

## PLANNING COMMITTEE – 5 OCTOBER 2021

<b>Application No:</b>	<b>20/01452/OUTM</b>	
<b>Proposal:</b>	<b>Development of site for distribution uses (Use Class B8) including ancillary offices and associated works including vehicular and pedestrian access, car parking and landscaping.</b>	
<b>Location:</b>	<b>Land Off A17 Coddington</b>	
<b>Applicant:</b>	<b>Tritax Acquisition 39 Limited</b>	
<b>Agent:</b>	<b>Delta Planning - Mr David Green</b>	
<b>Registered:</b>	<b>05.08.2020</b>	<b>Target Date: 04.11.2020</b>
		<b>Extension of Time: 07.10.2021</b>
<b>Link to application documents:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=QEJOKRLBIP600">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=QEJOKRLBIP600</a>	

**This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as both Coddington and Winthorpe Parish Councils (along with Newark Town Council) have objected to the application, which differs to the professional officer recommendation.**

### The Site

The application site relates to a parcel of land immediately to the south of the A17 and immediately adjacent to the large commercial storage and distribution buildings currently occupied by the Knowhow business group (including Dixons Carphone) and known as Newlink Business Park. The application measures 16.6Ha in total area, is located outside of the established Newark urban boundary and within the open countryside. To the north of the site is Newark showground and to the south and east is open countryside. The A1 is located approximately 500 metres to the south west of the site. The village of Coddington including its conservation area is located approximately 500m to the south of the application site.

The site is generally flat greenfield land, having been regularly cultivated and cropped as part of a larger arable field unit. The red line boundary also includes part of the A17, a bridge over it and a strip of land located on the opposite side of the A17. Access to the site is currently gained via farm access tracks from the south and from the north via the bridge across the A17.

A public footpath (Coddington FP4A which connects the villages of Coddington and Winthorpe) which connects to the bridge over the A17 runs through the northern section of the site in a roughly north-east to south-west direction. This path is located in between and on the edge of a buffer of trees which are located adjacent to the north boundary of the site. Further tree/vegetation buffers are located in the north west corner of the site. A hedgerow (along with a wider buffer containing woodland to the east) is located adjacent all other sides of the site.

The entire application site is located within Flood Zone 1 and outside of an area identified as being at high risk of surface water flooding.

## **Relevant Planning History**

No planning history relevant to the site save for 20/SCR/00003 Environmental Impact Assessment (EIA) Screening Request for land east of Newlink Business Park – EIA not required.

Planning history relating to the adjacent site to the west:

16/01505/FULM - New, cold formed steel, portal framed compactor warehouse – permission 6.12.2016

16/00935/FUL - Siting of two single storey portakabin. Solus buildings to be used as offices for a temporary period of 3 years - permission 03.08.2016.

15/01104/FULM - 8no. new windows at mezzanine level to existing distribution centre of building one – permission 03.09.2015.

07/00120/FUL Erection of two single storey portacabins within existing lorry park – permission 10.04.2007

04/00177/OUT Permission for development of land without compliance with condition 8 of 02/02601/FULM permission 29.04.2004

03/00985/RMAM Submission of reserved matters 02/02601/OUTM for distribution centre – permission 06.08.2003

02/01072/RMAM Erection of distribution centre – permission 28.06.2002

02/01074/OUT Proposed car dealership – permission 28.06.2002

02/01073/OUTM Proposed hotel/conference centre – permission 28.06.2002

02/02601/FULM Variation of condition 7 from permission 01/00608/OUT regarding the pedestrian/cyclist bridge – permission 03.04.2003

99/51860/FUL Forming of new traffic roundabout and spur road off new site access road off A17 into the proposed site terminating at an on-site roundabout – permission 18.10.1999

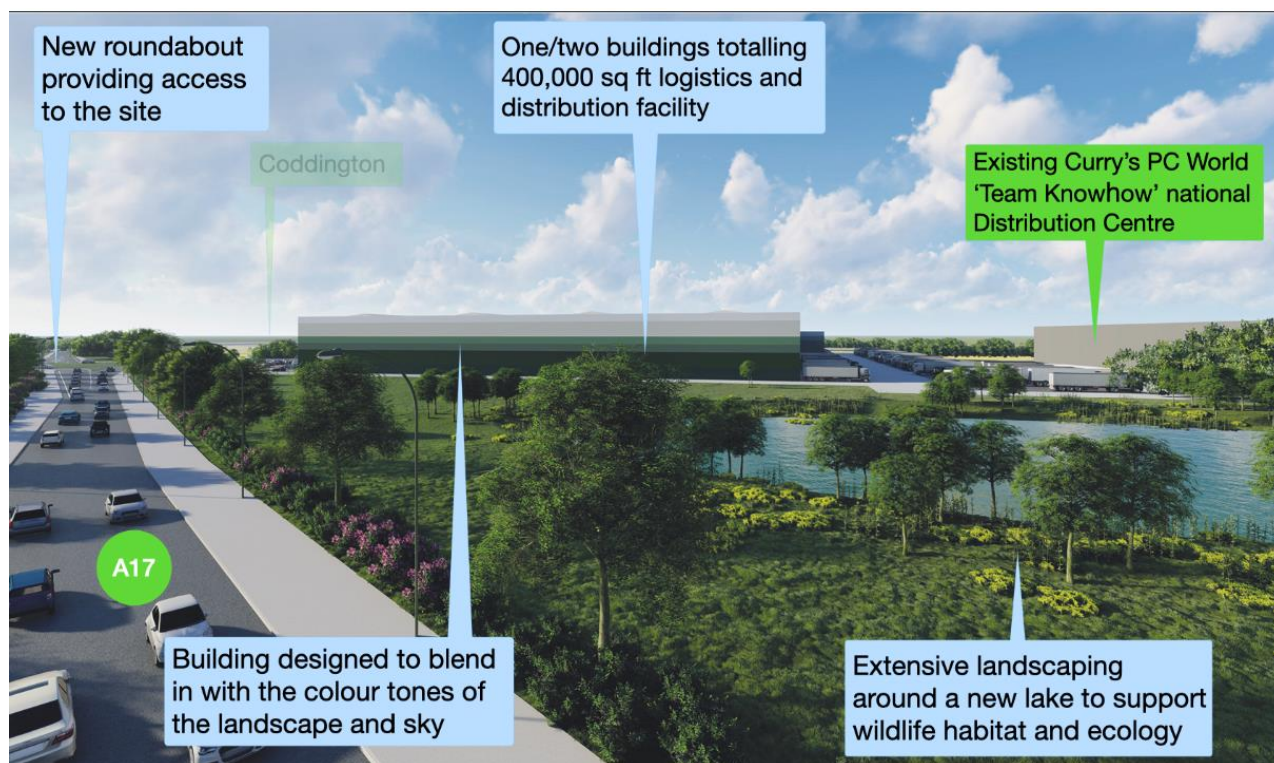
98/51979/OUTR4 Use land for B1, B2 and B8 use – permission 30.06.1998

