



**NEWARK &
SHERWOOD**
DISTRICT COUNCIL

Schedule of Communication

PLANNING COMMITTEE 1 AUGUST 2024

Schedule of Communication Received after Printing of Agenda

Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
5 23/01836/RMAM Land rear of The Vineries, Lower Kirklington Road, Southwell	NCC Lead Local Flood Authority	29.07.2024	Refer us to previous comments made on 30 May. Based on submitted information, they have no further comments to make.	Noted.
5 23/01836/RMAM Land rear of The Vineries, Lower Kirklington Road, Southwell	Resident	28.07.2024	Welcomes the appointment of a management company to look after landscaping. Concerned about the buffer strip between garden fences and the important boundary hedgerow- feel that this should not be reduced to 5m and concerned about the removal of trees in general terms. Also feels that earlier discussion on conformity with the Neighbourhood Plan remains unresolved.	Noted. These issues have already been considered in the officer's report.
5 23/01836/RMAM Land rear of The Vineries, Lower Kirklington Road, Southwell	LCC Archaeological specialist	30.07.2024	There are no archaeological implications to the proposals.	Comments to be noted.
6 23/00832/FULM	Agent	23.07.2024	The agent (now Mr Richard West, Cerda) has submitted the following additional information:	These plans and documents need to be added to those listed in Informative 01, and the following plans be superseded:

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Land Off Mansfield Road, Clipstone			<p>Site Layout (Drawing No: SL-001 Rev G) Parking Heat Map (Drawing No: CSCC-BSP-XX-XX-D-S-501 Rev P04) Management Company Plan (Drawing No: LE-007 Rev E) Garage Drawing (Large) (Drawing No: PD-025A-G&M Rev S) Ecological Mitigation Plan (Drawing No: EC-001-01) E-mail dated 16.11.2024 from Notts Wildlife Trust to the landowner requesting a Licence to Occupy for river restoration works.</p>	<p>Site Layout (Drawing No: SL-028 Rev A) Parking Heat Map (Drawing No: CSCC-BSP-XX-XX-D-S-501 Rev P03) Management Company Plan (Drawing No: LE-007 Rev D)</p> <p>The submitted e-mail from Notts Wildlife Trust does not provide any material evidence to connect the Three Rivers Project with the proposed housing development and can be given no weight in this regard.</p>
6 23/00832/FULM Land Off Mansfield Road, Clipstone	Consultee – NSDC Conservation comments	23.07.2024	<p>A level of harm on the setting of the listed building and non-designated heritage assets adjacent to the site remains, however the concerns regarding boundary treatments and external materials make a slight improvement to the design of the scheme.</p> <p>There would continue to be encroachment upon the immediate setting of the listed building, with no heritage benefits, contrary to s.66 of the Act and resulting in 'less than substantial harm' to the designated heritage asset. There is still a harmful impact on non-designated heritage assets.</p> <p>However, the proposal would deliver the requirements of Policy CI/MU/1 and there would be wider public benefits arising from the proposal. Overall, it would be for the decision maker to balance the heritage harm with any</p>	<p>To be noted. Does not impact officer recommendation.</p>

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			public benefits arising from the scheme.	
<p>6 23/00832/FULM Land Off Mansfield Road, Clipstone</p>	<p>Consultee – NCC, Policy</p>	<p>24.07.2024</p>	<p>Update to Transport Section of Table in para 8.80 on Page 102 – this should now read as follows: “Bus Service of £150,000 to provide fund improvements to local bus services and a bus stop infrastructure contribution of £24,400 to provide improvements of 2 bus stops NS0491 Greendale Crescent and NS0476 Greendale Crescent.”</p>	<p>The officer report should be amended accordingly and Members should note and take account of this.</p>
<p>6 23/00832/FULM Land Off Mansfield Road, Clipstone</p>	<p>Consultee – NCC, Highway Authority</p>	<p>26.07.2024</p>	<p>The applicant has submitted further information of interest to Highways as follows: Site Layout – SL001 rev G Parking Heat Map – CSCC-BSP-XX-XX-D-S-501 rev P04 Management Company Plan – LE-007 rev E Garage Drawing (Large) - PD-025A-G&M rev S The Highway Authority are also in receipt of an email response to our previous observations. The applicant requested that the application be taken to committee with our previous objection but has now submitted further plans which they have requested are taken as a late item. Considering these plans, whilst some of the issues have been addressed, it is noted that many haven't, as identified below.</p>	<p>To be Noted. In relation to comments made about boundary treatments, the case officer raised concerns with the agent regarding the layout of a children's play area that is surrounded by moving vehicles and the danger and unsatisfactory environment that this would create, early on in the planning process. When it was suggested that fencing maybe required, the agent stated that this was not the aesthetic they were wanting to create. The Highway Authority consider that in order to be safe in highway safety terms that fencing is required to stop children running out into the road, although they have not included it in their list of conditions to be imposed. Members would therefore have to consider this if they should be minded to approve the application.</p>

