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**Monday, 17 April 2023**

Dear Member,

Please find attached the report regarding Agenda Item No.6 - Hunters Hill Farm, Lambley Road, Lowdham - 22/02188/FULM, to be considered at the 20 April 2023, Planning Committee.

Yours sincerely

Catharine Saxton  
Democratic Services Officer



Report to Planning Committee 20 April 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Helen Marriott, Senior Planner, ext. 5793

Report Summary			
<b>Application Number</b>	22/02188/FULM		
<b>Proposal</b>	Construction of on-line flood storage reservoir to create upstream storage area on Cocker Beck to provide flood protection to village of Lowdham including removal of material and re-profiling of land and construction of associated embankment that will contain flow control structure in the form of engineered conduit; diversion of Cocker Beck for approximately 670m and diversion of the tributary to the north for approximately 250m; a number of additional elements including; the realignment of two Public Rights of Way, formation of new vehicular access to Lambley Road, residential/farm access track realignment, environmental mitigation works and landscaping (Re-submission of 21/02418/FULM).		
<b>Location</b>	Hunters Hill Farm, Lambley Road, Lowdham, NG14 7DF		
<b>Applicant</b>	Environment Agency - Davinder Gill	<b>Agent</b>	Ove Arup & Partners Ltd - Mr Matthew Marshall
<b>Registered</b>	09 November 2022	<b>Target Date</b>	08 February 2023
		<b>Extension of Time</b>	21 April 2023
<b>Link to file</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=RL2XY4LB0FK00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=RL2XY4LB0FK00</a>		
<b>Recommendation</b>	That planning permission is approved subject to the recommendations set out in Section 10 of the report, including completion of a legal agreement		

This application is before the Planning Committee for determination, in accordance with the Council's Constitution, because the application is a departure from the Development Plan.

## 1.0 The Site

The application site relates to approx. 22Ha of land to the west of the settlement of Lowdham and north of Lambley Road. It comprises a roughly rectangular shaped area of land which is predominantly in agricultural use (arable land). The valley topography means that the majority of land rises up to the north west and Cocker Beck runs at a lower level from east to west, broadly parallel with Lambley Road, which forms the south eastern site boundary. Ploughman's Wood Tributary also runs close to the north east boundary of the site.

The north eastern boundary is formed by a private road (Rockley's View) that leads to residential development to the north and the rear of HM Prison Lowdham Grange. The boundaries to the north west and south west are undefined. The site includes a block of stables /former business premises fronting Lambley Road (with gated accesses directly onto Lambley Road).



*Aerial image with red line boundary of application site*

Existing access to Hunters Hill Farm to the north west of the site is located diagonally through the site and crosses over an existing road bridge. This access is tree lined (see photo below).



*View east towards tree lined Rockley's View from Footpath intersection within site*



*View south west along access towards Hunters Hill Farm*

Public rights of way (a bridleway and a footpath) also cross through the site, following both the line of the Cocker Beck and connecting to footpaths (over a footbridge) located towards the north east corner of the site.

A small woodland area is located towards the south east corner of the site (partially seen to the right side of the access in the photo above). A veteran oak is located in this area.

The site is located in Flood Zones 2 and 3 and is also located in the Green Belt.

## **2.0 Relevant Planning History**

22/02305/AGR New section of agricultural access track – pending consideration.

22/SCR/00015 Screening opinion in relation to Lowdham Cocker Beck Flood Risk Management Scheme – Environmental Impact Assessment (EIA) not required 21.12.2022

21/02418/FULM Construction of an on-line flood storage reservoir to create an upstream storage area on the Cocker Beck to provide flood protection to the village of Lowdham, including; the removal of material and re-profiling of land and construction of an associated embankment that will contain a flow control structure in the form of an engineered conduit; diversion of the Cocker Beck for approximately 670m and a diversion of the tributary to the north for approximately 250m; a number of additional elements including; the realignment of two Public Rights of Way, formation of new vehicular access to Lambley Road, residential/farm access track realignment, environmental mitigation works and landscaping – withdrawn 27.07.2022

## **3.0 The Proposal**

The proposed development is for the construction of a flood storage area including an embankment, control structure and half bridge access structure. This would include engineering operations to remove existing material and land reprofiling.

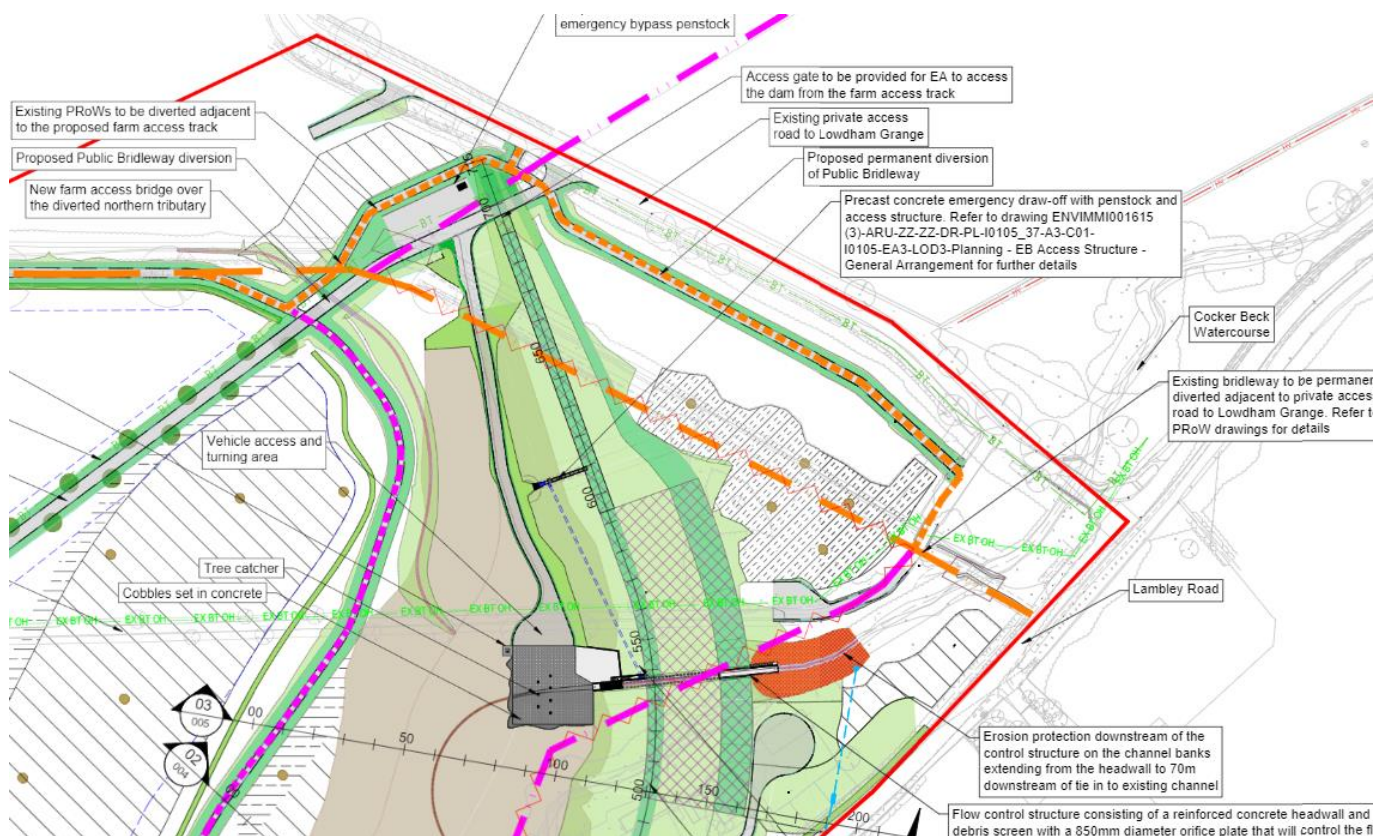
The purpose of the flood storage area would be to act as a holding basin to reduce the amount and duration of flooding downstream, in the village of Lowdham, which is situated on the Cocker Beck. The Cocker Beck has been acknowledged as the main cause of flooding in Lowdham on six notable occasions within recent history; in January 1999, June and July 2007, summer 2013, June 2019 and February 2020. The documentation submitted with the application states that there are 195 homes at significant risk of flooding (albeit it is noted that there is some discrepancy in the submitted documentation as the submitted FRA refers to 132 homes in Lowdham that would benefit from the proposed development– either way it is a significant number of dwellings). The proposed development aims to provide an improved standard of protection of 1 in 100 year Annual Event Probability (AEP).



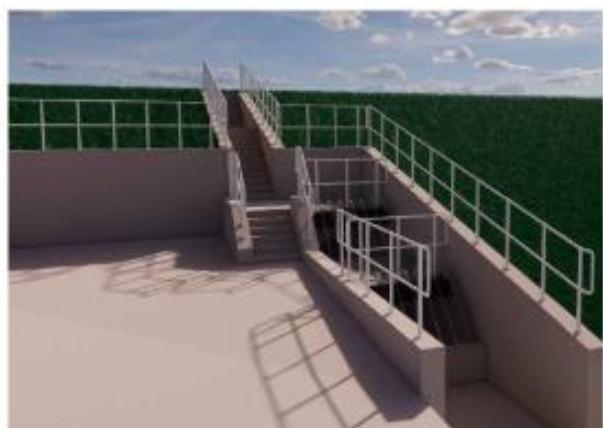
*Proposal overview – please refer to latest General Arrangement Plan for more detail*

The upstream storage area would comprise of a basin area (30m to 100m wide approx.), excavated to a depth around 2-3m below existing ground level. 65,000m<sup>3</sup> approx. of material would be excavated to obtain the storage capacity required. The Flood Storage Area (FSA) would hold up to 95,000m<sup>3</sup> of flood water. The basin would have an embankment 4 - 5 metres above the existing ground level at the highest point. The embankment would involve the realignment of the Cocker Beck and it would measure approx. 700 m long (and be constructed from the excavated material) running parallel with Lambley Road. A 250 m long approx. realignment of the Ploughman's Wood Tributary is also proposed. The embankment would be topsoiled and grass seeded. Any remaining excavated material would be used elsewhere on the site as part of the proposed reprofiling works. Some material would need to be imported onto the site to meet the permeability characteristics required for the core of the proposed embankment.

