

**25<sup>th</sup> February 2014**

**Agenda Item:**

## **REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND CORPORATE SERVICES**

**GEDLING DISTRICT REF. NO.: 7/2012/1493**  
**ASHFIELD DISTRICT REF. NO.: 4/V2012/0570**

**PROPOSAL: IMPROVEMENT WORKS TO THE COUNTRY PARK INVOLVING THE REMODELLING AND PARTIAL IN-FILLING OF LAKE 2 FOR DEVELOPMENT AS A FISHERY, AND WIDER LANDSCAPE IMPROVEMENT WORKS AND PATH UPGRADES, IN TOTAL REQUIRING THE IMPORTATION OF CIRCA 17,000M3 OF INERT MATERIALS AND SOILS.**

**LOCATION: NEWSTEAD AND ANNESLEY COUNTRY PARK, NEWSTEAD VILLAGE**

**APPLICANT: RURAL COMMUNITY ACTION NOTTINGHAMSHIRE**

### **Purpose of Report**

1. Members will recall that Committee resolved to defer the determination of this application at the meeting held on the 12<sup>th</sup> November, in order to explore a number of highway related issues, associated with the proposed importation of inert materials and soils into the application site. Further work to study the available routeing options to/from the A611 was undertaken and a report on these options was published as part of the papers for the 6<sup>th</sup> December meeting. Consideration of the application was again deferred to allow for a wider consultation exercise to take place, particularly as some residents on the fringes of Newstead village had not previously been consulted and who, under some of the routeing scenarios now drawn up, could potentially be impacted by the haulage operation.
2. This supplementary report seeks to inform Members of the outcome of the additional consultation and discussions which have taken place since the original deferral, how this has led to the HGV routeing options identified and, finally, how this has led to a preferred option as recommended to Committee. The original report addressing all other issues is attached as Appendix A.
3. The application is now re-presented to Committee for consideration. The recommendation is to grant planning permission subject to a legal agreement to control lorry routeing to and from the A611; the requirement for pre and post development road condition surveys; and to undertake any remedial works directly attributable to the development and subject to the conditions set out at

Appendix 1 of the main report, as attached as Appendix A, and as revised by the schedule of amendments at the end of this report.

## Policy update

4. Since the consideration of the application at the previous Committee, the Waste Core Strategy has been formally adopted by the County and City Councils under its new title of the Nottinghamshire and Nottingham Replacement Waste Local Plan Part 1: Waste Core Strategy. This has resulted in some of the Waste Local Plan policies falling from the adopted development plan, which now consists of the new Replacement Waste Local Plan and the saved policies of the Waste Local Plan (WLP).
5. Of relevance to the application is the removal of Policy W10.1 (Waste Disposal in Mineral Voids, Other Voids and Colliery Spoil Heaps), it being superseded by Policy WCS5 (Disposal Sites) (formally referred to as WCS4). The original report considered both policies in determining the principle of the proposed development and it is considered that the formal adoption of the Waste Core Strategy does not change the recommendation. Both policies require the realisation of environmental benefits as part of the restoration/disposal in formal spoil heaps.
6. Policies covering the environmental impacts (chapter 3 policies of the WLP) remain in place as part of the development plan, however Policy WCS13 (Protecting and Enhancing our Environment) is now adopted and requires that proposals for waste disposal facilities should ensure there would be *“no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby and where this would not result in an unacceptable cumulative impact.”* Additionally the policy seeks to maximise landscape, habitat and community enhancements. Reference to this policy will be made against the highway related impacts discussed below.

## Monitoring update

7. In the last week of November 2013 the Waste Planning Authority (WPA) received reports of a haulage operation importing soils into the country park, through Newstead Village (Tilford Road), these soils were deposited and spread around lake 1. The WPA undertook an investigation and cautioned the applicant that it was considered that the soils formed part of the present planning application and did not benefit from any planning permission.
8. As a result of these works, part of the proposed development- the landscaping around lake 1- has been substantially completed, pending the final seeding and/or planting. The requirement to import circa 800cu.m of material for this area is therefore no longer required and this has also revised down the overall estimated HGV deliveries from 1,900 to 1,800.
9. Of note is that the applicant and the contractor undertook to move the material through Newstead village, resulting in multiple episodes of mud being deposited, requiring the deployment of a road sweeper and which led to local complaints being received.