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<p>Agenda Page 5</p>			<p>Access:- The main access is acceptable subject to our previous caveats and should therefore be conditioned indicatively along with a condition to suitably upgrade the existing refuge, which forms the main pedestrian route to the wider village and the bus stops. However, the existing access to the north cannot remain as is as it is too wide and creates highway safety issues as previously detailed. As matters stand the access is adopted highway and is as such in the control of the Highway Authority. The suggestion to stop this area up was to allow the gate to be installed where first indicated, allowing a suitable distance from the rear of highway. The suggestion by the agent that the conveyed rights are across the full width for the entire length is incorrect as according to the conveyance document, this does not include the area of currently adopted highway. Whilst the access drawing itself shows an indicatively suitable layout, the currently submitted layout drawing does not so these drawings are in conflict. However, as this does not affect the main access the highway authority would suggest that this can be dealt with by condition. It should be noted that the stopping up of highway should be complete prior to the works being carried out.</p>	<p>On the basis of the removal of objection from the Highway Authority, officers recommend to Members that Reason for Refusal No 1 be removed from the recommendation currently before them.</p> <p>In the event that planning permission is granted, the proposed conditions be imposed with the following recommended amendments:</p> <p>Condition 1 be amended to: "Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include as a minimum: a) Measures to prevent to the egress of mud and other detritus to the public highway; b) A layout of the site, including materials storage and internal routes for construction traffic; c) Parking for site operatives; d) Details of the proposed build program. Once approved, the Construction Traffic Environmental Management Plan shall be adhered to at all times during construction unless otherwise agreed in writing by the Local Planning Authority. REASON: In the interests of Highway safety.</p> <p>To avoid confusion with the CEMP that has already been submitted.</p>

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<p>Agenda Page 6</p>			<p>Parking:- The Parking Heat Map submitted still does not identify all dwellings which are not compliant with the relevant parking standards. The displaced cars which have been plotted are not all outside of the relevant dwelling and no consideration has been given as requested to visitor parking. However, where the displaced cars have been plotted, they are generally in conflict with the swept paths of the refuse vehicle previously submitted. We will therefore require traffic management measures (double yellow lines) at key junctions and turning heads throughout the development. As the extents of the required measures cannot be based on the information submitted, we will request a condition that will require accurate information being submitted to determine this.</p> <p>The large garage detail submitted identifies that a car will be able to park in it but it does not appear to be a suitable size for cycle parking. The site plan has been updated to show bike stores in the associated gardens.</p> <p>Private Drives:- Many of the private drives have still not been properly widened by 0.5m on either side when coinciding with a bin collection point and in some cases the indicative landscaping. This could have been addressed as land is available within the layout as shown, but has not been and as such we will request</p>	<p>Condition 9 should be amended to read:- 9. Notwithstanding the submitted layout plan Site Layout – SL001 rev G, details of the locations of the bin stores shall be submitted to and approved in writing by the Local Planning Authority. The bin stores shall be provided in accordance with the approved details prior to the occupation of each respective dwelling.</p> <p>REASON: To reduce the chance of obstruction on the adjacent highway, in the interests of highway safety.</p> <p>Condition 10 would be a repeat of a standard generic soft landscaping condition.</p>

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<p>Agenda Page 7</p>			<p>conditions for both siting of bin collection points and details of landscaping. The facilities to allow a delivery vehicle to turn remain poor and are still only tracked with a short wheel-based vehicle. However, it is not thought that on this occasion a planning inspector would uphold a highway objection on this basis at appeal, for reasons which it is thought could be argued specific to this layout.</p> <p>Visibility:- Unfortunately, none of the issues raised in relation to visibility have been addressed and will now require conditions to address. The vehicular visibility splay outside Plot 77 is still missing and is likely to fall across private curtilage/through landscaping which is not acceptable and is required to be amended. This will also require amendments to the management plan as vehicular visibility splays are required to fall across land within highway or the control of the developer. Pedestrian visibility splays appear to be shown on Drawing Number 22123-11 rev D but remain unclear in colour but fundamentally are still not referred to in a key as to what they are, so will not be possible to provide the normal compliance condition. We will therefore request a condition for a drawing clearly indicating pedestrian visibility splays.</p>	

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Page 8</p>			<p>Boundary Treatments:- Given the disassociated parking for Plots 117 and 118, measures to prevent vehicular access to the footway/cycleway to the fronts is required. Fencing around the POS to the fronts of Plots 110-116 and 119-124 is required to prevent children from running straight out into the surrounding roads. We will also require details of measures to prevent vehicular use of the footway/cycleway from within the development and measures to prevent vehicular access to adjacent land on the southern boundary along with pedestrian access on the eastern boundary of the site.</p> <p>In consideration of the above, the Highway Authority have no objections subject to the following conditions and informatives:</p> <p>1. Prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include as a minimum: a) Measures to prevent to the egress of mud and other detritus to the public highway; b) A layout of the site, including materials storage and internal routes for construction traffic; c) Parking for site operatives; d) Details of the proposed build program. Once approved, the Construction</p>	

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Page 9</p>			<p>Environmental Management Plan shall be adhered to at all times unless otherwise agreed in writing by the Local Planning Authority. REASON: In the interests of Highway safety.</p> <p>2. No works above damp-proof course level shall take place until details of the new road have been submitted to and approved in writing by the Local Planning Authority, to include longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority. REASON: To ensure the development is constructed to safe and suitable standards.</p> <p>3. Notwithstanding Site Layout drawing number SL001 rev G, prior to any works above damp-proof course level taking place, a drawing showing a reduction in width to the existing site access shall be submitted to and approved in writing by the local planning authority. The works shall then be carried out in accordance with the approved drawing prior to first occupation. REASON: In the interests of highway safety.</p>	