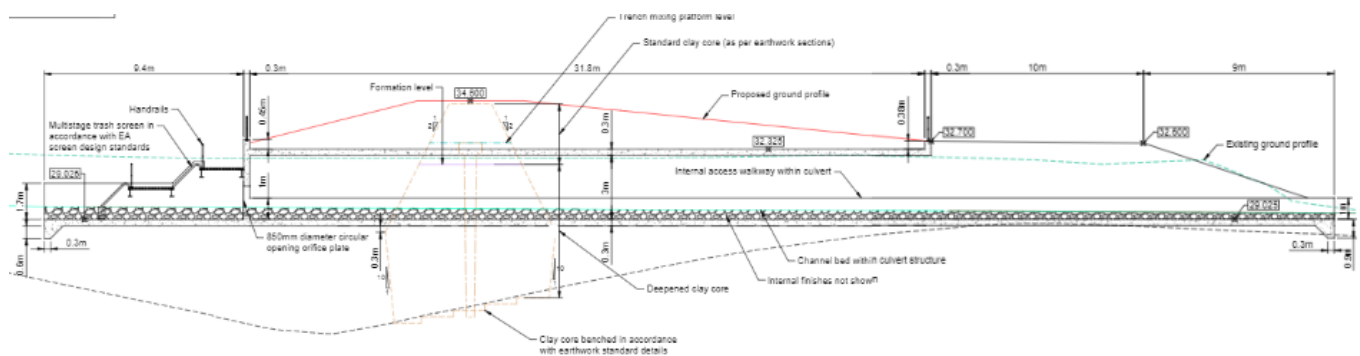




A flow control structure in the form of a reinforced headwall and debris screen with a 850 diameter orifice plate, would be located towards the south east corner of the site, where the existing Cocker Beck would pass through the embankment. This would contain a series of concrete access with handrails to enable access into the basin from the embankment. The orifice plate would limit the flow rate allowed to pass downstream during storm events.

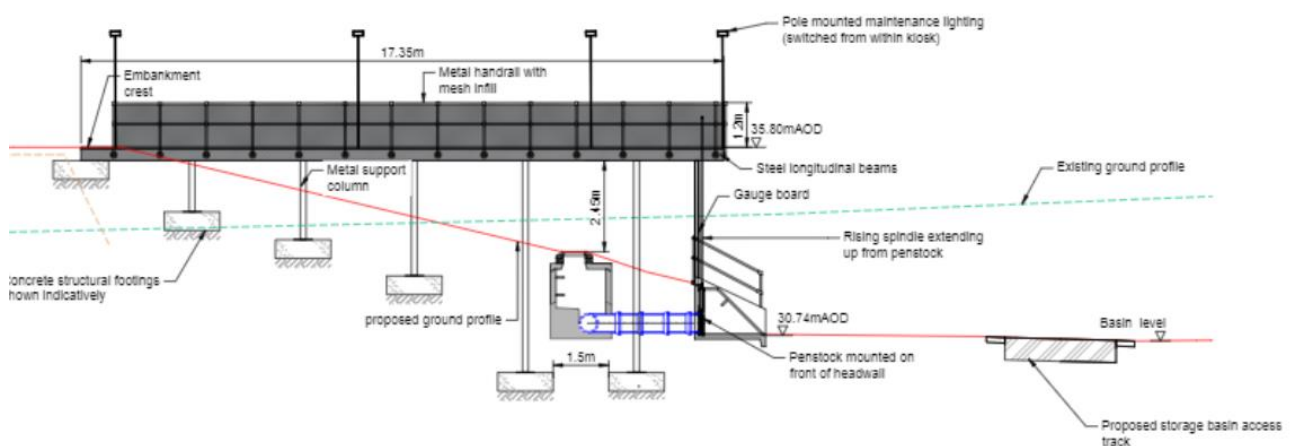


Culvert Inlet Render



*Section of flow control structure*

A half-bridge structure would provide access to a hydraulic power pack which Environment Agency (EA) personnel would operate to drain down the reservoir, in the event of power failure. An emergency drawdown system for the reservoir within the embankment is also proposed, with an engineered spillway for storage exceedance (reinforced grass) that would become operational in a 1 in 100-year flood event, with a secondary spillway to become operational during an extreme 1 in 1000 year event.



*Section of Proposed Half Bridge Structure*

The Cocker Beck channel would be realigned to run through the middle of the basin (and include the creation of primary and secondary channels). The realigned channel within the flood storage area would flow through the proposed landscape scheme which comprises an area of low density mixed deciduous lowland woodland and areas of open habitat including glades and scrapes.

The public right of ways (Lowdham FP14 and Lowdham BW15) would also require diverting, temporarily for construction purposes and permanently thereafter. Temporary construction access would be located in the approximate location of the existing gates to the south of the site adjacent to Lambley Road (Points 1 & 2).



Access to the basin and control structure for maintenance would be via dedicated access tracks, including a track that would run along the south side of the embankment adjacent to Lambley Lane and a track which would run south off the proposed new section of farm access track leading to Hunters Hill Farm. Revised plans have been submitted to increase the red line boundary of the application site to include land that would be required within the visibility splay of the new access off Lambley Road (located within the land parcel east of Park Nook).

A new farm access track off Rockley's View leading to Hunters Hill Farm (subject of 22/02305/AGR) is proposed and would cross over the Ploughman's Wood Tributary. A second farm access entrance is proposed to the north west of the proposed Hunters Hill Farm access (to serve a different landowner) off Rockley's View.

Tree catcher poles would be located within the basin area adjacent to the proposed flow control structure.

A 6-metre high CCTV mast is also proposed (and would sit within the basin area) immediately adjacent to one of the proposed maintenance access tracks.

The following documents have been submitted in support of the application (superseded documents not referenced):

#### Plans:

- Site Location Plan ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_1-A3-C03-I0105-EA3-LOD3 Rev C04
- Site Constraints Plan ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_56-A3-C04-I0105-EA3-LOD3 Rev C04
- General Arrangement Plan ENVIMMI001615 (3)-ARU-ZZ-ZZ-DR-PL-I0105\_3-A3-C04-I0105-EA3-LOD3 Rev C04
- Site Access onto Lambley Road ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_52-A3-C01-I0105-EA3-LOD3 Rev C01
- Final Landscape Masterplan ENVIMMI001615 (3)-ARU-ZZ-ZZ-DR-L-C0700-EA3-LOD3 Rev P01
- Landscape Planting Drawing ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_13-A3-CO4-I0105-EA3-LOD3 Rev C04



- Illustrative Sections Lambley Road ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_58-A3-C01-I0105-EA3-LOD3 Rev C01
- Typical Embankment Cross Sections Sheet 1 ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_4-A3-C02-I0105-EA3-LOD3
- Typical Embankment Cross Sections Sheet 2 ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_5-A3-C02-I0105-EA3-LOD3
- Flood Extents Plan ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_54-A3-C01-I0105-EA3-LOD3 Rev C01
- Lambley Road Sections ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_58-A3-C01-I0105-EA3-LOD3 Rev C01
- Tree Constraints/Protection Plan RSE 5505 TPP Rev V3
- Tree Constraints Plan RSE 5505 TCP Rev V2
- Tree Catcher (Course Debris Screen) ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_47-A3-C02-I-1-5-EA3-LOD3 Rev C02
- Emergency Penstock Access Structure ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_37-A3-C02-I105-EA3-LOD3 Rev C01
- Dam Control Structure Plan and Sections ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_6-A3-C03-I0105-EA3-LOD3 Rev C03
- CCTV Mast General Arrangement ENVIMMI001615(3)ARU-ZZ-ZZ-DR-PL-I0105\_42-A3-C03-I0105-EA3-LOD3 Rev C03
- Public Rights of Way (PROW) Diversion Plan ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_22-A3-C04 -I0105-EA3-LOD3 Rev C04
- Public Rights of Way (PROW) Diversion Sections ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_38-A3-C03-I0105-EA3-LOD3

#### Documents:

- Statement of Community Involvement October 2021
- Planning Statement 23 October 2022
- Flood Risk Assessment Issue C01 8 November 2022
- Site Access Statement (22 February 2023) including vehicle tracking drawings (sheets 1-7)
- Cultural Heritage Desk Based Assessment 19 October 2021
- Archaeology and Geoarchaeological Evaluation September 2022
- Geoarchaeological and Archaeological Monitoring of Ground Investigation Works March 2022
- Geoenvironmental Desk Study and Preliminary Risk Assessment 19 October 2021
- Geoarchaeological Borehole Survey December 2020
- Arboricultural Impact Assessment September 2022
- Landscape and Visual Appraisal (LVA) 5 April 2023
- Viewpoint A Visualisations (Baseline, Year 1 and Year 15) A.01-03
- Environmental Action Plan 7 November 2022
- Heritage Geophysical Report 19 October 2021
- Land Contamination – Generic Quantitative Risk Assessment 14 October 2022
- Remediation Strategy 14 October 2022
- Trial Pit Photography Sheets x 2
- Preliminary Ecological Appraisal 14 April 2021
- Ecological Impact Assessment 17 October 2022 including various protected species reports:
  - Hedgerow Report 5 October 2021
  - Technical Note - Himalayan Balsam Control September 2021
  - Preliminary Bat Survey Report 22 January 2021
  - Bat GLTA and Aerial Inspection Report August 2021

- Bat Survey Report October 2021
- Breeding Bird Survey Report September 2021
- Otter Report 5 October 2021, Otter Survey September 2021, Otter Monitoring Report
- Water Vole Survey Report 28 July 2020
- Other Protected Species Report P02 Oct 2021 and Method Statement 22 Feb 2023
- Fish Habitat Survey inc. Locations plan 273624-00 Rev 01, Obstructions Plan 273624-00 Rev 01 and Survey Photographs 273624-00 Rev 01
- Follow up confidential protected species report 22 February 2023 ENVIMMI001515(3)-ARU-ZZ-ZZ-RP-PL-I0105\_55-A3-C01-I0105-EA3-LOD3
- WFD Compliance Assessment 14 October 2022

#### **4.0 Departure/Public Advertisement Procedure**

Occupiers of 13 properties have been individually notified by letter. A site notice was posted and the site visited on 29.11.2022. An advert was also placed in the local newspaper.

Reconsultation on a revised red line boundary plan received 30.03.2023 (to incorporate visibility splays) has been undertaken. This consultation period does not expire until after the date of Planning Committee and a decision cannot be issued until after this expiry date. As such, the resolution below is subject to no new material planning considerations being raised before the decision is issued.

#### **5.0 Planning Policy Framework**

##### **The Development Plan**

##### **Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**

Spatial Policy 1: Settlement Hierarchy  
 Spatial Policy 4A: Extent of the Green Belt  
 Spatial Policy 4B: Green Belt Development  
 Spatial Policy 7: Sustainable Transport  
 Core Policy 9: Sustainable Design  
 Core Policy 10: Climate Change  
 Core Policy 12: Biodiversity and Green Infrastructure  
 Core Policy 13: Landscape Character  
 Core Policy 14: Historic Environment

##### **Allocations & Development Management DPD (adopted July 2013)**

Policy DM5 – Design  
 Policy DM7 – Biodiversity and Green Infrastructure  
 Policy DM9 - Protecting and Enhancing the Historic Environment  
 Policy DM10 - Pollution and Hazardous Materials  
 Policy DM12 – Presumption in Favour of Sustainable Development

##### **Other Material Planning Considerations**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (online resource)

- Landscape Character Assessment SPD (Adopted December 2013)

## **6.0 Consultations**

**Lowdham Parish Council** – Support proposal.

**Historic England** – no comment.

**Natural England** – no comment, standing advice applies.

**Environment Agency** – No objection. The Lowdham Cocker Beck Flood Alleviation Scheme (FAS) is proposed on behalf of the Environment Agency to reduce flood risk to the village of Lowdham. The proposed scheme will reduce the risk of flooding to properties and businesses in Lowdham up to and including the 1% Annual Exceedance Probability (AEP) flood event. Furthermore the Flood Risk Assessment (FRA) has demonstrated that safe access to the proposed reservoir structure for operational and maintenance purposes will be available during the design flood event (1% AEP event including an allowance for climate change).