## Highway issues

### HGV routeing

10. Previous discussions between officers and the applicant related to the access options into the Country Park. It was agreed that the most suitable point of access would be via the end of Annesley Cutting and via the railway underbridge, thereby avoiding the built up centre of Newstead village around Tilford Road. This is discussed in the main report (paragraphs 100 to 104). Access routes to/from the A611 were not formally specified in the application submissions, although it was apparent that Annesley Cutting was a viable option especially if the source of the material to be imported was to originate from the north in the Mansfield/Ashfield area. The source(s) of any future material is unknown at this stage.
11. At the November committee Members discussed the vehicular access to/from the A611 corridor and in particular the current conditions at its junction with Annesley Cutting, which is not signalised and can experience congestion in peak periods. The question was raised as to whether the HGV movements resulting from the proposed development should instead be directed along Newstead Road/Hucknall Road to the south and to the signalised junction with the A611 at the point where the two carriageways split and diverge.
12. Clearly access to the site from/to the A611 is achievable only by either or both of Annesley Cutting or Newstead Road/Hucknall Road. (see Plan 2, Appendix A) Both are local roads serving Newstead village and the Hazelford Way Industrial Estate and both pass a number of residential properties en route. They are though, of differing character and this affects their suitability for the proposed haulage operation and this is further considered later in this report.
13. Until a contract for the inert material has been signed, (assuming planning permission is granted) the exact source(s) cannot be identified, however the likelihood is that such material would be sourced from local construction/civil engineering sites and could come from broadly three directions: from the north in the Mansfield/Ashfield area; from the south Hucknall/Nottingham area; or from the west, M1/Derbyshire border. The local highway network is shown on Plan 2.
14. Previously, a series of routeing options were drawn up, based on the two available routes and taking into account the unknown source location of the inert material. These are set out below and include an additional option (e) which was put back into consideration as part of the wider public consultation on all these routeing options.

Access options from/to the A611:

(a) Unrestricted routeing

This option would permit flexible routeing allowing HGVs to use either the Annesley Cutting junction or the Hucknall Road junction without restrictions.

This would allow hauliers to minimise vehicle mileage and respond to any particular congestion occurrences along the A611. The applicant and contractor would be encouraged to split the routeing impact of HGVs, where practicable, to use both routes.

(b) Newstead Road/Hucknall Road only

This option would route all HGVs along Newstead Road/Hucknall Road from/to the signalised junction on the A611. This option would be operationally favourable for material sourced from the south, however if it is sourced in the north (from the Mansfield/Ashfield area) or west (from Derbyshire via the A608), then a diversion south to the signalised junction would be entailed.

A small number of residential properties on Hucknall Road, at the junction with Musters Road in Newstead, would experience additional traffic, however this would be against the backdrop of a well used road for local and commercial traffic.

(c) No right turn into or out of Annesley Cutting

This option would allow HGVs sourcing waste from the north to enter Annesley Cutting, but on exiting would be required to turn left and divert south to the A611/A608 roundabout and then back up the A611.

Any HGVs from the west (A608 and Derbyshire) would have to divert south to the Hucknall Road junction and run up Hucknall Road/Newstead Road. However, on exiting the option of turning left onto the A611 at Annesley Cutting would be available.

For HGVs sourcing material from the south, Hucknall Road would be used inbound and either Annesley Cutting or Hucknall road could be used outbound.

(d) Left turn into Annesley Cutting only

This would in effect have only an in-bound flow of HGVs along Annesley Cutting and would only be of use if the material was sourced from the north. Exiting vehicles would have to divert south along Newstead Road to the signalised junction and then back up the A611.

HGVs from all other directions would use the Hucknall Road route, both in and out-bound and Annesley Cutting would not be used.

(e) Annesley Cutting Only

Lorries would use Annesley Cutting both in-bound and out-bound, without using Newstead Road/Hucknall Road.

This would require right hand turns to be made at the Annesley Cutting /A611 junction, either in-bound (if from the south) or out-bound (if travelling to the north).

15. These options/scenarios were the basis of an additional consultation with local residents, including those along Annesley Cutting and Newstead Road and with the two local Parish Councils. Discussions have also taken place with the County Highways Authority and with the Accident Investigation Unit. The following section summarises these responses.

