



**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.

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<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

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