting the speed of vehicles on site, with variable speed limits to suit site conditions;
  - Regular damping down of haul roads;
  - Sheeting vehicles transporting materials;
  - Road sweeping where required.
164. Whilst these arrangements would provide some level of dust control, they could be further supplemented by measures such as minimisation of drop heights of materials, dampening down of stockpiles, and the seeding of soil storage mounds to provide more robust dust control. These matters can be regulated by planning condition with this approach satisfying MLP Policy DM1.

### Flood Risk

165. N&S CS Core Policy 10: Climate Change and N&S A&DMD Policy DM5 (9): Flood Risk and Water Management along with the revised NPPF set out a sequential approach to flood risk. MLP Policy DM2: Water Resources and Flood Risk seeks to ensure minerals development do not have unacceptable impacts in terms of flood risks.
166. Matters in relation to flood risk were assessed as part of the original NSDC planning appraisal. This appraisal identified that the development site is designated as flood zone 2 and flood zone 3 (land with the highest probability of flooding) according to the Environment Agency's flood maps. As part of their decision process NSDC undertook a 'sequential appraisal' of the development consistent with NPPF policy and the supporting planning practice guide, concluding that the proposed fish farm business was compatible with this flood zone category. NSDC were also satisfied that the development would not increase flood risk to surrounding land.

167. The proposed deepening of Pond FP2 would not alter the original conclusion in terms of the flood zone compatibility of the development. The Environment Agency have confirmed they do not raise an objection to the current planning application in the context of flood risk and potential for increased flood risks to surrounding land. It is therefore concluded that the proposed deepening of Pond FP2 is acceptable in terms of potential flood risks and is compliant with the planning policy tests set out above.

#### Surface Water Management

168. N&S CS Core Policy 10: Climate Change and N&S A&DMD Policy DM5 (9): Flood Risk and Water Management seek to ensure that new development positively manages its surface water run-off to ensure that there is no unacceptable impact in run-off into surrounding areas or the existing drainage regime. MLP Policy DM2: Water Resources and Flood Risk states that proposals for minerals development will be supported where it can be demonstrated that there are no unacceptable impacts on surface water quality and flows or groundwater quality and levels at or in the vicinity of the site.
169. It has previously been acknowledged in this report that the deepening of Pond FP2 would provide a body of water of much greater depth to function more satisfactory as a sediment lagoon and assist in the management of suspended solids as part of the wider fish farm construction project. The pond is designed and will be constructed to provide a hydraulic connection to the water table as well as a surface water drainage connection to the Wigsley Drain via the existing drainage ditch located along the northern boundary of phase 2 of the wider fish farm development. The Upper Witham Internal Drainage Board have confirmed they raise no objections to these drainage arrangements and the Council's Flood Risk Management Team is satisfied with the arrangements, confirming that the development will not increase surface water run off or alter existing run off to an extent that it would have a detrimental impact on the wider area. The discharges from the site into the wider water environment would be regulated by a discharge consent issued by the Environment Agency which would control both the rate of flow and the level of silt in the flow to an appropriate level.
170. Based on the above conclusions, it is concluded that the development would not result in any unacceptable flood risk or land drainage issues, and therefore the development is compliant with the planning policy tests set out above.

#### Potential for Ground Remediation

171. The site is currently in use predominantly as agricultural land but historically was used as an RAF airfield. Remnants of the former airfield use including the concrete runway and some structures are still evident on-site which would be disturbed during the proposed development.
172. The NPPF strongly supports the re-use of land that has been previously developed, identifying that when re-development proposals come forward for

previously developed land, opportunities should be taken to remediate and mitigate the despoiled, degraded, derelict condition of the land and address any contamination issues. N&S A&DMD Policy DM10: Pollution and Hazardous Materials is consistent with NPPF policy.

173. An inspection of the NSDC committee report and subsequent planning appeal decision identifies that it does not discuss the potential for ground contamination from the historical use of the site as an airfield and there is no obligation or requirement within the planning conditions for the developer to undertake any ground contamination investigation or remediation works as part of the wider fish farm development.
174. Advice has been taken from VIA's Reclamation Officer who advises that the site may incorporate contamination which the proposed development has the potential to disturb, introducing new potential pollution pathways and pollution exposure to receptors. The submitted planning application does not include any information to assess the level of risk associated with the proposal and whether any identified risks can be adequately mitigated or controlled.
175. The historical use of the site is not considered to present a significant pollution hazard or risk. To ensure that any residual risks are minimised and managed appropriately it is recommended that a planning condition is imposed as part of any grant of planning permission to require an appropriate programme of site investigation and monitoring works prior to commencing the development with a specific focus on the areas of most potential pollution risk including the abandoned structures and demolition rubble, an investigation of radioactive contaminants based on the historical use of radium paint in flight instruments at the time that the airfield was in use, and consideration of the potential to encounter discarded ammunition. This approach would be consistent with N&S A&DMD Policy DM10 and NPPF policy.

#### Archaeology

176. A&S A&DMD Policy DM9: Protecting and Enhancing the Historical Environment requires development proposals to take account of their effect on sites of potential archaeological interest. MLP Policy DM6: Historic Environment requires development proposals for minerals development on a site of archaeological importance to incorporate satisfactory mitigation measures which may include preservation in situ or the excavation and recording of any affected archaeological remains.
177. The planning application site is not designated or of local interest for its archaeological features and the Council's Historic Environment Record does not incorporate any records of archaeological features within the site.
178. An inspection of the NSDC committee report and subsequent planning appeal decision identifies that it does not discuss the potential archaeological implications of the development and there is no obligation or requirement within the planning conditions for the developer to undertake any archaeological recording or mitigation works as part of this development.

179. Advice has been taken from NCC's Archaeological Officer who acknowledges that the development site is unlikely to incorporate significant archaeological features but notes that the absence of an archaeological designation or archaeological records for the site does not rule out the potential that the extraction works may encounter archaeological features. However, the Archaeological Officer acknowledges that the planning application site benefits from planning permission for the wider fish farm development which permits the extraction of Pond FP2 to a shallower depth. Since the modifications sought within the current planning application relate to increasing the depth of this previously consented pond and therefore would not further impact any archaeology features of the site due to their presence near the surface of the site, the Archaeological Officer does not wish to raise any comments or recommendations in respect of the current planning application.

#### Duration of works and scope for further minerals extraction

180. Wigsley Parish Meeting have expressed concerns regarding the duration of the works associated with the deepening of Pond FP2. The planning submission confirms the construction project associated with the deepening of Pond FP2 would be for two years with excavation works being undertaken in the first year and haulage of minerals and replacement of soils within the second year. A planning condition is recommended to regulate these matters.
181. Wigsley Parish Meeting have also raised concerns that the applicant may subsequently seek to deepen the wider network of ponds if this planning application was successful. This question has been raised with the applicant who has stated that this is not proposed. Since this planning application is clear in terms that it only seeks planning permission to deepen Pond FP2, no development consent would be provided for any wider excavation project as part of any planning approval and the Council can only consider the scheme which is in front of it for determination. Any further proposal(s) to deepen other ponds would be subject to a separate planning application to the Minerals Planning Authority.

#### **Other Options Considered**

182. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted but the report does identify there are alternative solutions to construct a settlement lagoon which would be less significant to construct, but would not provide the wider benefits when compared to the deepening of Pond FP2, specifically in terms of supporting the operational fish farm to grow fish to a larger size and the economic benefits this brings to the viability of the business.

#### **Statutory and Policy Implications**

183. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human

resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

#### Crime and Disorder Implications

184. The development would utilise mobile plant and machinery which would be secured at night-time and weekends when not in use.

#### Data Protection and Information Governance

185. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

#### Financial Implications

186. None arising.

#### Human Resources Implications

187. None arising

#### Human Rights Implications

188. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

#### Public Sector Equality Duty Implications

189. None arising.

#### Safeguarding of Children and Adults at Risk Implications

190. None arising.

#### Implications for Service Users



191. None arising.

#### Implications for Sustainability and the Environment

192. These have been considered in the Observations section above.

#### **Conclusion**

193. In terms of assessing the merits of the current planning application, it is not necessary to re-examine the original planning merits of the wider fish farm development and therefore the focus of the planning assessment is in respect of the planning issues associated with the deepening of Pond FP2 and the recovery of approximately 70,000 tonnes of sand and gravel.
194. The deepening of Pond FP2 is considered to provide benefits to the wider fish farm in terms of silt management during the construction phase and to the productivity/viability of the fish farm business once operational and therefore the development is supported by Nottinghamshire Minerals Local Plan (MLP) Policy DM13: Incidental Mineral Extraction, subject to there being no unacceptable environmental impacts. The economic benefits of the development to the wider business are also positively supported by paragraph 81 of the NPPF which requires significant weight to be given to the economic benefits in planning decisions.
195. The excavation of Pond FP2 to a greater depth of 6m and the recovery of the underlying mineral represents a significant development project. Careful consideration has been given to the potential significance of the environmental effects of these works as required by MLP Policies DM13 and DM1: Protecting Local Amenity.
196. The NSDC wider fish farm development involved limited HGV movements associated with the removal of soils averaging one HGV load a day. The extraction, processing and sale of minerals associated with the deepening of Pond FP2 significantly increases the volume of HGV traffic associated with the construction works but would not result in a significant uplift in vehicle movements along Wigsley Road, Hives Lane, Besthorpe Road and Sand Lane or the wider highway network. Significant adverse highway impacts are not anticipated as a result of the proposed development and it is concluded that the vehicle movements likely to be generated can be safely accommodated on the highway network without unacceptable disturbance to local communities. The development is therefore considered to be compliant with MLP Policy DM9 and N&S A&DMD Spatial Policy 7.
197. In terms of noise emissions, the deepening of Pond FP2 would have a negligible/low noise impact and be unlikely to result in adverse noise impact to the surrounding area. Planning conditions are proposed to regulate noise emissions and ensure compliance with MLP Policy DM1: Protecting Local Amenity and N&S A&DMD Policy DM5.

198. The development does not change the size of Pond FP2 from the scheme consented under the NSDC planning permission. Modifications to the depth of the pond would not be visually perceptible once backfilled with water and the omission of the original island would not result in any significant visual or landscape impacts. Visual impacts from the stockpiling and processing of sand and gravel are temporary and mitigated by the presence of screen bunding.
199. In terms of ecology, significant impacts to habitats and species as a result of site clearance works are not anticipated and following the re-landscaping of the site, which would be required to have an ecological focus, the development should result in a net gain to biodiversity and therefore the development is assessed as being compliant with MLP Policy DM4: Protection and Enhancement of Biodiversity and Geodiversity, N&S CS Core Policy 12: Biodiversity and Green Infrastructure and N&S A&DMD Policy DM7: Biodiversity and Green Infrastructure.
200. Environmental impacts and emissions in terms of dust release and control, flood risk and drainage, potential contamination from the former airfield use of the site and archaeology have been reviewed and appropriate mitigation and controls have been identified where necessary within the schedule of planning conditions to ensure there would be no significant harmful impacts.
201. Overall, it is concluded that the deepening of Pond FP2 would be beneficial to the wider fish farm development both during the construction and operational periods and would not result in any significant harmful impacts. The planning application is therefore supported by MLP Policy DM13 and the wider policies of the development plan.

### **Statement of Positive and Proactive Engagement**

202. In determining this application the Mineral Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies; the National Planning Policy Framework, including the accompanying technical guidance. The Mineral Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the application. Issues of concern have been raised with the applicant, and have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions and the Mineral Planning Authority. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **RECOMMENDATIONS**

203. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

**Derek Highton**  
**Service Director, Place and Communities.**

### **Constitutional Comments**

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

[RHC 06/06/2022]

### **Financial Comments**

There are no specific financial implications arising directly from this report.

(SES 27/05/2022)

### **Background Papers Available for Inspection**

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at:  
[www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=F/4338](http://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=F/4338)

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

Collingham                      Councillor Debbie Darby

Report Author/Case Officer

Mike Hankin

0115 9932582

For any enquiries about this report, please contact the report author.

F/4338  
W002264.doc

## RECOMMENDED PLANNING CONDITIONS

### Commencement

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

*Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.*

2. No part of the development hereby permitted shall be implemented until such time that:

- a. The developer has obtained a further planning permission or development consent from Newark and Sherwood District Council to modify the wider fish farm development originally consented under Planning Permission 19/00551/FULM which ensures that the wider development project consisting of the permitted fish farm development is fully consistent with scheme hereby granted planning permission by the Minerals Planning Authority (MPA) for the deepening of Pond FP2 and associated works, and;
- b. The MPA have provided confirmation in writing to the Applicant that they are satisfied that the deepening of Pond FP2 is fully consistent with any further planning permission or development consent from Newark and Sherwood District Council to modify the wider fish farm development originally consented under Planning Permission 19/00551/FULM thereby ensuring that the wider development project consisting of the permitted fish farm development is fully consistent with scheme hereby granted planning permission by the MPA , and
- c. Any further planning permission or development consent from Newark and Sherwood District Council to modify the wider fish farm development originally consented under Planning Permission 19/00551/FULM thereby ensuring that the wider development project consisting of the permitted fish farm development is fully consistent with the scheme that is hereby granted planning permission by the MPA has been lawfully commenced

*Reason: To ensure that the deepening of Pond FP2 is undertaken as part of the wider fish farm development at Wigsley.*

3. The Minerals Planning Authority (MPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to:
  - a. the commencement of the development hereby permitted.
  - b. the commencement of mineral extraction.

*Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.*

#### **Schedule of Approved Documents**

4. Except where amendments are made pursuant to the other conditions in this planning permission, the development hereby permitted shall only be carried out in accordance with the following plans and documents:
  - a. Drawing No. DH/400/18: Location Plan dated 23/08/2021 and received by the MPA on 12/10/2021
  - b. Drawing No. DH/408/17.2: Float Fish Farm, Wigsley dated 30/03/2022 and received by the MPA on 31/03/2022.
  - c. Drawing No. DH/409: Finished Lake Design, Float Fish Farm, Wigsley dated 30/03/2022 and received by the MPA on 31/03/2022.
  - d. Drawing No. DH/410/10: Float Fish Farm, Wigsley dated 30/03/2022 and received by the MPA on 31/03/2022.
  - e. Drawing No. FFF/01/A Rev. 1: Desilting Lagoon Plan and Section dated 14/03/2022 and received by the MPA on 31/03/2022.
  - f. Drawing: Typical Inlet and Outlet Detail received by the MPA on 31/03/2022.

*Reason: For the avoidance of doubt as to the development that is permitted.*

#### **Scope of Development**

5. The deepened Pond FP2 shall only be used as a settlement lagoon to serve the wider fish farm construction project at Wigsley and upon completion of these construction works the pond shall be used as a fish breeding/growing pond ancillary to the use of the wider fish farming business. The pond shall not be used for recreational or competitive angling purposes.

*Reason: To define the scope and use of the development hereby approved.*

6. The maximum depth of excavations within Pond FP2 shall be 6m measured from existing ground levels, and the works shall be carried out in accordance with the specification shown on Drawing No. FFF/01/A Rev. 1: Desilting Lagoon Plan and Section dated 14/03/2022 and received by the MPA on 31/03/2022.

*Reason: To define the scope and use of the development hereby approved.*

#### **Duration of Construction Works**

7. The excavation of mineral from Pond FP2 shall be completed no later than 12 months following the commencement of mineral extraction, as notified under the requirements of Condition 3a. Thereafter, the stockpiling, processing and haulage of these materials shall be completed no later than 24 months following

the commencement of mineral extraction, as notified under the requirements of Condition 3a.

*Reason: To ensure the development is carried out within an appropriate timescale in accordance with the Nottinghamshire Minerals Local Plan Policy DM12.*

### **Contractors Plant and Buildings**

8. Prior to the commencement of the mineral extraction, details of the number, size, height and location of any temporary buildings, cabins, wheelwash and processing plant/equipment required in connection with the excavation of Pond FP2 shall have been submitted to and approved in writing by the MPA. The facilities shall be installed in strict accordance with the approved details and retained for a temporary period not exceeding two years following the commencement of planning permission as notified under Condition 3b. All structures, plant and equipment shall have been removed from the site by the expiry of this two-year temporary period.

*Reason: To minimise the magnitude and duration of visual impacts resulting from the plant and buildings which are to be installed to facilitate the construction project in accordance with the requirements of Nottinghamshire and Nottingham Minerals Local Plan Policy DM1. These details are required prior to the commencement of the development to ensure that the construction works which are carried out from the start of the development are undertaken in accordance with an approved scheme.*

### **Construction Environmental Management Plan**

9. Prior to the commencement of the development hereby permitted a Construction Environmental Management Plan (CEMP) shall have been submitted to and approved in writing by the MPA. The CEMP shall include but not be limited to:
  - a. Contractors' access arrangements for vehicles, plant and personnel, and facilities for parking of contractors' vehicles;
  - b. Segregation of pedestrian and vehicular movements on the site;
  - c. Contractors' site storage area/compound;
  - d. Temporary means of enclosure and demarcation of the site operational boundaries, to be erected prior to the commencement of construction operations in any part of the site and maintained for the duration of construction operations;
  - e. Arrangements for the management of oil and chemical storage;
  - f. Aquifer protection measures during the construction work;



- g. Measures to ensure the risks to groundworkers arising from potential ground contamination are minimised;
- h. A method statement for minimising the amount of construction waste resulting from the development to include details of the extent to which waste materials arising from the site clearance and construction activities will be reused on site and demonstrating that as far as reasonably practicable, maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be removed from the site for reuse, recycling, composting or disposal;
- i. Site contact details and management arrangements for handling any environmental complaints regarding the operation of the site.

The CEMP shall be implemented as approved throughout the construction and commissioning of the development.