30891455 General industrial development use classes B1, B2 and B8 – refused 12.03.1998

## **The Proposal**

The proposal seeks outline planning permission with all matters reserved apart from access for the erection of a commercial storage and distribution warehouse unit (B8 use class) with ancillary offices. Part of the red line boundary includes the A17 and land to its north and east in order to accommodate proposed access and pedestrian infrastructure, including a new vehicle access off a new 3-arm roundabout junction on the A17 and an extension to the public footpath/cycleway network from the A17/long Hollow roundabout to the proposed site. A potential pedestrian route connection from the existing public right of way to the north of the site and the existing Knowhow building to the west of the site is also proposed.

The submitted indicative layout plan also gives the parameters of the proposed development with the proposed unit(s) shown to have a maximum employment floorspace of 37,000m<sup>2</sup> (GIA) and a maximum height of 18m to the ridge. The floorspace would be accommodated within one or two buildings. Retained and new areas of landscaping are proposed along the site boundaries in addition to sustainable drainage infrastructure (including an amenity pond located in the north west corner of the site).



*Visual extracted from Planning Benefits document*

The application comes forward on a speculative basis with no known end user of the proposed unit included in the application submission.

**For clarity, the current application relates to the Phase 1 site as shown in the extract below – not the wider potential future masterplan site which shows potential future expansion areas to the south and east (Phases 2 and 3), referred to in the comments received from both Coddington Parish Council and residents. Any future development on these areas would need to be subject of a separate planning application and screening opinion, and determined accordingly.**



Extract from Illustrative Site Plan

The following documents have been submitted in support of the application

*Documents:*

- Covering Letter 31 July 2020 (Delta Planning)
- Design and Access Statement August 2020 Rev C (SGP)
- Transport Assessment July 2020 (Connect) inc. access plans
- Framework Travel Plan July 2020 (Connect)
- Statement of Community Involvement 31 July 2020 (Fieldsend Associates)
- Planning Statement August 2020 (Delta Planning, August 2020)
- Employment Land Statement July 2020 (JLL)
- Addendum to Employment Land Statement January 2021 (JLL)
- Response to Submission by MWRE and Savills (JLL)
- Landscape and Visual Impact Assessment (BCA, 10/05/21)
- Response to Comments from VIA letter dated 20/03/21 (BCA)
- Ecological Appraisal July 2020 (FPCR)
- Breeding Bird Survey Report July 2020 (FPCR)
- Flood Risk Assessment July 2020 inc. Drainage Strategy (Link)
- Archaeological Desk-Based Assessment June 2020 (RPS)
- Archaeological Evaluation Report October 2020 (Oxford Archaeology)
- Built Heritage Statement July 2020 (RPS)
- Phase I Desk Study and Geotechnical Assessment (Link, June 2020)
- Phase II Ground Investigation Report Nov 2017 (HSP)
- Energy and Sustainability Report 23/07/2020 (Cudd Bentley)
- External Lighting Impact Assessment (Cudd Bentley)

- Noise Assessment Jul 2020 (WYG)
- Briefing Note Titax and Simons: Newlink Business Park Extension Proposals 24.09.2021
- Support Letter by Dixons Carphone (date 08.12.2020)
- UK Big Box Logistic Market Update (presentation slides by JLL G3 2020)
- CBRE UK Logistics Market Summary Q3 2020
- Bidwells 'Our View on Industrial Across the Arc' (5 November 2020)
- 'The Increased Importance of Logistics During Covid-19 and Beyond' by Turley Economics (December 2020)
- Planning Benefits Tritax and Simons: Newlink Business Park Extension (23 July 2021)

*Plans:*

- 110001 Rev A Location Plan
- 16233-SGP-XX-XX-DR-A-F018-001 Rev E Illustrative Site Plan
- 111002 Parameters Plan
- 110002 Existing Site Plan
- 2047-20-01 Rev b Illustrative Landscape Masterplan (amended plan received 14.05.2021)
- 2047-20-02 Rev A Illustrative Landscape Sections (amended plan received 14.05.2021)

**Departure/Public Advertisement Procedure**

A site notice has also been displayed near to the site and an advert has been placed in the local press.

**Planning Policy Framework**

The Development Plan

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

Spatial Policy 1 Settlement Hierarchy  
 Spatial Policy 2 Spatial Distribution of Growth  
 Spatial Policy 3 Rural Areas  
 Spatial Policy 6 Infrastructure for Growth  
 Spatial Policy 7 Sustainable Transport  
 Core Policy 6 Shaping our Employment Profile  
 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**

DM4 Renewable and Low Carbon Energy Generation  
 DM5 Design  
 DM7 Biodiversity and Green Infrastructure  
 DM8 Development in the Open Countryside  
 DM9 Protecting and Enhancing the Historic Environment  
 DM10 Pollution and Hazardous Substances  
 DM12 Presumption in Favour of Sustainable Development

## Other Material Planning Considerations

National Planning Policy Framework 2021

Planning Practice Guidance (online resource)

Planning (Listed Buildings and Conservation Areas) Act 1990

Landscape Character Assessment SPD (December 2013)

Employment Land Availability Study 2019

## Consultations

**Coddington Parish Council** – Object. The application is for outline consent to achieve access for one large Distribution Centre off the A17 near the footbridge, but although most of the plans show one new building, the last figure in the Employment Land Statement shows a much larger development as part of the wider land holding spreading up to the edge of the Yew Wood.