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<p>Agenda Page 10</p>			<p>4. Prior to the final surfacing of the access drives, driveways and/or parking areas of each plot a drainage scheme shall be submitted to and approved in writing by the Local Planning Authority demonstrating how surface water will be prevented from entering the public highway from these areas. The approved scheme shall thereafter be implemented on site prior to first occupation and retained for the lifetime of the development. REASON: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.</p> <p>5. No dwelling shall be occupied until the associated access and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development. REASON: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).</p> <p>6. Prior to first occupation, the access as indicatively shown on drawing number CSCC-BSP-XX-XX-D-S-0008 rev P03 shall be provided. REASON: In the interests of highway safety.</p>	

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Page 11</p>			<p>7. Prior to first occupation, the refuge identified on drawing number CSCC-BSP-XX-XX-D-S-0008 rev P03 to the southwest of the proposed access shall be upgraded to include tactile paving. REASON: In the interests of pedestrian safety.</p> <p>8. Notwithstanding the submitted Parking Heat Map drawing number CSCC-BSP-XX-XX-D-S-501 rev P04, drawing/s showing traffic management measures to prevent parking where required shall be submitted to and approved in writing by the local planning authority prior to first occupation. Any measures approved shall be implemented within 12 months of first occupation of the site. REASON: In the interests of highway safety.</p> <p>9. Notwithstanding the submitted layout plan Site Layout – SL001 rev G, details of the locations of the bin stores shall be submitted to and approved in writing by the local planning authority. REASON: To reduce the chance of obstruction on the adjacent highway, in the interests of highway safety.</p> <p>10. Notwithstanding indicative landscaping shown on Site Layout drawing number SL001 rev G, full details of landscaping shall be</p>	

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<p>Agenda Page 12</p>			<p>submitted to and approved in writing by the local planning authority. REASON: To reduce the chance of obstruction on the adjacent highway and to ensure visibility is not obstructed, in the interests of highway safety.</p> <p>11. Notwithstanding the submitted Management Company Plan – LE-007 rev E details of the future management and maintenance of the land to the front of Plot 78 shall be submitted to and approved in writing by the local planning authority. The land shall then be kept clear of all obstruction above 0.6m above carriageway level. REASON: In the interests of highway safety.</p> <p>12. Pedestrian visibility splays shall be kept clear of all obstruction above 0.6m above carriageway level in accordance with a plan to be first submitted and approved in writing by the local planning authority. The splays should be kept clear of obstruction for the lifetime of the development. REASON: In the interests of pedestrian safety.</p> <p>Notes to Applicant 1/ The grant of planning permission does not permit the obstruction of the public highway. Separate statutory approval for the stopping up</p>	

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Page 13</p>			<p>Order will be required under the provisions of the Highways Act 1980 or the Town and Country Planning Act 1990 .</p> <p>2/ The applicant should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed</p>	

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<p>Agenda Page 14</p>			<p>construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.</p> <p>3/ In order to carry out the off-site works required, the applicant 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 the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties.</p> <p>4/ Any details submitted in relation to a reserved matters or discharge of condition planning application are unlikely to be considered by the Highway Authority until after</p>	

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			<p>technical approval of the works is issued.</p> <p>5/ The applicant should email hdc.north@nottscc.gov.uk to commence the technical approval process, prior to submitting the related discharge of conditions application. The Highway Authority is unlikely to consider any details submitted as part of a discharge of conditions application prior to technical approval of the works being issued.</p> <p>6/ All correspondence with the Highway Authority should be addressed to:- hdc.north@nottscc.gov.uk</p> <p>7/ 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.</p>	
<p>Agenda Page 15</p> <p>3/00832/FULM and Off Mansfield Road, Clipstone</p>	<p>NSDC, Biodiversity and Ecology Lead Officer</p>	<p>27.07.2024</p>	<p>It is recommended that the officer report should amended as follows:</p> <p>Para 8.60 – It was a full Ecological Appraisal that was submitted not a Preliminary Ecological Appraisal. This para should conclude by stating that the development would not result in any adverse impact upon protected species if proposed mitigation measures are implemented. These include:</p> <ul style="list-style-type: none"> o Roosting provision for whiskered bat in 	<p>Officer report should be amended as recommended.</p>

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<p>Agenda Page 16</p>			<p>houses alongside gardens and greenspace;</p> <ul style="list-style-type: none"> o Sensitive lighting scheme o Nest boxes for breeding birds o Timing of vegetation clearance to avoid bird nesting species o Capture and translocation of reptiles, amphibians and hedgehog o Hedgehog friendly garden fencing scheme. <p>Paras 8.61 and 8.63 – refer to ‘potential Special Protection Area (pSPA)’ and should read ‘possible potential Special Protection Area (ppSPA).</p> <p>Full final comments, taking into account the latest Ecological Mitigation Plan have been attached as Appendix A, as the table included would not repeat easily in this format.</p>	<p>Comments should be noted.</p> <p>On the basis of these comments, it is recommended to Members that Reason for Refusal 2 be amended to read as follows:-</p> <p>“The application, together with all supporting documents, has failed to demonstrate that sufficient compensation has been proposed to offset the loss of species-diverse grassland considered to be of ‘district level value,’ that would be lost as a result of the proposed development. Consequently, the ‘mitigation hierarchy’ has not been satisfied as is required by paragraph 186 (a) of the National Planning Policy</p>

