

**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.:** 3/22/00586/CMA

**BY OR ON BEHALF OF:** Nottinghamshire County Council

**DEVELOPMENT:** Enlargement of roundabout with associated landscaping and improvements to pedestrian crossing facilities. Change of use of land adjacent to no.15 Nottingham Road from public highway (footpath) to residential curtilage

**LOCATION:** Lowdham roundabout, Intersection of the A6097, A612 and Southwell Road, Lowdham

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



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Authorised to sign on behalf of the County Council

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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. It is proposed to enlarge the existing junction into a 2-lane elliptical roundabout, along with associated changes to residential access and other associated works. It forms part of the wider proposals to improve the A6097 as part of the Major Road Network.
2. Improvements to this junction are identified as a necessary strategic infrastructure project in the Newark and Sherwood Core Strategy (Spatial Policy 6 and the Infrastructure Delivery Plan), needed to ensure the delivery of the Local Plan as a whole, and would also support new housebuilding in neighbouring boroughs.
3. The application is supported by a comprehensive Environmental Statement based upon a prior Scoping Opinion. Other than construction impacts and the loss of some BMV agricultural land, no significant permanent effects are anticipated to matters including ecology, landscape and views, noise/vibration, air quality, flooding/drainage, geology and water resources, local heritage, or to the climate. No significant cumulative or combined effects have been found. A local objection has been considered and responded to and certain matters require further attention through planning conditions.
4. Officers consider that the benefits of the proposals both to the local community and wider Nottinghamshire economy should afford a high degree of supportive weight in the decision. In addition the proposal would provide an enhancement/net gain for biodiversity of 33.95% for habitats, 118.70% for hedgerows and 86.74% for river from the baseline at this location which is a moderate additional benefit. Effects to the local landscape are considered neutral with some beneficial new hedgerow planting and other landscaping around a water attenuation area, but also an intensification of highway infrastructure including further street lighting. The drainage system has been designed to provide a betterment to the current system, which is a further localised minor benefit of the proposals. The permanent loss of BMV agricultural land is considered to be a minor to moderate disbenefit. Any perceived impacts to residential amenity are considered to have been addressed and are outweighed by the wider public and combined benefits.
5. 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.
6. Overall it is considered that the proposals are sustainable and can be clearly supported subject to planning conditions and that it complies with local and national planning policy and in particular CS Policies SP3, SP6, SP7, Core Policies 9, 10, 12, 13, 14 and A&DM policies DM5, DM7, DM8, DM9, and DM10 of the Newark and Sherwood Local Plan, comprising the Core Strategy and the Allocations and Development Management

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Policies Document. In this situation the NPPF directs that planning permission should be granted without delay.

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

### 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.

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

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

- (a) Dwg 20949/LLO/L006/00002 P06 – General Arrangement & Red Line Boundary for Planning received by the CPA on 28/02/2022
- (b) Dwg 20949/GEN/L006/00001 P01 - General Arrangement received by the CPA on 28/02/2022
- (c) Dwg 20949/GEN/L006/00002 – B Landscape Design Proposals received by the CPA on 28/02/2022 (but subject to condition below)
- (d) Dwg 20249/ELS/L006/00001– Vegetation Clearance received by the CPA on 28/02/2022 (but subject to condition below)

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- (e) Dwg 20949/HDG/L006/SK/00001 P02- Proposed Drainage received by the CPA on 28/02/2022 (but subject to condition below)
- (f) Dwg 20949/HDG/L006/SK/00002 P02 – Proposed Catchment Areas for Planning received by the CPA on 28/02/2022 (but subject to condition below)
- (g) Dwg 20949/HLG/L001/P-LUX/01 – Street Lighting Lux Contour Levels received by the CPA on 28/02/2022
- (h) Dwg 20949/LLO/L006/00001 P03 – Land Affected Blue & Pick Areas received by the CPA on 28/02/2022

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

### Archaeology

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

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

### Noise survey

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

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

### Ground investigations

- 6. No development approved by this planning permission shall be commenced until:
  - (a) a site investigation and risk assessment recommended in the submitted Phase 1 – Geo-Environmental Desk Top Study has been completed and approved in writing by the CPA.

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

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

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

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

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

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

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

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

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

### **Construction Management**

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

An ecology component comprising:

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

A local amenity component comprising:

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

A pollution prevention component with:

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

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A soils, materials and waste management component with:

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

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

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

### Compound and storage areas

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

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



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with the final details and timescales which shall be submitted for the prior written approval of the CPA.

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

### Details requiring further approval

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

a) Details of the boundary treatment/planting to no.15 Nottingham Road

b) Details and provision of an uncontrolled crossing over the A6097 south arm

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

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

### Drainage

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

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

### Highways

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

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

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

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

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

### Landscaping and biodiversity

15. Notwithstanding the details shown within the submitted landscaping and vegetation clearance drawings (20949/GEN/L006/00002–B & 20249/ELS/L006/00001), no works or development shall take place until full and final details of the landscaping and planting scheme along with details of all vegetation clearance have been submitted to the CPA for its prior written approval. The scheme shall include:

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

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

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

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

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

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

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

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

7. Given the proximity to the war memorial to the area of works, the CEMP (condition 9) should consider ceasing disruptive construction works around the national minute of silence on the 11<sup>th</sup> of November and on Remembrance Sunday.

**Cadent Gas advice:**

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

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

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

**Environment Agency advice:**

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

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

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

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

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact

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Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environmentagency.gov.uk](mailto:enquiries@environmentagency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

10. Your attention is drawn to the Standing Advice from The Coal Authority set out below.

DN9-4

**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](http://www.gov.uk/government/organisations/the-coal-authority)

*This Standing Advice is valid from 1<sup>st</sup> January 2021 until 31<sup>st</sup> December 2022.*