## Consultations

**Newstead Parish Council** - *The Parish Council provides total support for the proposed project and the goal of restoring the lagoon(s) to provide fishing lake(s). However based on previous information provided to the Parish Council by the County Planning Authority and also by the applicants direct, it was agreed that the most suitable point of access would be via Annesley Cutting alone and for this reason the proposal was supported. The routeing options presented to the Planning and Licencing Committee all involved lorries using Newstead Road/Hucknall Road to some extent. Subsequent routeing proposals do contain an option to route lorries via Annesley Cutting only (option E) and it is this option which is supported.*

*The Parish Council have severe misgivings regarding the use of Hucknall Road/Newstead Road. The original route proposed (Annesley Cutting) is the shortest route to the Category A road network (0.4 miles, as opposed to 1.5 miles via Hucknall Road), is fairly straight and is lit throughout. By definition it is subject to a 30mph speed limit. The road passes directly adjacent few homes (three at most) and rises above the main urban area of Annesley village, most residents of which would not be directly affected. Whilst it is accepted that turning right at rush hour is not always easy, NCC Highways did not believe this to be a hazard, nor were objections raised. If it is perceived to be hazardous, then remedial measures should be made to benefit all users, rather than re-route development traffic.*

*In contrast Hucknall Road is unlit for the majority of the route down to the signalised junction and it is not straight, containing a number of deceptive bends and hidden entrances to local farms. Most of the road is derestricted, though the Council has made unsuccessful attempts to reduce the speed limit from 60mph to 50 mph and to extend further out from the village the 30mph limit.*

*Concern is raised that lorries would be tempted to travel faster than the road conditions would allow and that on dark winter/autumn days/evenings there would be potential for accidents, should the lorry meet an oncoming vehicle or cyclist. The existence of a narrow pavement is also noted. The existence of gaps in fences and damage to walls are testament to previous road accidents, where drivers have lost control of their vehicle along this stretch of road.*

*Further concerns are raised with regard to the impact on local residential amenity and the detrimental impact of additional noise, fumes and dust impacting on additional residents fronting Newstead/Huckall Road.*

*Whilst lorries would not pass directly in front of the primary school, the close proximity could affect classroom learning and create additional noise, fumes*

*and dust. Haulage operations, would be impacted by congestion created by parents at the beginning and end of the school day and would pose a danger to parents and children at these times.*

*Routeing lorries along Newstead Road/Hucknall Road would also result in a hazard to local children using the play park at the entrance to the village, which has a concealed access point onto Newstead Road, where there is no footway.*

*Visitors to Newstead Cemetery would also be impacted, particular in the case of a funeral where the presence of additional lorries would be incongruous in a peaceful environment. Cars and the hearse would be parked on the road at these times.*

*Routeing lorries past the entrance to the Industrial Park poses a greater accident risk.*

16. **Annesley & Felley Parish Council** – *No additional response received, any comments will be orally reported.*

17. **NCC Highways**

*NCC Highways raises no objection to the routeing of HGVs along either Annesley Cutting or Newstead Road/Hucknall Road due to the low vehicle movements associated with the proposal. It is though noted that there may be an amenity issue for dwellings and their occupants in and around the Musters Road junction, on the edge of Newstead village, should lorries be directed this way. It is also noted that lorries undertaking right hand turns at the Annesley Cutting/A611 junction would cause some delay in the morning and evening peak periods.*

*In the event that the routeing involved Newstead Road/Hucknall Road, then the requirement for a video-recorded condition survey along Annesley Cutting would need to be extended along these lengths.*

18. **NCC Road Safety Team**

*Currently it is not obvious whether HGVs would access the site from the north or south nor is it known in which direction they may wish to re-join the A611. Certain options become preferable based on the origin and destination of the HGVs and the lack of such information is reflected in the following comments.*

*Based solely on the accident data it would seem preferable to use the A611 as little as possible. However using the junction with Annesley Cutting for all manoeuvres appears to be most desirable on accident grounds, though it should be noted that there is currently not the demand to use this junction by HGVs which the proposals would create.*

*If the HGVs would be arriving from and going back to the M1, using Annesley Cutting appears preferable as this would probably involve a right turn into*

*Annesley Cutting and a left turn out. However other manoeuvres may be problematic.*

*If the HGVs wish to go to the north, turning right out from Annesley Cutting across the A611 is never easy and HGVs may lead to considerable queues. It should also be noted that the alternative left turn down to the signalised roundabout junction with the A608 and then back up the A611 is a viable option and could allow the banning of the right hand turns out from Annesley Cutting onto the A611.*