The outline planning application is for Unit 1, with a further 6 industrial units shown on this Masterplan. Our reasons for objection include:

- a) This is a Major deviation from the District Council's adopted Adopted Core Strategy and Policies
- b) It is Development in the Countryside, outside the Urban boundary, and will lead to a loss of trees and wildlife.
- c) A potential loss of important archaeological structures, of heritage value to Newark as a whole.
- d) A significant increase in traffic adding to the existing congestion at the A17/A46/A1 roundabouts and more traffic diverting through Coddington. Traffic through Coddington Village has doubled in recent years as vehicles avoid congestion at the A17/A46/A1 roundabout and Newark Bypass, comparing resident surveys with tube counts by NCC.
- e) A risk of increased road traffic accidents given the small size of the proposed roundabout and the restrictions to visibility from the embankments associated with the road bridge over the A17.
- f) There will be increased traffic noise in Coddington from loss of trees on the South side of the A17, and a loss of views from public footpaths at the edge of the Conservation Area.
- g) The application is for 24-hour operation, also causing an increase in noise to Coddington residents including during the night.
- h) The environmental screening request and report were based on only a small part of the Illustrative Masterplan rather than the wider potential scheme covering 48.3 hectares (119.4 acres). This is described in the Employment Land Statement (and other documents) and illustrated in Appendix 9. This exceeds by more than a factor of two the twenty hectares indicative screening threshold in the relevant government guidance. The environmental screening request should have included the total anticipated development for the wider land holding.
- i) The public consultation carried out by the developer made no mention of the wider potential scheme described in the Employment Land Statement and shown as the Illustrative Masterplan in Appendix 9, so should be discounted.

The wider development scheme envisaged in the Illustrative Masterplan would have a much greater impact on Coddington Village residents. There would be major effects on:

- 1) Traffic congestion at the A17/A46/A1 roundabouts and Newark Bypass
- 2) Traffic flows through Coddington Village

- 3) Floodwater risk
- 4) Coddington Conservation Area, outlined above, which is adjacent to the wider development
- 5) A massive impact on the landscape setting of Coddington Village, with the loss of half of the agricultural fields between the Conservation Area and the A17.
- 6) Loss of Trees on the site
- 7) Damage to the protected Yew Tree Wood, in the North-West corner of the Conservation Area, from changes to the water table
- 8) Visual and landscape impacts within Coddington Parish, including numerous residential properties
- 9) Complete loss of the open break between Newark and Coddington to the North. This open break was proposed by Coddington Parish Council during the recent review of Open Breaks by the District Council.
- 10) Loss of potential additional public rights of way, currently under review by the County Council.

The Environmental Screening report should be reassessed for the wider development scheme and not bypass the legal guidance on thresholds by assessing the total planned development in a piecemeal manner.

This application should not proceed without a fundamental review of the Adopted Core Strategy, and the Allocations & Development Management DPD, including a new Public Examination. This is to allow full and proper public consultation given the intrusive area and height of the development in the countryside in a location not allocated for employment land. This is particularly important given the complete lack of public consultation on development of the wider land holding.

**Newark Town Council** - Objection was raised to this application for the following reasons:

1. Visual impact
2. Impact on Yew Tree Forest
3. Loss of open space between Newark and Coddington
4. Lack of evidence there is demand for this type of development in this location.

**Winthorpe Parish Council** – ‘The Parish Council are opposed to this development on the grounds of the increase in traffic volumes. We are concerned about the increase in the traffic in relation to one unit never mind the six units that seem to be on the agenda. We are already unhappy about traffic volumes at both A46 roundabouts and this size of development will we suspect make it unbearable at times. We as a Parish want to be involved in the A1/A17/A46 intersection road developments which are being worked on at the moment as that could have a major impact on the parish/Winthorpe village. Until these improvements to the roads are in place, such developments cannot be considered a good idea and will only make the problem worse.’

**Highway England** – No objection.

**NCC Highways Authority** – Following the submission of additional information during the lifetime of the application, no objection is raised to this application subject to conditions relating to the provision of the new roundabout junction, footway and cycle facilities, travel plan and parking.

**Environment Agency** – The site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are also no other environmental constraints associated with the site and therefore we have no further comment to make.

**NCC Lead Local Flood Authority** – No objection subject to a condition relating to a surface water drainage scheme.

**NCC VIA Landscape** – No objections, the EMD Team can confirm that they support the proposed scheme following amendments to the LVIA submitted during the lifetime of the application.

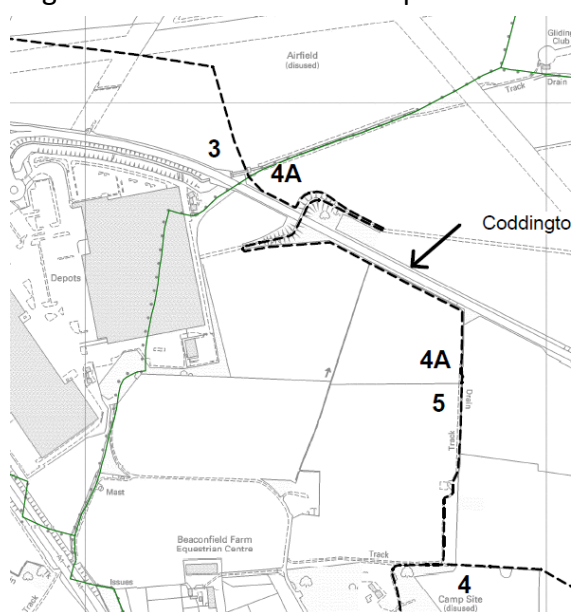
**Trent Valley Internal Drainage Board** – No objection raised.