*Reason: In the interests of visual and highways amenity and to ensure that the development is in compliance with Policy DM1 of the Nottinghamshire Minerals Local Plan. These details are required prior to the commencement of the development to ensure that the construction works which are carried out from the start of the development are undertaken in accordance with an approved scheme.*

## **Ground Remediation**

10. No development approved by this planning permission shall be commenced until:
  - a. a site investigation and risk assessment recommended in the submitted Phase 1 Contaminated Land Assessment received by the MPA on 31<sup>st</sup> March 2022 has been completed and approved by the MPA, including consideration of:
    - i. risks related to the historical airfield, such as unexploded ammunitions and radium;
    - ii. the potential for the permanent deep excavation to create new pathways for contaminants to migrate to sensitive receptors.
 and (if contamination is identified);
  - b. a Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters and on the proposed land use, using the information obtained from the site investigation, has been submitted to the MPA and approved in writing by the MPA prior to that remediation being carried out on the site.

The approved remediation works shall be completed in accordance with the Method Statement approved in compliance with 10 b) to the satisfaction of the MPA.

*Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of soil and/or water pollution in line with paragraph 174 of the National Planning Policy Framework. These details are required prior to the commencement of the development to ensure that the construction works which are carried out from the start of the development are undertaken in accordance with an approved scheme.*

11. A validation report including evidence of post remediation sampling and monitoring results, to demonstrate that the required remediation has been fully met shall be submitted to and approved in writing by the MPA prior to Pond FP2 entering use as a settlement lagoon.

*Reason: To ensure that the development does not contribute to; and is not put at unacceptable risk from or adversely affected by, unacceptable levels of soil and/or water pollution in line with paragraph 174 of the National Planning Policy Framework.*

12. Following satisfactory completion of all required remediation works and validation reporting, a watching brief to deal with previously unidentified contamination which may be encountered shall be submitted to and approved in writing by the MPA. Development shall be carried out in accordance with the approved details. If during development, contamination not previously identified is found to be present, no further development shall be carried out, unless first agreed in writing by the MPA, until a remediation strategy to deal with unsuspected contamination (including validation that contamination has been satisfactorily remediated) has been submitted to and approved in writing by the MPA. Development shall be carried out in accordance with the approved details.

*Reason: To ensure that the development does not contribute to; and is not put at unacceptable risk from or adversely affected by, unacceptable levels of soil and/or water pollution in line with paragraph 174 of the National Planning Policy Framework.*

## **Visual Impact**

13. Minerals excavated from Pond FP2 shall only be stored within the areas shaded red (extraction area) and green (processing area) on Drawing No. DH/408/17.2 received by the MPA on 31<sup>st</sup> March 2022 and not in any other locations within the wider fish farm development site. Stockpile heights shall not exceed 8m. No excavated materials shall be stored on site for a period of more than 12 months.

*Reason: To minimise the magnitude of visual impacts resulting from material storage in accordance with the requirements of Nottinghamshire and Nottingham Minerals Local Plan Policy DM1.*

14. The soil bunds proposed along the northern and western boundary of the development site, identified with red shading on Drawing No. DH/408/17.2 received by the MPA on 31<sup>st</sup> March 2022 shall be constructed to their full height of

4m prior to the commencement of mineral extraction within the Pond FP2 area. Following their construction, the soil bunds shall be grass seeded in the first available seeding season. If, in the opinion of the MPA, the soil bunds fail to establish satisfactory grass coverage, the bunds shall be further reseeded following a written request from the MPA.

*Reason: In the interest of visual amenity, noise and dust control and to ensure compliance with Nottinghamshire and Nottingham Minerals Local Plan Policy DM1.*

## Highway Safety

15. No part of the development hereby permitted shall be commenced until the access as shown on the indicative drawing ref. drawing no. 22240- 01. Titled: Wigsley, dated July 2020 and received by the MPA on 12<sup>th</sup> October 2021 is constructed in bound material for a minimum distance of 15m from the carriageway edge. The access should be suitably drained to prevent surface water from the site from entering the highway and shall be maintained to the satisfaction of the MPA for the life of the development.

*Reason: To protect the structural integrity of the highway, allow for future maintenance, in the interest of highway safety and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM9. These details are required prior to the commencement of the development to ensure that the satisfactory access is provided to serve the construction project.*

16. No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. 22240-01. Titled: Wigsley, dated July 2020 and received by the MPA on 12<sup>th</sup> October 2021 are provided. The area within the visibility splays shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

*Reason: In the interest of highway safety and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM9. These details are required prior to the commencement of the development to ensure that satisfactory access is provided to serve the construction project.*

17. No development hereby permitted shall commence until wheel washing facilities have been installed on the site. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road. In the event that the wheel washing facilities do not satisfactorily control mud, clay or other deleterious materials being deposited upon the public highway, then within one month of the written request from the MPA details of additional steps or measures to be taken in order to prevent the deposit of materials upon the public highway shall be submitted in writing to the MPA. The revised steps and measures shall be implemented within one month of their approval by the MPA and thereafter maintained for the life of the site.

*Reason: To prevent mud and other deleterious material contaminating the highway in accordance with Nottinghamshire Minerals Local Plan Policy DM9. The submission is required prior to the commencement of the development to ensure the public highway is protected from contamination at all stages of the development project.*

18. All vehicles transporting processed material from the site shall be fully covered by sheeting prior to leaving site.

*Reason: To prevent mud and other deleterious material contaminating the highway in accordance with Nottinghamshire Minerals Local Plan Policy DM9.*

19. All lorries associated with the haulage of mineral and other materials from the development site shall ingress and egress the site from the south via Wiglsey Road, Hives Lane, Besthorpe Road and Sand Lane leading to access to the A1133 and the wider highway network. Haulage vehicles shall not be permitted to utilise other alternative local routing options to surrounding major roads. The operator shall ensure that signage is erected and retained for the duration of haulage operations at the site entrance to clearly identify the approved lorry routeing and delivery instructions shall be issued to drivers to ensure they are notified of the approved haulage route.

*Reason: In the interests of highway safety and environmental protection and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM9.*

## **Protection of Water Resources**

20. The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the MPA. The scheme shall be implemented as approved.

*Reason: To prevent silty water from entering the water environment and to protect water quality and biodiversity and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM2. These details are required prior to the commencement of the development to ensure that the construction works which are carried out from the start of the development are undertaken in accordance with an approved scheme.*

## **Hours of Operation**

21. Except in the case of an emergency when life, limb or property are in danger and with such instances notified in writing to the WPA within 48 hours of their occurrence, mineral extraction, soil and overburden stripping/replacement, mineral processing and haulage movements shall only take place between

08:00 – 18:00 Monday to Friday. There shall be no activity on the site or haulage operations outside of these hours during the weekday, on Saturdays, Sundays and on Bank and other Public Holidays.

*Reason: To minimise noise and wider environment impacts arising from the operation of the site, and to protect the amenity of nearby residential properties in accordance with Nottinghamshire Minerals Local Plan Policy DM1.*

## Noise

22. The maximum free-field noise levels (LAeq,1hr) resulting from all site operations shall not exceed the noise level of 47.3 dB at Receptor 1 located near the Camper UK Leisure Park and 48.1 dB at Receptor 2 located at properties north of the proposed development in Wigsley village.

*Reason: To control noise levels arising from the operation of the site and ensure the protection of the amenity of nearby occupiers of land and property, in accordance with Nottinghamshire Minerals Local Plan Policy DM1.*

23. In the event of a justifiable noise complaint received and following a written request being made by the MPA, the operator shall conduct a noise survey to demonstrate whether the site is operating in compliance with Condition 22 above. The results of the noise survey shall be submitted to the MPA in writing within 21 days of the written request for approval in writing, and in the event that the approved noise levels are being exceeded the report shall incorporate a scheme to provide additional noise mitigation to ensure compliance with the approved noise limits. Following approval, the operator shall implement the supplementary noise management controls at the earliest practical opportunity and no later than 30 days following approval. The operator shall thereafter undertake a further noise assessment within 14 days to confirm noise levels comply with the noise limits set out within Condition 22. The additional noise mitigation measures shall thereafter be retained for the life of the development.

*Reason: To control noise levels arising from the operation of the site and ensure the protection of the amenity of nearby occupiers of land and property, in accordance with Nottinghamshire Minerals Local Plan Policy DM1.*

24. Vehicles and mobile plant under the operator's control shall be fitted with broadband type (white noise) reversing alarms.

*Reason: To minimise noise impacts arising from the operation of the site, in accordance with Nottinghamshire Minerals Local Plan Policy DM1.*

## Dust

25. Fugitive dust emissions from the development shall be controlled and minimised as far as practicably possible to ensure dust does not leave the boundary of the site. Measures to control the release of dust shall include but not be limited to:
- i. The use (as appropriate) of a dust suppression system within areas likely to give rise to fugitive dust emissions;
  - ii. The use as appropriate of water bowsters and/or spray systems to dampen haul roads, vehicle circulation and manoeuvring areas;
  - iii. All vehicles transporting materials from the site shall be fully enclosed/sheeted prior to entering the public highway.

In the event that these controls do not satisfactorily control the release of fugitive dust emissions from the site, then upon the written request of the MPA, the operator shall submit a scheme to provide supplementary dust control for the site within 14 days of a written request being made. The supplementary dust control measures shall thereafter be implemented immediately following approval in writing by the MPA and retained throughout the operational life of the site.

*Reason: To minimise potential dust disturbance at the development, in accordance with Nottinghamshire Minerals Local Plan Policy DM1.*

## Ecology

26. There shall be no pruning, removal of hedgerows, vegetation or trees during the bird breeding season (March to September inclusive) until an ecological survey has first been submitted to and approved in writing by the MPA, which should clearly demonstrate that the vegetation to be cleared is not utilised for bird nesting. Should the ecological survey identify the presence of any nesting birds, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the MPA. Nest site protection shall thereafter be provided in accordance with the approved methodology.

*Reason: To minimise potential adverse ecological impacts to protected species in accordance with the requirements of Nottingham Minerals Local Plan Policy DM4.*

27. Prior to the removal of vegetation on any part of the site, an ecological survey shall be undertaken of the area to be cleared in the 14 day period prior to clearance works being undertaken to identify the presence or otherwise of reptiles, great crested newts, badgers or any other protected species. The results of the ecological survey shall be submitted to the MPA as part of a report for approval in writing. In the event that the survey identifies the presence of reptiles, great crested newts, badger or other protected species, the report shall identify a mitigation strategy to avoid adverse impacts to the species. Vegetation clearance shall only be undertaken following the MPA's written



approval to confirm the works can progressed, and shall be carried out in compliance with any agreed mitigation measures.

*Reason: To minimise potential adverse ecological impacts to protected species in accordance with the requirements of Nottingham Minerals Local Plan Policy DM4.*

28. The excavation of Pond FP2 shall be undertaken 'wet' and the construction project shall not involve any ground dewatering to artificially lower the natural groundwater levels as part of the project. No dewatering pumps shall be operated within the planning application site.

*Reason: To minimise potential adverse ecological impacts from changes in groundwater levels at Spalford Warren Site of Special Scientific Interest in accordance with the requirements of Nottingham Minerals Local Plan Policy DM4 and to minimise potential adverse noise impacts from the operation of pumps on the site in accordance with the requirements of Nottinghamshire Minerals Local Plan Policy DM1.*

29. Within 12 months of the commencement of planning permission, as notified under the requirements of Condition 3, an aftercare management/ecological enhancement strategy for the site shall be submitted to and approved in writing by MPA. The aftercare management/ecological enhancement strategy shall include but is not limited to:

- a. A hard and soft landscape scheme for the site.
- b. Creation of vegetated shallows within the ponds where invertebrates and amphibians may be safe from fish predation.
- c. Light management of areas of the Site to create a mosaic of rough grassland and scrub.
- d. Seeding and management of areas at the periphery of the site for wildflowers.
- e. Selection of native species for all landscape plants to include the proposed species, their numbers, density, disposition and establishment measures.
- f. Erection of bird and bat boxes on retained trees and/or ancillary buildings. Boxes should include a range of shapes made from long lasting materials (i.e. Woodcrete or Stonecrete).
- g. Detail the treatment of site boundaries and/or buffers around water bodies.
- h. A timetable for undertaking these works and management arrangements for a period of five years.

The development shall be carried out in accordance with the approved scheme and the timings for implementation. Any planting which, within a period of five years of being planted dies, are removed or become seriously damaged or

diseased shall be replaced in the next planting season with others of similar size and species

*Reason: To ensure satisfactory mitigation of potential adverse ecological effects from the development in accordance with the requirements of Nottinghamshire Minerals Local Plan Policy DM1 and to ensure the site is appropriately re-landscaped and planted following the completion of the construction project.*

## **Soil Handling**

30. At least 7 days' notice in writing shall be given to the MPA prior to the commencement of topsoil stripping or the replacement of soils on any part of the site.

*Reason To ensure satisfactory management of soils in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.*

31. All soils shall be stripped, handled, stored and replaced in accordance with the following methodology:
- a. Soil stripping shall not commence until any vegetation has been cut and removed.
  - b. Topsoil and subsoil shall only be stripped and replaced when they are in a dry and friable condition and movements of soils shall only occur:
    - when all soil above a depth of 300mm is in a suitable condition that it is not subject to smearing;
    - when topsoil is sufficiently dry that it can be separated from subsoil without difficulty.
    - when it is raining;
    - when there are pools of water on the surface of the soils storage mound or receiving area.
  - c. Topsoil and subsoil shall be stripped to their full depth.
  - d. No plant or vehicles shall cross any area of unstripped or replaced topsoil or subsoil except where such trafficking is essential and unavoidable for purposes of undertaking permitted operations. Essential trafficking routes shall be marked in such a manner as to give effect to this condition. No part of the site shall be excavated or traversed or used for a road, or storage of subsoil or overburden or waste or mineral deposits, unless all available topsoil and subsoil to a minimum depth of 1000mm, has been stripped from that part.

*Reason To ensure appropriate management of soils in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.*

32. Only low ground pressure machines shall work on re-laid topsoil or subsoil to replace and level topsoil. Topsoil shall be lifted onto subsoil by equipment that is not standing on either re-laid topsoil or subsoil. The re-spread topsoil shall be rendered suitable for agricultural cultivation by loosening and ripping:
- to provide loosening equivalent to a single pass at a tine spacing of 1.5 metres or closer;
  - to full depth of the topsoil plus 100mm;
  - and any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth not less than 2 metres below the final settled contours.

*Reason To ensure satisfactory restoration of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.*

### **Partial extraction of development project**

33. Should, for any reason, mineral extraction not be completed in compliance with the depths and specification of working identified on Drawing No. FFF/01/A Rev. 1: Desilting Lagoon Plan and Section dated 14/03/2022 and received by the MPA on 31/03/2022, a revised scheme for the developing Pond FP2 shall be submitted to the MPA for approval in writing. The revised scheme shall include a schedule of timings, final contours, provision of soiling, sowing of grass, planting of trees and shrubs, drainage and fencing with consideration given to modifying the contours and enhancing the ecological features of the pond if it was not to be used for fish rearing. The revised restoration scheme shall be implemented within 12 months of its approval by the MPA, and shall be subject to the ecological enhancement works in accordance with the details set out above.

*Reason: To ensure satisfactory restoration of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.*

### **Informatives/notes to applicants**

1. The consent of Severn Trent Water will be required for either a direct or indirect connection to the public sewerage system under the provisions of Section 106 of the Water Industries Act 1991. Current guidance notes and an application form can be found at [www.stwater.co.uk](http://www.stwater.co.uk) or by contacting Severn Trent Water New Connections Team (01332 683369).
2. Although statutory sewer records do not show any public sewers within the site there may be sewers which have recently been adopted under the Transfer of Sewer Regulations. Public sewers have statutory protection and may not be

built close to, directly over or be diverted without consent and it is advised that Severn Trent Water should be contacted (0247 771 6843).