*For HGVs running from/to the south, in choosing between Hucknall Road or Annesley Cutting, on accident grounds, the difference is considered marginal. Both options have issues but it is suggested HGVs are directed along the A611 around the A 608 roundabout and then right into Annesley Cutting. This avoids a residential setting and as an A road is better designed to cope with such manoeuvres compared with a distributor road.*

*With regards to the proposed prohibition on Tilford Road, it is agreed that it would be far from ideal when a non-residential alternative route is available. The road is lined by terraced housing and on-street parking.*

## **Publicity**

19. As mentioned above, additional consultation was undertaken specifically on the routing options and additional letters were sent to residents along Hucknall Road. Four letters of response have been received from members of the public, two of which reside on Hucknall Road.
20. Two letters consider that option B (Newstead Road/Hucknall Road only) is preferable. The use of the un-signalised and often congested junction at Annesley Cutting/A611 should be ruled out, whereas the alternative is to a signalised/controlled junction. Annesley Cutting is narrow as it passes the church and there is concern for pedestrians as the road is badly lit. Lorries may have difficulty passing each other. One of these letters considers option D as a second choice, only if a box junction is provided and marked out.
21. One letter considers option E (Annesley Cutting only) to be the most logical and safest route. Hucknall Road is extremely busy during the day with general and through traffic, including the local bus service. Traffic is increasing with the new housing developments and at peak periods motorists can be seen using Hucknall Road to reach the A611, rather than experience congestion at Annesley Cutting. Little consideration is given to the 30mph speed restriction. Lorries would also have to pass the immediate vicinity of the primary school and which, due to the proposed start and finish times of the haulage operations, would clash with parents and children accessing the school at these times, posing a road danger.
22. One letter favours option D (left turn into Annesley Cutting only) with a second choice of option C (No right turn into and out of Annesley Cutting), recognising the importance of sensible access for the vehicles, but also that right hand turns exiting Annesley Cutting is difficult in peak periods.

23. One of the letters separately considers that lorries should enter the site via Tilford Road, rather than take the longer route around the top of the former tip site.
24. Separately concern has been raised regarding the issue of vehicle damage liability outside of the Persimmon Homes development. This is answered in paragraph 39.
25. The applicant responds that they see option C (No right turn into and out of Annesley Cutting) has merit, however they would not favour option B (Newstead Road/Hucknall Road only) which would lead to longer journeys for loads coming from the north, west or Derbyshire.

## **Highways issues- observations**

### Amenity issues

26. In weighing up the potential impacts additional lorries could have upon local residential amenity, the use of Annesley Cutting would appear to have the least impact. Four or five properties are situated at or just east of its junction with the A611 and, with the exception of the corner property, are set back from the road. Further properties at the southern ends of Byron Road and Moseley Road with Annesley Cutting would also experience some additional passing traffic, but again are not directly fronting the route.
27. The use of Newstead Road/Hucknall Road on the other hand is likely to have a greater impact on residential amenity. Two groups of residential properties at the junction with Musters Road front the route, although benefiting from front gardens. A second group of properties are further north on both sides of the route, now that the Persimmon Homes development is progressing and all of which front the road, with small front gardens.
28. In addition to these properties, a number of other land uses, some more sensitive than others, are to be found along Hucknall Road. These include a play/skate park at the entrance to Newstead village, and the primary school located just off the triangle. Representations have also been made concerning any possible impact upon the cemetery on the southern approach to Newstead.
29. In any routeing scenario (where traffic is prohibited via Tilford Road/through Newstead village), the passing of HGV traffic along the dead-end of Annesley Cutting, in front of new properties in the Persimmon Homes development, has not been disregarded, but has been weighed up against the greater impact such haulage movements would have through the centre of Newstead village.
30. In accordance with Policy WCS13, impacts have previously been identified and mitigation measures devised to address issues of mud, dust and speed past the properties and which as a temporary operation has to be weighed up against the long-term remedial benefits which would be realised within the country park and which local residents could enjoy. The residual impacts on



the quality of life of these local residents are therefore considered to be acceptable, in order to deliver the lasting landscape, habitat and community enhancements.

