

6th December 2013

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 (RCAN)

Purpose of Report

1. Members will recall that Committee resolved to defer the determination of this application at the previous meeting held on the 12th 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.
2. This supplementary report seeks to inform members of the outcome of additional discussions which have taken place since the last meeting. The original report 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.

Highway issues*HGV routeing*

4. 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).

5. Member discussion at the previous meeting focussed on access to/from the A611 corridor and in particular the conditions at the Annesley Cutting junction, which is not signalised and can be at capacity and congested in peak periods. The question was raised as to whether the HGV movements resulting from the proposed development should not be permitted to use this access route and instead be directed along Newstead Road/Hucknall Road to the south. The Hucknall Road junction is a signalised junction at the point where the two carriageways split and diverge. Both options are available to use by the applicant and their haulage contractors and both serve Newstead village and the Hazelford Way Industrial Estate. The local highway network is shown on plan 2.
6. 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 and would be operationally practical if the source of the material lies to the north in the Mansfield/Ashfield area. Conversely Newstead Road/Hucknall Road may be favoured if the material is sourced from Nottingham to the south. Until a contract for the material has been signed, the exact source(s) cannot be identified, however the likelihood is that such material would be sourced from local construction/civil engineering sites.
7. NCC Highways have no objection to routeing HGVs along Newstead Road/Hucknall Road although the requirement for a video-recorded condition survey along Annesley Cutting would need to be extended along Newstead Road/Hucknall Road. Whilst traffic would be going past the edge of Newstead village, impacts on residential amenity should be minimal, given the use of this road by regular commercial and local traffic.
8. The routeing agreement, to be agreed as part of a Section 106 agreement, has yet to be drafted, however the original basis of this was to prevent HGVs accessing the site through the centre of Newstead village. A series of routeing options/scenarios is explored below for members to consider.

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.

NCC Highways comment - No real objections from a highway point of view due to the low vehicle movements associated with the proposal. However, there may be an amenity issue for dwellings and their

occupants in and around the Musters Road junction. Also the right turning HGV's at the Annesley Cutting / A611 Derby Road junction would cause delay in the am and pm peak hours.

(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 waste sourced from the south, however if the waste is sourced to 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.

NCC Highways comment - No real objections from a highway point of view due to the low vehicle movements associated with the proposal. However, there may be an amenity issue for dwellings and their occupants in and around the Musters Road junction

(c) No right turn into and 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.

NCC Highways comment - No real objections from a highway point of view due to the low vehicle movements associated with the proposal. However, there may be an amenity issue for dwellings and their occupants in and around the Musters Road junction

(d) Left turn into Annesley Cutting only

This would in effect have only an in-bound flow of HGV's along Annesley Cutting and would only be of use if the waste 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.

NCC Highways comment - No real objections from a highway point of view due to the low vehicle movements associated with the proposal. However, there may be an amenity issue for dwellings and their occupants in and around the Musters Road junction

9. It should also be noted that the proposed hours of operation from 08.00 to 16.00 as set out in the recommended condition no.11 would mean that impacts of such vehicles on evening peak traffic flows should in the main be avoided.

Junction improvements at A611/Annesley Cutting

10. The issue of traffic control at this junction was raised. 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.
11. 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.
12. 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.
13. 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

14. 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 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

15. 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.
16. 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.

Conclusions

17. Members will note that both routes to the A611 are available and suitable for the HGV traffic associated with the proposed development. Neither route gives rise to objections from NCC Highways. There is scope within the routing agreement to specify certain HGV traffic flows, however given that the location of the waste material is not known at the planning stage, a relatively flexible approach (*Option C*) for any haulage contractor is recommended, whereby the impact of HGV traffic can be split between

Annesley Cutting (using left turn manoeuvres only) and/or Newstead Road/Hucknall Road, depending on the source(s) of the material.

18. The HGVs would be running on roads utilised by local and commercial traffic from Newstead, whilst still avoiding the centre of the village. The amenity of residents would not therefore be significantly affected, however the balance of impacts would vary depending on the routeing of HGVs. Some properties on Newstead Road/Hucknall Road would experience some additional passing traffic, whilst properties on the main stretch of Annesley Cutting potentially may experience less passing traffic. Clearly the properties at the Persimmon Homes development site would still be subject to possible disturbance however as explored in the main report, the impacts are considered on balance to be acceptable.
19. Mitigation measures will be secured for the access track and to protect the railway bridge, however junction improvements at the A611 and Annesley Cutting cannot be delivered.
20. The revised recommendation is set out in paragraphs 28 and 29 and removes reference to stipulating routeing via Annesley Cutting, but which would enable Members to input into the terms of the agreement. Clarification is also added relating to the extent of road condition surveys.

Other Options Considered

21. The report provides additional commentary in respect of access options and other highway related matters.

Statutory and Policy Implications

22. 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

23. There are no financial implications for the County Council. 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 extending along Hucknall Road./Newstead Road and again costs would be met by the applicant.

Human Rights Implications

24. 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 may be affected. The proposals have

the potential to introduce impacts of traffic noise and disruption upon local residents although the use of Newstead Road/Hucknall Road has the potential to generate impacts for residents on the fringe of Newstead village. Residents at the end of Annesley Cutting would be most affected. However, this would be a temporary impact which needs to be balanced against the wider benefits the proposals would provide for the improvement to the country park. Members will need to consider whether these benefits would outweigh the potential impacts.

Implications for Sustainability and the Environment

25. 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

26. There are no implications on County Council services.

Equalities Implications and Crime and Disorder Implications are discussed in the original report.

Statement of Positive and Proactive Engagement

27. 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

28. 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 Annesley Cutting, Newstead Road and Hucknall Road, before and after the development; b) the routing of HGV traffic associated with the development to and from the A611 avoiding Newstead village centre and avoiding right turns into and out of Annesley Cutting; c) remediation works to cover any damage to the public

highway up to the A611 directly attributable to HGV traffic associated with the development.

29. 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

Planning and Licensing Committee has authority to approve the recommendations set out in this report by virtue of its terms of reference.

[NAB 25.11.13]

Comments of the Service Director - Finance (SEM 25/11/13)

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 Division(s) and Member(s) Affected

Newstead - Councillor Chris Barnfather

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