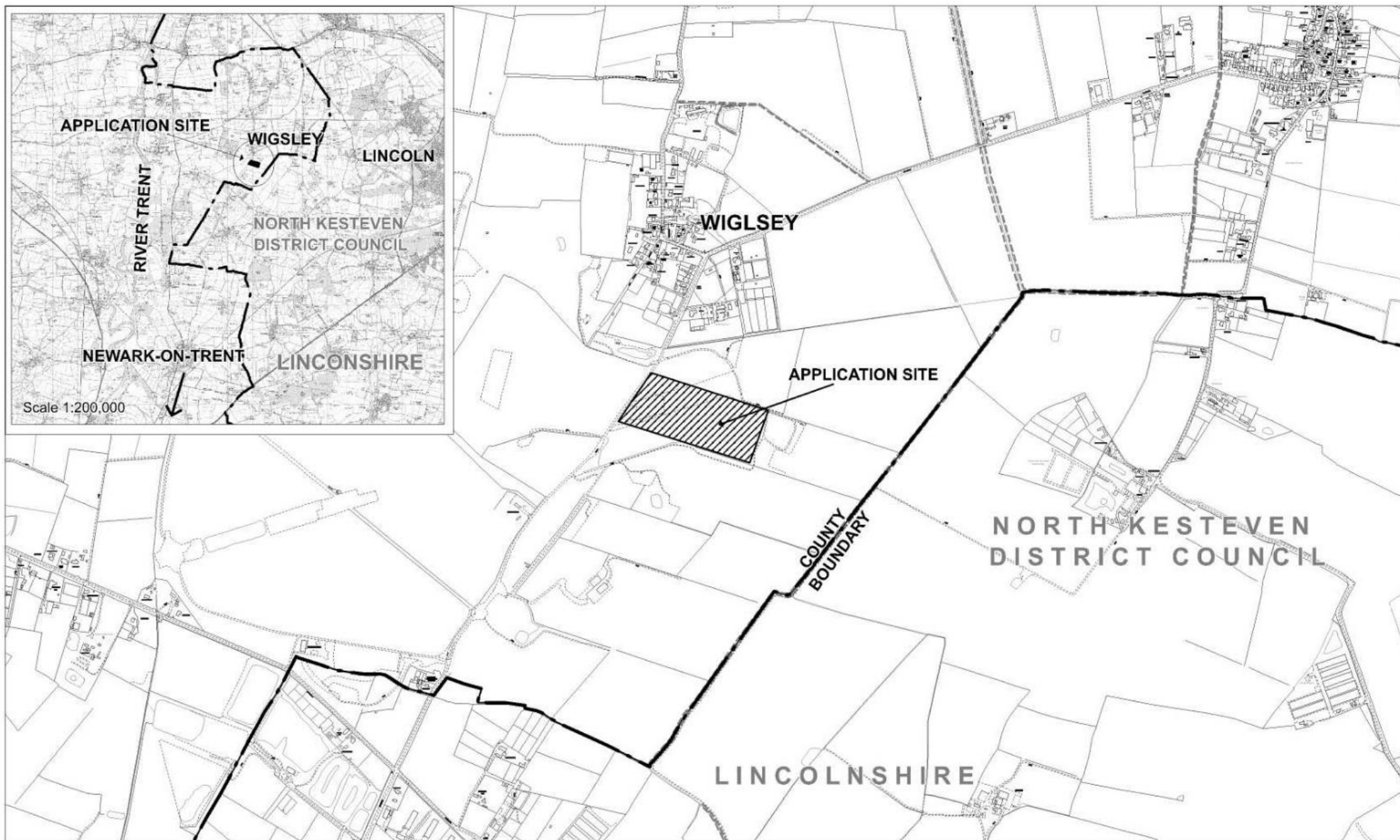
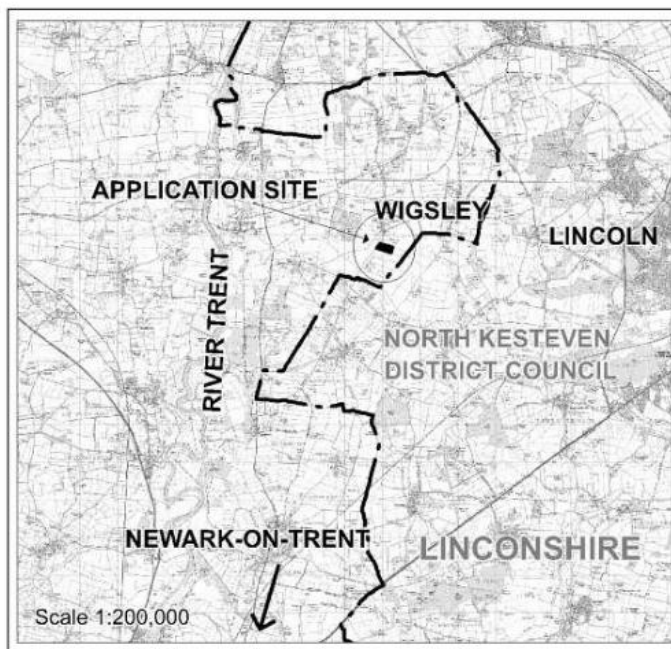












**Nottinghamshire  
County Council**

Creation of Fish Farming Pond shown on plan FP2 to involve Incidental Mineral Extraction, processing and export of minerals,  
forming pre phase of the wider development granted under Appeal Decision ref: 19/00551/FULM  
Field Reference 7600, off North Scarle Road, Wigsley, Nottinghamshire.  
Planning Application No. 32/02478/CMA

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the  
Controller of Her Majesty's Stationery Office © Crown copyright.  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2022)

Scale 1:15,000

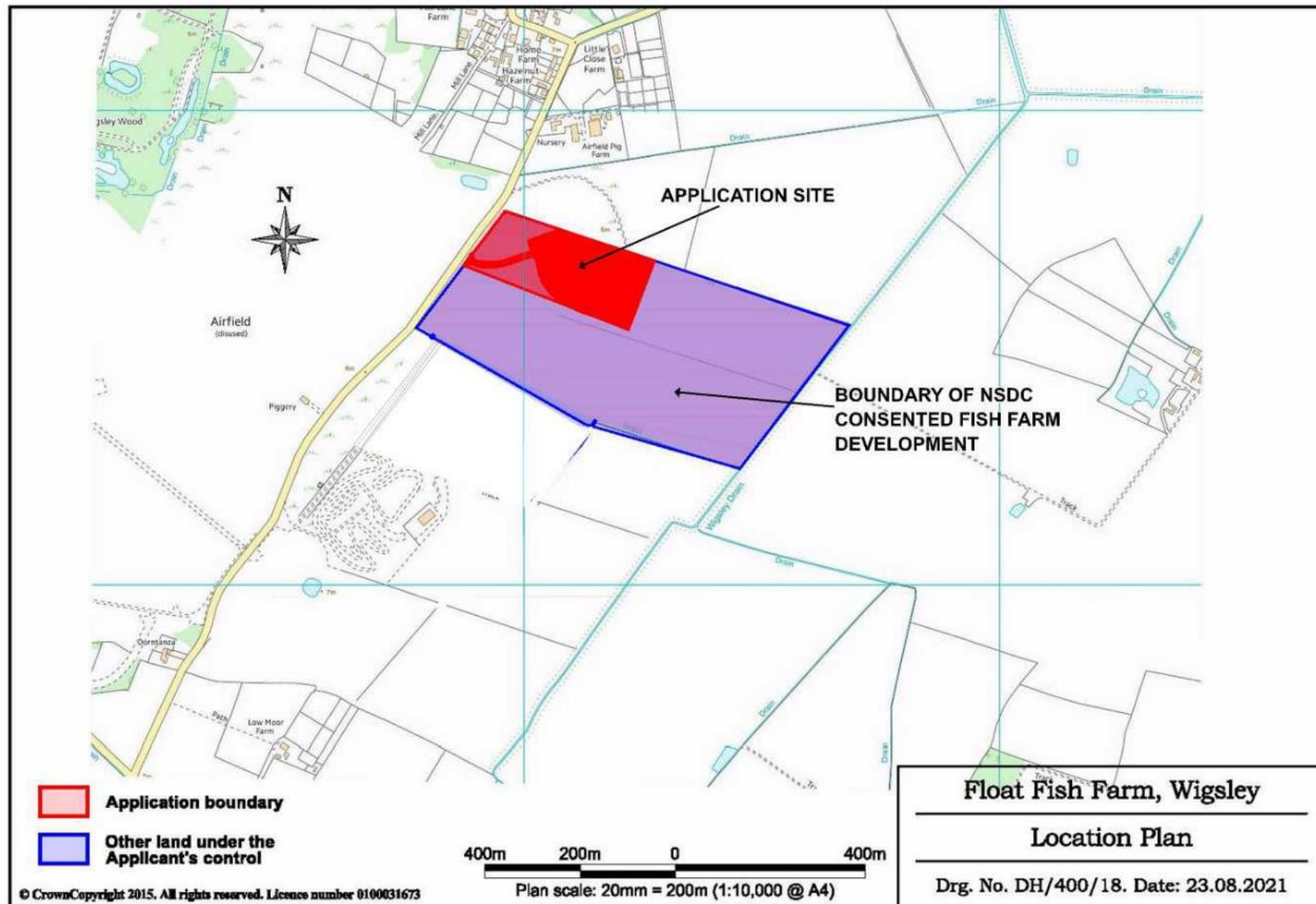
Produced by: JW

Date: SEPT 2022



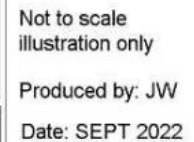
**PLAN 1**





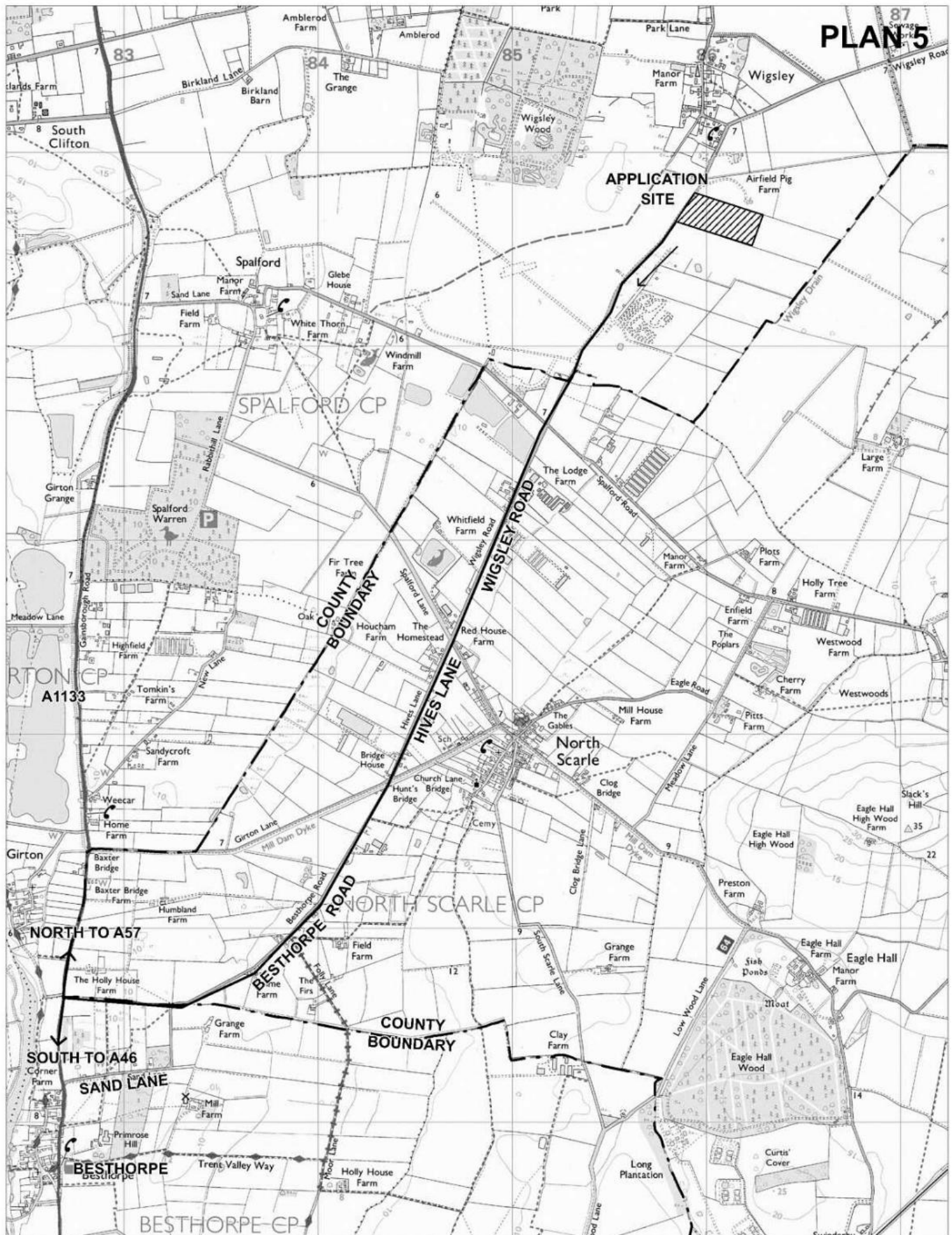












Creation of Fish Farming Pond shown on plan FP2 to involve Incidental Mineral Extraction, processing and export of minerals, forming pre phase of the wider development granted under Appeal Decision ref. 19/00551/FULM Field Reference 7600, off North Scarle Road, Wigsley, Nottinghamshire.

Planning Application No 3478/CMA

Page 349 of 406

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2022)

Scale 1:15,000



Produced by: JW

Date: SEPT 2022



27<sup>th</sup> September 2022

Agenda Item: 12

**REPORT OF SERVICE DIRECTOR, PLACE AND COMMUNITIES****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/22/00336/CMA**

**PROPOSAL:** PROPOSED RELOCATION OF THE EXISTING MINERAL PROCESSING PLANT, MINERAL STOCKPILING AREAS, WEIGHBRIDGE, WEIGHBRIDGE OFFICE, CANTEEN, CHANGING ROOMS AND ASSOCIATED INFRASTRUCTURE. THE LAND IS PROPOSED TO BE RESTORED TO BENEFIT WILDLIFE AND BIODIVERSITY ENHANCEMENT.

**LOCATION:** LAND TO THE NORTH OF THE EXISTING CROMWELL QUARRY, THE GREAT NORTH ROAD, CROMWELL, NOTTINGHAMSHIRE, NG23 6JE

**APPLICANT:** CEMEX UK OPERATIONS LIMITED

**Purpose of Report**

1. To consider a planning application to relocate the existing mineral processing plant site at Cemex's Cromwell Sand and Gravel Quarry onto an adjacent parcel of land. The proposed relocation of the mineral processing plant site and associated infrastructure will enable the applicant to extract previously consented sand and gravel reserves which lie beneath the existing plant site, ensuring these minerals do not become sterilised and thus provide for the sustainable use of this mineral resource as well as ensuring Nottinghamshire continues to meet its year on year supply of sand and gravel to the marketplace in compliance with MLP Policy MP1 and Policy MP2.
2. The key issue relates to the protection of the environment, specifically the ecological effects of the development having regard to the fact that the development site forms part of a Local Wildlife Site ecological designation.
3. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1 and the applicant entering into a Section 106 legal agreement to ensure that existing lorry routeing controls associated with the operation of the quarry are rolled forward into this new planning consent.

**The Site and Surroundings**



4. Cromwell sand and gravel quarry is located on land between the River Trent to its east and the A1 to its west, approximately 7km north of Newark. The closest settlement is Cromwell village, located to the west on the opposite side of the A1. Carlton on Trent village is located approximately 1.5km to the north, North Muskham village is located approximately 2km to the south and Collingham village is located approximately 2km to the east on the opposite side of the River Trent (see Plan 1).
5. There is a long history of mineral extraction at Cromwell. Mineral extraction is currently ongoing from 35 hectares of land incorporating a southern extension site granted planning permission in 2020. More historical sand and gravel workings were undertaken by Lafarge-Tarmac on land to the immediate north of the operational Cemex site which is now predominantly re-vegetated and re-naturalised. The site is also located close to Besthorpe and Langford Quarries which are sited on the opposite side of the River Trent (see Plan 2).
6. The planning application site for the new Cromwell plant site, the subject of this planning application, is located on land to the north of the operational Cemex site on land which was historically used as a plant site by the former Lafarge-Tarmac sand and gravel quarry. This original Lafarge-Tarmac plant site has not been formally restored but the site has extensively re-vegetated although there are some remnants of hardstanding and concrete remaining from the previous use.
7. The planning application site incorporates part of the wider Cromwell Pits Local Wildlife Site (LWS) designation which extends across the entirety of the former Lafarge-Tarmac Cromwell quarry. The LWS is characterised by its former gravel pits, fringed with willows and marginal plants.
8. The application site falls within flood zone 3 and therefore at high risk of flooding with a likelihood greater than 1% Annual Exceedance Probability (AEP) or 1 in 100 years.
9. There are no public footpaths or bridleways crossing the site. Cromwell Bridleway No. 1 is routed along the River Trent Towpath.

## **Planning history**

10. Planning permission for mineral extraction at Cemex's Cromwell Quarry was originally granted in 1998 (Reference 3/94/1169/CM) and subsequently renewed in 2009 (reference 3/03/02626/CMA).
11. A planning application for a new planning permission to replace extant planning permission 3/03/02626/CMA in order to extend the time limit for implementation and provide new access arrangements was granted planning permission in March 2016 (reference 3/14/1995/CMA) with modifications to the restoration and method of working granted under reference 3/18/01737/CMA in January 2019.

12. On 5th June 2020, planning permission was granted (reference 3/19/02231/CMM) for a southern extension to the quarry for the extraction of approximately 550,000 tonnes of sand and gravel, with restoration to nature conservation. Permission was also granted on this date (reference 3/19/02233/CMM) to vary planning conditions of Planning Permission 3/18/01737/CMA to modify the approved quarry restoration scheme and amend the method of working within the quarry complex to facilitate its use in connection with the processing of mineral originating from a southern extension and the retention of a container unit housing a generator.
13. A planning application for a further southern extension to the quarry for the extraction of approximately 550,000 tonnes of sand and gravel with restoration to agriculture and nature conservation was received by the County Council in July 2022. The application is currently being assessed by officers and will be reported to Planning and Rights Committee in due course for determination.

### **Proposed Development**

14. Planning permission is sought to relocate Cemex's existing mineral processing plant and associated stockpiling areas, weighbridge, office, canteen, changing rooms and infrastructure at Cromwell Quarry onto 4.73ha of land located 250 metres north of the existing facility. The proposed development site was historically used by Lafarge-Tarmac for a similar purpose and has only partially been restored. The development will enable Cemex to extract approximately 18 months' worth of sand and gravel reserves (circa 395,000 tonnes) which lie beneath their existing plant site and benefit from planning permission under the existing planning consent for the wider Cromwell Quarry site.
15. The general layout of the proposed development is shown on Plan 3 with the development effectively seeking to directly transfer all the existing facilities of the existing plant site area onto this new parcel of land. The main features of the development which are to be relocated are described below:
  - The mineral processing plant which has a maximum height of 14m.
  - The existing wheelwash would be relocated near to the site access and the weighbridge would be installed behind the wheelwash.
  - A parking area for mobile quarry plant.
  - Temporary Site Office/Canteen/Changing Room modular buildings.
  - An 'as dug' mineral stockpile which would be delivered to the plant site by dump truck from the extraction area of the quarry and stored to the south of the plant site area.
  - Stockpiles of processed materials.
16. The mineral processing plant is designed to have a capacity to produce circa 300,000 tonnes per annum which is roughly the current average production rate.
17. Vehicle access to the quarry is obtained from the A1. Southbound A1 traffic accesses and departs the quarry directly from the A1 utilising the existing slip



roads. Northbound A1 traffic obtains access to the quarry via the existing bridge over the A1. These vehicles pass a number of residential properties at the northern edge of Cromwell village between the A1 slip roads and the bridge, but avoid travelling through the main village centre.