As part of the FRA the applicant has assessed the residual flood risk from failure, breach, of the proposed reservoir dam. The results of this assessment have not been included within the evidence uploaded to the planning portal due to its sensitive nature however, we understand that this evidence has nonetheless been provided to the LPA for consideration when determining this application. The flood storage reservoir proposed as part of the Lowdham and Cocker Beck FAS will reduce the risk of flooding to Lowdham however, there would remain a residual flood risk to the village from failure of the proposed reservoir dam structure.

The design, maintenance and operation of reservoirs follow a strict management protocol in accordance with the Reservoirs Act (1975). The Environment Agency as the Regulator must ensure reservoirs are safe even during extreme events, and the risk modelling submitted with the application is a best practice approach simulating the “instantaneous breach”, which is the worst-case scenario.

The failure risk associated with reservoirs is exceptionally low due to regular inspection by qualified engineers, an independent regulation panel and compliance with high monitoring and design standards.

The FRA has undertaken hydraulic modelling to simulate what may be considered a conservative assessment of the impacts in the unlikely event of reservoir failure. What is notable from this assessment and resulting from the sudden release of a large volume of stored water, is that the extent of flooding during the breach scenario is greater than that seen within the baseline (current) scenario. The detail of the number of properties affected and the extent to which they are impacted is contained within the full version of the FRA that has been provided to the LPA.

As the reservoir undertaker the Environment Agency will prepare On-site and Off-site plans to prevent, control or mitigate the risks if a failure is possible. These plans are tested using multi-agency exercises and are reviewed annually to ensure they are current and compliant with the Reservoirs Act (1975) legislation.

The contingency planning associated with reservoir safety is effective and robust, where a response to an incident would be led by the Local Resilience Forum. The Environment Agency as a

Category 1 responder hold emergency powers for reservoir safety across England and would lead the operational response at Lowdham. Ahead of the reservoir receiving its safety certificates all contingency plans must be in place and consulted upon by the Local Resilience Forum including the Newark and Sherwood Emergency Planning team.

We recommend that the LPA consult their emergency planning officers to ensure they understand the implications for emergency planning during a reservoir failure scenario. The emergency planning officers may wish to contact the EA and Local Resilience Forum to ensure that, in the unlikely event of a reservoir breach that their proposed emergency response can be carried out with partnership Risk Management Authorities (RMA) as part of a unified action.

In some cases, it may be appropriate for the local planning authority to consult the emergency services on specific emergency planning issues related to new developments.

**NCC Lead Local Flood Authority (LLFA) – no objection.**

**NCC Policy Team** – In relation to the Minerals Local Plan, the proposed site is not in close proximity to any existing or proposed mineral extraction allocation sites. However, the site is partially within a Mineral Safeguarding and Consultation Area for Brick Clay. In line with the National Planning Policy Framework (paragraph 212) the Adopted Local Plan March 2021 sets out a policy (DM13) concerning these areas. However, there seems little scope for prior extraction. The County Council therefore raises no concern in terms of mineral safeguarding. In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10).

**NCC Highways** – The Highway Authority understand that this is a resubmission of a previous application which was withdrawn earlier in the year in July to address numerous issues which had arisen during the consultation process. The Highway Authority have been actively engaged with the applicant's consultants since the evolution of the original scheme and were expecting this revised application to be forthcoming by the end of 2022.

To summarise, the scheme once operational is expected to generate a negligible amount of traffic on a day to day basis and will provide much needed flood protection to the village of Lowdham. The construction period will temporarily increase vehicle movements, but this is solely for the purposes of construction, and with a comprehensive Construction Traffic Management Plan, and liaison with VIA East Midlands, as the County Council's Agent on the ground, disruption can be kept to the minimum.

Whilst the overall site has various extant access points adjacent to Lambley Road, these have been investigated as to their suitability and it will not be possible to permanently use these as the site access, and as such a new gated bound site access is to be created on Lambley Road with visibility splays based on measured 85<sup>th</sup>ile speeds, as agreed with the Highway Authority historically. The gates will be suitably set back, thus that vehicles will be able to wait off the main carriageway, so as not to affect the through flow of vehicles travelling along Lambley Road. The applicant should be aware that the construction of the permanent site access will require a Section 278 agreement with the Highway Authority, the contact details of which shall need to be provided as an informative.

All redundant site accesses on Lambley Road will need be permanently closed to Highway



Authority specification.

**Ramblers Association** – Nottinghamshire Area Ramblers do not object to the overall proposal for this flood alleviation scheme, but we wish to point out that the proposed diversion of Lowdham Footpath 14 and Lowdham Bridleway 15 will have a profound effect on the experience of walkers on these rights of way. At present a walker on Lowdham Footpath 14 is walking on a field edge enjoying close proximity to the wooded bank of the Cocker Beck. The wide field headland and the rough vegetation of the stream bank has a natural feel with opportunities for sightings of wildlife. The proposed footpath diversion would reduce the experience for walkers for over 600 metres between hedges on a manufactured surface across open re-profiled grass slopes. The proposed Landscape Planting Scheme should provide more cover for the proposed footpath diversion.

We have noted the comments made by NCC Rights of Way Team regarding the need for a future management plan for the ongoing management of the rights of way, and we support the Rights of Way Team's comments.

**NCC Public Rights of Way Officer** – I can confirm that Lowdham Public Bridleway No.15 and Lowdham Public Footpath No. 14 cross the land edge in red on the location plan and that the applicant has acknowledged these and on the whole demonstrate how they will be dealt with and for this reason the Rights of Way Team do not object to the proposal. The proposal will require both routes to be permanently diverted to accommodate the development. This would require a separate application to the LPA under the provisions of the Town and Country Planning Act 1990. The above Public Rights of Way (PRoW) will also be impacted during construction and the applicant has proposed temporarily closing the routes and where possible providing alternatives. This will require a Temporary Traffic Regulation Order (TTRO).

We welcome the applicant's treatment and design of the new routes. We note from the Landscape Planting drawing that any woodland and hedgerow planting is set well back from the new routes so as to prevent it interfering with the use of the Public Right of Way and presumably to enable access for future maintenance such as trimming back hedges and trees - thereby retaining the open woodland ride/glade feel of the paths as well as retaining views towards Lowdham. We have however not come across any detail such as a future management plan for the ongoing maintenance of the site and would request a condition to clarify the future maintenance responsibility of the site with regard to any vegetation trimming, path surface and structures maintenance etc.

**NSDC Tree and Landscape Officer** – No objection in principle following extensive discussions with the applicant aimed at improving the proposed landscape scheme and reducing the proposed visual impact, noting that not all suggestions have been accommodated for operational/health and safety reasons. Conditions requiring more detailed tree protection and planting information required.

**NSDC Archaeological Advisor** – The applicant has undertaken extensive archaeological evaluation prior to application and the field work and reports have been completed to a high standard with clear and concise results presented.

The evaluation has identified several small areas containing Iron Age and Roman archaeological remains and a background scatter of prehistoric flintwork. Medieval agricultural cultivation in the form of ridge and furrow was also identified, however no evidence of medieval settlement was present as had been previously suggested. Post-medieval finds probably associated with a track

and boundaries shown on historic mapping. No evidence of palaeolithic flint working activity was identified, although some deposits are potentially contemporary with those containing artifacts found at Farndon and a small scatter of charred material was present in one of the natural channels associated with an earlier course of the beck.

Of the features and finds identified, the Iron Age and Roman are the most abundant and hold significance in terms of archaeological activity on the site. The palaeolithic deposits identified are also of interest.

As the proposal will largely result in the total loss of these features and deposits, I recommend that a programme of archaeological mitigation work is secured to preserve them in full either by record or design, prior to their destruction.

This work could be secured by a condition of consent if you decide to grant it.

If permission is granted, I recommend there be an archaeological condition for a mitigation strategy to effectively deal with this site. The work is likely to take a variety of mitigation techniques including, excavation, monitoring and avoidance through design.

This is in accordance with National Planning Policy Framework paragraphs 194 and 205.

This should be secured by appropriate condition to enable any remaining archaeology which currently survives on this site to be properly recorded prior to its destruction or preserved *in situ* through design and management.

**NSDC Conservation Officer** – The site is located outside of Lowdham Conservation Area, along Lambley Road which is an important gateway to the village. It is considered that the proposal would not harm the setting of the conservation area.

**NSDC Environmental Health Officer (Reactive)** – I have reviewed the Environmental Action Plan submitted with the application. The proposed construction hours are acceptable and should be adhered to. The action plan indicates that a Project Management Plan and Noise Management Plan should be produced before construction works commence. These should be completed in line with Section 3 of the report and approved prior to works commencing.

**NSDC Environment Health Officer (Contamination)** - I have received the Remediation Strategy report which was submitted by Arup in support of the above scheme. Having previously reviewed the draft version of the same report (under the previous application) and discussed with the consultant, I can concur with the proposed remedial measures. I look forward to receiving the validation report in due course. As such I would recommend the use of parts C and D of the standard phased contamination condition.

**NSDC Emergency Planner** - The comments from the EA provide some reassurance as regards to the EAs acceptance of responsibility for both the standards of the reservoir and the production of plans for potential failure. Without understanding the scale of potential damage / harm from a breach it is difficult to comment further and even with the information it is a balance between what may be significant damage from a very low likelihood event compared with damage to many homes from floods that may occur with far greater frequency.

As an emergency planner my role is to consider what we or other agencies would have to do to respond to a potential event. In the case of reservoir failure emergency services and other agencies would have to quickly understand the potential scope and scale of the damage, we would have to have a method of warning and supporting any necessary evacuation from the path of the water and other debris. We would then have to support the recovery.

The current risk to Lowdham residents is mainly damage to their homes and belongings, the potential need for re housing and lengthy recovery processes. Health would stem from physical and mental stress of evacuation and disruption, risk of entering flood waters and environmental health risks if contaminated sites are not treated. The pace of the past events has enabled evacuation without rapid catastrophic outcomes.

**8 letters of objection have been received from occupants of neighbouring properties/interest parties, which can be summarised as follows:**

- The creation of the alternative access to Hunters Farm involves the removal of trees from the tree lined private road (Rockley's View) leading to Lowdham Grange which would scar the route and ruin its beauty; these trees were planting when Lowdham Grange was a Victorian Mansion;
- The alternative access is larger than the one it would replace/gap is too big and a single entrance should continue to be utilised (no need for second access). Can't the farm access and maintenance access be shared?
- The development would encourage unwanted parking on the private road and use of the access bridge for heavy vehicles;
- The Landscape and Visual Report does not mention removal of trees and the impact this would have on the visual aesthetic and character of the avenue;
- There has been no agreement with the residents of the Grange regarding access on the private lane which is not part of the farmers land.