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				<p>Framework.</p> <p>As such, the proposal has failed to maximise opportunities to conserve, enhance and restore biodiversity, and is contrary to Core Policy 12 (Biodiversity and Green Infrastructure) of the Newark and Sherwood Amended Core Strategy 2019, and paragraph 186 of the National Planning Policy Framework, which is a material planning consideration.</p>
<p>7</p> <p>24/00496/FUL</p> <p>Land Off Mill Lane, Edwinstowe</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Page 17</p>	<p>Edwinstowe Parish Council</p>	<p>26.07.2024</p>	<p>Object. The proposed building is too large, of inappropriate materials and design, inappropriate for the entrance to this historic, rural country lane in a residential area. The building appears to be designed for commercial use, again in an entirely residential area. The applicant has used this site for many years as an unsightly dump for what appears to be rubbish and waste building materials. The Parish Council have made previous requests to the District Council to get the applicant to tidy the site. There is no reason to believe that granting permission for a permanent building would make any difference to the appearance of the site and the history of treating the site as a dump for piles of waste materials. Rather than grant permission for a permanent structure which appears to be of a potentially commercial nature, the District Council should be enforcing a request to stop the storage of waste materials</p>	<p>The proposal is to replace an existing building with a new building with a very similar footprint for the same purpose. Section 7.27 of the Committee Report considers the building design would be in-keeping with site and surrounding area. The application site is located outside of the defined settlement boundary of Edwinstowe.</p> <p>The proposal relates to an established commercial use and has been designed as such.</p> <p>There is only one planning enforcement case related to the site dating back to 2007. Council records indicate Environmental Health Officers have visited the site several times over the past 10 years but have taken no further action in respect of the storage of materials on the site.</p>

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			and for the site to be tidied. Photos supplied to illustrate points.	This application presents an opportunity to proactively manage the use of the site moving forward through a planning condition to minimise external storage of materials in the interests of visual amenity – Condition 09.

Application Ref: 23/00832/FULM
Proposal: 126 dwellings with open space, landscaping, highways and drainage infrastructure and associated works
Location: Land off Mansfield Road, Clipstone, NG21 9EH
Date: 27/07/2024

1.0 Introduction

1.1. I have previously commented on this application in responses dated 22/05/2024 and 28/06/2024, which should be read in conjunction with these comments. Since my last comments the applicant has submitted a drawing which is shown in italic font in the list below. These additional comments are based on a review of this plan.

Documents Reviewed

1.2. I have reviewed the following documents to inform my comments to date on this application:

- Ecological Appraisal (No Doc. Ref. – March 2023 – Rachel Hacking Ecology);
- Shadow Habitat Regulations Assessment (No Doc. Ref. – 04/03/2024 – Rachel Hacking Ecology);
- Landscape Softworks Plans (Dwg. Refs. 1280-LS 200A to 1280-LS214A – March 2023 – DSA Environment and Design);
- Habitat Stack (Dwg. No. 12802-LS-301-A – 29 March 2023 – DSA Environment and Design);
- Bat Box – Kent Style (Dwg. No. 1280-LS-303-A – 29 March 2023 – DSA Environment and Design);
- Bird Box – 28mm Blue Tit (Dwg. No. 1280-LS-302-A - 29 March 2023 – DSA Environment and Design);
- Natural England Correspondence (Letter Ref. 436005 – 12 June 2023 – Natural England);
- Natural England Correspondence (Email Ref. 475819 – 16 May 2024 – Natural England);
- Drainage Strategy Sheet 2 of 2 (Drwg. No. 22123-18A – 22/02/2024 – Travis Baker);
- Landscape Strategy for Planning Appn, Ref. 23/01846/FULM (Drwg. No. 1297-002B – 02/10/2023 – DSA Environment & Design).
- Technical Note (Lifespan of supporting ecological surveys and reports & Mitigation and Compensation Measures (No Doc. Ref. – 07/06/2024 – Rachel Hacking Ecology); and
- Shadow Habitat Regulations Assessment (Doc. Ref. RHE.3326 – 03/06/2024 – Rachel Hacking Ecology).
- *Ecological Mitigation Plan (Drwg. No. EC-001-01 – 22/07/2024 – White Ridge)*

2.0 Comments

Mitigation and Compensation Measures

- 2.1. As noted in my previous comments, I have raised concerns regarding the proposed mitigation and compensation measures centred around the following points:
- Proposals offsite but within the red line boundary of a separate application (ref. 23/01846/FULM);
 - Proposals offsite; and
 - Proposals not deliverable when considered against the Landscape Strategy.
- 2.2. This was set out in a table which I subsequently updated in my comments of 28/06/2024. The format for the table was:
- Where the proposed measures were considered deliverable, cells are white.
 - Where measures are confirmed as undeliverable, cells are red.
 - Where there is continuing uncertainty regarding deliverability, cells are grey.
- 2.3. To keep continuity with my previous comments I have further updated the table below, following review of the Ecological Mitigation Plan (EMP), with my new comments in bold italic font.
- 2.4. For these comments, any mitigation/compensation measures where there is now agreement that these relate solely to the associated (but separate) planning application reference 23/01846/FULM (the recreational development) I have used strikethrough on the text as these are now confirmed as being irrelevant to the application currently under consideration. Similarly, I have used strikethrough on the text for any measures now confirmed as undeliverable for either application.

NSDC Biodiversity and Ecology Lead Officer Comments

2.5.