**NCC Planning Policy** – No objection. Recommends conditions in relation to a shuttle bus service to connect with the travel hubs in Newark as well as ride home facility for staff.

**Natural England** – No objection refers to generic advice.

**Nottinghamshire Wildlife Trust** – No objection to the proposal. Recommends conditions in relation to the provision of bat boxes, lighting, provision of drainage ditch, precautionary badger surveys prior to construction, updated Environmental Management Plan, working during bird breeding season and other precautionary measures.

**NCC Rights of Way team** – No objection. Coddington Public Footpath No.4A crosses the land edged in red on the location plan and the Design and Access Statement Drawing 01 (Illustrative Master plan) shows that the alignment of the route would be altered to accommodate the access road and junction - recommends information on construction work affecting the public footpath and separate application for diversion of the footpath.



*Extract from PROW Map*

**Ramblers Association** – Object to the proposal. At the moment Coddington Footpaths 4 and 5 provide a pedestrian route between the villages of Coddington and Winthorpe. The proposed development will lead to further visual degradation of this route which has already been damaged by the large warehouse south of the A17 and new buildings to the north

**Newark Business Club** - Supports the proposal.

**NSDC Environmental Health (Contamination)** - I generally concur with the recommendations and therefore would advise the use of the full phased contamination condition on any planning approval. Due to the previous war time airfield use a unexploded ordnance (UXO) risk assessment is recommended.



**NSDC Environmental Health** – No objections to the proposal subject to a condition requiring a construction method statement.

**NSDC Tree Advisor Officer** - Proposal is unlikely to significantly adversely affect the majority of existing green infrastructure if protection measures are incorporated during construction activities. A robust soft landscaping scheme could mitigate against any losses and provide additional biodiversity and screening options for the site if suitable species and numbers are selected.

**NSDC Archaeology Advisor** – No objection. Recommends conditions for archaeological mitigation strategy.

**NSDC Conservation Officer** – No objections. I have reviewed their plans and the HIA, and I concur with their findings that the proposal results in a broadly neutral impact on the setting of Coddington CA and other heritage assets. I would anticipate that at reserved matter stage, scale, form and appearance would take account of visual impact, including where possible landscape mitigation and facing material opportunities to soften impact.

**NSDC Economic Development** – Support the proposal as the development would support the Newark & Sherwood District Council Economic Growth Strategy 2021-2026 and the identified objectives. Economic Growth support the proposal to the development of a new commercial unit use (class B) off the A17 located in Coddington, Newark. The proposal is a positive move for the district with job creation initially for the build process, and further employment of up to 529 jobs once the distribution centre is open. The jobs created will include skilled and non-skilled opportunities as well as roles in IT, engineering, warehouse operatives, HGV drivers and administration staff. The links that are already in place with Newark College could be further built on to create more training opportunities. Newark and Sherwood have a growing reputation as a centre for logistics, therefore the £30million will help the district to develop as a bigger player in the logistics and distribution market.

**Individual representations in support of the application have been received from 16 local residents/interested parties. Comments made include:**

- Globalisation of the economy means that much traditional manufacturing has gone 'offshore' from the UK, requiring the extensive importation of manufactured goods. Moreover, supply chains are now internationalised and highly complex, particularly with 'just in time' (JIT) arrangements. Finally, the onset of the Covid 19 Pandemic has accelerated already established trends in the expansion of online shopping at the expense of traditional retail formats. These and other developments have significantly increased the need for large warehouse and distribution (B8) formats in highly accessible locations.
- Newark is one of these highly accessible locations, strategically located at the junction of the A1, A46 and A17 Trunk Roads, with good and improving access to, amongst others, the East Coast and Humber Ports, to London, the West Midlands and the North. It has great potential as a major strategic storage and distribution hub within the East Midlands. This is recognised in the new Towns Fund Town Investment Plan.
- Beneficial for the economy through the creation of new industry opportunities and jobs.
- The proposals will create over 500 much needed jobs and send a strong message into the burgeoning and highly competitive logistics and distribution market that Newark is very much open for business.
- The proposal would offer the opportunity for new businesses to come to the area or offer future expansion potential for Dixons Carphone.

**Individual representations raising concerns/objections have been received from 78 local residents/interested parties which are summarised as follows:**

#### *Principle of development*

- The application goes against council commitment to conserve and preserve green spaces.
- Newark is not the epicenter of industry and commerce and nor should it be so.
- the development deviates from the District Council core strategy and involves development of countryside outside the urban boundary.
- The development threatens the integrity of the local countryside and its valuable amenity to local residents.
- Loss of agricultural land.
- Loss of open break between Newark and Coddington.

#### Highways

- Increase in traffic on the A1 which can barely cope with the traffic it already carries.
- The proposed location is at an intersection with the A46/A17/A1 that is already extremely busy and an accident blackspot. When there is an accident, traffic through Coddington and Newark will increase.
- Traffic impact on school, farms and showground events.
- This stretch of the A17 will become a race track.
- Upgrading the footpath to a cycle path will cause tension between walkers and cyclists.
- Loss of public footpath.
- Insufficient public transport will lead to additional traffic.
- Newark is not a suitable location for a larger 'Big Box' development as there is no local intermodal rail terminal and all goods would have to be transported long distances by road.
- The assessment of traffic accidents is incomplete.
- Extra roundabout would create another accident hotspot and adversely affect traffic flow.
- Drove Lane from the A17 to the A46 is already used as a 'rat run' by motorists to avoid having to negotiate the two existing A17 roundabouts.
- Poor quality road surfaces.