18. The existing planning conditions for Cromwell Quarry require the cessation of mineral extraction before the 18<sup>th</sup> May 2028, however current extraction rates indicate that consented mineral resources will be exhausted by the end of 2024. Restoration of the proposed replacement plant site would be completed within 18 months of the completion of mineral extraction within the quarry. The proposed restoration of the plant site would provide a mosaic of open habitats incorporating early successional communities, bare ground, open flower-rich grassland, open scrub, tall ruderals, marsh/marshy grassland and seasonal ponds and is consistent with the restoration scheme previously approved for the Lafarge-Tarmac development.
19. The planning application submission is supported by a series of technical reports which consider landscape and visual effects, air quality, flood risk, noise, potential for ground contamination and ecological effects with supplementary ecological surveys and a Phase 1 geo-environmental desk study to consider potential ground contamination risks from the historical use of the site submitted during the course of processing the planning application. The content of these technical reports has been examined through the planning consultation process and are discussed within the planning considerations section of the report.

## Consultations

20. Newark and Sherwood District Council: *No objection.*
21. *The site provides moderate value foraging and commuting habitat for bats. Further surveys will be required in advance of works to establish potential impacts to this protected species.*
22. Cromwell Parish Meeting: *No objection.*
23. Environment Agency: *No objection.*
24. *The Environment Agency request a planning condition is imposed requiring the development to be carried out in accordance with the flood risk assessment and request a flood evacuation plan should be agreed for the site as part of a planning condition submission. The Environment Agency do not raise any objections in terms of the ecological effects.*
25. National Highways: *No objection.*
26. *There will be no change to the existing transport arrangements (car parking, haul routes, vehicle numbers etc) and therefore the development will have no impact on the operation of the Strategic Road Network.*
27. NCC Highways: *No objection.*

28. *The proposal is considered to have a negligible impact on the surrounding highway network.*
29. Natural England: *No objection.*
30. *Natural England considers that the proposed development will not have significant adverse impacts on designated sites. Natural England encourage NCC to ensure the development results in an ecological net gain and that appropriate protection and mitigation is provided for the Cromwell Pits LWS.*
31. NCC Ecology: *No objection.*
32. *The initial planning consultation response from NCC Ecology acknowledged that the planning submission was supported by an up-to-date Preliminary Ecological Appraisal report which recognised that the proposals would affect c.4.7ha of the Cromwell Pits Local Wildlife Site (5/3439), raising concern that a number of species-specific surveys had not been undertaken. It was requested that these surveys should be submitted prior to the determination of the planning application. Concerns were also raised that the development would result in the loss of some of the local wildlife site, albeit on a temporary basis, and it is questioned why the need to relocate the works/processing area was not recognised previously.*
33. *Further ecological surveys were subsequently undertaken including a breeding bird survey, reptile survey, amphibian survey and botanical survey and the results have been used to inform the preparation of a Construction Environmental Management Plan (CEMP) and avoid/mitigate impacts to ecology.*
34. *Planning conditions are requested to ensure the development is undertaken in accordance with the ecological aspects of the Construction Environmental Management Plan, specifically to provide a minimum 5m stand-off around the site boundary to protect the existing waterbodies and hedgerows, with 10m in place next to woodlands, provide satisfactory pollution controls, tree protection control, lighting controls, seasonal vegetation clearance, further survey works prior to the commencement of development for water vole, amphibians, reptiles and badgers, and measures relating to the control of invasive species.*
35. *In terms of the amended restoration plan which details the retention and re-creation of a variety of habitats that currently occur on site, this is supported subject to the submission of a detailed scheme to be approved under planning condition. As part of this submission, it is requested two small ponds are incorporated in the northern area of the plant site area to provide habitat for amphibians.*
36. VIA Rights of Way: *No objection.*
37. *The proposals do not appear to impact on Cromwell Bridleway No. 1 which is located along the River Trent Towpath.*

38. *The restoration plans indicate an indicative footpath is to be provided across the site which links to the adjacent bridleway which runs adjacent to the riverbank. The applicant has not indicated whether it is proposed to create the path as a permissive path or whether it is the intention to dedicate the route as a Public Footpath (or a path of another status).*
39. VIA Noise: *No objection subject to the re-imposition of previous noise conditions.*
40. Trent Valley Internal Drainage Board: *No objection.*
41. *The IDB note that the Cromwell Drain is situated along the northern and western boundary of the site. The IDB advise their consent is required for alterations to the watercourse or works adjacent to it.*
42. NCC Flood Risk Management: *No objection.*
43. VIA Landscape: *No objection.*
44. *The physical landscape impact of the proposed works is considered to be negligible with no mature vegetation to be removed in order to carry out the proposed works, but there will be some removal of younger self-set vegetation.*
45. *The site is considered to have a low landscape sensitivity and the works will have a low magnitude of effect which will lead to a small scale of landscape effects on the site itself. Beyond the site boundary the development will have no effects on the landscape character of the study area. The restoration of the site will enhance the landscape value of the site and the wider area.*
46. *There will be no significant visual impacts as a result of the development.*
47. VIA Reclamation: *No objection in principle, subject to planning conditions to regulate potential ground contamination legacies connected with the historical use of the site.*
48. *Based on the information provided within the Phase 1 geo-environmental desk study report, some further limited sampling and testing is required to identify any potential risks to construction workers and future site users in terms of potential asbestos contamination within the ground with testing recommended of any remaining stockpiled materials associated with the site's former use as an inert landfill facility, as well as any areas of ground that are likely to be disturbed during the construction works across the application area.*
49. *The ground preparation works may require removal of existing areas of hardstanding. This could potentially increase contamination risks from any significant contaminants present beneath the slabs (e.g. hydrocarbons from fuel spills), but these risks can be managed with a contamination watching brief. However, it would be useful for the applicant to carry out some limited testing of the ground around the edges of the slabs for potential contaminants prior to commencing works.*

50. *No further actions are required in relation to ground gas risk on the basis that there are no permanent structures constructed as part of the proposed development.*
51. Cadent Gas Limited, Severn Trent Water, Western Power Distribution, Nottinghamshire Wildlife Trust: No representations received. Any responses received shall be orally reported.

## **Publicity**

52. The application has been advertised by the posting of site notices adjacent to the development site and within Cromwell village and the publication of a press notice in the Newark Advertiser in accordance with the County Council's Adopted Statement of Community Involvement. No representations have been received.
53. Councillor Bruce Laughton has been notified of the application.

## **Observations**

### Need for Development

54. Policy MP1 (Aggregate Provision) of the adopted Nottinghamshire Minerals Local Plan (MLP) states that the County Council should make provision for the maintenance of landbanks of at least 7 years for sand and gravel whilst maintaining a steady and adequate mineral supply over the plan period. The National Planning Policy Framework (NPPF) has similar planning policy guidance relating to aggregate provision.
55. MLP Policy MP2 (Sand and Gravel Provision) states that an adequate supply of sand and gravel will be identified to meet expected demand over the plan period. The policy identifies a series of site allocations including the extraction of the remaining reserves at Cromwell Quarry (site reference MP2e).
56. The planning permission for the extraction of minerals at Cromwell Quarry (reference 3/19/02233/CMM dated 5th June 2020) provides planning permission for the extraction of the sand and gravel reserves beneath the existing processing plant site (circa 395,000 tonnes). The recovery of these minerals cannot be carried out without the prior removal of the plant site.
57. The proposed development would enable the plant site to be relocated, enabling the applicant to access mineral reserves beneath the existing plant site and provide approximately an additional 18 months' worth of production in addition to the 18 months of reserves within the consented southern extension area which is currently being extracted. This means the consented mineral reserves would be exhausted in the quarry towards the end of 2024.

58. It is acknowledged that there are a number of options for managing the sand and gravel excavated from beneath the plant site. These options include the transport of the mineral 'as dug' for processing at a nearby quarry, development of a mobile processing plant within the existing boundaries of the Cemex Cromwell site, or the current proposals which seek to develop a replacement plant site on adjacent land.
59. There are environment benefits associated with processing the mineral at Cromwell rather than removing it 'as dug' and transporting it to a remote site for washing/processing and sale. Processing at Cromwell would retain silt and other non-saleable fractions of the excavated mineral within the quarry to provide restoration benefits. It would also reduce haulage journeys connected with the transport of unsaleable mineral and reduce haulage distances that would otherwise arise with remote processing and the 'double handling' of mineral with reduced environmental effects. Options for a mobile processing plant within the boundaries of the existing Cemex quarry are constrained by the fact that the site has now been predominantly extracted and ground levels have been lowered below the water table with most areas of the worked-out quarry either backfilled with water or extensively damp and unsuitable for use as a plant site.
60. The legacy of quarry workings in the Cromwell area provides an opportunity to relocate the plant site onto former quarry land previously occupied by Lafarge-Tarmac. The land is located directly adjacent to the Cemex site. The planning permission for the Lafarge-Tarmac land expired on 31<sup>st</sup> December 2020 with a requirement to restore the land during 2021. The former plant site however has not been fully restored due to Cemex's interest in using the site. Since the application site has not been fully restored the development would not encroach onto previously undeveloped countryside land. There has been some quite extensive natural regeneration on the former Lafarge-Tarmac site which has some ecological interest (discussed later in the report) and which would be lost as a result of the current proposals. However, the level of ecological impact is not considered significant and can be mitigated following the restoration of the plant site upon completion of Cemex's use of the site and therefore does not significantly constrain the development. The Cemex restoration would be undertaken to a similar standard to the Lafarge-Tarmac scheme albeit the recommended period of aftercare for this development would be for an enhanced 15-year period compared to five years for the Lafarge-Tarmac scheme.
61. Overall, it is considered that the temporary use of the site as proposed is appropriate and enables efficient extraction of minerals underlying the plant site at Cromwell Quarry consistent with the existing planning permission for the site. The mineral recovered from beneath the plant site would make an important ongoing contribution to an adequate supply of sand gravel resources in the County in compliance with Policy MP1 and MP2 of the MLP. The proposed plant site relocation is therefore considered to be justified in planning policy terms.

#### Assessment of Environment Impacts

62. MLP Policy DM1: Protecting Local Amenity states that proposals for minerals development will be supported where it can be demonstrated that any adverse impacts on amenity are avoided or adequately mitigated to an acceptable level. The policy identifies that the types of impacts that need to be considered include but are not restricted to landscape and visual impacts, noise, blast vibration, dust, mud, air emissions, lighting, transport, and stability of the land at and around the site.
63. Other policies within the MLP relevant to the assessment of environmental impacts are MLP Policy DM2: Water Resources and Flood Risk, Policy DM4: Protection and Enhancement of Biodiversity and Geodiversity, Policy DM5: Landscape Character, Policy DM6: Historic Environment, Policy DM7: Public Access and Policy DM9: Highways Safety and Vehicle Movements / Routeing.
64. The significance of environmental effects and compliance with the above policies is considered within the following section of the report.

### Ecology

65. MLP Policy DM4: Protection and Enhancement of Biodiversity and Geodiversity provides support for minerals development where it can be demonstrated that the development is not likely to give rise to the loss or deterioration of Local Sites (Local Wildlife Sites or Local Geological Sites) except where the need for and benefits of the development in that location outweighs the impacts and the development would not result in the loss of populations of a priority species or areas of priority habitat except where the need for and benefits of the development in that location outweigh the impacts. The policy seeks to ensure that where there is an impact to a designated site or protected species, adequate mitigation relative to the scale of the impact and the importance of the resource must be put in place, with compensation measures secured as a last resort. The policy also seeks to ensure that minerals developments maintain and enhance ecology networks.
66. The approach within MLP Policy DM4 in terms of seeking to protect designated sites and protected species, mitigate any adverse impacts and secure ecological enhancements is generally consistent with Newark & Sherwood Core Strategy (N&S CS) Core Policy 12: Biodiversity and Green Infrastructure, Newark and Sherwood - Allocations & Development Management Development Plan Document (N&S A&DMD) Policy DM7: Biodiversity and Green Infrastructure, and the NPPF.
67. The planning application site incorporates 4.7ha of the larger Cromwell Pits Local Wildlife Site (LWS) ecological designation. The habitat is considered to be of at least county-level importance for its botanical interest with the wider LWS incorporating county-rare species such as oak-leaved goosefoot (*Chenopodium glaucum*), smooth cat's-ear (*Hypochaeris glabra*) and catmint (*Nepeta cataria*). The area affected by the development supports a range of habitats, including ephemeral/short perennial vegetation, marshy grassland and scrub, all of which have established naturally on the former minerals working area.



68. MLP Policy DM4c provides protection against the loss or deterioration of LWS habitats except where the need for and benefits of the development in that location outweighs the impacts. In this instance it is considered the wider need for the sand and gravel and the locational benefits of developing the plant site adjacent to the operational Cromwell Quarry provide the necessary level of policy justification required within MLP Policy DM4c to support the temporary loss of 4.7ha of the larger Cromwell Pits LWS habitat.
69. Further ecological survey work has been undertaken during the course of processing the planning application, providing additional information including a botanical survey of the application site and areas of similar habitat to identify scarce species, a breeding bird survey, a reptile survey and a survey for common amphibians (frogs, toads and smooth newts) given that the area of the application site around the wheel wash regularly supports standing water
70. This additional ecological survey information confirms that the development would not unacceptably adversely impact any protected species and assists in informing bespoke mitigation measures to address potential ecological impacts. The restoration plans for the site allow for the retention and re-creation of a variety of habitats that currently occur on site and will ensure that any adverse ecological impacts resulting from the development are satisfactorily mitigated.
71. A series of planning conditions are recommended to regulate the ecological effects of the development in accordance with the recommendations of the Preliminary Ecological Assessment and Construction Environmental Management Plan in respect of:
- a. The submission of a detailed restoration scheme to include details of land forming, seed mixes and establishment methods, noting that natural regeneration should be promoted and planting/seeding should be kept to a minimum. This should include details of the proposed Sand Martin and Kingfisher nesting banks.
  - b. The implementation of pollution control measures as outlined in para 5.3 of the ecological assessment.
  - c. The root protection Areas (RPAs) of retained mature and semi-mature trees on the site boundaries and the trees at T5 with moderate potential for roosting bats shall be marked out prior to any works, and no works shall be undertaken within the designated RPAs.
  - d. Any lighting that is required should be designed to minimise light spillage onto adjacent sensitive ecological habitats.
  - e. A standard condition to control vegetation clearance during the bird nesting season.
  - f. A risk avoidance and mitigation strategy for water voles and amphibians shall be adhered to during the site clearance and development.
  - g. Prior to restoration works commencing surveys shall be undertaken for water voles and otters, along with a general re-survey of the site and its habitats to inform the detailed restoration proposals.

- h. A pre-commencement re-survey of the application site for badgers shall be undertaken and adherence to standard measures to protect mammals should be conditioned.
  - i. Adherence to the measures relating to invasive species should be conditioned.
  - j. A minimum 5m stand-off is retained and demarcated around the site boundary to protect the existing waterbodies and hedgerows, with 10m in place next to woodlands (as required by the CEMP).
72. Subject to the above planning conditions, it is concluded that satisfactory mitigation and compensation measures are provided for any impacts to habitats and species resulting from site clearance works.
73. Whilst the proposed development will result in the loss of wildlife habitat across part of the LWS, this will not be permanent. The post-works restoration plan re-creates a variety of habitats that currently occur on site and are recognised as priority habitats for wildlife conservation including the creation of nesting banks for sand martin and kingfisher, additional breeding scrapes and ponds targeted at amphibians, re-profiling of some areas of steep-sided slopes to create valuable habitat for marginal aquatic plants, and reedbed establishment.
74. Following the restoration and re-landscaping of the site the development should result in the reinstatement and enhancement of the existing habitat and a net gain to biodiversity and therefore the development is assessed as being compliant with MLP Policy DM4: Protection and Enhancement of Biodiversity and Geodiversity, N&S CS Core Policy 12: Biodiversity and Green Infrastructure and N&S A&DMD Policy DM7: Biodiversity and Green Infrastructure.

#### Landscape and Visual Impact

75. MLP Policy DM1: Protecting Local Amenity states that proposals for minerals development will be supported where it can be demonstrated that any adverse landscape and visual impacts on amenity are avoided or adequately mitigated to an acceptable level.
76. MLP Policy DM5: Landscape Character states that proposals for minerals development will be supported where it can be demonstrated that they will not adversely impact on the character and distinctiveness of the landscape and that landscaping, planting and restoration proposals should take account of the relevant landscape character policy area as set out in the Landscape Character Assessments covering Nottinghamshire.
77. Similar policy requirements can be found within the Newark and Sherwood Amended Core Strategy Core Policy 13 - Landscape Character and the NPPF.
78. The planning application is supported by a landscape and visual assessment which gives consideration to the scale of development sought planning permission and its effect on the surrounding area.