Proposed Measure	Location	Comments NL	Comments MW	Comments NL 28/06/2024 italic font
Management of woodlands TN4, TN5 and TN6	TN4 and TN5 offsite and within 23/01846/FULM. TN6 partially off site and within 23/01846/FULM	All potentially deliverable in accordance with proposed Landscape Strategy.	Specific to housing development.	Noted <i>EMP confirms locations and measures allocated to the residential development.</i>
Management of woodland TN13	Offsite and not within 23/01846/FULM	Possibly part of Vicar Water Country Park	Owned by Welbeck Estates – not part of Vicar Water. Management will be part of mitigation for the recreation ground.	Noted <i>Extent of area shown on EMP and within same ownership so now deliverable and confirmed for the recreation development.</i>
Management of retained scrub; TN3 – bramble TN7 – gorse TN12 – plantation woodland	All offsite and within 23/01846/FULM	Landscape Strategy shows TN3 and TN12 as removed so not deliverable. TN7 potentially deliverable.	Agreed regarding TN3 and TN12 – originally TN12 and part of TN3 was to be retained. TN7 to be managed to enhance its value –mitigation for housing development.	Noted <i>Location previously known and agreed that TN7 is deliverable</i>
Manage scrub TN8 (selective clear to 30%)	Offsite and within 23/01846/FULM	Landscape Strategy showing TN8 as removed, so not deliverable.	Agreed, but <i>Rosa agrestis</i> will be translocated to edge of TN7. TN8 has lost much of its botanical diversity because of Bramble encroachment.	Noted <i>Rosa agrestis Sweet Briar, dealt with below.</i>

NSDC Biodiversity and Ecology Lead Officer Comments

Proposed Measure	Location	Comments NL	Comments MW	Comments NL 28/06/2024 italic font
Plant 5m wide strip of dense scrub between lagoons TN6 and woodland TN13	Some onsite, some offsite and within 23/01846/FULM and some outside of both boundaries.	Some potentially deliverable.	Access control to stop vehicular activity, mitigation for both developments delivered after 3 Rivers Project –de-culverting has been completed.	No clarity has been provided in respect of exactly what areas form mitigation for each development. They are two separate applications, so the measures need to be clearly allocated. <i>EMP confirms that this will be mitigation/compensation for the residential development.</i>
Gap up and manage hedgerow TN14.	All offsite and within 23/01846/FULM	Showing as retained within the Landscape Strategy so potentially deliverable.	Intended as mitigation for Leisure & recreation development.	Noted. <i>EMP confirms location and that this is mitigation/compensation for the recreational development.</i>
Clear scrub and reinstate hedgerow along boundary of TN5 and TN6	TN5 offsite and within 23/01846/FULM. TN6 partially on site and partially offsite and within 23/01846/FULM	Potentially deliverable as part of Landscape Strategy.	See explanation regarding 3 Rivers Project	No indication as to which development these measures should be allocated to. See my additional comments re the 3 Rivers Project below. <i>EMP confirms location and that this is mitigation/compensation for the residential development so is deliverable.</i>

NSDC Biodiversity and Ecology Lead Officer Comments

Proposed Measure	Location	Comments NL	Comments MW	Comments NL 28/06/2024 italic font
Manage grassland TN1 by late summer mow	Would be offsite and within 23/01846/FULM.	Potentially deliverable as part of Landscape Strategy.	It is more appropriate to include this mitigation with the Leisure & recreation application.	Noted <i>EMP now showing an area of TN1 to the west and south of the headstocks and indicates that this area would form mitigation for the residential development and is within the same ownership. Therefore, would potentially be deliverable but see TN 1 area additional comments below table.</i>
Manage grasslands TN2 and TN9 by scrub and tall ruderal herb removal and late summer mow	All offsite and within 23/01846/FULM	Landscape Strategy proposes removal of TN9 small scrub area so would deliver this element. TN2 showing as grassland on LS, so potentially deliverable.	TN2 and TN9 will be lost to the Leisure & recreation application, so not deliverable.	Noted <i>No additional comment needed.</i>
Former settling lagoons to become permanent ponds	Onsite.	Drainage strategy (Drw. No. 22123-18-A) shows narrow band over deepened by 0.5m to create permanent standing water area. So deliverable.	Agreed and will be essential for effective SUDS. Additional water will feed Vicar Water. Leisure & recreation application will also benefit.	Noted <i>No additional comment needed as location known before issue of EMP.</i>

NSDC Biodiversity and Ecology Lead Officer Comments

Proposed Measure	Location	Comments NL	Comments MW	Comments NL 28/06/2024 italic font
Scrub and tree removal around ponds	Onsite.	Deliverable.	Reduced shade will be of benefit to aquatic habitats.	Noted <i>No additional comment needed as location known before issue of EMP.</i>
Culverted sections of Vicar Water (between TN13 and TN6 and within TN6 and TN13) to be opened and modified.	Offsite.	Nothing in application submission to confirm this.	Works started and ongoing – see paragraph above.	The paragraph referred to is reproduced below this table. No clarity as to which development these measures relate to. <i>EMP indicates that this is proposed as mitigation/compensation for the residential development. But the position regarding use of the Three Rivers Project work as mitigation/compensation for this application is unchanged and it is considered that this cannot be used so is not deliverable. (See additional comments below).</i>
Thin of woodland along Vicar Water through TN5 and TN6.	TN5 offsite and within 23/01846/FULM. TN6 partially on site and partially offsite and within 23/01846/FULM	Potentially deliverable as part of Landscape Strategy.	Works started and ongoing – see paragraph above.	
Sensitive lighting scheme for bats	All onsite, but no lighting scheme submitted	Can be secured via a planning condition.	Planning condition anticipated.	Noted <i>EMP clarifies that this is mitigation for the residential development.</i>