#### Visual Impact

- A building that stands 18 metres tall would be easily sighted on the landscape from Coddington unless more trees are planted.
- Loss of green countryside.
- Loss of trees and hedges.
- Adverse impact on conservation and residential areas.
- Adverse visual impact on users of public rights of way.
- Newark is appearing from all sides to be a huge industrial unit.
- Supersized development will ruin the village of Coddington permanently.
- Overdevelopment and land grabbing.
- The building is ugly in appearance.
- The proposal is harmful to landscape character.
- Screening vegetation would take significant time to grow.
- Adverse impact on views from houses.

#### Impact on Employment

- it is a speculative development with no end user identified to justify a departure from the development plan.

- The proposed development would compromise the market attractiveness of employment land (that benefits from outline planning permission including for up to 50 hectares of employment (Class B1, B2 and B8)) at Newark South and risk delivery of this strategic allocation with potential implications for delivery of the SLR.
- the submitted Employment Land Statement discounts Newark South due to site specific issues, in particular around access and delivery of the Southern Link Road (SLR). Urban & Civic are, in partnership, seeking to unlock the delivery of the SLR, which should not be seen as an absolute constraint in any event as it only relates to part of the overall employment land.

#### Other

- Adverse impact on wildlife.
- Increase in air, light and noise pollution.
- The lighting report states that lights would be switched off at night which would not happen for a 24/7 distribution centre.
- Increased emissions.
- Increase in path litter.
- Increased flooding including impact on flow of the Fleet Drain.
- Increased risk of flooding at Newark Air Museum.
- Drains leakages in the area.
- Damage to Yew Tree Wood.
- Developer public consultation prior to application submission made no mention of the site or areas to be built on / misled residents.
- Increase in jobs will not benefit Newark as a whole. More people will travel into the area or move in which will put further strain on infrastructure.
- Reduction in house prices.
- The screening opinion request was for a smaller site and should be redone.
- The application forms part of a wider potential scheme.
- Adverse impact of archaeology.
- Increased security risk.
- Ecology surveys make no mention of numerous species that inhabit this area.

#### **A petition containing 104 signatures has also been received quoting the following reasons:**

- Impact on our already congested roads.
- Inevitable noise and disturbance (especially at night).
- Destruction of a large greenfield site.
- Destruction of fields, trees and hedges prejudicial to wildlife.
- Unsightly buildings in our rural landscape.
- Proximity to local houses.

#### **Comments of the Business Manager**

##### Principle of Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises that it is 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. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

## *Open Countryside*

The Adopted Development Plan for the District is the Core Strategy (2019) and the Allocations and Development Management Policies DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Applications for new development beyond Principal Villages, as specified within Spatial Policy 2, will be considered against the 5 criteria within Spatial Policy 3. However, Spatial Policy 3 also confirms that, development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting.

Core Policy 6 provides that the economy of the District will be strengthened and broadened to provide a diverse range of employment opportunities by maintaining and enhancing the employment base of towns, providing most growth at the Sub Regional Centre of Newark. The NPPF supports sustainable economic growth and places significant weight on the need to support economic growth through the planning system. Paragraph 84 of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 85 goes on to acknowledge that:

*'sites to meet local business and community needs in rural areas may have to be found beyond existing settlements in locations not necessarily well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'.*

The site falls outside of Newark Urban Area as defined in the DPD. As such, it falls to be assessed under Policy DM8 (Development in the Open Countryside) of the DPD. In relation to employment uses Policy DM8 states that 'small scale employment development' will only be supported where it can demonstrate the need for a particular rural location and a contribution to providing or sustaining rural employment to meet local needs in accordance with the aims of Core Policy 6. The proposed development is not considered to be small in scale (nor would it solely meet local business and community needs) and therefore does not meet this exception. The development would therefore be a departure from the development plan.

## *Employment Land*

Chapter 6 of the NPPF identifies that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Paragraph 81 states that significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development. Paragraph 83 states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations. Para 031 of The National Planning Policy

Guidance (NPPG) also states that *'the logistics industry plays a critical role in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirements that need to be considered in formulating planning policies (separately from those relating to general industrial land)'*.

Spatial Policy 2 quantifies the employment land requirements for the District and provides a strategy for distributing growth. It sets a *minimum* employment land requirement of 83.1ha with 51.9ha of the total to be provided within the Newark Area. The Employment Land Availability Study 2019 confirms that there is sufficient supply of employment land in the Newark area.

However, the applicant considers that this supply is not deliverable for the specific needs of the distribution sector as set out in the submitted Employment Land Statement (JLL). The submitted documents assert that *'the Amended Core Strategy and its associated evidence base has made no allowance for the Big Box sector, that is for logistics providers requiring modern, large footprint buildings (over 100,000 sq.ft) in highly accessible locations. This is despite seeking to encourage the development of priority business sectors including logistics and distribution and specifically noting that Newark is well placed to serve this sector'*. It goes on to say that *'the Core Strategy's employment land requirement is based on the Employment Land Forecasting Study 2015 which uses a traditional methodology, tied to labour demand and supply, to project employment land requirements. In considering past completion rates, the historic development at Newlink Business Park (adjacent to the application site) was specifically discounted as an anomaly, rather than being considered as a trend setter, thus substantially reducing employment land projections. The scale and importance of the Big Box market to overall employment need and supply was not taken into account when setting employment land targets in the Core Strategy and Newark's potential contribution to this sector has therefore been undervalued'*.

As such, the applicant contends that there is a significant shortage of suitable development land for industrial and distribution premises, particularly serving the Big Box sector and there has been a lack of development in Newark due to the absence of suitable sites as a consequence.

In order to fully assess the need and impact of the proposed development from an economic perspective, the LPA commissioned an independent study be undertaken (by Fisher German, published 06.08.2021). This reviews the Employment Land Statement and Addendum submitted by JLL and considers the current logistics market/demand, how much of the identified employment land is suitable and deliverable for Big Box development, whether the application site would be a suitable location for this development and whether the proposed development would undermine the delivery of other sites in the Newark area.