79. In terms of the landscape effects of the development, no mature vegetation will need to be removed in order to carry out the proposed works, but there will be some removal of self-set vegetation within the main body of the site. The physical landscape impact of the proposed works is considered to be negligible.
80. In terms of the impact on the landscape character of the site and study area, the site is located in the River Meadowlands Landscape Character Type of the Newark and Sherwood District Council Landscape Character Assessment, specifically the Trent Washlands Policy Zone - TW PZ 17 Besthorpe River Meadowlands. The landscape condition is assessed as moderate, and the landscape sensitivity is low with landscape actions of create and reinforce.
81. The applicant has assessed the site as having a low landscape sensitivity and the works will have a low magnitude of effect. Via's Landscape Architects accept these conclusions and so the landscape effects of the development are therefore considered to be small scale with no significant effect on the landscape character of the study area.
82. The proposed restoration strategy will have an ecological focus to provide a mosaic of open habitats incorporating early successional communities, bare ground, open flower-rich grassland, open scrub, tall ruderals, marsh/marshy grassland and seasonal ponds, whilst existing wet woodland and scrub vegetation will be retained. The restoration proposals will achieve some of the landscape actions in the Landscape Character Assessment, specifically the reinforcement and strengthening of the continuity and ecological diversity of stream and ditch corridors, the conservation of pastoral character and promotion of measures for enhancing the ecological diversity of alluvial grasslands.
83. In terms of visual impacts, effects have been assessed within a Zone of Theoretical Visibility set at 3km from the site boundary. Six representative viewpoints were chosen to consider effects to public rights of way and recreational users, road and land users. The assessment demonstrates views from the east of the Trent will be screened by intervening vegetation or existing bunding on the edge of the river and views on the west bank of the Trent are screened by intervening vegetation. Views from the elevated viewpoints over the A1(M) are screened by vegetation to the western boundary of the proposed site and from the effects of distance and intervening vegetation on the eastern edge of Cromwell. It is therefore concluded that there would not be significant visual impacts as a result of the development.
84. The development therefore is considered to be compliant with MLP Policies DM1 and DM5.

#### Noise

85. MLP Policy DM1: Protecting Local Amenity states that proposals for minerals development will be supported where it can be demonstrated that any adverse noise impacts on amenity are avoided or adequately mitigated to an acceptable level. The NPPF and its supporting Planning Practice Guidance (PPG) reflect the above requirements.

86. A noise assessment has been undertaken to consider noise impacts from the proposed relocation of the mineral processing plant site. The assessment methodology follows Paragraphs 19 to 22 (inclusive) of the 'Minerals' chapter of the PPG.
87. The nearest residential receptors to the site are those within Cromwell village located around 250m from the proposed plant site. Noise surveys have been undertaken in October 2021 which indicate that the existing noise environment within Cromwell village is dominated by road traffic on the A1.
88. The predicted noise levels from normal daytime activities associated with the operation of the new processing plant area and extraction activities at the former plant area for the receptors in Cromwell village have been calculated to be between 49-51 dB LAeq,1h. The cumulative noise from temporary operations such as soil stripping and construction/removal of bunds has been calculated to be between 51-56 dB LAeq,1h.
89. The predicted noise levels indicate that a daytime noise limit of 55 dB LAeq,1h for day-to-day mineral extraction/processing activities consistent with the levels set out within the PPG would continue to be appropriate, but with scope for noisy short-term activities such as soil-stripping, construction / removal of bunds etc to be undertaken at an increased temporary daytime limit of up to 70 dB LAeq,1h for eight weeks in a year in compliance with the PPG.
90. In conclusion, the noise assessment calculations demonstrate that the operations at Cromwell Quarry, with activity in the proposed relocated plant area (and mineral extraction in the former plant area) can occur whilst meeting appropriate noise limits. The proposed development is therefore compliant with Policy DM1 of the MLP and national planning policy requirements relating to mineral development and noise criterion. Planning conditions are recommended to regulate the level of noise emissions from the site.

### Dust

91. MLP Policy DM1: Protecting Local Amenity states that proposals for minerals development will be supported where it can be demonstrated that any adverse impacts on amenity including impacts from dust are avoided or adequately mitigated to an acceptable level.
92. The planning application is supported by an air quality assessment report which takes account of the existing baseline conditions and the level of dust emissions from site operations to calculate the likely magnitude of dust effects including consideration of finer particulates (PM10 and PM2.5) on the local environment. The air quality assessment takes account of the Institute of Air Quality Management which advises that adverse impacts from sand and gravel operations are uncommon beyond 250 metres from the nearest dust generating activity. The report notes that particles greater than 30µm, which make up the greatest proportion of dust emitted from mineral processing, largely deposit within 100 metres of their source, whilst smaller particles between 10 and 30µm are likely to travel from 250 to 400 metres. The smallest sub 10µm particles

which make up a small proportion of dust emitted from most mineral processing operations, may travel up to 1 kilometre from sources. The prevailing wind is from the southwest.

93. The air quality assessment reviews potential dust impacts from a number of sources associated with the day-to-day operation of the quarry operation, appraising the magnitude of impact at sensitive residential and ecological receptors in the surrounding area, concluding that the likely magnitude of impact at all residential and ecological receptors is likely to be negligible with the exception of Cromwell Pits Local Wildlife site where the magnitude of impact is calculated to be slight adverse. Potential dust impacts are therefore not considered to be significant, would not exceed air quality standards and not result in adverse health impacts.
94. The air quality report incorporates a dust management plan which sets a series of dust management and mitigation measures. These include the use of water sprays to dampen down dust on road surfaces during dry and windy weather, restrictions of onsite speed limits and minimisation of drop heights when unloading material. It is recommended that the implementation of these dust management controls is regulated through a planning condition. Subject to the implementation of these controls it is concluded that dust impacts will not be significant and the development therefore is considered to be supported by MLP Policy DM1.

#### Transport

95. Policy DM9 of the MLP deals with Highways Safety and Vehicle Movements / Routeing. The policy is supportive of minerals development where the highway network can satisfactorily and safely accommodate the vehicle movements, there would not be highway amenity issues, appropriate vehicle routeing controls are put in place (where necessary) and appropriate controls are put in place to prevent mud/detritus contaminating the public highway. Policy DM1 also requires minerals related development to avoid adverse residential impacts.
96. The extraction of mineral reserves underlying the existing plant site currently benefits from planning permission and therefore the proposal will not result in any additional quantity of extraction, export or import of any material from Cromwell Quarry. The intended rate of extraction, processing and export of mineral is proposed to remain unchanged, with exported material proposed to be transported in the same manner (vehicle types, payloads, times) as at present, and there will be no change in the number of staff working at the site. Accordingly, the proposal will not result in any additional operational traffic movements, either in total or within any given period of time.
97. Vehicle access to the quarry will continue to be from the A1. Southbound A1 traffic can access and depart the quarry directly from the A1 utilising the existing slip roads. Northbound A1 traffic obtains access to the quarry via the existing bridge over the A1. These vehicles pass a number of residential properties at the northern edge of Cromwell village between the A1 slip roads and the bridge,

but avoid travelling through the main village centre (see Plan 4). Vehicle routing is currently regulated as part of the existing planning permission through a Section 106 legal agreement. To ensure vehicle routing controls continue to regulate all vehicles using this new plant site it will be necessary to impose a further Section 106 legal agreement as part of this planning consent and the recommendation to support a grant of planning permission reflects this.

98. All HGVs departing the quarry will continue to be required to use wheel cleaning facilities and be sheeted.
99. On the basis of the above, it is concluded that there will not be any material transport impacts resulting from the proposed development therefore complying with Policy DM9 and DM1 of the MWLP and the NPPF.

#### Flood Risk and Water Quality

100. MLP Policy DM2: Water Resources and Flood Risk supports proposals for minerals development where it can be demonstrated that there would not be any unacceptable flood risk impacts and no unacceptable impacts on surface and ground water quality and flows.
101. The planning application is supported by a site-specific flood risk assessment which acknowledges that the site is within flood zone 3 and therefore at a high risk from river flooding with flood events likely to occur more frequently than every 100 years.
102. The Planning Practice Guidance acknowledges that minerals development is classed as 'water compatible', and therefore appropriate in flood zone 3, subject to the development not increasing flood risk to surrounding land or property. The hydraulic flood model which supports the flood risk assessment considers the potential flood effects of the development, confirming that the development would result in no significant change in floodwater levels within the development site or any receptors (such as properties or roads) in the surrounding area and there would be no negative impact on local flood risk.
103. The Environment Agency have reviewed the flood implications of the development and have confirmed that they do not object, subject to planning conditions being imposed to ensure the development is carried out in compliance with the flood risk assessment and subsequently restored in compliance with the restoration plan. The Environment Agency also strongly recommend that the site operators develop a flood risk emergency plan for the site to allow safe evacuation during periods of flooding.
104. In terms of wider drainage implications, the County Council's Lead Local Flood Authority (LLFA) Team have reviewed the application and do not wish to raise any drainage comments on the proposed development.
105. Subject to the imposition of the planning conditions as recommended by the Environment Agency, it is concluded that the proposed development complies



with Policy DM2 of the MLP and NPPF in terms avoiding unacceptable flood risk in the locality.

### Historic Environment

106. MLP Policy DM6 deals with the historic environment and supports minerals development where it can be demonstrated that there will not be any harm to the significance of a designated, or non-designated heritage asset including the built environment and sites of archaeological interest and/or their setting. Planning policy requirements are also set out in the NPPF at Chapter 16 (Conserving and enhancing the historic environment) and the Planning Practice Guidance with similar requirements as to those in Policy DM6.
107. In terms of the historic built environment, Cromwell village incorporates two listed buildings, the Grade I listed Church of St Giles and The Old Rectory and Attached Cottage which is Grade II listed. The landscape and visual appraisal report which supports the planning application notes that the topography of the intervening land and presence of trees/vegetation mean that the relocated plant site would not be visible from these heritage assets and adverse impacts to these built heritage assets are therefore not anticipated.
108. In terms of below ground archaeological interest, the development site has historically been subject to minerals development associated with its previous use as a quarry plant site which would have removed any archaeological features within the site. In relation to the wider archaeological setting of the site, a Scheduled Ancient Monument (SAM) known as the National Rectangular Barrows lies approximately 600 metres to the south and SAM Cromwell Villa approximately 650 metres to the north. The small scale, temporary nature and historical context of the use of the site mean that no significant harm to the setting of these SAMs is anticipated.
109. The development is therefore considered to have no unacceptable adverse impacts upon the historic environment in compliance with MLP Policy DM6 and the NPPF.

### Rights of Way

110. The planning application site does not incorporate any public rights of way and would not impact on users of Cromwell Bridleway No. 1 which is located adjacent to the wider quarry complex on the River Trent towpath.
111. The final restoration plan identifies that a car park will be retained to serve the informal fishing of the lakes and the conservation management of the restored site. A grass surfaced pathway will be provided between the car park and the riverbank to link to Cromwell Bridleway No. 1. Access along this grass path will be provided on a permissive basis and it is not intended to dedicate it as a public right of way. The permissive access provided by the path is welcomed and it is recommended that the installation, maintenance and continued

availability of the path throughout the aftercare period is regulated by planning condition.

Ground conditions in the context of the historical plant site use of the site

112. The planning application site is located outside the current boundaries of the Cemex sand and gravel quarry on land that has previously been developed by Lafarge-Tarmac for minerals development with consent for the restoration of the site utilising imported inert waste materials and river dredging's.
113. Whilst the development site is unlikely to have any significant contamination issues, potential ground contamination cannot be ruled out having regard to the historical land use of the site. These ground legacy issues have been examined within the applicant's Phase 1 geo-environmental desk study and reviewed by Via Reclamation in their consultation response.
114. The geo-environmental desk study confirms that all works will be carried out above the existing ground level, with no intrusive works beyond possible removal of concrete slabs and other surface obstructions. Furthermore, it is noted that all buildings are temporary portacabin buildings, with no permanent foundations or other permanent construction required.
115. In terms of ground contamination legacy issues
  - i. Moderate / Low risks have been identified for construction workers and future site users from potential asbestos contamination (inhalation risks).
  - ii. Moderate / Low risks have been identified for future site users and buildings related to ground gas risks resulting from the deposition of river dredgings.
  - iii. Moderate / Low risks have been identified for controlled waters related to potential hydrocarbon contamination (most notably associated with the former above ground fuel store).
  - iv. The desk study does not include any information on the ground preparation works required for the proposed development, for example removal of concrete hardstanding areas and the soil / waste stockpiles from the site area and therefore the level of risk from these activities is unclear.
116. Based on the information provided within the desk study report it is recommended that the potential ground contamination issues can be appropriately controlled and regulated by planning condition to require:
  - I. Further sampling and testing to identify any potential risks to construction workers and future site users in relation to asbestos.
  - II. Testing would be required for any stockpiled materials remaining on-site associated with the site's former use, as well as any areas of ground that

are likely to be disturbed during the construction works across the application area.

- III. The ground preparation works may require removal of existing areas of hardstanding. This could potentially increase contamination risks from any contaminants which may be present beneath the slabs (e.g. hydrocarbons from fuel spills). Based on the limited proposals for the site, these risks can be managed through a contamination watching brief. But it may be useful for the applicant to carry out some limited testing of the ground around the edges of the slabs for potential contaminants prior to commencing works.
  - IV. No further actions are required in relation to ground gas risk on the basis that no permanent structures would be constructed as part of the proposed development.
  - V. Additional information is required on the proposed movement and / or disposal of soil stockpiles which currently exist at the site and arisings associated with the proposed development.
117. Subject to the above controls it is concluded that contamination issues associated with the historical use of the site would be appropriately and safely managed as part of the development project.

#### Restoration

118. Policy DM12 (Restoration, aftercare and after-use) of the MLP requires planning applications for minerals development to include an appropriate scheme for the restoration, aftercare and long term after use to enable long term enhancement of the environment.
119. The proposed restoration strategy will include a mosaic of open habitats and a range of habitat types, including early successional communities, bare ground, open flower-rich grassland, open scrub, tall ruderals, marsh/marshy grassland and seasonal ponds.
120. The proposed restoration scheme, whilst being consistent with the previously approved/restored scheme of the former Tarmac development, will provide additional ecological enhancement measures that will ensure that the long term biodiversity interests of the site are maximised and therefore is consistent with MLP Policy DM12.
121. In terms of the timescale for restoration of the plant site, the existing planning conditions for Cromwell Quarry require the cessation of mineral extraction before the 18<sup>th</sup> May 2028, albeit current extraction rates indicate that these consented mineral resources could be exhausted by the end of 2024. It is however noted that the applicant has recently applied for planning permission for a southern extension to Cromwell Quarry which, if consented, would add to the life of the quarry and a need for the plant site to be retained for a longer duration. The applicant also owns further land to the south which they have

aspirations to extract in future years, subject to planning permission being granted. To acknowledge the potential that the plant site may be needed to process mineral from extended areas of mineral extraction in the Cromwell area which currently do not have planning permission, it is recommended that the planning condition requiring the restoration of the plant site provides scope with the MPA's written approval to defer the final restoration of the plant site until such time that all mineral reserves in the Cromwell area have been exhausted.

122. The aftercare management for the restored Cromwell Quarry is regulated within the various planning permissions for the site to require the land restored to agricultural use to be managed for five years, the habitats within the main quarry area to be managed for ten years, and the habitats provided within the southern area to be managed for fifteen years. It is recommended that a fifteen-year aftercare period consistent with the southern extraction area is required by planning condition for the restored habitats provided within the replacement plant site area currently proposed.

### Cumulative Impacts

123. MLP Policy DM8 states that proposals for minerals development will be supported where it can be demonstrated that there are no unacceptable cumulative impacts on the environment or on the amenity of a local community.
124. The proposal does not add more plant/building development to the locality but simply its relocation to adjacent land. The suite of technical environmental reports accompanying this planning application have considered the cumulative impact of the existing Cromwell Quarry development and the proposed development. The conclusion of the environmental assessment is that none of the individual environmental impacts are likely to be significant and therefore likely to combine to give rise to unacceptable combined effects and therefore the development is supported by MLP Policy DM8.

### **Other Options Considered**

125. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

### **Statutory and Policy Implications**

126. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

#### Crime and Disorder Implications

127. The development would relocate the Cromwell Quarry plant site onto an adjacent site, continuing to make use of existing security features within the site including the use of secure site buildings and security fencing.

#### Data Protection and Information Governance

128. Given that no representations have been received from the public, it is considered that no data protection issues have been raised.

#### Financial Implications

129. The applicant would be expected to cover all reasonable legal costs incurred by the County Council during the drafting and execution of the Section 106 legal agreement which is required to regulate lorry routeing.

#### Human Resources Implications

130. None arising.

#### Human Rights Implications

131. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

#### Public Sector Equality Duty Implications

132. None arising.

#### Safeguarding of Children and Adults at Risk Implications

133. The quarry would continue to comply with health and safety guidelines in terms of suitable boundary treatment to ensure the general public, and in particular young children, are safeguarded. Appropriate safeguarding would also apply in relation to footpath users.

#### Implications for Service Users

134. The proposed extensions to Cromwell Quarry would assist in ensuring a continuity of local sand and gravel supplies to the construction industry.

## Implications for Sustainability and the Environment

135. The development would contribute towards the sustainable use of mineral resources which would contribute to the country's economic growth and quality of life. The relocated plant site enables consented mineral reserves to be extracted and locally processed, ensuring that minerals are not sterilised, minimising environmental emissions associated with mineral haulage and ensuring the land is restored to beneficial purposes at the earliest practical opportunity. The issues have been considered in the Observations section above.