NSDC Biodiversity and Ecology Lead Officer Comments

Proposed Measure	Location	Comments NL	Comments MW	Comments NL 28/06/2024 italic font
10 bat boxes integrated into houses	All onsite	Can potentially be secured through a LEMP/BES	Agreed.	Noted <i>EMP clarifies that this is mitigation for the residential development.</i>
10 bat boxes on trees in woodlands TN5 and TN12	All offsite and within 23/01846/FULM.	TN5 Potentially deliverable as woodland retain as part of Landscape Strategy. TN12 not deliverable as Landscape Strategy shows this removed.	All boxes attached to trees in woodland TN5.	Noted <i>EMP clarifies that this is mitigation for the residential development.</i>
20 bird nest boxes	Not stated but assume that these would be integrated into the walls of the new homes.	Potentially deliverable and could be secured via a planning condition.	Swift and Sparrow bricks to be installed into house walls.	Noted <i>EMP clarifies that this is mitigation for the residential development.</i>
Avoid impacts on breeding birds	All onsite.	Can be secured through a CEMP.	Agreed.	Noted <i>EMP clarifies that this is mitigation for the residential development.</i>

NSDC Biodiversity and Ecology Lead Officer Comments

Proposed Measure	Location	Comments NL	Comments MW	Comments NL 28/06/2024 italic font
Avoid impacts on reptiles	All onsite.	Can be secured through a CEMP.	Will need a translocation strategy because of habitat loss – suggest that this is conditioned.	There needs to be more clarity regarding where this would be. Until then, this is not considered deliverable. <i>Mitigation measures not included on the EMP. See comments on row below.</i>
Targeted habitat creation for reptiles	No clear indication as to where this would be located.	Can potentially be secured through a LEMP/BES	Most likely area is to the west of headstocks. Needed for both development applications.	There needs to be more clarity regarding where this would be. Until then, this is not considered deliverable. <i>Not included on the EMP, but based on previous comments from MW, from the EMP assume that this is within the area TN1 to the west and south of the headstocks. Therefore, would potentially be deliverable but see TN 1 area additional comments below table.</i>
Avoid impacts on hedgehogs	All onsite.	Can be secured through a CEMP.	Agreed.	Noted <i>EMP clarifies that this is mitigation for the residential development and recreational development.</i>

NSDC Biodiversity and Ecology Lead Officer Comments

Proposed Measure	Location	Comments NL	Comments MW	Comments NL 28/06/2024 italic font
Enhancements for hedgehog (permeable garden boundaries)	All onsite	Can potential be secured through a LEMP/BES	Agreed.	Noted <i>EMP clarifies that this is mitigation for the residential development and recreational development.</i>
Propagate sweet briar and plant into margins of TN7	All offsite and within 23/01846/FULM.	Potentially deliverable given the proposals showing on the Landscape Strategy for this area.	Will be delivered as part of housing mitigation because of loss of TN8.	Noted <i>The EMP is now suggesting that sweet briar would be translocated from TN8 and planted in TN6 this contradicts what has been said previously so needs further clarification.</i>
Spread heather brash in grassland adjacent to TN4, then specific management	All offsite and within 23/01846/FULM.	Potentially un-deliverable given the proposals showing on the Landscape Strategy for this area.	Agreed, proposed before Leisure & recreation proposals were finalised. Seek to create heathland to the west of the site next to Clipstone Colliery tip which supports heathland.	Would need more certainty before considering this as deliverable. <i>EMP confirms that this is mitigation/compensation for the residential development. The assumption is that this is within the TN1 area to the west and south of the headstocks. Therefore, would potentially be deliverable but see TN 1 area additional comments below table.</i>

- 2.6. The EMP has improved clarity regarding the locations and allocations for the proposed mitigation/compensation areas, but unfortunately does not resolve all the concerns.

TN 1 area west and south of the headstocks

- 2.7. From the EMP the assumption is that the reptile mitigation measures, the grassland management proposals and the proposal to spread heather brash to create heathland habitat will all be located on the area of grassland to the west and south of the headstocks. However, the site allocation (Cl/Mu/1) within the Newark and Sherwood Allocations & Development Management Development Plan Document (ADMDDP) is for mixed use development and would accommodate 120 dwellings and 12ha of employment provision, retail and Public Open Space. Therefore, with the current application under consideration and the associated recreational development application also being considered, it is not clear how this area could provide this mitigation/compensation and still enable delivery of the employment and retail elements of the allocation. Therefore, in that respect, there is a low level of confidence that long-term sustainable mitigation/compensation can be provided on this area.
- 2.8. Also, this grassland has been described as ‘district level value’ within the supporting ecological appraisal. Therefore, the baseline value of this habitat is high, so it is not clear how this could be enhanced to a higher value and therefore represent enhancement.