The recommendations set out in the Fisher German report are summarised within the relevant sections below:

#### Economic Need

The Employment Land Statement Addendum (JLL) states that 2020 witnessed a record year for occupational transactions for big boxes and the Big Box market sector will continue to show relatively high levels of demand in both the short and medium term. A significant acceleration in growth of e-commerce has been witnessed, particularly in online grocery shopping. In addition, the pandemic and Brexit are leading to greater reshoring in order to mitigate the risk of supply chain breakdown. The Fisher German report agrees with these findings and in relation to the East

Midlands states that whilst the, the A1 and A46 corridors are secondary locations for Big Box development. The current Big Box market is very strong, especially in the East Midlands largely being driven by a very strong e-commerce sector. Whilst Newark is a secondary location (the M1 corridor is a primary location), rising values and a lack of supply in the prime areas in the East Midlands is forcing developers and businesses to find sites/premises in more secondary locations such as Newark.

### *Alternative Sites*

Fisher German are in agreement with JLL that the main potential alternative site identified which would be large enough and suitable for B8 development in the Newark area is 50ha employment land on Land South of Newark (Future Point Policy NAP2A). However, delivery is constrained by the completion of the Southern Link Road and funding with no definitive timescales as to when this will happen. The consultations section above include a summary of comments received which raise concerns that the development would have a detrimental impact on the delivery of Future Point as Urban & Civic are, in partnership, seeking to unlock the delivery of the SLR. JLL has responded to these concerns raised in relation to Future Point as follows:

- The market is strong in Newark/along the A1 corridor (due to proximity to the East Coast ports, better availability of labour, discount in terms of price (i.e. rent or land value) and availability of some larger plots, including an opportunity to buy land), with demand still considerably greater than supply.
- Competition between sites can have an overall positive effect on development.
- Future Point and Newlink Business Park have different qualities and will attract different requirements in terms of use, scale and timing.
- Newlink Business Park will provide the best prospects of securing development in the immediate term and will help to re-establish Newark as a logistics node on the A1 Corridor. This will be of longer-term benefit to the Future Point proposals.

14.5 Ha of allocated employment land on Newark Business Park (G Park) is also identified albeit discounted within the reports, on the grounds that it has been marketed for 15 years with no success to date with the main reason cited being the convoluted access from the A1. Notwithstanding this view, I am aware in relation to the G Park that the site has been purchased and a full planning application is being prepared for a speculative industrial/warehousing scheme. The site is expected to provide a floorspace of between 45,000sqm and 70,000 sqm. At the time of writing this report, a planning application for the site has not been submitted. Even though an application would likely be supported in principle at Officer level due to its allocated status, there is no certainty that planning permission would be approved at this stage or if it was, that the development would come forwards.

Three further sites at Fernwood Business Park, Stephenson Way and Land North of the A17 are also ruled out by Fisher German due to being too small and/or other constraints.

In relation to concern that if the proposed development is approved, then there would be no demand for the consented development at Land South of Newark, Fisher German conclude that 'in reality, we believe the likelihood of this is low as we tend to share the view of JLL that the lack of Big Box development in Newark is not due to lack of demand but the lack of suitable sites.' They further state that:

*'in our view, there is sufficient demand to serve both the application site and the Land South of Newark as and when this is delivered. If both sites were marketed at the same time, we would expect this to impact on take up accordingly. Clearly there remains some uncertainty over the timing of the Land South of Newark but in this instance, the application site provides an opportunity to deliver Big Box development and attract occupiers to Newark in the relatively short term. That being said, we would recommend that the Council carries out further investigation into whether the developers plan to offer the site on a design and build basis or whether they will speculatively build a unit, as this will ultimately have an impact on timescales for occupation. We would also recommend work is done on market testing to establish likely occupier demand in respect of the employment sites in Newark.'*

Having asked the applicant whether they will offer the site on a design and build basis or whether they will speculatively build a unit they have confirmed this is currently unknown. If permission is secured, the building would be offered to Dixons Carphone who have confirmed that they would be interested in taking on space on the development if planning permission is secured.

Fisher German have further advised in Knowledge of the forthcoming G Park planning application that *'whether there is demand for three sites will largely depend on the timescales for when they are available. It is unlikely that there would be sufficient demand for all three sites if they were to come available at the same time. However, it is highly unlikely that this will be the case given the timeframe for the delivery of the new link road'*.

#### *Economic Benefits*

D2N2's Strategic Economic Plan 'Vision 2030' identifies that the Logistics and E-commerce sector has a strong commercial cluster in the D2N2 region. Logistics and E-commerce sustains some 22,000 jobs in more than 2,500 businesses in the D2N2 area and it has a 28% (Gross Value Added) GVA growth forecast for 2030. A report commissioned by Tritax Symmetry identified that the logistics sector continues to demonstrate growth, reflecting macro-economic trends in changes in retail habits and supply chain demands. It is expected to continue to be a key driver of economic and employment growth for the UK. Logistics employment growth was bolstered by large growth in warehouse operations and road freight. Currently, GVA of the sector is estimated at £80 billion **nationally** and has seen growth of over 30% since 2013. The majority of roles in logistics are full time (85%) with only around 15% being part time. In 2019, The Freight Transport Association Leading UK Logistics Report notes that current UK logistics sector made a £124 billion GVA contribution to the UK economy (10 per cent of the contribution to the UK non-financial business economy). In terms of **regional** figures, the May 2021 Midlands Engine GVA Intelligence Briefing calculated the GVA of the Logistics & Transport Technologies in the entire Midlands to be worth £10.6 billion as of 2019. While the D2N2 LEP profile projected GVA for the 'Transport and Storage' sector to be worth approximately £3.3 billion.