### Road Safety

31. The additional consultation and feedback from Members has raised concerns relating to the safety and risks involved in such a haulage operation and the suitability of various routes to the site. The County Council Accident Investigation Unit (AIU) has been consulted on the above routing options/scenarios and comments have been summarised above. The AIU has undertaken a study of reported injury accidents in the area encompassing the A611, Annesley Cutting and Newstead Road/Hucknall Road, in the period between January 2010 and September 2013.
32. In total there were 46 such accidents in that period, including two fatal and eight serious, most of which took place along the A611, reflecting the volume of traffic on this route.
33. There have been nine accidents recorded on Hucknall Road, five (two serious) were south of Newstead, which appear to involve the loss of vehicle control, and there have been four accidents in the village, all at junctions.
34. Along Annesley Cutting, three accidents are recorded, two (one serious) near to Byron Road and one (serious) at the junction with the new housing development. There is also a further accident (slight injury) recorded in 2012 at the Annesley Cutting/A611 junction.
35. Further incidents of note include two slight injury accidents at the signalised junction with the A611 and three in the village itself.
36. The AIU state that due to the record on the A611, ideally it should be used as little as possible, however in recognising the limited access options, it is advised that the Annesley Cutting route is the best option, as opposed to using Newstead Road/Hucknall Road.
37. In weighing up the accident risk, Annesley Cutting has been shown to have a better road safety record and it is a direct route to the site, which is straight, lit and has fewer junctions along its length. Hucknall Road conversely has had a number of accidents involving loss of control at the various bends and dips in the road and runs in proximity to the school and play park. The AIU advise that right hand turns out of Annesley Cutting should be prohibited, however right hand turns in would be acceptable, as the flow of southbound traffic is broken up by the operation of the nearby 'Badger Box' junction. The option to prohibit the use of Hucknall Road by the development traffic is available and the prohibition of the use of Tilford Road is supported.
38. The issue of potential damage to vehicles parked outside the Persimmon Homes site, along the dead end of Annesley Cutting has been raised in representations. It has been claimed that an insurance case would not pay out if the road was not adopted. It has now been clarified that this section of road is currently adopted highway, though subject to Persimmon Homes

resurfacing it. The applicant states that the haulage contractor would have all the necessary insurance in place for the operations. Vehicles would be expected to proceed with caution taking into account the conditions.

#### Junction improvements at A611/Annesley Cutting

39. In the previous consideration of the application, Members commented on the issue of traffic control at this junction. The following was included in the papers for the 6<sup>th</sup> December meeting, but is included again here for completeness.
40. The relevant background to this is that junction improvements were explored in detail in around 2004/2005 by the County Council in connection with the redevelopment of the Newstead/Annesley pit heads and also in connection with bus priority measures along the A611. A large number of design options were modelled either with the provision of a mini-roundabout, or with the provision of a traffic signalled junction.
41. The mini-roundabout option was discounted at that time as there were insufficient numbers of vehicles turning right into Annesley Cutting to break up the steady flow of traffic southbound on the A611 and which, in turn, would not provide opportunity by which traffic emerging from Annesley Cutting could emerge. The mini-roundabout option did not perform well in peak periods and the position of driveways of neighbouring properties directly accessing onto the roundabout was a safety concern.
42. A number of variations involving the installation of traffic signals was investigated and modelled. Signalisation without road widening would have led to increased queues and congestion on all approaches in the peak periods and was predicted to be at its maximum capacity from day one. A number of widening options were modelled whereby extra lanes both northbound and southbound would be created, however this still performed worse than the existing situation and would require additional third party land acquisition and drainage works. The priority with this assessment was the flow of traffic on the A611 and in particular the improvement of bus journey times. The signalisation scheme in modelling did not demonstrate that sufficient benefits would arise against the cost and complexity of the design options. There is therefore no live scheme for junction improvements.
43. Members also wished to explore the option of temporary signalisation for the duration of the haulage operations associated with the proposed development. NCC Highways however considers that the same issues arising from the modelling of a permanent arrangement would equally be applicable to a temporary setup. It should also be noted that due to the possible ad-hoc or campaign basis of the proposed haulage operation and due to the restrictive workings during the spring/summer months to safeguard the site's ecological value, the practicality of temporary lights is difficult to achieve on this occasion.

#### Controls on access track

44. Upon leaving the public highway at the end of Annesley Cutting HGVs would bear left/ northwards onto the private access track towards the railway underbridge. Members will note that as part of recommended condition no.15,

the Waste Planning Authority would require the submission of a traffic management plan to implement measures to protect other users of this route such as local walkers. Such a plan would require as a minimum; a method of enacting a variable one-way system to ensure vehicles do not flow in both directions at the same time; site signage to inform other users of the likelihood of vehicles being operational; a speed limit and instructions to be given to drivers on the safe and proper use of the track. Whilst the condition does not specify a speed limit, the applicant accepts that signage restricting vehicles to 15 mph would be appropriate, however at the point of the railway underbridge 'dead slow' would be needed. An additional informative has been added to address this. The narrow track nature of the access would itself restrict excess speeds to some extent. As the track is not an adopted highway, nor a public right of way, the contractor and landowner would be legally responsible for site safety.