Three Rivers Project

- 2.9. The issue regarding use of the Three Rivers Project work as mitigation/compensation for this development remains unresolved. We know that the ongoing work is being undertaken as permitted development under rights available to Severn Trent, with the work being undertaken by third parties on their behalf, which then enables those rights to be used by those doing the work. Therefore, the work is being done on behalf of Severn Trent and not on behalf of the development under consideration.
- 2.10. Also, it is my understanding that the work forms part of a series of environmental projects under the Water Industry National Environment Programme (WINEP). And in the Government’s own words:

“The primary role of the WINEP is to provide information to water companies on the actions they need to take to meet the environmental legislative requirements that apply to water companies in England”¹.

- 2.11. It is my understanding that Severn Trent were required to undertake environmental improvements to Vicar Water under WINEP, therefore they are not specifically related to the application under consideration. I cannot therefore see how these can be used as compensation for this development.

Quantum of proposed mitigation/compensation

- 2.12. I would advise that whilst the EMP provides some of the clarity that was being sought regarding mitigation and compensation measures, it does not adequately address the issue of insufficient compensation for impacts on habitats given that most of the

¹ DEFRA, Environment Agency & Natural England. (2022). *Guidance – Water industry national environment programme (WINEP) methodology*. <https://www.gov.uk/government/publications/developing-the-environmental-resilience-and-flood-risk-actions-for-the-price-review-2024/water-industry-national-environment-programme-winep-methodology>

application site is formed by grassland which the supporting ecological appraisal has identified as being of 'district level value'.

Policy Compliance.

National Planning Policy Framework

2.13. Relevant sections of the National Planning Policy Framework (NPPF)² are:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:...

...a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); [Para. 180 a)]

...d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures" [Para. 180 d)]

"When determining planning applications, local planning authorities should apply the following principles:

a) 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;" [Para. 186 a)].

2.14. Para 186a is based on the 'mitigation hierarchy' which is a sequential process to avoid, mitigate and compensate for negative ecological impacts³. Government guidance is that *"Where a development cannot satisfy the requirements of the 'mitigation hierarchy' planning permission should be refused as indicated in paragraph 186 of the National Planning Policy Framework"*⁴.

2.15. As the site is allocated for mixed use development in the relevant Local Plan, consideration as to whether the development could be located elsewhere with less of an ecological impact has essentially been undertaken at the local plan making stage. Therefore, the avoidance element of the mitigation hierarchy is only applicable in terms of avoiding impacts within the development site, and with most of the site formed by grassland considered to be of 'district level value' there is little scope to avoid impacts on this habitat whilst still delivering the quantum of development proposed through the allocation. So, mitigation and compensation are the next important considerations.

² Department for Levelling Up, Housing & Communities. (2023). *National Planning Policy Framework – December 2023*. [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/1152442/nppf-2023.pdf)

³ CIEEM. (2018). *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.2*. Chartered Institute of Ecology and Environmental Management, Winchester. <https://cieem.net/wp-content/uploads/2018/08/ECIA-Guidelines-2018-Terrestrial-Freshwater-Coastal-and-Marine-V1.2-April-22-Compressed.pdf>

⁴ Department for Levelling Up, Housing and Communities. (2024). *Guidance – Natural Environment – Implementing policy to protect and enhance the natural environment, including local requirements*. (Paragraph: 019 Reference ID: 8-019-20240214). <https://www.gov.uk/guidance/natural-environment>

- 2.16. In my comments of 22/05/2024 in para.2.11 I advised that the series of recommendations for mitigation and compensation measures within Section 5 of the supporting Ecological Appraisal would likely meet the requirements of the NPPF if secured and implemented properly, but I raised concerns with the proposals. Having now commented twice more to responses provided by the applicant, my concluding advice is that except for the mitigation and compensation measures for reptiles, the proposed mitigation and compensation measures for protected and notable species can be secured via relevant conditions should planning approval be granted.
- 2.17. The outstanding issue regarding reptiles relates to the population of common lizard that has been recorded within the wider site and the fact that the Ecological Appraisal has indicated that in addition to precautionary working methods (which I would advise could be secured through an appropriate condition of a planning approval) targeted habitat creation for common lizard would form part of the proposed mitigation and compensation measures. The suggested area for this habitat creation is the TN1 area to the west and south of the headstocks, but for the reasons discussed above, there is a low level of confidence that any long-term sustainable ecological mitigation and compensation measures could be provided within this area. However, this population is very localised and for this development precautionary working methods might be sufficient acceptable mitigation as any loss of suitable supporting habitat might be temporary and localised (i.e., around the TN6 area). Therefore, I would advise that whilst still an outstanding issue, I consider that this should be resolvable through further discussion.
- 2.18. In contrast, in respect of mitigation and compensation for impacts on habitats my conclusion that insufficient compensation is being provided for the impacts on the grassland of 'district level value', means that my advice is that the 'mitigation hierarchy' has not been satisfied as required by the NPPF.

*NSDC Amended Core Strategy Core Policy 12 Biodiversity and Green Infrastructure*⁵

- 2.19. Relevant sections of Policy 12 are:

"...The District Council will therefore:

"Expect proposals to take into account the need for continued protection of the District's ecological, biological and geological assets. With particular regard to sites of international, national and local significance, Ancient Woodlands and species and habitats of principal importance identified in Section 41 of the Natural Environment and Rural Communities Act 2006 and in the Nottinghamshire Local Biodiversity Action Plan; Seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and geological diversity and to increase provision of, and access to, green infrastructure within the District;..."