**24 letters of support have been received from occupants of neighbouring properties/interest parties, referring to the flood elevation benefits of the scheme (some of whom have been directly adversely impacted by flooding events in the past).**

**7.0 Comments of the Business Manager – Planning Development**

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it has a duty under the Planning Acts for planning applications to be determined in accordance with the Development Plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

**Principle of development**

The site is located within the Nottinghamshire- Derby Green Belt. In accordance with Spatial Policies 1 and 4b, development within these parts of the Green Belt will be assessed in line with national guidance. The NPPF identifies the protection of the Green Belt as a core planning principle. It says one of the fundamental aims of the Green Belt is to keep land permanently open, and openness and permanence are its essential characteristics.

**Whether or not the proposal is inappropriate development in the Green Belt and the effect on its openness:**

The application site is located in the Green Belt. Spatial Policy 4B states that development will be judged against national Green Belt Policy. Paragraph 150 of the NPPF states that engineering

operations or material changes in the use of land are not inappropriate in the Green Belt provided they preserve openness and do not conflict with the purposes of including land within it.

A fundamental aim of Green Belts is to keep land permanently open. Historical mapping confirms this site has always been open and devoid of built form with the exception of former agricultural/stable buildings on a small part of the overall site. The altered landform (including altered land levels and embankment) and manmade structures (including flow control structure and half bridge structure) would impact on the current openness of the site. The proposal would also likely generate the storage of materials and additional vehicle movements by way of comings and goings during the construction phase, which would also have an adverse impact upon openness, albeit temporary in nature. Overall, there would be a greater impact on the openness of the Green Belt compared to that which exists at present from a visual and spatial perspective.

In relation to the purposes of including land within the Green Belt, the proposal would represent a form of encroachment in the countryside, and does therefore conflict within one of the five purposes on including land within the Green Belt as set out in Para 138 of the NPPF.

As such the proposed development would result in inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Substantial weight must be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

### Other Considerations

#### *Impact on Visual Amenity and Natural Features*

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. It also states that natural features of importance within or adjacent to development site should, wherever possible, be protected and enhanced. Core Policy 13 states that development proposals are expected to positively address the implications of the Landscape Policy Zones in which the proposals lie.

In relation to landscape impacts, the site is identified within the Landscape Character Assessment as falling within the Mid Nottinghamshire Policy Zone MN PZ 41 Lambley Village Farmlands. The detailed landscape action for this policy Zone is to 'conserve'. The area is recognised as a varied undulating arable landscape rising up from the Cocker Beck and Lambley Dumble which bisect the area from west to east. The actions for this area include conserving existing historic field patterns.

The proposed development would result in changes to the existing rural landscape particularly through the loss of approximately 600 metres of riparian vegetation including mature trees and hedgerows, loss of some of the mature trees that currently line the access to Hunters Hill Farm and the loss of at least 4 mature trees which currently line Rockley's View, regrading of the landscape to create the FSA, realignment of the Cocker Beck, construction of new access tracks and new embankment/flood control and half bridge structures. Excavated material to create the



FSA would be used to create the proposed embankment. It is anticipated that there would be a surplus of 24,000m<sup>3</sup> that would be placed on the wider agricultural land within the red line boundary of the application site. This would result in a 600-700mm thick layer with a 1:10 tie in to existing ground levels. The submitted Landscape Visual Appraisal (LVA) states that 'on the basis of the quantities and depths of material placement described, it is not anticipated that there would be substantial landscape or visual effects as a result of this material placement'.

3D visual/photomontages to show the proposed development in comparison to the existing site were requested by the Officer from various vantage points. However, only one viewpoint set of visualisations has been provided as show in the extract below:



*Baseline view from the access track leading to Hunters Hill Farm towards the south east*



*Year 1 view from the access track leading to Hunters Hill Farm towards the south east*



*Year 15 view from the access track leading to Hunters Hill Farm towards the south east*

The proposed development would be visible to a number of receptors including users of the public rights of way (some of which require closure/diversion as part of the proposals), users of Lambley Road and Rockley's View, from residential properties located at elevated levels at the top of Rockley's Views (The Green) and from Hunters Hill Farm and Park Nook.



*Small woodland area contain veteran tree*

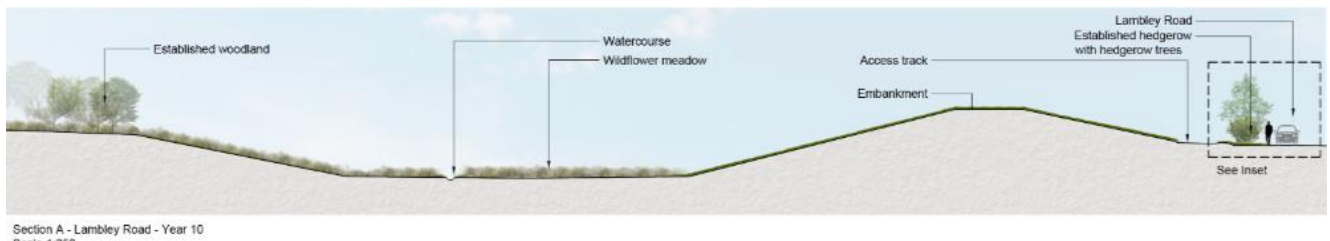


*Existing hedgrow and riparian vegetation visible from Lambly Road*

The proposed embankment would be located relatively close to Lambley Road (due to the constraints of the land available and the engineering works seeking to avoid the small woodland area containing the veteran tree). This however, combined with the proposed access and visibility requirements would necessitate the removal of up to 450 metres of existing mature hedgerow that runs alongside Lambley Road. The existing riparian vegetation located along the Cocker Beck (including some which sits immediately adjacent to Lambley Lane) would also be lost. This would completely alter the current rural character of Lambley Lane and change the view experienced by the most frequently used of the receptors identified i.e. the road users, albeit noting that these are transitional views. The change would also be experienced by users of the public rights of way (PROW) which require diversion as a result of the proposed development with the LVA stating that there would be 'degradation of the naturalistic character of views and sense of enclosure that is currently provided by mature vegetation'.

Officers have requested during the lifetime of the application that the extent of this loss is reduced (either through alternative access locations/the same construction and operational access being utilised or through the creation of a greater gap between the engineering operations and the road to enable increased levels of mitigation planting), but for operational reasons the applicant states that they are not able to amend the proposed plans in this regard. The Agent has stated that the need for a separate construction and permanent construction access is because *'during the detailed design of the spillway, it was determined that a training bund would be required in order to re-direct flows that had gone over the spillway back into the Cocker Beck watercourse. The location of the training bund coincided with the original junction location. Given the road levels at this location and the required height of the bund, it was established that a section of Lambley Road would need to be elevated for this to work, resulting in significant alteration to the highway infrastructure. In order to avoid this, as well as the impact on the character of this rural road, the project team have looked to relocate the permanent junction to the western end of the scheme'*.

In the case of the riparian corridor, the Agent has stated that *'owing to the requirements of both the Construction Engineer (appointed by the Secretary of State for Environment under the 1975 Reservoirs Act) and the Environment Agency's Asset Performance team, it has been determined that recreating a riparian corridor would pose significant safety risks to the long-term integrity of the dam structure and its watertightness, hence this cannot be fully replicated. In addition to the above, the scheme has sought to deliver Stage Zero principles, to restore a well-connected, re-wetted floodplain system to recreate a smaller, shallower, anastomosing or multi-thread channels which aim to slow the flow, reduce erosion and capture sediments and increase morphological diversity and biodiversity. For further details, refer to the Water Framework Directive (WFD) compliance assessment'*.



The extract from the proposed section above, shows the proposed development 10 year post completion and associated landscape works (NB this section does not show the flow control structure etc that would also likely be visible if this diagram were to represent a view in this direction as opposed to a section). This shows that a replacement hedge (with hedgerow trees incorporated), with access track behind would eventually screen views of the proposed embankment which would be significant in height compared to the road level. However, immediately during and post construction, it is likely that the removal of the existing hedgerow and riparian vegetation would mean that this manmade embankment would initially appear alien in contrast to the current rural landscape.

This would to some extent be softened by the fact that it would be grassed and through proposed hedgerow replacement planting, albeit this would take time to establish even if fast growing native species are used as proposed by the applicant. However, a commitment by the applicant to ensure that the current view from the road is restored as fast as practically possible is acknowledged and mitigation planting can be secured through the imposition of a condition to secure a more detailed landscape scheme. The form of the new embankment would in part limit views into the basin and would screen some of the more visible engineering elements associated with the scheme (i.e. flow control structure, half-bridge structure). Where there is visibility into the basin, a semi-natural watercourse would be visible. In addition, the proposed woodland above the basin as it matures, would form a naturalistic backdrop to the view of drivers on Lambley Road.

The LVA states that views from residential receptors of Hunters Hill Farm and Park Nook would be highly visible but would reduce as the landscape matures. It also states that views from The Green and Rockley's view would be perceptible in some directions but in the distance. Objections from neighbours raise particular concern in relation to the loss of at least 4 trees from the tree lined avenue along Rockley's View. The Officer queries whether this loss could be avoided or reduced however the Agent has advised that *'the partial loss of the tree line along Rockley's View has been limited as far as reasonably possible. The junction size has been dictated by the size of the EA maintenance vehicle that will need to access the upstream headwall. Similarly for the agricultural field access, the junction size is dictated by the size of vehicle. Again for both junctions, best practice has been applied in terms of visibility envelopes, for vehicles exiting onto Rockley's View.'*

An Arboricultural Impact Assessment (September 2022) has been submitted with the application. This document is out of date following amendments to the application and it is noted that some of the land within the red line boundary has not been surveyed (including the hedgerow proposed for removal adjacent to Lambley Lane). Nonetheless, this sets out that the removal of at least 23 individual trees, 3 groups of trees, a section from 1 group of trees, 2 hedgerows and a section from 2 hedgerows to accommodate the proposed development is required. This loss would be considerable (as acknowledged in the findings of the LVA) and whilst the majority of these trees are considered to fall into Category C (low quality) some are also considered to be Category B (moderate quality) including the matures trees proposed for removal along Rockley's View. Category B trees are ordinarily considered worth of retention. There is one veteran Category A

(high quality) tree located on the site which is proposed for retention along with the majority of the small woodland group.

A condition requiring an up to date Arboricultural Impact Assessment is required (noting that the submitted Arboricultural Impact Assessment contains some un-surveyed areas and a Tree Protection Plan that does not fully reflect the latest layout). This Assessment would also be required to plot more accurately the hedgerow proposed for removal adjacent to Lambley Road – the Agent has confirmed that if there is an opportunity to retain any sections of the existing hedgerow that they would seek to do this. A condition requiring a more detailed and up to date landscape scheme is also required (as planting specs etc. have not been provided and nor does the submitted plans include proposed landscaping within the extended red line area to incorporate land within Park Nook to accommodate the proposed visibility splays). A condition requiring materials and colour finish of all urban features is also recommended.