#### Implications at the railway underbridge

45. Site access is via the bridge under the Robin Hood railway line (Bridge 22). This is a narrow arch and whilst the type of tipper HGVs envisaged can negotiate this, caution and care must be taken to avoid impacting the bridge. Informative No.5 on the main report would advise the applicant to contact Network Rail prior to operations commencing to satisfy them and to identify any protection measures which may be needed. There is therefore no objection from Network Rail.
46. It has, however, come to the Waste Planning Authority's attention that Network Rail are drawing up a project to improve clearances under this bridge, so to provide a diversionary access to permit the vehicular closure of a nearby level crossing (the Warren House crossing) serving a farm and other lawful users to the north of Bridge 22. The implications of this on the present application and the timing of any works by Network Rail is currently unknown, however the project offers the prospect of improving this access for the HGVs associated with the improvements to the country park. It is also possible that the status quo is maintained in the near term, however as stated, the attached informative should provide the necessary assurance to Network Rail and in the interests of protecting the railway infrastructure. This issue has also been discussed with the applicant.

#### **Schedule of changes to recommended planning conditions**

47. Conditions have been previously recommended should Members be minded to approve the application. At the request of the applicant revisions to the following conditions are now recommended.
48. Condition 11 (Hours of Operation). The applicant requests a change from 08.00hrs to 07.00hrs relating to the operation of on-site plant and machinery. The commencement of importation would remain at 08.00hrs. This change is considered acceptable given the remoteness of the working areas from residences in the village.

49. Condition 16 (Signage and instructions to drivers). It is proposed to remove this condition as its purpose to direct traffic is better served in a Lorry Routeing Agreement as part of an accompanying Section 106 agreement.
50. Condition 29 (Post development amphibian surveys). Additional text is proposed at the end of the condition to clarify its purpose in protecting the population of common amphibians.

Following the completion of works at Lake 2, an annual survey of the amphibian populations shall be undertaken and its results submitted in writing to the WPA for the subsequent three years *to identify any corrective works and timetable which may be considered reasonable and necessary, such works thereafter being implemented following written agreement by the WPA.*

*Reason: To monitor the impacts of the development on the reproductive success of the amphibian populations and identify any corrective works in accordance with Policy W3.22 of the Nottinghamshire and Nottingham Waste Local Plan.*

51. Informative No. 1 is to be amended to clarify the means of satisfying the Environment Agency with regards to Environmental Permitting.
52. A new informative No.8 is recommended to encourage the use of community liaison, following discussion at the previous committee, as follows.

*You are encouraged to liaise closely with the local community during the works to the country park and in particular during periods of haulage operations and to respond to concerns in a timely and appropriate manner. The use of informal liaison groups or parish meetings is an effective model to achieve cooperation and understanding.*

## Conclusions

53. Members will note that there are two routes available to and from the A611, both of which are part of the adopted local road network and used by a variety of local traffic, including some commercial movements associated with the local industrial estate. Neither route for the use of the lorry movements proposed gives rise to objections from NCC Highways. An objection has though been made by Newstead Parish Council and the County Council's AIU has provided further advice on the suitability of the available routes.
54. The County Council is able to control the movement of HGVs associated with the proposed development via the making of a lorry routeing agreement, which would be included as part of a Section 106 agreement, should Members resolve to grant the application. The options A~E have been developed as a useful scoping exercise, however following the re-consultation it is considered that a hybrid of option e (Annesley Cutting only) but with a prohibited right turn

out, is the optimal routeing scenario in order to protect residential amenity as much as possible and minimise accident risks to road users.