- 2.20. Whilst the grassland forming most of the site has not been identified as a Habitat of Principal Importance, because there is insufficient compensation proposed for the loss of this habitat of 'district level value', I would advise that the proposed development

⁵ Newark and Sherwood District Council. (2019). *Amended Core Strategy – Adopted March 2019*. [amended-core-strategy-DPD.pdf \(newark-sherwooddc.gov.uk\)](https://www.newark-sherwooddc.gov.uk/amended-core-strategy-DPD.pdf)

has not maximised opportunities to conserve, enhance and restore biodiversity as required by Policy 12.

ADMDPD Policy DM7 Biodiversity and Green Infrastructure⁶

2.21. Policy DM7 mostly relates to the need for development to avoid adverse impacts on sites afforded a statutory or non-statutory nature conservation designation. In that respect the supporting ecological appraisal has concluded there would be no adverse impacts on such sites; a conclusion that I would concur with. However, DM7 also states that:

*“On sites of regional or local importance, **including previously developed land of biodiversity value**, sites supporting priority habitats or contributing to ecological networks, or sites supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site” [my emphasis].*

2.22. The site formed part of the Clipstone Colliery so is previously developed land and supports grassland of ‘district level value’ so represents the situation that DM7 aims to capture. Therefore, as my advice is that insufficient compensation is proposed to offset impacts on the grassland, this lack of compensation would need to be weighed against the fact that the principle of development within the site has been set by that allocation. However, I would advise that to date, there has been no demonstration of any effort to address this via an off-site solution, which is one of the reasons why the ‘mitigation hierarchy’ has not been satisfied.

2.23. Finally, DM7 requires all development proposals affecting sites covered by the policy to be supported by an up-to date ecological assessment. Whether the supporting ecology surveys were sufficiently up to date has been discussed through my earlier comments and my advice was that although these were not up to date, they could be relied upon given the statement provided by the applicant’s ecologist. So, this aspect of DM7 has been complied with.

3.0 Conclusions

3.1. The proposed development would be unlikely to have any adverse impact on any sites afforded either a statutory or non-statutory nature conservation designation.

3.2. Except for mitigation and compensation measures for reptiles, suitable mitigation and compensation measures to address potential adverse effects on protected and priority species could be secured via appropriate conditions of a planning approval. Outstanding matters regarding compensation measures for reptiles should be resolvable through further discussion.

3.3. Whilst through the consultation process a clearer picture has evolved regarding what proposed mitigation and compensation measures would be deliverable, and which would be assigned to the application under consideration rather than to the associated

⁶ Newark & Sherwood District Council. (2013). *Newark & Sherwood Local Development Framework Allocations & Development Management Development Plan Document – Adopted July 2013*. <https://www.newark-sherwooddc.gov.uk/media/nsdc-redesign/documents-and-images/your-council/planning-policy/supplementary-planning-information/allocations-and-development-management-dpd/Allocations-and-Development-Management-Development-Plan-Document.pdf>

application ref. 23/01846/FULM, the conclusion is that insufficient compensation has been proposed to offset the loss of species-diverse grassland considered to be of 'district level value'. Consequently the 'mitigation hierarchy' has not been satisfied as is required by paragraph 186 of the NPPF.

- 3.4. As insufficient compensation has been provided, the proposal conflicts with the requirements of the Amended Core Strategy Core Policy 12 as the proposals have not maximised opportunities to conserve, enhance and restore biodiversity.
- 3.5. In respect of Policy DM7 of the ADMDPD, the lack of compensation would need to be weighed against the fact that the principle of development within the site has been set via its allocation within the Local Plan for mixed use development under Policy CI/Mu/1. In all other aspects, the proposals appear to meet the requirements of DM7.

Nick Law

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Comments for Planning Application 24/00496/FUL

Application Summary

Application Number: 24/00496/FUL

Address: Land Off Mill Lane Edwinstowe

Proposal: Demolition of existing store, and construction of replacement secure store.

Case Officer: Amy Davies

Customer Details

Name: Mrs Alice Dunn

Address: Edwinstowe Village Hall Mansfield Road Edwinstowe NG21 9NJ

Comment Details

Commenter Type: Organisation/Other body

Stance: Customer objects to the Planning Application

Comment Reasons:

- Object

Comment: The proposed building is far too large, of inappropriate materials and design, inappropriate for the entrance to this historic, rural country lane in a residential area. The building appears to be designed for commercial use, again, in an entirely residential area. The applicant has used this site for many years as an unsightly dump for what appears to be rubbish and waste building materials. The Parish Council have made previous requests to the District Council to get the applicant to tidy the site. There is no reason to believe that granting permission for a permanent building would make any difference to the appearance of the site and the history of treating the site as a dump for piles of waste materials. Rather than grant permission for a permanent structure which appears to be of a potentially commercial nature, the District Council should be enforcing a request to stop the storage of waste materials and for the site to be tidied.

From: Parish Clerk <theclerk@edwinstowe.co.uk>
Sent: 26 July 2024 12:50
To: planning
Subject: 24/00496/FUL

[CAUTION: This email originated from outside of the organisation. Do not click on links or open attachments unless you recognise the sender and know the content is safe]

Good afternoon

I have submitted comments on the above planning application through the NSDC planning portal. Please also see photos of the site taken this July for information.





Kind regards

Parish Clerk
Edwinstowe Parish Council
Village Hall
Mansfield Road
Edwinstowe
Notts
NG21 9NJ
01623 824243

Tuesdays - Fridays