The submission documents state that tree planting within the FSA to provide a riparian corridor is not feasible due to geological (owing to the FSA being cut into bedrock in places) and spatial constraints and the risk of tree failure due to saturated conditions which may then represent a maintenance issue when mobilised within the FSA . The whole FSA would be seeded with a species rich grassland to provide a wetland/scrape habitat.

Overall, the LVA concludes that the development phase would result in the majority of adverse landscape and visual effects that would be experienced at local level. Beyond construction, the development would *'introduce incongruous engineered forms and associated urban features to a rural landscape and would result in the removal/loss of mature features that are locally distinctive.'* The report further states that this harm can be reduced through mitigation planting which would include seeding, woodland planting, a replacement hedge (with trees) adjacent to Lambley Road, lime trees planted either side of the new portion of private access road running up to Hunters Hill Farm and the use of visually sympathetic materials where practicable to minimise the visual impact of urban features. As a public body, it is expected that the applicant (Environment Agency) would seek to minimise and reduce impacts as far as possible whilst accepting the operational reasons for the proposals as presented. The discharge of conditions process would enable final details to be reviewed prior to their formal discharge.

The submitted LVA assumes that there would be no requirement for lighting as part of the proposed development. However, it is noted that lighting is proposed on the half bridge structure. This is not necessarily an issue if this is required for health and safety reasons. However, it is necessary to ensure that any lighting is minimal and does not generate any light spillage. As such, a condition requiring the submission and approval of any lighting is recommended to ensure that any impacts can be fully assessed is recommended.

Overall, the proposed development would represent a contrast to the current appearance of the site and result in substantial tree and hedgerow removal. Over time, this contrast would likely diminish through the establishment of landscaping. Subject to the conditions referred to above, this harm would be reduced. However, harmful landscape impacts would likely remain until proposed mitigation measures establish fully (which would be 10-15 years according to the LVA). Even with this mitigation, the proposed development would permanently alter the landscape and remain visible at a localised level. This is a negative factor to be weighed in the overall planning balance.

*Impact on Agricultural Land*



Policy DM8 states that ‘proposals resulting in the loss of the most versatile areas of agricultural land, will be required to demonstrate a sequential approach to site selection and demonstrate environmental or community benefits that outweigh the land loss’. Paragraph 174 of the NPPF states that *‘Planning policies and decisions should contribute to and enhance the natural and local environment by: recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.’*

Government guidance defines ‘Best and most versatile agricultural land as being land in Grades 1, 2 and 3a of the Agricultural Land Classification’ and at paragraph 175 of the NPPF requires that where significant development is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality. Online resources indicate that most of the land is likely to be lower grade 3b land in terms of its agricultural land classification. However, a small area (adjacent to the existing watercourses) could be Grade 2 land. Natural England is a statutory consultee on development that would lead to the loss of over 20ha of ‘best and most versatile’ (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system). Natural England have not raised any objection to the application or concern in this respect.

Overall, it is not considered that the proposed development would have a significant adverse impact on Best and Most Versatile Agricultural Land, which is not located within the highest grades of classification in any event.

Nevertheless, there would be some loss of agricultural land (albeit not significant) and this is a matter considered further in the overall planning balance.

#### *Impact on Archaeology and Heritage*

Core Policy 14 of the Core Strategy requires the continued preservation and enhancement of the District’s heritage assets including archaeological sites. Policy DM9 of the DPD states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk based assessment. These policies also seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

The site is not located within a conservation area or immediately adjacent to any defined heritage asset. The submitted documents indicate that both the construction and operation of the proposed development would result in a neutral effect on both historic landscape character and the setting of designated heritage assets. Indeed there may even be some benefits to heritage assets through increased protection from future flood events. Historic England and the Conservation Officer raises no objection to the application.

Based on assessments conducted to date, the construction of the proposed development has the potential to encounter and impact upon buried archaeological features during ground excavation works required to obtain material for creation of the flood storage area and realignment of the Cocker Beck. Of the features and finds identified, the Iron Age and Roman are the most abundant and hold significance in terms of archaeological activity on the site. The palaeolithic deposits identified are also of interest. As the proposal will largely result in the total loss of these features and deposits, the Archaeology Officer recommends that a programme of archaeological mitigation work is secured to preserve any features or finds in full either by record or design, prior to their

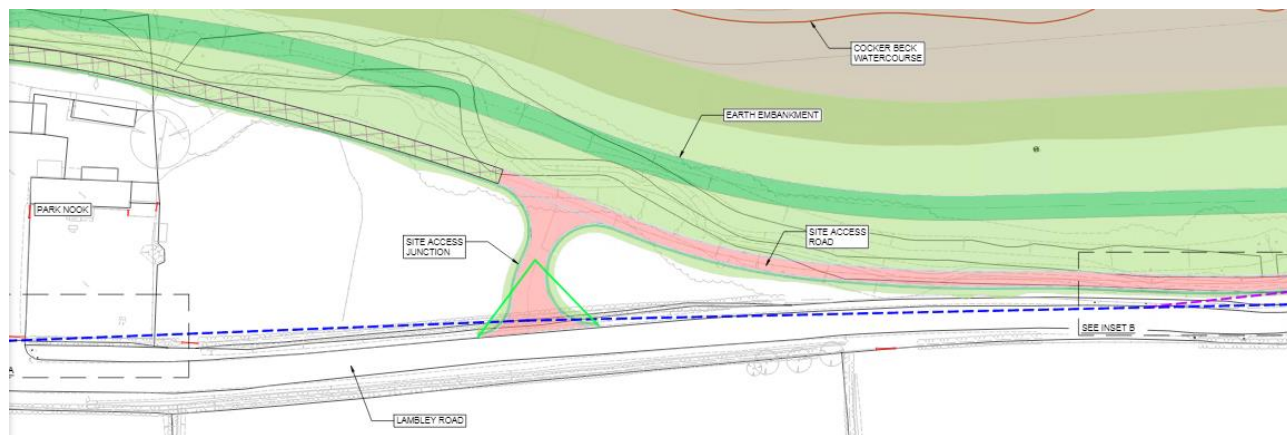
destruction. This can be secured through the imposition of a condition requiring an archaeological mitigation strategy.

Overall, the Archaeology Officer raises no objection to the application subject to conditions to ensure that the impact on any archaeological remains are appropriately mitigated. The proposed development would not result in any harm to any other heritage assets. Overall the proposed development is considered to be in accordance with Policies CP14 and DM9.

#### *Highway Matters/Access*

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to development whilst Spatial Policy 7 encourages proposals to be appropriate for the highway network in terms of volume and nature of traffic generated.

As access is required to the location of the emergency penstock (parcel of land south of the flow control structure) and to the west part of the embankment during a flood event, it has been necessary by the EA (as Applicant) for an access off Lambley Lane to be created. This would be used for occasional maintenance purposes. In addition, even if access off Rockley's View has been possible, the supporting documents state that Lowdham Grange Estate own Rockley's View, and they would prefer increased traffic along this private road to be kept to a minimum. Existing access points along Lambley Road were explored but discounted because of the close proximity of the embankment and spillways on this part of the site which would make it difficult for larger vehicles to turn off Lambley Road and onto the proposed new access track.



#### *Proposed new access off Lambley Road for EA maintenance vehicles*

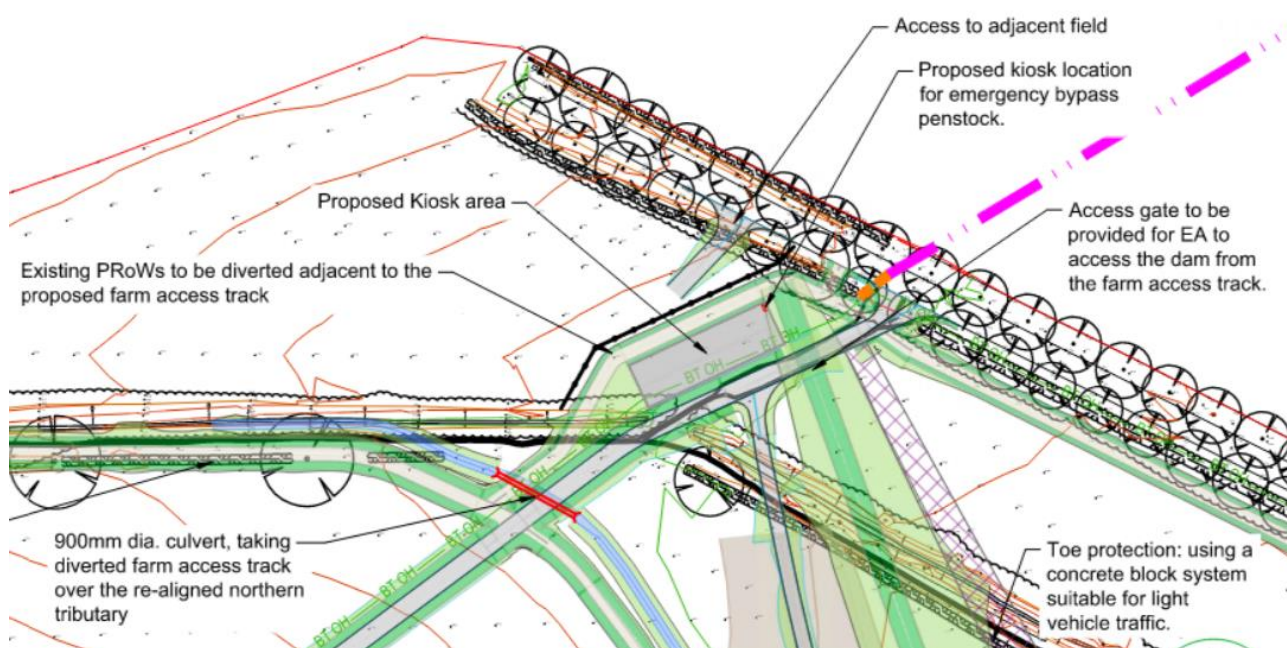
A new gated access off Lambley Lane to the east of Park Nook is therefore proposed and a speed survey has been undertaken to determine required visibility splays. An amended red line boundary has been submitted during the lifetime of the application as some of the visibility splay was on third party land (Park Nook) outside the red line boundary of the application site. In order to ensure that any visibility splays required by the Highways Officer can be maintained in perpetuity, if is necessary for a legal agreement to this effect be secured. At the time of writing this report, this legal agreement is still in progress. As such, the resolution to approve is subject to this legal agreement first being completed.



Existing access points off Lambley Road

These existing access points would however be utilised to provide a temporary construction access to the site, in addition to the land beyond providing the location for the site compound during the construction works. All redundant site accesses on Lambley Road would need to be permanently closed to Highway Authority specification and can be controlled through the imposition of a planning condition.

The proposed development also requires the partial removal of the farm track between Hunters Hill Farm and Rockley's View to the east necessitating the creation of a new agricultural access to Hunters Hill Farm. A further farm access track (to serve another landowner) is also proposed further north along Rockley's View.