## **Conclusion**

136. The proposed relocation of the mineral processing plant site, and associated infrastructure, will enable the applicant to extract previously consented sand and gravel reserves from beneath the existing plant site, ensuring these minerals do not become sterilised and thus provide for a sustainable use of this mineral resource as well as ensuring Nottinghamshire continues to meet its year on year supply of sand and gravel to the marketplace in compliance with MLP Policy MP1 and Policy MP2.
137. The environmental assessment of the proposal has had regard to MLP Policy DM1 and other relevant material considerations, wherein it is concluded that the proposed development would not result in any unacceptably adverse environmental impacts. The proposed restoration scheme will bring about an overall benefit in terms of landscape character and visual amenity. Any short-term impacts upon the Local Wildlife Site will not be significant and can be controlled to acceptable levels by the imposition of planning conditions and the proposed restoration scheme will ensure that, in the long term, the biodiversity interests of the site are enhanced in compliance with national and local planning policies. The noise calculations conclude that all proposed activities will continue to comply with the relevant noise limit imposed by the extant quarry planning permission and therefore no unacceptable noise impacts are anticipated. Dust emissions can also be satisfactorily controlled. The flood risk assessment report has concluded that the proposed development will not negatively impact on local flood risk with no change in predicted water levels at nearby Cromwell village or any change to downstream river flows. The development will not change existing levels of road transport associated with the operation of the quarry and the controls proposed through the Section 106 agreement will ensure that these vehicles are routed to avoid the centre of Cromwell village.
138. It is therefore recommended that the proposed development be granted planning permission.

## **Statement of Positive and Proactive Engagement**

139. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; scoping of the application; assessing the proposals against



relevant Development Plan policies and the National Planning Policy Framework. The Minerals Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the application. Issues of concern have been raised with the applicant including the need for further ecological surveys and have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions and the Mineral Planning Authority has also engaged positively in the initial preparation of the draft S106 Agreement. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATIONS**

140. It is RECOMMENDED that the Corporate Director – Place be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act to secure a lorry routeing agreement to regulate heavy goods vehicles servicing the new quarry plant site.
141. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 13<sup>th</sup> December 2022 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed before the 13<sup>th</sup> December 2022, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time. Members need to consider the issues set out in the report and resolve accordingly.

**Derek Higton**  
**Service Director, Place and Communities**

## **Constitutional Comments (JL 17/07/2022)**

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference

## **Financial Comments [RWK 02/08/2022]**

The financial implications are set out in the report. There are no additional financial implications for the Council arising from the report.

### **Background Papers Available for Inspection**

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at:  
[www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=F/4395](http://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=F/4395)

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

Muskham & Farnsfield

Councillor Bruce Laughton

Report Author/Case Officer

Mike Hankin

0115 9932582

For any enquiries about this report, please contact the report author.

F/4395

W002351.doc



## RECOMMENDED PLANNING CONDITIONS

### Commencement

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

*Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.*

2. The Minerals Planning Authority (MPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

*Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.*

### Schedule of Approved Plans

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application, documents and recommendations of reports, and the following plans:
  - (a) Drawing No. 12-04/M/CRMWLL/6: Existing Site Plan dated Dec 2021, received by the MPA on 25.01.2022.
  - (b) Drawing No. 12-04/M/CRMWLL/7: Tarmac Proposed Site Plan dated Dec 2021, received by the MPA on 25.01.2022.
  - (c) Drawing No. 12-12/M/CRMWLL/8 Rev. A: Location Plan dated Dec 2021, received by the MPA on 25.01.2022.
  - (d) Drawing No. DUO15.031: Plant Layout dated 24.08.2016, received by the MPA on 25.01.2022.
  - (e) Drawing No. 15\_C0304\_CROM\_003 Office/Weighbridge 9.7m x 3.0m dated Jan 2016, received by the MPA on 25.01.2022.
  - (f) Drawing No. 15\_C0304\_CROM\_004 Canteen 8m x 2.7m dated Jan 2016, received by the MPA on 25.01.2022.
  - (g) Drawing No. 15\_C0304\_CROM\_005 Changing Room 6.2m x 2.4m dated Jan 2016, received by the MPA on 25.01.2022.

- (h) Drawing No. 15\_C0304\_CROM\_006 Weighbridge Details dated January 2016, received by the MPA on 25.01.2022.
- (i) Drawing No. Figure 5 Final Restoration Plan dated December 2021, received by the MPA on 25.01.2022.
- (j) Drawing No. Figure 6 Sections A and B dated December 2021, received by the MPA on 25.01.2022.
- (k) Specification of Wheelwash: Hippowash JSL, received by the MPA on 25.01.2002.

*Reason: For the avoidance of doubt as to the development that is permitted.*

#### Use of Plant Site

4. Only sand and gravel extracted from the wider Cromwell Quarry complex comprising:
  - Land outlined in red and blue on Drawing No. 1910/P3/CRMWLL/3A PROPSITE: Proposed Site Plan (provided as part of planning permission 3/19/02232/CMM), and
  - Any extended area of mineral extraction which may receive planning permission in future years in the Cromwell area, subject to the MPA's formal approval in writing by exchange of letter that this mineral may be processed within the replacement Cromwell plant site.

may be delivered, processed, stockpiled and dispatched from the replacement plant site hereby approved.

*Reason: For the avoidance of doubt.*

#### Access

5. All vehicles accessing and leaving the site shall only do so via the 'quarry access road' as detailed on Drawing No. 12-04/M/CRMWLL/7: Tarmac Proposed Site Plan received by the MPA on 25.01.2002. The access road shall be maintained in accordance with the details within drawing Number 14\_C048\_CROM\_007\_A – 'Condition 10 -8m Road' received by the MPA on 14 March 2016.

*Reason: In the interests of road safety in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.*

6. Prior to the use of the relocated quarry plant site hereby approved the Hippowash JSL wheelwash facility shall be installed. All outbound HGVs shall use the wheelwash facility prior to entering the public highway. The wheelwash facility shall be maintained in an effective state for the duration of the development so that no vehicle shall leave the site in a condition whereby mud or other deleterious material is carried onto the public highway.

*Reason: In the interests of road safety in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.*

7. All HGVs transporting minerals from the site shall be sheeted prior to leaving site.

*Reason: In the interests of road safety in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.*

#### Hours of Working

8. Except in emergencies, which are to be notified to the MPA within 48 hours of their occurrence, or with the prior written agreement of the MPA, the following shall not take place except within the hours specified below:

	Monday - Friday	Saturdays	Sundays, Public and Bank Holidays.
Mineral processing and treatment	7am to 7pm	7am to 1pm	Not at all
Stripping, replacement, regrading or ripping of soils or overburden	7am to 7pm	7am to 1pm	Not at all
Servicing, testing, or maintenance of plant or machinery	7am to 5pm	7am to 4pm	Not at all
Heavy goods vehicles entering and leaving the site	7am to 6pm	7am to 1pm	Not at all

*Reason: To protect the amenities of local residents in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.*

#### Noise

9. The noise level attributable to normal operations at the site shall not exceed 55dB LAeq,1hr when measured free-field at any local residential receptor.



*Reason: To protect the amenities of local residents in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.*

10. Timings of temporary works shall be recorded by the operator and must not exceed 8 weeks in a calendar year and the free-field noise level shall not exceed 70dB LAeq,1hr when measured at any local residential receptor.

*Reason: To protect the amenities of local residents in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.*

11. All plant and machinery shall be regularly serviced and maintained to ensure that noise emissions do not exceed the manufacturers' specifications. In the event that the manufacturers' maximum operating noise levels are exceeded then the plant or machinery shall be switched off and repaired/adjusted so as to ensure compliance with these operating noise levels.

*Reason: To protect the amenities of local residents in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.*

12. All plant and vehicles under the control of the operator must only employ white noise (broadband) reversing alarms when operating on the site.

*Reason: To protect the amenities of local residents in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.*

#### Dust

13. Dust from site operations shall be managed to minimise emissions as far as practical. Dust control measures shall include, but not be restricted to, taking any or all of the following steps as appropriate.
  - (a) The use of water bowsters to dampen haul roads and other operational areas of the site during dry and windy weather;
  - (b) Restrictions of onsite speed limits;
  - (c) Minimisation of drop heights when unloading material;
  - (d) Upon request from the MPA, the temporary suspension of mineral processing, dispatch and ancillary operations during periods of unfavourable dry and windy weather conditions.

*Reason: To protect the amenities of local residents in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.*

#### Storage Heights

14. Stockpiles of excavated (as dug) materials and processed mineral shall not be permitted to exceed 10m in height.

*Reason In the interest of visual amenity and to ensure compliance Policy DM1 of Nottinghamshire Minerals Local Plan.*

#### Protection of Water Resources

15. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, of the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow outlets should be detailed to discharge downwards into the bund.

*Reason: To prevent pollution of the water environment in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.*

16. All foul drainage must be contained within a sealed and watertight cesspit fitted with a level warning device.

*Reason: To prevent pollution of the water environment in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.*

#### Flood Protection and Mitigation

17. The development shall be carried out in accordance with the submitted flood risk assessment (ref GSC-JBAU-XX-XX-RP-HM-0001-Cromwell\_Quarry\_Processing\_Plant\_FRA, dated December 2021 and compiled by JBA Consulting). Specifically, the proposed site layout and restoration of the site shall be implemented as described by the flood risk assessment and the scheme's timing and phasing arrangements.

*Reason: To prevent adverse flood risk to surrounding land in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.*

18. Prior to the commencement of the development a flood risk management/emergency evacuation plan for the site shall be submitted to the MPA and approved in writing. The mitigation measures shall be fully implemented in accordance with the scheme approved in writing.

*Reason: To provide appropriate flood evacuation procedures for the site in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan. The details are required prior to the commencement of the development to ensure staff, plant and machinery are protected from flooding throughout the life of the quarry.*

### Ancillary Buildings and Plant

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any future replacement order) no fixed plant or machinery shall be erected on the site until full details have been submitted to and approved by the MPA.

*Reason: To minimise any visual impact from the development in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.*

### Ecological Protection

20. The development shall be carried out in compliance with the recommended mitigation measures set out within the Preliminary Ecological Appraisal prepared by Bowland Ecology dated December 2021 and the Construction Environmental Management Plan (CEMP): Ecology dated 21/06/2022. Specifically, the operator shall ensure the following mitigation measures are followed:
- (a) Pollution prevention measures shall be adhered to in compliance with the measures set out within paragraph 5.3, to ensure water bodies and retained areas of habitat of principle importance within the site and the wider area are not negatively affected by the proposed development.
  - (b) Trees shall be protected in compliance with paragraph 5.8 which states that in line with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction), the Root Protection Areas (RPAs) of retained mature and semi-mature trees on the Site boundaries and the trees at T5 with moderate potential for roosting bats will be marked off prior to any works. The root protection zones shall be retained throughout the operational life of the site and no works or materials shall be stored within the designated RPAs.
  - (c) Any additional external lighting (if required) shall be sited to avoid potential bat commuting and foraging areas around the boundaries of the site with the aim of preventing the delayed emergence of bats. Any floodlighting units installed on the site shall use warm, white (long wavelength) lights with low UV content in accordance with paragraphs 5.13 and 5.14.
  - (d) Reasonable Avoidance Measures (RAM's) shall be implemented across the site to avoid adverse impacts to amphibians, otters and water voles in accordance with the measures set out within paragraphs 5.20 and 5.23.
  - (e) Prior to the commencement of quarry development works, a badger survey of the site and the immediate surroundings shall be undertaken in accordance with the arrangements set out within paragraph 5.28. The results of the badger survey shall be submitted as part of a report for the approval in writing by the MPA. In the event that badgers are identified within the site, the report shall identify mitigation measures to avoid/mitigate

any adverse impact to the species. The development shall thereafter be undertaken in compliance with any agreed mitigation measures.

- (f) Protection measures for small mammals shall be followed during site development works in accordance with the measures set out within paragraph 5.27.
- (g) Invasive species shall be controlled within the site in accordance with the measures set out within paragraphs 5.29 – 5.31.
- (h) A minimum 5m stand-off shall be retained and demarcated around the site boundary to protect the existing waterbodies and hedgerows and a 10m stand-off/demarcation shall be retained next to woodlands (as required by the CEMP).

*Reason: In the interest of protecting species and their habitats, in accordance with government policy set out within the National Planning Policy Framework.*

21. Site clearance operations that involve the destruction and removal of vegetation, including felling, clearing or removal of trees, shrubs or hedgerows shall not be undertaken during the months of March to August inclusive, except when approved in writing by the MPA and in such circumstances following the carrying out and submission in writing to the MPA of an ecological appraisal undertaken by an appropriately qualified person.

*Reason To ensure that breeding birds are not adversely affected by the development in accordance with government policy set out within the National Planning Policy Framework.*

#### Permissive Path

22. Within six months of the completion of restoration operations, the operator shall ensure that the permissive path identified to be provided on Drawing No. Figure 5 Final Restoration Plan dated December 2021, received by the MPA on 25.01.2022 is provided on the site. The operator shall ensure that the route is clearly marked with signage or by other means which shall first be agreed in writing with the MPA. The operator shall thereafter ensure that public access along the permissive path is maintained throughout the aftercare period of the site.

*Reason: To ensure that public access is provided across the restored site in compliance with Policy DM7 of the Nottinghamshire Minerals Local Plan.*

#### Duration of Planning Permission, Site Clearance and Restoration

23. Written notification shall be provided when mineral extraction in the wider Cromwell Quarry complex ceases, (the boundaries of which being defined and

confirmed in writing under Planning Condition 4). Upon completion of mineral extraction in the wider Cromwell Complex, all mineral processing and stockpiled material shall be removed from the replacement quarry plant site as identified within the land edged red on Drawing No. 12-12/M/CRMWLL/8 Rev. A: Location Plan dated Dec 2021, received by the MPA on 25.01.2002.

*Reason: To minimise the duration of disturbance from the development hereby permitted and ensure the timely restoration of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.*

24. All quarry plant, ancillary buildings, associated structures including their foundations and areas of hardstandings which are not specified to be retained within the restoration arrangements for the site shall be removed and the site shall be restored in accordance with details shown on Drawing No. Figure 5 Final Restoration Plan dated December 2021, received by the MPA on 25.01.2022 within 18 months of the completion of mineral extraction in the wider Cromwell Quarry complex, the boundaries of which being defined and confirmed in writing under Planning Condition 4.

*Reason: To minimise the duration of disturbance from the development hereby permitted and ensure the timely restoration of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.*

25. The MPA shall be notified in writing at least 5 working days before each of the following:
- (a) overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out, and
  - (b) when subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out, and
  - (c) on completion of topsoil replacement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operation.

*Reason To ensure the site is restored to a satisfactory standard and soil resources are conserved and managed appropriately, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.*

26. Soils shall only be replaced on those parts of the site which are restored above water level when the ground on which they are to be placed is in a dry and friable condition and no movements, re-spreading, levelling, ripping or loosening of subsoil or topsoil shall occur:
- (a) when it is raining; or

- (b) when there are pools of water on the surface of the storage mound or receiving area.

*Reason To ensure the site is restored to a satisfactory standard and soil resources are conserved and managed appropriately, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.*

27. Plant and vehicles shall not cross any area of replaced and loosened ground, replaced subsoil, or topsoil except where essential and unavoidable for purposes of carrying out ripping and stone picking or beneficially treating such areas. Only low ground pressure machines shall work on prepared ground.

*Reason To ensure the site is restored to a satisfactory standard and soil resources are conserved and managed appropriately, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.*

28. Upon the completion of the restoration of the quarry plant site area, the operator shall meet on site with representatives of the MPA and other parties with an interest in the land to agree that the replacement material and landform conform generally with the levels and specification set out on Drawing No. Figure 5 Final Restoration Plan dated December 2021, received by the MPA on 25.01.2022. The site shall not formally enter aftercare until such time that the MPA has agreed in writing that the site has been satisfactorily restored.

*Reason To ensure the restoration of the site is completed to a satisfactory standard in accordance with the requirements of Policy DM12 of the Nottinghamshire Minerals Local Plan.*

#### Aftercare

29. Following restoration, the land shall undergo aftercare management for a 15-year period. Prior to being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the MPA, and the aftercare period shall run from the agreed date.

*Reason: To provide for aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.*

30. An aftercare scheme and strategy shall be submitted for the written approval of the MPA no later than 6 months following the completion of mineral extraction in the wider Cromwell quarry complex, as notified under Condition 23. The strategy shall outline the steps to be taken, the period during which they are taken, and who will be responsible for taking those steps to ensure the land is managed and brought back to a satisfactory condition. The aftercare scheme shall include, but not be restricted to, details of the following:

- (a) cultivations;
- (b) weed control;



- (c) establishment methods, noting that natural regeneration should be promoted and planting/seeding should be kept to a minimum;
- (d) seed mixtures;
- (e) soil analysis;
- (f) details of the proposed Sand Martin and Kingfisher nesting banks;
- (g) the provision of shallow ponds within the northern extent of the plant site area to create habitat for amphibians;
- (h) keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the MPA between 31 March and 31 May each year;
- (i) drainage amendments;
- (j) subsoiling and underdrainage proposals;
- (k) management practices such as the cutting of vegetation;
- (l) tree protection;
- (m) remedial treatments;
- (n) irrigation; and
- (o) fencing.

*Reason To provide for aftercare of the restored site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.*

31. Site management meetings shall be held with the MPA each year to assess and review the detailed annual programmes of aftercare operations referred to in Condition 30(h) above, having regard to the condition of the land; progress in its rehabilitation and necessary maintenance.

*Reason To provide for aftercare of the restored site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.*

32. The aftercare programme shall be implemented in accordance with the details approved under Condition 30 above, as amended following the annual site meeting referred to in Condition 31 above.