55. In this new hybrid option e, lorries would use Annesley Cutting both in-bound and out-bound, without using Newstead Road/Hucknall Road. Right hand turns out of Annesley Cutting would be prohibited. As has been detailed, the location of the source material is unknown at this planning stage. In the scenario whereby lorries are running to and from the north, the right hand out restriction would require a small diversion south to the roundabout, before resuming the northbound leg. If the lorries were to run from the west via the A608, then these would proceed up to the junction and turn right into Annesley Cutting. In the final scenario, where lorries would be running from the south, these would have to continue on the A611 and turn right as per the last scenario. This would add an extra 1km to the journey.
56. This option is now favoured and along with the prohibition of development related HGVs through Newstead Village (Tilford Road), is considered to result in a workable solution which would not result in an unacceptable amenity impact on neighbours. Whilst Members raised observations with regards to the congestion experienced at the junction of the A611 and Annesley Cutting, it is considered that the alternative(s) of using Newstead Road/Hucknall Road raises additional issues and concerns. These include the fact that the haulage operation would conflict with the start and end of the school day and changes to the hours of operation would likely be needed to be secured if the lorries were to use this route. Other factors such as the character of the road, its bends and junctions are not readily remedied by condition or otherwise.
57. Clearly the properties at the Persimmon Homes development site would still be subject to possible disturbance however as explored above and in the main report, the impacts, which are temporary, are considered on balance to be acceptable.
58. Mitigation measures could be secured for along the access track and to protect the railway bridge, however junction improvements at the A611 and Annesley Cutting cannot be delivered.
59. The revised recommendation is set out in paragraphs 69 and 70. Members should consider the routeing options A~E and the new recommended option developed following the additional consultation and weigh up the amenity and road safety considerations.

### **Other Options Considered**

60. The report provides additional commentary in respect of access options and other highway related matters. A series of routeing options, including an unrestricted option, have been identified and impacts analysed.

## **Statutory and Policy Implications**

61. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, crime and disorder, human rights, the safeguarding of children, 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.

### Financial Implications

62. The recommendation would require the completion of a Section 106 agreement, the costs of which would be recovered from the applicant. The road condition surveys would need to cover any road extending to/from the A611 and again costs would be met by the applicant.

### Human Rights Implications

63. 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)/Article 6.1 (Right to a Fair Trial) may be affected due to the impacts of a haulage operation. The proposals have the potential to introduce impacts such as traffic noise and disruption upon local residents. Residents at the end of Annesley Cutting would be most affected. However, these potential temporary impacts need to be balanced against the wider benefits the proposals would provide for the improvements to the country park. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

### Implications for Sustainability and the Environment

64. The development would utilise inert waste to undertake works on the country park. The ecological or environmental impacts which would arise have been identified and considered in the main report. The routing of HGVs under certain scenarios would entail additional mileage, fuel use and engine emissions.

### Implications for service users

65. There are no implications on County Council services.

### Equalities Implications and Crime and Disorder Implications

66. These are discussed in the original report.

**Statement of Positive and Proactive Engagement**

67. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; meetings during the course of the application; identifying the scope of information necessary to assess the proposal and liaising between interested stakeholders. The Waste Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; and have progressed the proposals towards a timely determination. The applicant has been involved in discussing various access options. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

**RECOMMENDATIONS**

68. It is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) or section 278 of the Highways Act 1980 to cover a) highway condition surveys of adopted roads as used by HGVs associated with the development, to/from the junction with the A611 at Annesley Cutting, before and after the development; b) the routing of HGV traffic associated with the development to and from the A611 using Annesley Cutting only, with the prohibition of right hand turns out of Annesley Cutting onto the A611; c) remediation works to cover any damage to the public highway up to the A611 at Annesley Cutting directly attributable to HGV traffic associated with the development.
69. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for; the importation and deposition of inert waste into Lake 2; the importation and spreading of soils around Lakes 1 and 2; the reinforcement of the embankment between Lakes 4 and 5; and improvement of tracks. The approval is subject to the conditions set out in Appendix 1 of the main report, attached as Appendix A. Members need to consider the issues, including the Human Rights Act issues set out in the report and resolve accordingly.

**JAYNE FRANCIS-WARD**

**Corporate Director Policy, Planning and Corporate Services**

## **Constitutional Comments**

Committee have power to decide the Recommendation.SHB.11.02.14.

## **Comments of the Service Director - Finance (SEM 13/02/14)**

The financial implications are set out in the report.

## **Background Papers Available for Inspection**

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

## **Electoral Divisions and Members Affected**

Newstead - Councillor Chris Barnfather

Kirkby in Ashfield South – Councillor Rachel Madden

Report Author / Case Officer

Joel Marshall/ Mike Hankin

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

W001237.doc – DLGS REFERENCE

PSP.JS/RH/ep5185 – COMMITTEE REPORT FOLDER REFERENCE