*New access into Rockley's View*

Once operational, the proposal is expected to generate a negligible amount of traffic on a day to day basis. The construction period would temporarily increase vehicle movements, but this is solely for the purposes of construction that would take 90 weeks approx. The Highways Officer raises no objection subject to a condition requiring the submission and approval of a comprehensive Construction Traffic Management Plan, and liaison with VIA East Midlands, as the County Council's Agent on the ground, they consider disruption can be kept to the minimum.



Subject to the conditions recommended by the Highways Officer, I am therefore satisfied that the proposal would not amount to a detrimental impact on highway safety in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

### *Public Rights of Way*

Spatial Policy 7 supports development proposals which promote an improved and integrated transport network and an emphasis on non-car modes as a means of access to services and facilities. High quality, safe, cycle, footpath and bridleway networks will be safeguarded and extended to provide opportunities to reduce the number of short car journeys and for cycling, walking and horse riding for recreation in the countryside.

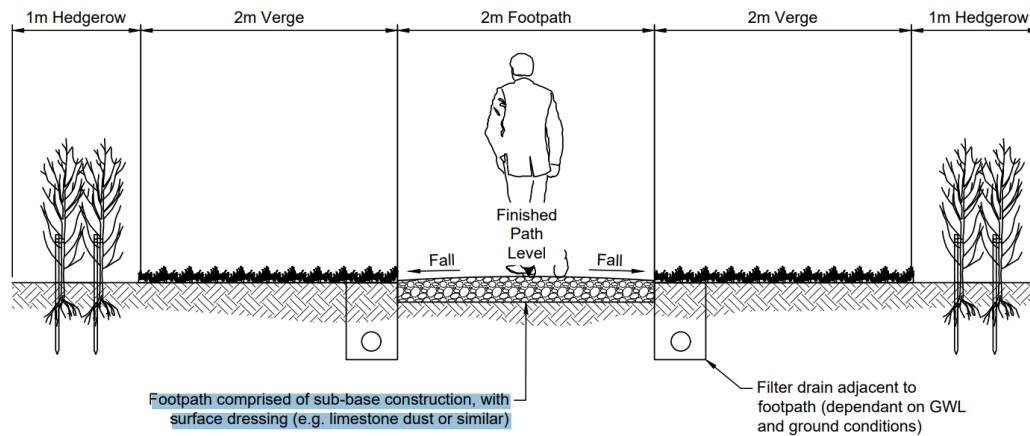
Lowdham FP14 and Lowdham BW15 both cross the site and would require diverting during construction and permanent re-routing post construction with some sections of the existing footpath and bridleway proposed to be decommissioned. The footpath would be permanently diverted to the north of the reservoir basin and via the farm access track from Hunters Hill Farm to the private road junction. The Bridleway would be diverted to a route parallel to Rockley's View linking to the footpath towards the north east corner of the site (as it did previously).



*Proposed PROW diversions and linkages to existing PROWs highlighted in yellow post construction. Non highlighted pick and blue lines show existing routes to be decommissioned*

The Nottinghamshire County Council PROW Officer raises no objection to the application. They have encouraged the proposed addition of drainage and a limestone dust surface dressing as this would improve the quality of the ground for walkers all year round (as per the section below).





An application to divert the public footpaths would be required under section 257 of the Town and Country Planning Act 1990. A condition to ensure that satisfactory provision of public rights of way and ongoing maintenance is recommended and overall, the proposals are considered to comply with the aims of Spatial Policy 7.

### *Impact on Residential Amenity*

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity. With the exception of Hunters Hill Farm and Park Nook, there are no residential dwellings located immediately adjacent to the site. However, there are a number of residential properties located nearby, including Hunters Hill Farm, along Lambley Road (including Park Nook) and Rockley's View/The Green.

With respect to potential issues of dust, noise and nuisance during construction the submitted Environmental Action Plan (EAP) sets out the objectives for minimising such impacts and mitigation measures for how this would be achieved. Some of these measures would be produced by or in association with the contractor once the precise method of working is finalised but prior to commencement. The Environmental Health Officer raises no objection to the application on this basis subject to the imposition of a condition which requires the submission and approval of a Project Management Plan and Noise Management Plan prior to the commencement of development.

It is considered unlikely that the proposal would result in any adverse impact upon living conditions on completion of the development – indeed the aim of the proposal is to reduce flood risk impacts upon the residents of Lowdham. Subject to conditions to ensure that any impacts are minimised as far as possible during the construction phases, the proposed development would not result in any adverse residential amenity impacts sufficient to warrant refusal of the application in accordance with the aims of Policy DM5 of the DPD.

### *Ecology*

Water bodies, mature trees and hedgerow often provide a habitat for a variety of species, some of which may be protected by law. Core Policy 12 requires proposals to take into account the need for continued protection of the District's ecological assets. Wherever possible, this should be through integration and connectivity of the Green Infrastructure to deliver multi-functional benefits. Whilst the site itself contains no ecological designations, it is located within 2km of a number of local wildlife sites, the closest being Ploughman Wood and Bulcote Wood. The site

contains a number of habitats including the riparian vegetation/wooded corridor lining the embankments of the Cocker Beck, the streams themselves, dry ditch, hedgerow, trees and the small woodland area including the veteran oak.

The National Planning Policy Framework encourages net gains for biodiversity to be sought through planning policies and decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures.

The NPPF states at paragraph 180 that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Equally, I am aware that paragraph 99 of Government Circular 06/2005 states that:

*“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances...”*

A Preliminary Ecological Appraisal comprising an extended phase 1 habitat survey has been submitted with the application. This identifies the need for a series of further surveys which have been undertaken with the conclusions and recommendations set out in the Ecological Impact Assessment (ECiA). The surveys found that the proposed development is unlikely to have any adverse impact upon reptiles, water vole or amphibians. However, habitats suitable for a number of species including bats, birds, otters, fish, microinvertebrates among others were identified. The proposed removal of existing landscape features including river habitat, trees and hedgerow would result in an immediate negative effect on a number of species that cannot easily be mitigated straight away due to time taken for mitigation planting to become established.

In relation to bats, the emergence surveys and walked transects indicate the site is used by low numbers of bats for periods of intense foraging and bat activity correlated to areas of linear features such as tree lined (including along Rockley's View), the dry ditch and Cocker Beck. Surveys of structures and trees have not found any roosting bats on site. Otters were found to be utilising the Cocker Beck riparian corridor for foraging and commuting. Other protected species were found to be utilising the site and appropriate mitigation strategies are proposed. The EA would need to apply and be issued Organisational License through Natural England for certain aspects of the development proposed.

New habitat creation (both before and after the commencement of development as appropriate) including artificial holts/bird/bat boxes and the implementation of the landscape scheme (to include seeding and planting) would substantially reduce any long-term effects on the surrounding area and would mitigate the impacts of the scheme. In relation to bats, the majority of trees along Rockley's View would be retained and trees would be replanted in a linear form on the new section of access track leading to Hunters Hill Farm. Replacement planting including compensatory woodland planting would provide suitable foraging habitat alongside the planting of hedgerows either side of the PROW to provide linear corridors.

The overall ecological losses, compensation and enhancements are summarised below:

- **Losses:** 1.41ha of semi-natural broad-leaved woodland (ECiA, Section 5.2.1), 16 Lime Trees on Access Track (ECiA, Section 5.2.3) and 0.47km of hedgerow (ECiA, Section 5.2.4)
- **Compensation:** (ECiA, Section 6) 5.0ha of low density mixed deciduous lowland woodland, 13 Lime Trees on access track, planting 1.67km native species rich hedgerows with trees using native woody species of local provenance.
- **Enhancing:** copse area by canopy thinning, removal of invasive species and creating wood piles.

The scheme is considered to provide for an appropriate level of compensation tree and hedgerow planting and has also sought to bring in protection measures for specific trees (veteran oak).

In addition to the above planting, whilst not directly part of this planning application, it has been advised that the Environment Agency have secured a local parcel of land for additional off-site habitat creation, which would be managed by the Nottinghamshire Wildlife Trust moving forward. The site measures approximately 3 ha and would be additional enhancement; mitigation measures for the current scheme are as detailed above and in the ECiA. As this would not be secured as part of this application, little weight can be attached to this in the overall planning balance. However, as a public body it is expected that such enhancements would be delivered.

It is noted that there is currently no mandatory planning requirement to achieve a set level of biodiversity gain. However, the table below provides a summary of the proposed BNG calculations. The bottom row considers the site subject to the planning application, plus the areas of off-site enhancement (not part of this application).

Option	Habitat Units	Hedgerow Units	River Units
On-site net % Change	29.56%	41.58%	-40.72%
<b>Total on-site net % change plus off-site surplus</b>	43.68%	41.58%	115.67%

This demonstrates that the completed scheme would provide for a 30% net gain in Habitat Units and a 41% gain in Hedgerow Units. As can be seen from the table above, there is an overall BNG deficit on river units for the on-site works.

A WFD (Water Framework Directive) Compliance Assessment has been submitted with the application. This concludes that the proposed development would 'have a significant impact on hydromorphology through the channel realignment and the artificial nature of the flow control structure. However the proposed development has been designed to incorporate channel habitat equal and exceed the length of the existing channel to be realigned and incorporate diversity of channel form to promote natural processes and function. This in turn should promote diversity of flow types and habitats'. The length of the proposed development comprises approximately 3.5% of the total length of the Cocker Beck and the potential impacts are mainly considered to affect this area. With mitigation the report concludes that the effects if WFD quality element are not considered sufficient enough to affect status class at the water body scale, and may lead to some localised improvements in certain hydromorphological quality as channel processes and functions evolve and establish. Removal of Invasive non-native species (INNS) is also considered to be a

benefit of the proposed development. Enhancement off site and through the eradication of Himalayan Balsam along the Cocker Beck watercourse would also enable the proposed development to achieve >115% BNG river units.

The submitted WFD Compliance Statement, ECiA and Environmental Action Plan recommends the preparation of a Construction Environmental Management Plan (CEMP) and the implementation of reasonable avoidance measures (RAMs) to be adhered to throughout the construction of the proposed development (to minimise impact on species utilising the site). This can be secured via planning condition.

Overall, the loss of existing natural features would result in a negative effect in the short term and the loss of river units in particular is a negative issue to be weighed in the overall planning balance since little weight can be attached to any enhancements proposed off site. However, the proposal does still deliver some biodiversity net gain in terms of habitat and hedgerow units which subject to conditions would comply with the aims of Core Policy 12 and Policy DM5 of the DPD and the NPPF.

#### *Impact on Flood Risk and Drainage*

Core Policy 9 expects development proposals to pro-actively manage surface water. Core Policy 10 requires new development to minimise its potential adverse impacts including the need to reduce the causes and impacts of climate change and flood risk. Part of the site (around the Cocker Beck) is located within Flood Zones 2 and 3 according to the Environment Agency's flood risk maps and is therefore at medium to high probability of flooding from river and coastal sources with the overall aim of the development is to reduce flood risk to residents of Lowdham.