*Reason To provide for aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.*

### Cessation of Workings

33. Should, for any reason, the winning and working of minerals from the wider Cromwell quarry complex, as notified under Condition 23 cease for a period in excess of 12 months which in the reasonable opinion of the MPA constitutes a permanent cessation of mineral extraction, then within three months of the receipt of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted to the MPA. Such a scheme shall include a

schedule of timings, final contours, provision of soiling, sowing of grass, planting of trees and shrubs, drainage and fencing in a similar manner to that submitted with the application and modified by these conditions.

*Reason: To achieve a satisfactory restoration of the site in the event of premature closure of the site and to ensure compliance with Policy DM12 of the Nottinghamshire Minerals Local Plan.*

34. The revised restoration scheme shall be implemented within 12 months of its approval by the MPA, and shall be subject to the aftercare provisions of Conditions 29-32 above.

*Reason: To achieve a satisfactory restoration of the site in the event of premature closure of the site.*

#### History of use of site and potential for ground contamination

35. No development shall commence until a contamination risk assessment has been submitted to, and approved in writing by, the MPA. This shall include:
- Limited sampling and testing of soils across the application area, including areas likely to be disturbed during construction and any stockpiles currently on site. Samples are to be tested for, as a minimum, asbestos ID and, if present, quantification.
  - If contamination is identified, based on 1a), a Method Statement detailing the remediation / mitigation requirements, including measures to minimise the impact on construction workers and future site users, using the information obtained from the site investigation, to be submitted to the MPA and approved in writing by the MPA prior to that remediation being carried out on the site.
  - If applicable, prior to commencement of the main site works, the approved remediation works shall be completed in accordance with the Method Statement approved in compliance with b) to the satisfaction of the MPA.
  - If applicable, a validation report, including evidence of post remediation sampling and monitoring results, to demonstrate that the required remediation has been fully met shall be submitted to and approved in writing by the MPA prior to the development approved by this permission first being brought into use.

Any changes to this condition require the written consent of the MPA. The scheme shall be implemented as approved.

*Reason: Details are required prior to the commencement of works to protect construction workers and future site users from contamination impacts during the construction and operation of the proposed development.*

36. Prior to the commencement of works, a watching brief to deal with contamination which may be encountered shall be submitted to and approved in writing by the MPA. Development shall be carried out in accordance with the approved details. If during construction, contamination not previously identified is found to be present, no further works shall be carried out in the area identified, unless first agreed in writing by the MPA, until a remediation strategy to deal with the identified contamination (including validation that contamination has been satisfactorily remediated) has been submitted to and approved in writing by the MPA. Works shall be carried out in accordance with the approved details. The MPA shall be notified in writing within 7 days of the date of the completion of the development. Within two months of the completion of development, a validation report to confirm an absence of contaminants notified to the MPA in compliance with Condition 35 shall be submitted to and approved in writing by the MPA.

*Reason: Details are required to be submitted prior to the commencement of development to provide an appropriate methodology that will ensure that risks of site contamination are properly identified and addressed.*

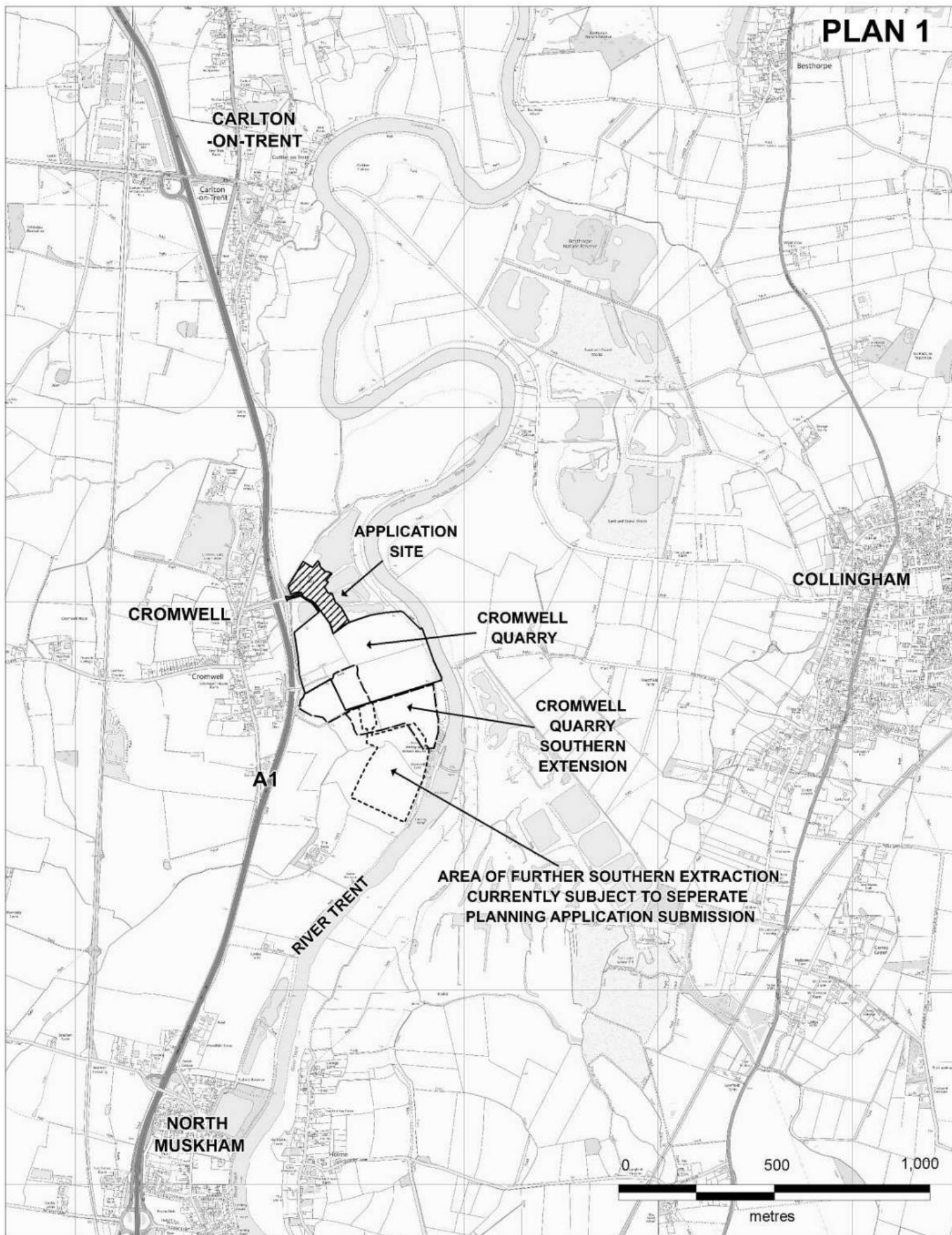
37. Prior to commencement of works, details of the segregation of waste materials into different streams for recycling or disposal shall be submitted for approval to the MPA. This should include measures to handle potentially contaminated arisings and groundwater. Any changes to this condition require the written consent of the MPA. The scheme shall be implemented as approved.

*Reason: To ensure appropriate management of potentially contaminated materials during construction of the proposed development.*

#### **Informatives/notes to applicants**

1. The Environment Agency note that the development may require the existing permit to be modified.
2. The IDB advise their consent is required for alterations to the watercourse or works adjacent to it.





**Nottinghamshire  
County Council**

Proposed relocation of the existing mineral processing plant, mineral stockpiling areas, weighbridge, weighbridge office, canteen, changing rooms and associated infrastructure. The land is proposed to be restored to benefit wildlife and biodiversity enhancement.  
Land to the north of the proposed site, currently subject to a separate planning application No. 3/22/00336/CMA

Page 387 of 406

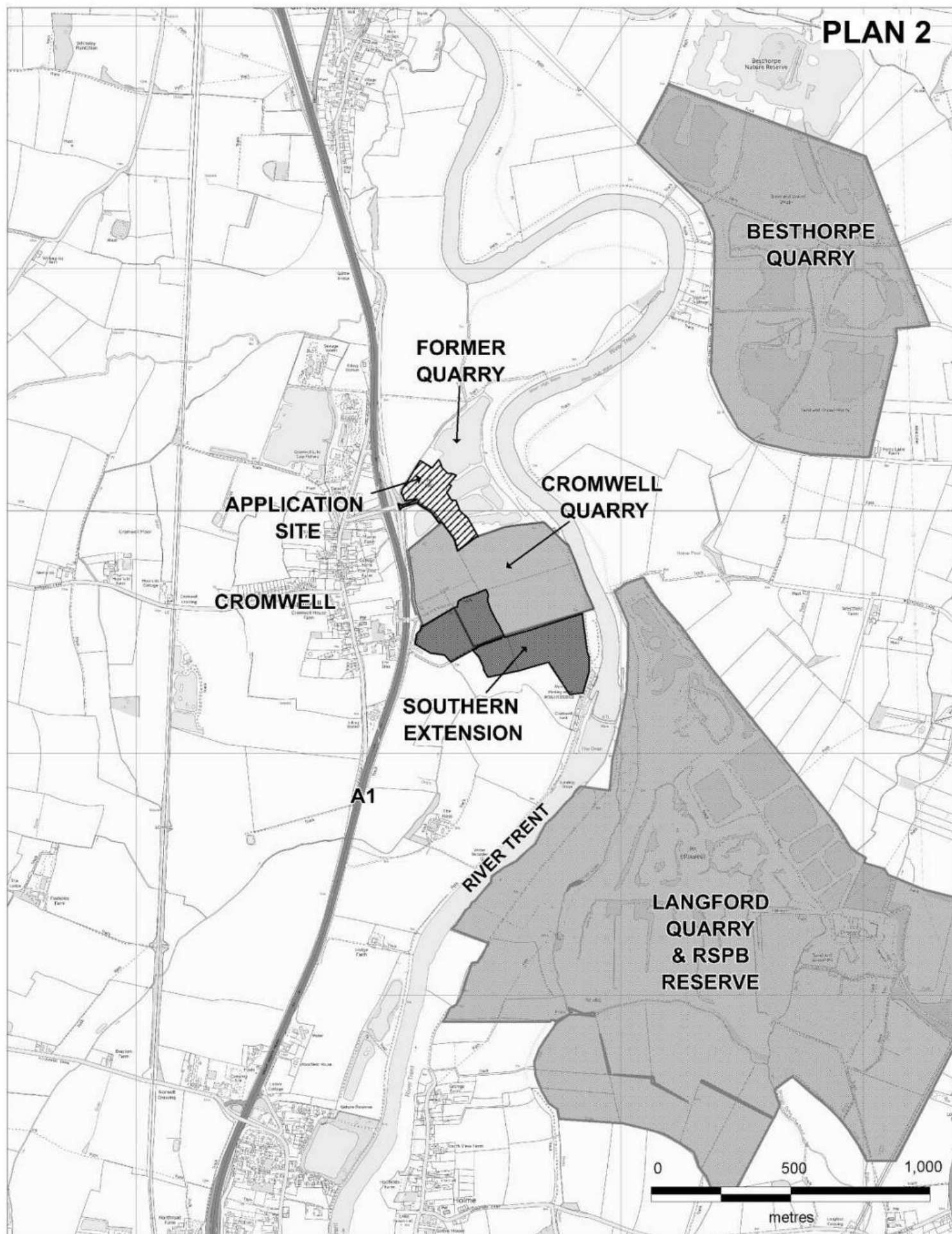
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2022)



Scale 1:25,000  
Produced by: JW  
Date: SEPT 2022

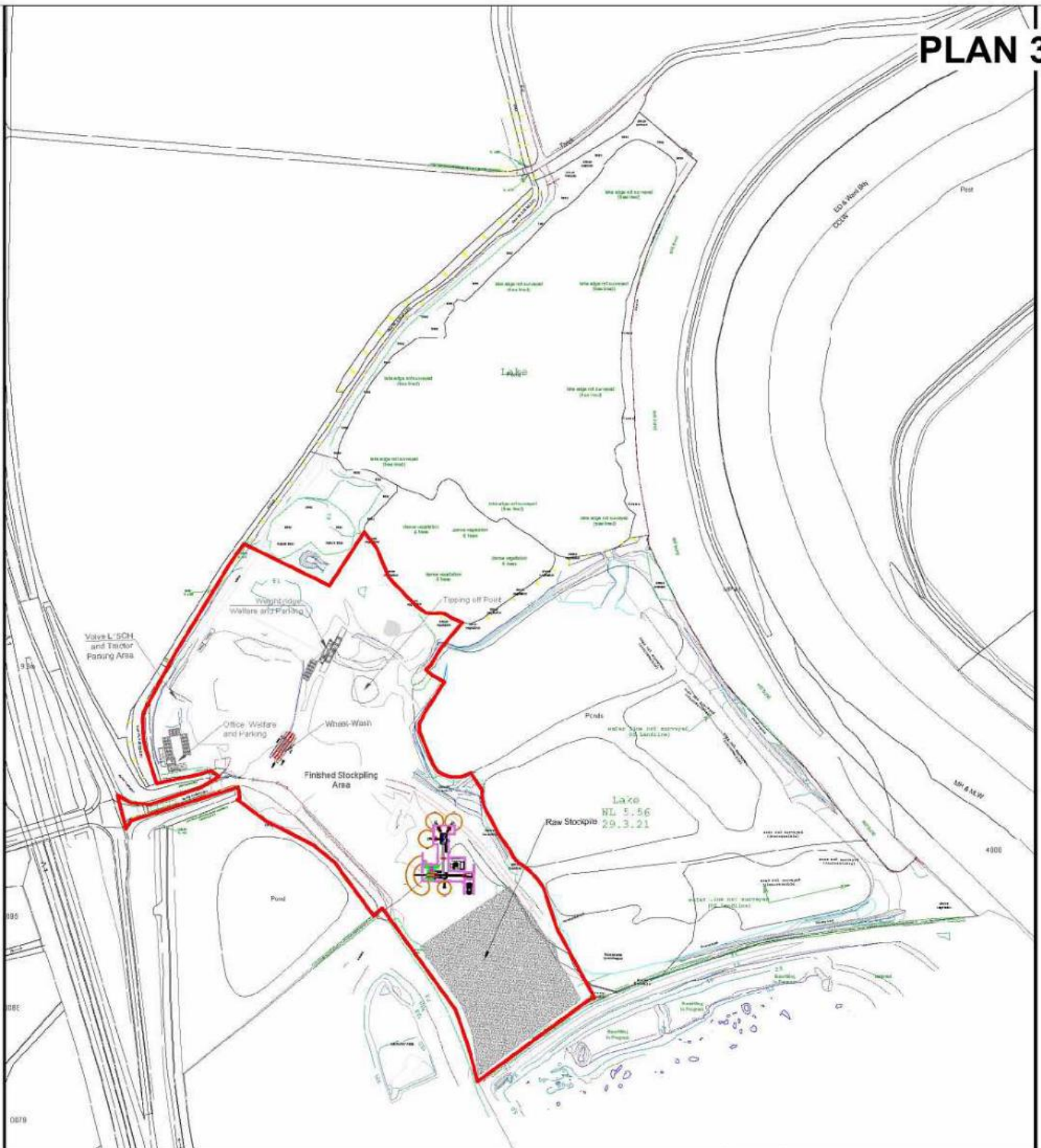










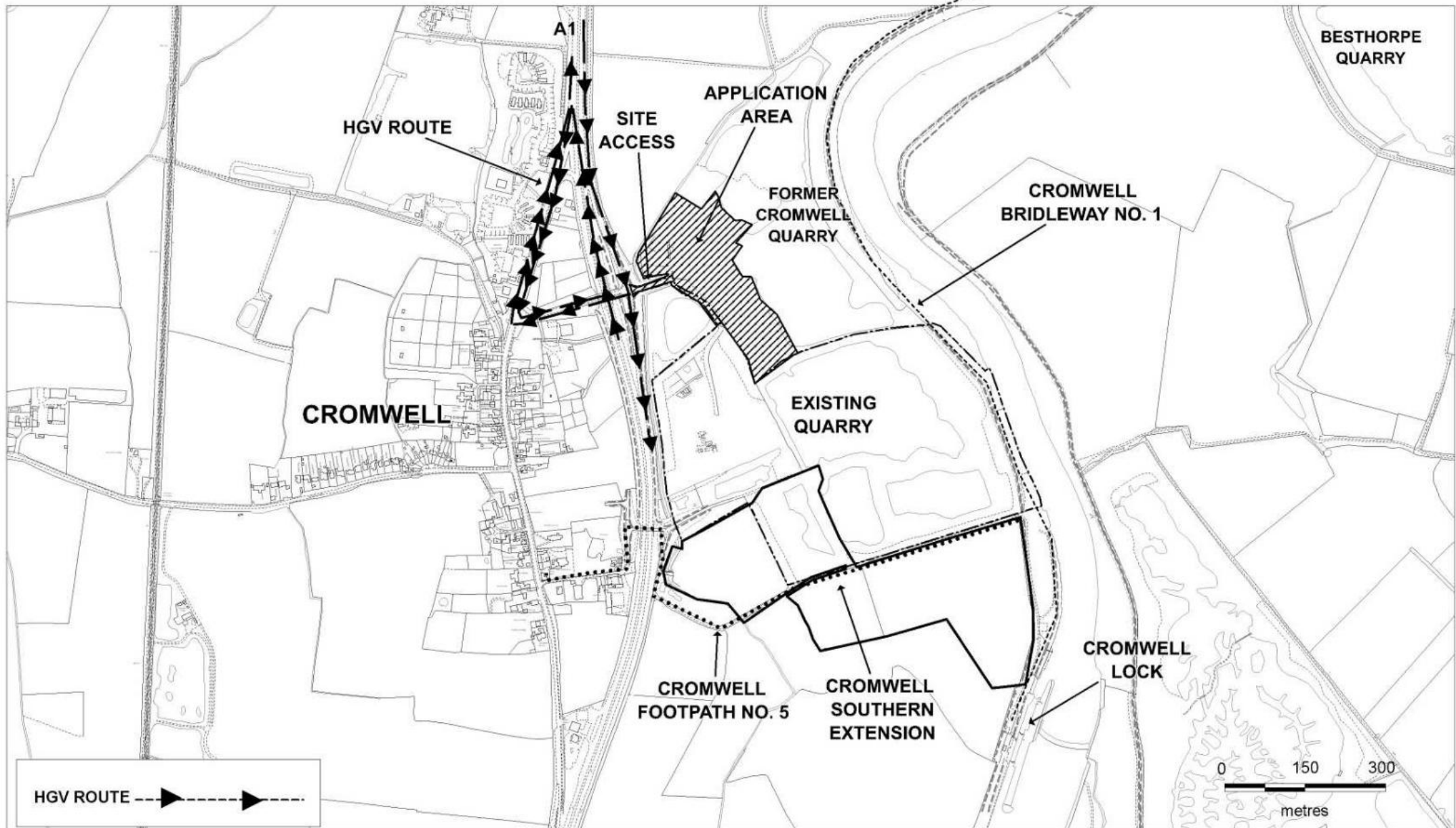


Application Boundary

Revisions	
Based on the Ordnance Survey Land Line Data with the permission of Her Majesty's Stationary Office. © Crown Copyright. Licence No. 103018131	
<b>Planning Department</b> <b>CEMEX UK Operations Limited</b> <b>CEMEX, 1st Floor</b> <b>188 High Street, Egham</b> <b>TW20 9ED</b>	
Telephone 01932 568933 Facsimile 01932 568933	
Drawn By: <b>T Paiman</b>	Company: <b>CEMEX UK Operations Limited</b>
Date: <b>Dec 2021</b>	Site: <b>Cromwell</b>
Scale: <b>1:2500 @ A3</b>	Project: <b>-</b>
Client: <b>-</b>	Title: <b>Tarmac Proposed Site Plan</b>
CS Ref: <b>-</b>	Drawn by: <b>12-04/M/CRM/VLL/T</b>







**Nottinghamshire  
County Council**

Proposed relocation of the existing mineral processing plant, mineral stockpiling areas, weighbridge, weighbridge office, canteen, changing rooms and associated infrastructure. The land is proposed to be restored to benefit wildlife and biodiversity enhancement.