Supporting documentation indicates that the proposal represents a £30m investment that would help to secure Newark as a major player in the logistics and distribution market. The total economic output of the construction phase is accordingly forecast to be £85m.

A development of the size proposed can normally support around 500 full time equivalent jobs. This is based on the employment density ratio research produced by Homes England (formerly HCA) entitled 'Employment Density Guide: 3rd Edition'. Modern logistics and distribution centres require a range of skilled, semi-skilled and specialist employees. The applicant has stated that there would be an average salary of £21,424 - £22,585 for a warehouse employee and £32,365 for

a Warehouse Manager. Research by the Council's Economic Development teams indicates that on average, Warehouse Managers in the region received a salary of 30k, while Warehouse Operatives received a salary of 18-19k.

The adjacent Currys/PC World complex is already the largest employer in Newark. This application would create an opportunity for them to expand further or to enable the co-location of a supply chain partner. Albeit as a speculative application, there is no certainty with regards to which company would become the end user.

Around £1.1M of business rates per annum would be generated.

### *Summary*

In relation to economic need, the Fisher German concludes the following in relation to the proposed development:

- It would help kickstart attracting occupiers to Newark
- Newark has potential to be a valued location for Big Box development
- Lack of development to date due to lack of sites
- Land South of Newark is suitable for Big Box development but reliant on SLR for which funding is uncertain
- Access to the G Park site may not be suited to Big Box development
- Proposed application could offer a shorter term solution

Whilst it is possible that Future Point and G Park could be brought forward within the plan period or sooner, the proposed development could see a Big Box development take place in Newark in the more immediate future. The demand for land to service requirements is extremely high at the moment and whilst Newark itself wouldn't be a prime location the demand is such that take-up by an end occupier appears extremely likely, and may have the potential to drive a cluster of similar uses in the future.

On this basis, the applicant has confirmed that they would be willing to accept a short-term permission and the reduction in the time limit for submission of any subsequent reserved matters application from 3 years to 1 year. This would help to prove that the demand is there and increase the likelihood of all three sites not coming forward at the same time. That being the case, the delivery of this site could meet an immediate need or demand for additional employment land within the District that may not otherwise be met by allocated sites and deliver the significant economic benefits listed in the section above.

These are matters that will be weighed in the overall planning balance as set out in the 'Conclusion and Planning Balance' section of the report below.

### Impact on Visual Amenity including the setting of heritage assets

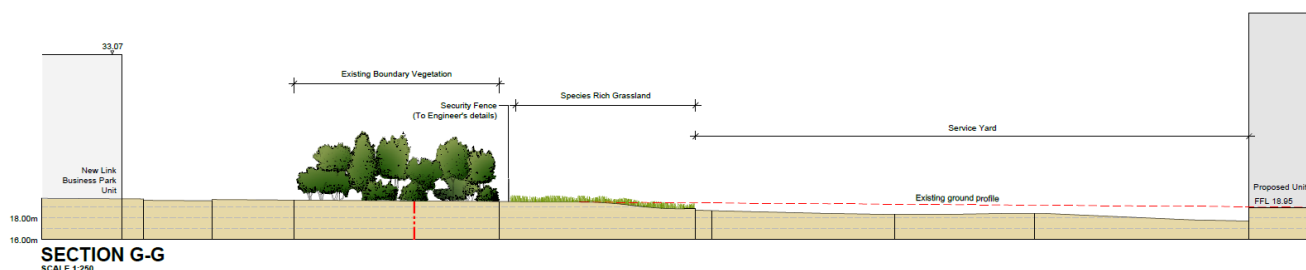
Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 13 requires the landscape character of the surrounding area to be conserved and created. Paragraph 174 of the NPPF requires planning decisions to recognise the intrinsic character and beauty of the countryside.



Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

The site is situated within Landscape Character Zone: ES PZ 4 Winthorpe Village Farmlands. The landscape condition here is defined as moderate and landscape sensitivity is also described as moderate. The policy zone has a landscape action of conserve and create. This includes new hedgerows and enhancing tree cover and landscape planting generally and conserving what remains of the rural landscape by concentrating new development around existing settlements and reflecting the local built vernacular.

The illustrative details indicate a single unit building (as a worst case scenario) which would be up to 18 metres in height, which would be slightly taller than those on the existing Curry's PC World/Knowhow site which are approximately 14 metres in height. The illustrative section below is taken in an east to west direction and shows the existing Knowhow building to the east and the proposed buildings to the west. Land levels would be re profiled on parts of the site.



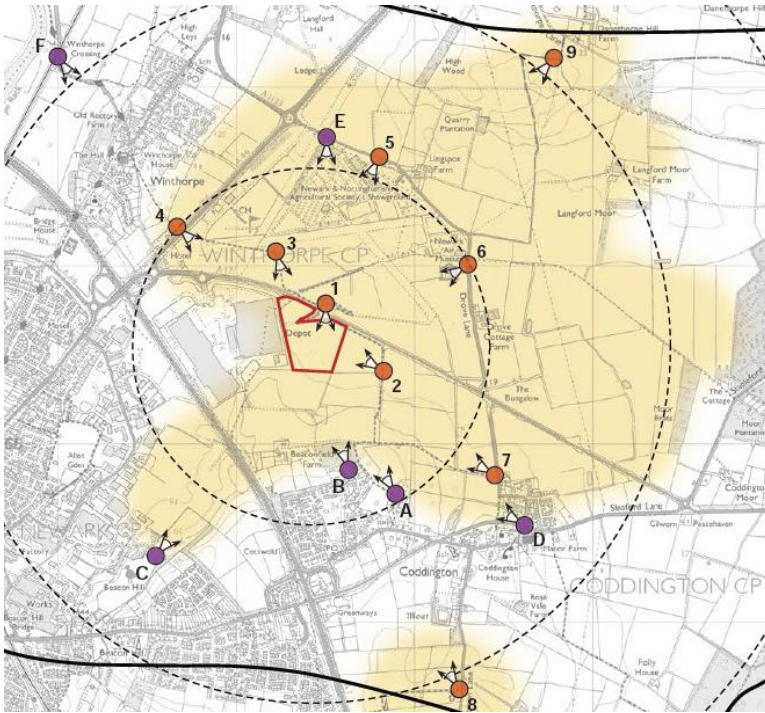
Extract from 'Illustrative Landscape Sections' Plan

In assessing the visual impact of the proposal, consideration needs to be given to the scale and layout of the proposal and the settlement edge location of the site. Clearly, a development of this scale would alter the character of the current site from predominantly arable land to an industrial development.