A Flood Risk Assessment (FRA) has been submitted with the application. The proposed development is a form of flood control infrastructure and is classed as water compatible development. Such development does not fall within any exceptions for not requiring a sequential test. Whilst such a test has not been submitted with the application, it is clear that the nature of the proposal and the reasons for the development mean that it cannot be easily located elsewhere. In the absence of evidence to suggest that the proposed development could be located elsewhere while delivering the same flood risk benefits, the sequential test is considered to be passed. Water compatible development in flood zone 2 or 3 does not require the application of the exception test.

The FRA states that the proposed development has been constructed to remain operational and safe for users in times of flood; result in no net loss of floodplain storage and would not impede water flows or increase flood risk elsewhere. The FAS has been designed to operate without the need for operative intervention, users of the proposed PROW and bridleway would be safe during times of flood and fluvial modelling demonstrates that flood risk would indeed be reduced as a result of the FAS with no increased risk of flooding elsewhere.

The EA are the lead organisation in delivering the proposed development and have identified the Cocker Beck as the main contributor to flooding in Lowdham on six notable occasions within recent history. The EA have wide ranging powers for main rivers and groundwater bodies under the Water Resources Act 1991, Environment Act 1995 and Water Management Act 2020 and have a responsibility to produce national strategy towards managing flood risk. It is understood that there are at least 132 homes at risk of flooding in Lowdham.

Event	Flood Risk Band (probability band)				
	Low ( $\geq 5\%$ )	Moderate ( $< 5\%$ to $> 2\%$ )	Intermediate ( $2\%$ to $> 1\%$ )	Significant ( $1\%$ to $> 0.5\%$ )	Very Significant ( $\leq 0.5\%$ )
Baseline 1% AEP	730	10	43	0	79
Design 1% AEP	862	0	0	0	0

**Table 4: No. of properties at risk of flooding in the baseline 1% AEP case and the design 1% AEP case**

The above table (extracted from the FRA) demonstrates that as a result of the implementation of the FAS, 132 properties would be moved from a higher flood risk band to low. In addition there are several areas within Lowdham that are classified as 'Danger to Most/Some' due to the fluvial flood depths. The hazard mapping demonstrates that the FAS minimises these hazards by eliminating the hazard altogether or by reducing the level to 'Danger to None'. However this must be balanced against the new hazard 'Danger to All' due to the significant depth of water being retained in the reservoir.

The EA (as statutory consultee) raise no objection to the application. They have also confirmed that the proposed scheme would reduce the risk of flooding to properties and businesses in Lowdham up to and including the 1% Annual Exceedance Probability (AEP) flood event. In relation to the new hazard being formed by the creation of the FSA, the design, maintenance and operation of reservoirs follow a strict management protocol in accordance with the Reservoirs Act (1975) and the EA consider the failure risk associated with reservoirs is exceptionally low.

Overall, I am satisfied that the applicant has adequately demonstrated that the development would reduce the risk of flooding to properties and businesses in Lowdham in accordance with the aims of Core Policy 9 and Core Policy 10 of the Core Strategy, Policy DM5 of the DPD and the provisions of the NPPF, subject to conditions.

#### *Contaminated Land*

Policy DM10 of the DPD states that where a site is highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development. The comments of the Environmental Health Officer in this regard are set out in the 'Consultations' section above. Provided this advice is followed (see conditions), this would ensure no contamination issues in accordance with the requirements of Policy DM10 of the DPD.

### **8.0 Implications**

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

### **9.0 Conclusion**

*Whether there are Very Special Circumstances and Green Belt Balance*

The proposed development represents inappropriate development in the Green Belt, which by definition should not be approved except in very special circumstances. Paragraph 147 requires local planning authorities to ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The proposed development is not considered to preserve openness and would represent a form of encroachment in the countryside. Other harm has been identified including substantial tree and hedgerow removal, harmful landscape impacts resulting from the manmade engineered features of the development, a negative short term effect of biodiversity and the loss of agricultural land. Whilst some of this harm can be mitigated, a degree of harm would likely remain until proposed mitigation and compensation measures establish fully. Even then, the proposed development would permanently alter the landscape and remain visible at a localised level. Overtime, this contrast would likely diminish through the establishment of landscaping and biodiversity enhancements.

The aim of the development is to reduce flood risk to people, property and the environment. The Lowdham Flood Alleviation Scheme seeks to improve the flood defence in the village of Lowdham to a 1 in 100 flood protection level. A Flood Risk Assessment has been produced for the FAS and concludes that the development proposals are acceptable from a flood risk perspective, as the scheme would reduce the likelihood of flooding with at least 132 properties moved from a higher flood risk band to a low flood risk band. Whilst a new hazard 'Danger to All' due to the significant depth of water being retained in the reservoir would result, the Environment Agency have confirmed that this risk is exceptionally low which tips the balance in favour of development from a flood risk perspective.

Taking all matters into account it is considered that the overall flood risk benefits of the proposal represent very special circumstances to outweigh the harm to the Green Belt and all other harm identified. It is therefore recommended that planning permission be approved, subject to the recommendations below.

## **10.0 RECOMMENDATION**

**That full planning permission is approved subject to:**

- a) The completion of a legal agreement to ensure visibility splays on third party land are retained in perpetuity and delegated authority to add/remove or amend conditions to reflect the legal agreement accordingly;**
- b) No new material planning considerations being raised that would warrant re determination by Planning Committee before the decision is issued and delegated authority to Officers to consider any other issues raised accordingly including the addition/removal or amendment of the condition as appropriate;**
- c) the conditions and reasons shown below [subject to any changes resulting from a) and b) above].**

### **Conditions**

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and documents reference:

- Site Location Plan ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_1-A3-C03-I0105-EA3-LOD3 Rev C04
- General Arrangement Plan ENVIMMI001615 (3)-ARU-ZZ-ZZ-DR-PL-I0105\_3-A3-C04-I0105-EA3-LOD3 Rev C04
- Site Access onto Lambley Road ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_52-A3-C01-I0105-EA3-LOD3 Rev C01
- Typical Embankment Cross Sections Sheet 1 ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_4-A3-C02-I0105-EA3-LOD3
- Typical Embankment Cross Sections Sheet 2 ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_5-A3-C02-I0105-EA3-LOD3
- Lambley Road Sections ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_58-A3-C01-I0105-EA3-LOD3 Rev C01
- Tree Catcher (Course Debris Screen) ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_47-A3-C02-I-1-5-EA3-LOD3 Rev C02
- Emergency Penstock Access Structure ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_37-A3-C02-I105-EA3-LOD3 Rev C01 (with the exception of lighting details which require approval under Condition 6)
- Dam Control Structure Plan and Sections ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_6-A3-C03-I0105-EA3-LOD3 Rev C03
- CCTV Mast General Arrangement ENVIMMI001615(3)ARU-ZZ-ZZ-DR-PL-I0105\_42-A3-C03-I0105-EA3-LOD3 Rev C03
- Flood Risk Assessment Issue C01 8 November 2022

Reason: So as to define this permission.

03

Notwithstanding the approved plans contained in Condition 2, prior to their erection on site details of the proposed materials and finish including colour of all ancillary infrastructure including kiosk, means of enclosure, gates, half bridge structure, tree catcher poles, flow control structure, CCTV mast and cameras shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the proposed development.

Reason: To ensure the appearance of the development is satisfactory in the interests of the visual amenity of the surrounding area which is located in the Green Belt.

04



Notwithstanding the submitted details contained in the Arboricultural Impact Assessment September 2022, the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved (including all preparatory work):

- an updated Tree Survey and Constraints Plan (to reflect plans approved by Condition 2 and to include previously unsurveyed areas). For the avoidance of doubt this should seek to maximise tree and hedgerow retention on the site and include a review of the level of hedgerow removal required to facilitate proposed visibility splays.

- a scheme for the protection of the retained trees in accordance with BS 5837:2012 including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS). Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition/works within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) a full specification for the installation of boundary treatment works.
- e) a full specification for the construction of any roads, paths and parking areas, including details of the no-dig specification and extent of the areas to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) a specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist
- n) Reporting of inspection and supervision by a suitably qualified and pre-appointed tree specialist
- o) Methods to improve the rooting environment for retained and proposed trees and landscaping
- p) Veteran and ancient tree protection and management

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during construction and to protect and enhance the appearance and character of the site and locality.

05

Notwithstanding the submitted details shown on the Landscape Planting Drawing ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_13-A3-CO4-I0105-EA3-LOD3 Rev C04 and Final Landscape Masterplan ENVIMMI001615 (3)-ARU-ZZ-ZZ-DR-L-C0700-EA3-LOD3 Rev P01, no works or development shall take place until full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards (in the form of a detailed landscaping scheme the Local Planning Authority) are first submitted to and approved in writing by the Local Planning Authority. The scheme shall aim to maximise new tree planting and include additional hedgerow replanting adjacent to the east of Park Nook adjacent to Lambley Road and accord with the recommendations set out in Section 6 of the Ecological Impact Assessment 17 October 2022

The approved landscaping scheme shall be carried out no later than the first planting season following the completion of development, unless otherwise agreed in writing with the Local Planning Authority. If within a period of 7 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. Variations may only be planted on written consent of the Local Planning Authority.

Reason: In the interests of railway safety, visual amenity and biodiversity.

06

Notwithstanding the submitted details, no external lighting shall be erected/used on site unless precise details of any lighting including details of their operation including operating hours are first submitted to and approved in writing by the Local Planning Authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development.

Reason: in the interests of visual amenity and biodiversity.

07

**Parts A (Site Characterisation) and B (Submission of Remediation Scheme)** shall be carried out in accordance with the Remediation Strategy by ARUP Date 14 October 2022.

**Part C: Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the

remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### **Part D: Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

08

No development shall commence on site (including any site clearance/preparation works), until a Construction Traffic Management Plan (CTMP), Project Management Plan and Noise Management Plan in accordance with the recommendations set out in the Environmental Action Plan 7 November 2022 have been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the construction period:

- a) The parking of vehicles of site operatives and visitors
- b) Loading and unloading of plant and materials
- c) Storage of oils, fuels, chemicals, plant and materials used in constructing the development
- d) The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing, where appropriate
- e) Wheel-wash washing facilities
- f) Measures to control the emission of noise, dust and dirt during construction
- g) A scheme for recycling/disposing of waste resulting from site preparation and construction works (including any surplus material required for the land re profiling works)
- h) Measures for the protection of the natural environment
- i) Hours of work on site, including vehicle movements/deliveries and timing of construction traffic
- j) Location of temporary buildings and associated generators, compounds, structures and enclosures, and
- k) Routing of construction traffic

Reason: In the interests of highway safety and residential amenity.

09

The new site access on Lambley Road shall be constructed and surfaced in a bound material in accordance with 'General Arrangement Plan' (ENVIMMI001615 (3)-ARU-ZZ-ZZ-DR-PL-I0105\_3-A3-C04-I0105-EA3-LOD3 Rev C04) and 'Site Access onto Lambley Road – Visibility Splays' (ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_52-A3-C01-I0105-EA3-LOD3 Rev C01), and no other part of the development shall be commenced until the access has been completed in accordance with those plans. This access shall be retained for the lifetime of the development.