Land to the north of the existing Cromwell Quarry, The Great North Road, Cromwell, Nottinghamshire  
Planning Application No. 3/22/00336/CMA

Page 393 of 406

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2022)



Scale: 1: 10,000  
Produced by: JW  
Date: SEPT 2020

**PLAN 4**





**27<sup>TH</sup> September 2022****Agenda Item: 13****REPORT OF CORPORATE DIRECTOR - PLACE****DEVELOPMENT MANAGEMENT PROGRESS REPORT****Purpose of the report**

1. To report on planning applications received by the Development Management Team between 17<sup>th</sup> June 2022 and 9<sup>th</sup> September 2022, to confirm the decisions made on planning applications since the last report to Members on 5<sup>th</sup> July 2022, and to detail applications likely to come before Committee in the coming months.

**Background**

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period. Appendix B sets out the Committee's work programme for forthcoming meetings of Planning and Rights of Way Committee and Members are asked to give consideration to the need for any site visits they consider would be beneficial on any application scheduled to be reported to committee in the near future.

**Statutory and Policy Implications**

5. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.
6. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.



## **RECOMMENDATIONS**

7. That Committee considers whether there are any actions they require in relation to the contents of the report.

**ADRIAN SMITH**

**Corporate Director - Place**

### **Constitutional Comments – (JL 15/09/2022)**

Planning and Rights of Way Committee is the appropriate body to consider the contents of this report.

### **Financial Comments – (CSB 15/09/2022)**

There are no specific financial implications arising directly from the report.

Background Papers Available for Inspection

None

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

All

**For any enquiries about this report please contact:**

Report Author / Case Officer  
Rebecca Kirkland  
0115 9932584

**Planning Applications Received and Determined**  
**From 17<sup>th</sup> June 2022 – 9<sup>th</sup> September 2022**

Division	Member	Received	Determined
<b>BASSETLAW</b>			
Tuxford	Cllr John Ogle	Construction of an underground foul water rising main at Land to the west of Cottam Power Station. Validated on 11/07/2022.	
<b>MANSFIELD</b>			
Warsop	Cllr Bethan Eddy	Planning application to retain existing temporary classrooms for 5 years: (2/2018/0495/NCC expires 31 July 2022), at Church Vale Primary School. Validated on 22/06/2022.	
<b>NEWARK &amp; SHERWOOD</b>			
Newark East	Cllr Sam Smith	Planning application to retain existing temporary classrooms for 5 years: (3/17/00989/CMA expires 30 June 2022), at Chuter Ede Horticultural Unit. Validated on 19/07/2022.	
Newark East	Cllr Sam Smith	Planning application to retain existing temporary classrooms for 5 years: (3/19/01391/FUL3N expires 31 July 2022), at Chuter Ede Primary School. Validated on 22/06/2022.	

Division	Member	Received	Determined
Muskham and Farnsfield	Cllr Bruce Laughton	Planning application to retain the existing wellsite for a temporary extended period, at Whip Ridding Farm Wellsite, Eakring Road. Validated on 27/07/2022.	
Sherwood Forest	Cllr Scott Carlton	Construction of silage clamp extension at Rainworth Energy Ltd. Validated on 05/09/2022.	
Southwell	Cllr Roger Jackson		Reed Bed Water Treatment System at Oxtan Composting Facility. GRANTED on 14/07/2022.
<b>ASHFIELD</b>			
Hucknall North	Cllr John Wilmott	Variation of Condition 3 (to remove the development of a ditch from the application plans and instead include the new drainage and swale details);  Condition 8 (to permit planting of the hedgerow in November/December 2022 following electrical works), and Condition 9 (to permit planting of trees in November/December 2022 following electrical works) of planning permission 7/2019/1000NCC and 4/V/2019/0680.  At Top Wighay Farm. Validated on 01/07/2022.	

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Selston	Cllr David Martin	Planning application to retain existing temporary classrooms for 5 years: (4/V/2019/0522 expires 31 July 2022), at Jacksdale Primary School. Validated on 15/07/2022.	
Sutton Central and East	Cllr Samantha Deakin	Change of Use existing pastureland north of the Mill Adventure Base to outdoor sports recreation usage. Installation of aerial recreational course equipment. Construction of amenity building and associated hard and soft landscaping, at The Mill Adventure Base, Kings Mill. Validated on 08/08/2022.	
Kirkby North	Cllr Andy Meakin	Part retrospective change of use of land and buildings for the acceptance, storage and treatment of end-of-life vehicles including ancillary storage of salvaged parts, at Parts Emporium Ltd, Sidings Road. Validated on 10/08/2022.	
Sutton North	Cllr Helen-Ann Smith	Change of use from a residential dwelling to a small (2-bed) home for children in the care of the local authority, at 1 Saville Road, Skegby. Validated on 05/08/2022.	

Division	Member	Received	Determined
Newstead (and Hucknall North – cross boundary application)	Cllr John Wilmott/Cllr Chris Barnfather		Construction of an office building (use class E (g)(i)) with car parking, landscaping and associated works. Access and drainage infrastructure including new highway from A611 signalised junction, at Top Wighay Farm. GRANTED on 26/07/2022.
<b>GEDLING</b>			
Carlton East	Cllr Mike Adams	Variation of criteria C & D of Planning Condition 24 of Planning Permission 7/2021/0648/NCC to enable the waste transfer station to operate without the use of the previously consented air filtration plant during periods when there is no waste shredding/refuse derived fuel preparation activities undertaken within the building, and allow the passive ventilation of the building to be undertaken by permitting the opening of the air inlet louvres. At Land off Private Road No3, Colwick Industrial Estate. Validated on 19/07/2022.	

Division	Member	Received	Determined
Hucknall North (and Newstead – cross boundary application)	Cllr John Wilmott/Cllr Chris Barnfather		Construction of an office building (use class E (g)(i)) with car parking, landscaping and associated works. Access and drainage infrastructure including new highway from A611 signalised junction, at Top Wighay Farm. GRANTED on 26/07/2022.
Arnold North	Cllr Michael Payne/Cllr Pauline Allan		Retrospective application for the retention of 2 leachate storage tanks which have been moved from within the site to near the site entrance, at Dorket Head Landfill Site. GRANTED on 04/08/2022.
Arnold South	Cllr Michelle Walsh/Cllr John Clarke		Two classroom modular building, additional car parking and external lighting, at Derrymount Upper School. GRANTED on 31/08/2022.
<b>RUSHCLIFFE</b>			
Keyworth	Cllr John Cottee	Retention of Replacement Boundary Concrete Panel Wall, at Chris Allsop Metals Limited. Validated on 31/08/2022.	





## Schedule of future planning applications to be reported to Planning and Rights of Way Committee

(Please note: The committee dates identified are for guidance only. A final decision regarding the committee date is not made until shortly before the agenda is published).

Target Committee	Planning App No.	Location	Development	Current Progress
27 <sup>th</sup> September 2022	3/22/00584/CMA	Ollerton roundabout, Intersection of A614, A616, A6075 and Newark Road, Ollerton, NG22 9DY	Reconfiguration and enlargement of the roundabout with associated landscaping works and improvements to pedestrian crossing facilities.	Re-consultation on further information and plans has been completed and the report is currently being finalised.
27 <sup>th</sup> September 2022	3/22/00587/CMA	Intersection of A614 and Mickledale Lane, Bilsthorpe, Nottinghamshire	Construction of two roundabout junctions and a new link road connecting the new roundabout on the A614 (Old Rufford Road) to Mickledale Lane	Re-consultation on further information and plans has been completed and the report is currently being finalised.
27 <sup>th</sup> September 2022	3/22/00589/CMA	White Post roundabout- Intersection of A614 and Mansfield Road, Farnsfield, Nottinghamshire, NG22 8HU	Highway improvements to roundabout	Report is currently being finalised
27 <sup>th</sup> September 2022	3/22/00588/CMA	Intersection of A614/A6097 (Warren Hill), Farnsfield, Nottinghamshire, NG22 8EW	Geometric improvements and alterations to the gyratory junction	Re-consultation on further information and plans has been completed and the report is currently being finalised.
27 <sup>th</sup> September 2022	3/22/00586/CMA	Lowdham roundabout, Intersection of the A6097, A612 and Southwell Road, Lowdham	Enlargement of roundabout with associated landscaping and improvements to pedestrian crossing facilities. Change of use of land adjacent to no.15 Nottingham Road from public highway (footpath) to residential curtilage	Re-consultation on further information and plans has been completed and the report is currently being finalised.

27 <sup>th</sup> September 2022	8/22/00559/CTY	Kirk Hill junction, Intersection of Kirk Hill/A6097, East Bridgford, Nottinghamshire	Enlargement of junction with associated ancillary landscaping and improvements to pedestrian and equestrian crossing facilities	Re-consultation on further information and plans has been completed and the report is currently being finalised.
1 <sup>st</sup> November 2022	3/22/00740/CMW	Staple Quarry, Grange Lane, Cotham, Newark- on-Trent	Amendment to planning permission 3/16/00693/CMW to alter the approved restoration and afteruse of the site from agriculture to an ecological/habitat based restoration and afteruse (nature conservation), facilitated through the importation of soil improvement materials to mix with the site's existing soils.	Additional consultation required.
1 <sup>st</sup> November 2022	8/22/01279/CMA	John Brookes Sawmill, off the A46, Nr Widmerpool. NG12 5PS	Southern extension to the waste wood and green waste storage yard (part retrospective)	Drainage, surfacing and the magnitude of dust emissions from the extended operational site are being assessed.
13 <sup>th</sup> December 2022	3/22/00059/CMM	Land south of Church Street, Southwell, Nottinghamshire, NG25 0HG	Flood alleviation works including construction of an earth bund, flow control structure, and related ground works, landscape planting, boundary works including fencing, and ancillary operations.	Revisions to scheme have been requested in relation to preparation and submission of additional flood risk assessments, maintaining pedestrian access over the flood defences, and further advice being sought on detailed heritage considerations, with further re-consultation needed once received.
13 <sup>th</sup> December 2022	1/22/00867/CDM	Misson Quarry, Bawtry Road, Misson	Proposed western extension to existing Misson Grey Sand Quarry incorporating modifications to previously approved restoration schemes referenced 1/15/01574/CDM and 1/32/11/00020	Planning consultation responses are still being received. A number of ecological matters have been raised which will require the submission of further information and subsequent re-consultation.
13 <sup>th</sup> December 2022	1/22/00865/CDM	Misson Quarry, Bawtry Road, Misson	The application seeks approval to amend the approved restoration scheme that relates to approval 1/32/11/00020. The amended scheme will allow the implementation of the proposed	The implementation of this planning application is linked to 3/22/00059/CMM for the western extension of the quarry and therefore will be determined at the same time as the proposed quarry extension development.

			western extension	
13 <sup>th</sup> December 2022	1/22/00864/CDM	Misson Quarry, Bawtry Road, Misson	The application seeks approval to amend the approved restoration scheme that relates to approval 1/15/01574/CDM. The amended scheme will allow the implementation of the proposed western extension.	The implementation of this planning application is linked to 3/22/00059/CMM for the western extension of the quarry and therefore will be determined at the same time as the proposed quarry extension development.

**Planning Applications currently being processed by the County Council which are not currently targeted to a specific meeting of the Planning and Rights of Way Committee.**

Planning Application: 3/19/00100/CMM  
Location: Cromwell North Quarry, Land Between Carlton on Trent and Cromwell, Newark  
Proposal: Proposed extraction of 1.8 million tonnes of sand and gravel together with the erection of mineral processing plant and associated ancillary infrastructure. the provision of a new access, and the progressive restoration of the site to nature conservation over a period of 9 years.

Current Progress: A request for the submission of supplementary environmental information was made under Reg. 25 of the EIA Regs in May 2019. This request for information covered air quality, transport, access, quarry dewatering, floodlighting, landscaping, ecology, noise, protection of River Trent, contaminated land and archaeology. The planning application raises key planning issues in respect of need and mineral supply within Nottingham. The applicant initially delayed their response to the Reg 25 request to allow decisions to be made regarding site allocations as part of the review/examination of the Replacement Minerals Local Plan. The Cromwell North site has not been allocated as part of this process. The applicant now wishes to keep this application live for the next few months whilst they consider the implications to minerals supply within Nottinghamshire stemming from the decision to withdraw the planning application submission for a new quarry at Barton in Fabis.

Planning Application: 1/20/00544/CDM  
Location: Daneshill Landfill Site, Daneshill Road, Lound, DN22 8RB  
Proposal: Temporary operations for 10 years for Soil Treatment Facility including Asbestos Picking Operations  
Current Progress: The applicant is preparing an Environmental Impact Assessment to support the planning application. The applicant is however awaiting a 4on a separate Permit from the Environment Agency, the outcome of which will inform the Environmental Impact Assessment

Planning Application: 3/20/01244/FULR3N  
Location: British Sugar Corporation Ltd Sports Ground, Great North Road, Newark On Trent, NG24 1DL  
Proposal: Change of use from former sports field to land to be used for conditioning (drying by windrowing) of topsoil material recovered from sugar beet delivered and excavated from soil settlement lagoons onsite, and engineering works to

construct an internal access route to serve the soil conditioning area and excavate a flood storage compensation area.

Current Progress: A supplementary flood risk assessment has been requested from the applicant. British Sugar are currently considering the scope of information required to provide their flood risk response.

Planning Application: ES/4441

Location: Ness Farm and Cromwell Quarry, The Great North Road, Cromwell, Nottinghamshire, NG23 6JE

Proposal: Proposed southern extension to the quarry for the extraction of approximately 550,000 tonnes of sand and gravel with restoration to agriculture and nature conservation

Current Progress: The planning application has recently been submitted and planning consultations sent out

Planning Application: V/4462

Location: Cromwell Quarry, The Great North Road, Cromwell, Nottinghamshire, NG23 6JE

Proposal: To allow for amendments to the working scheme and restoration plan, to facilitate working a southern extension at Ness Farm - see planning statement for further details

Current Progress: The planning application has recently been submitted and planning consultations sent out

Planning Application: V/4463

Location: Cromwell Quarry, The Great North Road, Cromwell, Nottinghamshire, NG23 6JE

Proposal: To allow an update to the method of working plans and the retention and use of the plant site, access, haul road and silt lagoons in order to work a proposed extension at Ness Farm

Current Progress: The planning application has recently been submitted and planning consultations sent out

Planning Application: 7/2022/0752NCC

Location: Calverton (Burntstump) Quarry, Ollerton Road, Arnold, NG5 8PR

Proposal: Variation of conditions 7, 8 and 50 of permission 7/2005/0263 so to extend the time to work the remaining mineral reserves until 7 Jan 2042 with restoration by 7 Jan 2043

Current Progress: An objection to the restoration scheme has been received raising ecological concerns. The applicant has been requested to make modifications to the restoration scheme to address this objection and also submit a biodiversity off-set calculation of the revised restoration scheme.

Planning Application: 7/2022/0751NCC

Location: Calverton (Burntstump) Quarry, Ollerton Road, Arnold, NG5 8PR

Proposal: Variation of condition 2 of permission 7/2003/1323 to retain the weighbridge, associated buildings and soil mound for the proposed duration of mineral extraction operations to 7 Jan 2042

Current Progress: The determination of this planning application is linked to 7/2022/0752/NCC (above) and will be determined at the same planning committee.