

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015**

TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992

**TOWN AND COUNTRY (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2017**

APPLICATION REF NO.: 3/22/00588/CMA

BY OR ON BEHALF OF: Nottinghamshire County Council

DEVELOPMENT: Geometric improvements and alterations to the gyratory junction

LOCATION: Intersection of A614/A6097 (Warren Hill), Farnsfield, Nottinghamshire, NG22 8EW

Following consideration of an application for the above development as shown on the submitted plans, NOTTINGHAMSHIRE COUNTY COUNCIL, in pursuance of their powers under the above Act, hereby

GRANT PLANNING PERMISSION

for the development in accordance with the application, subject to compliance with the attached conditions and for the following reasons.

Failure to comply with the terms of this permission may render the development unlawful.

Date of decision: 29/09/2022



Authorised to sign on behalf of the County Council

Applicants should note that there is no right of appeal for Regulation 3 applications under Section 78 of the Town and Country Planning Act 1990.

The validity of this decision may be challenged by persons with sufficient interest through a claim for judicial review. Any such claim must be filed with the Administrative Court promptly and in any event not later than three months after the date of the decision. Such claims can be costly and should be pursued as a last resort after all other action has been exhausted. You would be advised to seek professional legal advice before pursuing a claim for judicial review. The full procedures governing the making of such a claim are set out in the Civil Procedure Rules Part 54.

STATEMENT OF THE MAIN REASONS AND CONSIDERATIONS ON WHICH THE DECISION IS BASED

The decision notice read as a whole meets the requirements of Regulation 30 (1) (d) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. With respect to Parts (i) to (iii):

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

STATEMENT OF POSITIVE AND PROACTIVE ENGAGEMENT

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

SCHEDULE OF CONDITIONS AND REASONS

1. The development hereby permitted shall be begun within 5 years from the date of this permission.
Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990 and to allow sufficient time for the development to be delivered alongside the other junction improvements along the A614/A6097 corridor.
2. The County Planning Authority (CPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

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

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

- (a) Dwg 20949/LLO/WH005/00001 P01 'Red Line Planning Boundary' dated 16/11/20 and received by the CPA on 28/02/22.
- (b) Dwg HW20949 /GEN/WH005/004 Rev 1 'General Arrangement' received by the CPA on 04/08/22.

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

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

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

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

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

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

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

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

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

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

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

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

NOTES TO APPLICANT

1. **The development hereby permitted must be carried out in accordance with the conditions attached to this planning permission and any approved plans and details. Failure to implement the permission in accordance with the planning conditions and approved details may render the development unlawful and could lead to enforcement action and prosecution.**
2. **If, at any stage, it becomes necessary to vary any of the approved plans or details you should contact the County Planning Authority in advance of implementing any changes to ascertain whether the proposed changes require any further planning approval.**
3. **Where appropriate there is a fee payable, currently £116, where a written request is made for the discharge of one or more conditions on the same permission or for confirmation that condition(s) on a permission have been complied with. The fee is payable for each request and not for each condition. When submitting a fee, please provide the planning application reference number. Fees can be paid in several ways, either:**
 - **using a debit/credit card by calling 0115 9932584;**
 - **by paying online at www.nottinghamshire.gov.uk/planning-and-environment/planning-applications/pay-a-planning-fee; or**
 - **by sending a cheque payable to 'Nottinghamshire County Council' to the Planning Support Officer, Development Management, Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford Nottingham, NG2 7QP. Please mark the envelope 'Private and Confidential'.**

- 4. Where pre-commencement conditions may be specified in this decision notice, the justification as to why such conditions are imposed and need to be discharged prior to the commencement of development is stated in accordance with Article 35 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.**
- 5. Your attention is drawn to the Standing Advice from The Coal Authority set out below.**

DN9-6

IMPORTANT NOTICE: STANDING ADVICE
Planning Application Consultations with the Coal Authority

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

This Standing Advice is valid from 1st January 2021 until 31st December 2022.