Reason: In the interests of highway safety.

10

The new site access permitted shall not be brought into use until the visibility splays shown on drawing 'Site Access onto Lambley Road – Visibility Splays' (ENVIMMI001615(3)-ARU-ZZ-ZZ-DR-PL-I0105\_52-A3-C01-I0105-EA3-LOD3 Rev C01) are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height for the life of the development.

Reason: In the interests of highway safety.

11

No part of the development hereby permitted shall be brought into use until the existing double gated site access on Lambley Road into land parcels 29 and 30 that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as per the Highway Authority specification in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of highway safety.

12

The development will require the diversion/extinguishing of existing public rights of way and no part of the development hereby permitted or any temporary works or structures shall obstruct the public right of way until approval has been secured and the diversion has been constructed in accordance with an approved detailed design and specification first submitted to and approved in writing by the Local Planning Authority. This does not override separate provisions required under the Town and Country Planning Act 1990.

Reason: To retain a safe and sustainable pedestrian route.

13

Approval of the details of the ongoing maintenance of Lowdham Footpath No. 14 and Bridleway No. 15 within the application site shall be obtained from the Local Planning Authority in writing (in the form of a site management plan) before the development commences and any maintenance will be delivered in accordance with the agreed plan.

Reason: To ensure that the treatment and management of the right of way is appropriate for public safety and use

14

## **Part 1**

No development shall take place until an archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved in writing by the Local Planning Authority. The Mitigation Strategy will include appropriate Written Schemes of Investigation for each phase of archaeological work. These schemes shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.

## **Part 2**

The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in Part 1. The developer will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

## **Part 3**

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given consent being commenced; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site. This Condition is imposed in accordance with the National Planning Policy Framework.

15

No development shall be commenced until details of the existing and proposed ground levels/contours of the site have been submitted to and approved in writing by the Local Planning

Authority. The development shall be carried out thereafter in accordance with the approved details.

Reason: In the interests of visual amenity and the openness of the green belt.

16

The proposed development shall take place in compliance with the recommendations set out in Sections 4-6 of the protected species report dated 22 February 2023 (REF ENVIMMI001515(3)-ARU-ZZ-ZZ-RP-PL-I0105\_55-A3-C01-I0105-EA3-LOD3).

Reason: To ensure the conservation of protected species and in the interests of maintaining and enhancing biodiversity.

17

No development shall be commenced until specific details of the mitigation measures required by the recommendations set out the protected species reports (including Bat Survey Report RSE\_4565\_R4\_V3 and Otter Survey RSE\_4565\_03\_V1) have been submitted for approval in writing by the Local Planning Authority in the form of a Mitigation Strategy. For the avoidance of doubt, this shall include the location, design and appearance of artificial holts and bird/bat boxes. The development shall be carried out only in accordance with the agreed details.

Reason: To ensure the conservation of protected species.

18

No development shall be commenced until a Construction Environmental Management Plan (CEMP) incorporating a Reasonable Avoidance Measures Statement (RAMS) and timetable in accordance with the recommendations set out in the Environmental Action Plan (7 November 2022) and Ecological Impact Assessment (17 October 2022) have been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify appropriate measures for the safeguarding of protected and locally important species and their habitats and shall include:

- a) an appropriate scale plan showing protection zones where construction activities are restricted and where protective measures will be installed or implemented;
  - b) details of protective measures (both physical measures and sensitive working practices) to avoid impact during construction;
  - c) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season);
  - d) details of a person responsible for the management of the protection zones.
- Development shall be carried out in accordance with the approved details and timetable.

Development shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of maintain and enhancing biodiversity.

19

Prior to completion of the development hereby approved a Biodiversity/Landscape Environmental Management Plan (LEMP) to include a woodland management plan in accordance with the

recommendations set out in the Environmental Action Plan (7 November 2022) shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include:

- a) purpose, aims and objectives of the scheme;
- b) a review of the site's ecological potential and any constraints;
- c) description of target habitats and range of species appropriate for the site;
- d) A statement of the overall design vision for the woodland and for individual trees retained as part of the development – including amenity classification, nature conservation value and accessibility.
- e) selection of appropriate strategies for creating/restoring target habitats or introducing target species. This shall include but not be limited to the provision of bat boxes;
- f) selection of specific techniques and practices for establishing vegetation;
- g) sources of habitat materials (e.g. plant stock) or species individuals;
- h) method statement for site preparation and establishment of target features;
- i) extent and location of proposed works;
- j) aftercare and long term management including type and frequency of management operations to achieve and sustain canopy, understorey and ground cover, and to provide reinstatement including planting where tree loss or vandalism occurs.;
- k) the personnel responsible for the work;
- l) timing of the works;
- m) monitoring;
- n) disposal of wastes arising from the works.

All habitat creation and/or restoration works shall be carried out in accordance with the approved details and timescales embodied within the scheme.

Reason: In the interests of maintaining and enhancing biodiversity and to ensure that woodland /landscaped areas are satisfactorily safeguarded, managed and maintained in the long term /in perpetuity in the interest of the visual amenity of the area.

#### **Note to Applicant**

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/) The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that the development type is zero rated in this location and comprises a structure(s) and/or buildings that people only enter for the purpose of inspecting or maintaining fixed plant or machinery in any event.

02

The application as submitted is acceptable. In granting permission without unnecessary delay the Local Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03



The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

04

Planning consent is **not** permission to work on or adjacent to the public highway, therefore prior to any works commencing on site including demolition works you must contact Highways Network Management at [licences@viaem.co.uk](mailto:licences@viaem.co.uk) to ensure all necessary licences and permissions are in place.

05

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please email [hdc.north@nottsc.gov.uk](mailto:hdc.north@nottsc.gov.uk) for details.

06

The minor access reinstatement works referred to in Condition 11 above involve work on the highway and as such require the consent of the County Council. Please contact Via East Midlands on 0300 500 8080 for further details.

07

Please note that any relevant details submitted in relation to a discharge of condition planning application are unlikely to be considered by the Highway Authority until after the relevant technical approval is issued.

08

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

09

A Temporary Traffic Regulation Order (TRO) to prevent or restrict access of the PRoW may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section [countryside.access@nottsc.gov.uk](mailto:countryside.access@nottsc.gov.uk). The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible. A TRO application will normally only be granted on a PRoW to be temporary closed and diverted as a result of the development once the application to divert the PRoW permanently under the TCPA 1990 has been accepted by the LPA. Any alternative routes must be suitable for all users (depending on the status of the path for example an alternative bridleway route must be suitable and safe for equestrians and cyclists as well as pedestrians). If the alternative route is along or alongside a private drive the applicant must make sure that they have

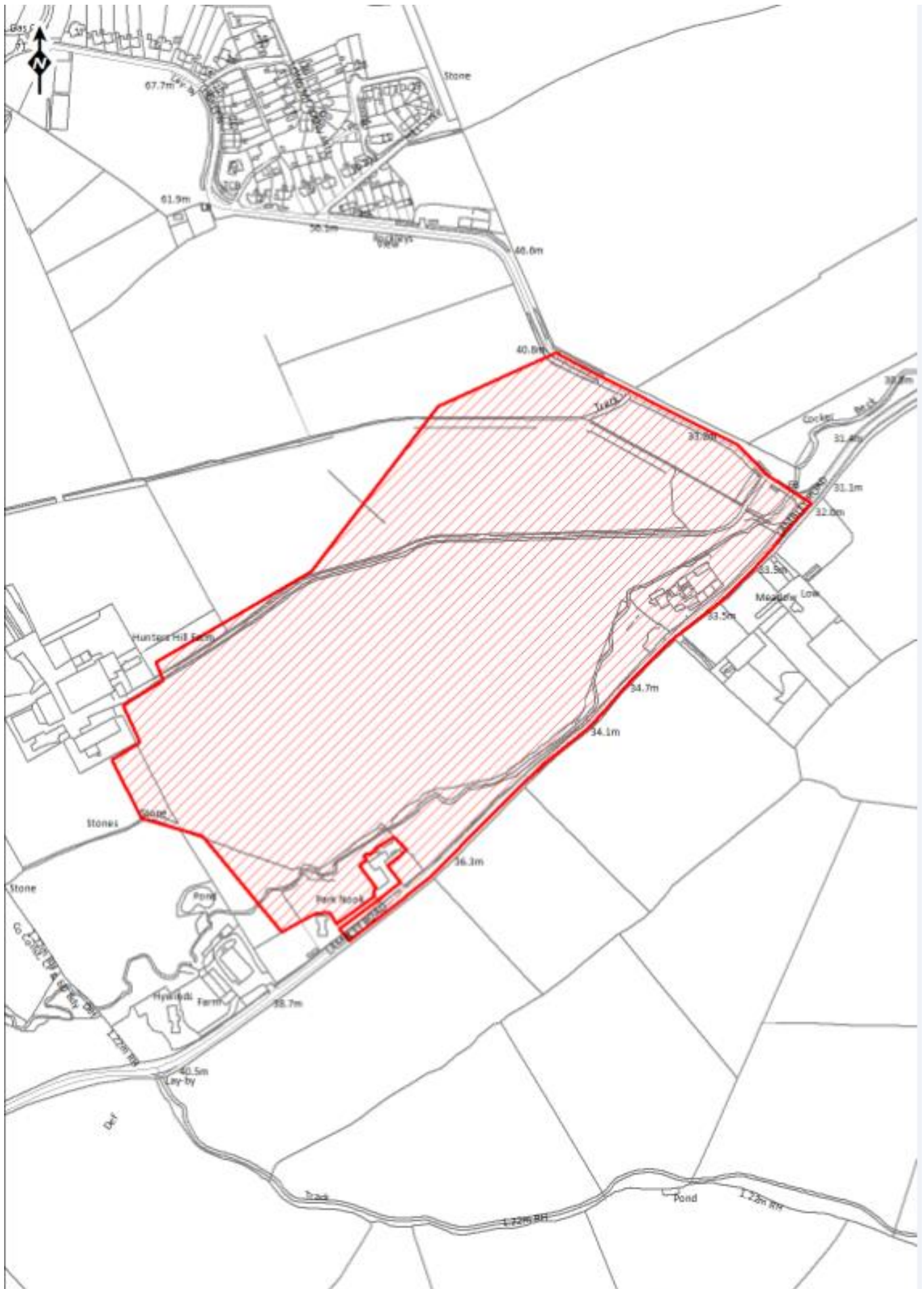
approval/agreement from the owners/private users. Any alternative routes not on existing public rights of way are permissive routes provided by the applicant and at the liability of the applicant.

10

With respect to the archaeological conditions, please contact Matt Adams, Historic Places team, Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX to discuss the requirements and request preparation of a brief for the works. It is recommended the resulting mitigation strategy and associated written schemes of investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.

BACKGROUND PAPERS

Application case file.



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