I am mindful of the significant scale of the proposal in terms of the footprint of building, expanse of the proposed elevations and the proposed heights. I am also conscious of the sites' prominent position close to the heavily trafficked receptor point of the A46 and A1 and nearby residential properties. The precise layout, appearance, landscaping and scale are matters that would be reserved for subsequent approval.

The indicative landscape strategy seeks to retain the surrounding structure planting as a framework for the new landscape proposals. The existing belt of woodland running along the eastern boundary of the site would be retained along with the existing hedgerow boundaries, which border the site. Tree removal would be limited to the area around the proposed site access (discussed in more detail in the 'Impact on Trees and Ecology' section below). The supporting documents indicate the following landscape proposals:

- Continuous row of trees along the site access road to provide a green boundary to soften the building elevation, while allowing filtered views to the employment building from the A17. Broad mown grass verges and beds of ornamental shrub planting between the car parking areas and access road will create an attractive approach and setting to the proposed building.
- Retention of existing belt of woodland running along the eastern boundary of the site, providing a robust green structure within which to locate the proposed development.
- Opportunity to establish a wildlife pond in the base of the attenuation feature proposed in the north-western corner of the site, planted with reed beds and other aquatic species.



- Woodland planting along the A17 boundary to strengthen the existing highway planting, creating a robust buffer between the road and pond area. Overall, around 70 new trees would be planted.
- Establishment of wildflower grassland on the pond's banks and edges through which a grass path will be mown.
- Retention of the existing structural woodland planted on the embankments of the bridge across the A17.
- Planting of native shrub species to the western edge of the service yard within which standard trees would also be

located where space allows. This new planting would combine with the existing structure planting along the boundary with Newlink Business Park, to enhance the network of woodland corridors in the area.

- Retention of the existing field boundary hedgerow and its associated hedgerow trees along the southern boundary. Planting of additional native trees within the hedgerow to visually reinforce this boundary.

It is also proposed that the warehouse elevations be camouflaged using a graduated range of cladding colours that relate to the existing context. The proposed cladding colours would range from a palette of dark greens at low level, responding to existing landscaping tones and further up the elevation the greens will merge to a whiter palette that responds to sky tones. The proposed service areas would face internally and face the existing Knowhow building to the west.

A Landscape and Visual Impact Assessment (LVIA), Illustrative Landscape Masterplan and photomontages have been submitted with the application to identify and assess the likely significance of the landscape visual effects of the proposed development on the surrounding area. Nine viewpoints representative of a range of receptor sites have been considered (shown in the orange circles in the plan extract below - the orange shaded areas indicates the Zone of Theoretical Visibility (ZTV)). I am satisfied that the visuals and information provided within the LVIA are sufficient to enable the visual impact of the proposed development to be fully considered.

It is envisaged that the landscape effects during construction on the site will be greater than those at completion (minor adverse) and there would therefore be moderate adverse over a short term. On completion of the development views from the east and south east in particular (including parts of Coddington and its CA), would fall against the backdrop of the Knowhow buildings. Views from the west would be predominantly screened by the existing Knowhow buildings. There would be no view of the building from viewpoints 4, 5 and 8.

The photomontages of the viewpoints listed below are considered to experience a minor adverse effect. In each case below, it is the solid line which indicates the visible parts of the building.



Viewpoint 1 – bridge over A17



Viewpoint 3 - PROW adjacent Wirtgen building



Viewpoint 6 - Air Museum Entrance



Viewpoint 7 – North East edge of Coddington Conservation Area

All other viewpoints were considered to result in a lesser impact (partly as a result of mitigation planting).

The LVIA concludes that *'overall the landscape and visual effects of the proposed development are considered to be predominantly localised to within the setting of the site, with visual effects no greater than minor adverse and landscape effects limited to negligible adverse. Due to the urban fringe feel of the site and its surroundings, the development of land in this location, between Newlink Business Park and the former airfield, can be seen as an appropriate opportunity, which also alleviates any pressure on more valuable landscapes. The implementation and ongoing maintenance of the illustrative landscape proposals would provide an important element of mitigation, which will help to soften and further assimilate the development in to the local landscape, thereby minimising any residual effects'*.

The NCC Via Landscape team concur with this conclusion and raise no objection to the application from a visual amenity perspective.

In relation to the setting of heritage assets, it is agreed that there would be no intervisibility of the proposed development with the Winthorpe Conservation Area and there would be limited intervisibility of the proposed development within the Coddington Conservation Area. Overall, the Conservation Officer concurs with the conclusions set out in the submitted Heritage Impact Assessment that the proposed development would result in a neutral impact on the setting of Coddington CA and other heritage assets.

Overall, whilst the proposal would result in a change to the existing landscape the building would be of comparable height (albeit slightly higher) to other industrial units in the area, with particular reference to the Dixons/Knowhow building to the west of the site. Taking all of these factors into account, there would be limited harm to the visual amenity and intrinsic character and beauty of the countryside in this location. The development would not result in harm to the setting of heritage assets (including the character or appearance of the nearest Conservation Area or any listed buildings). This is subject to further consideration of design (including materials and finishes) and landscaping (including mitigation planting) at reserved matters stage.

### Impact on Trees and Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network.

The NPPF outlines a number of principles towards the contribution and enhancements of the natural and local environment within Chapter 15. It advises that development should seek to contribute a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible.

The submitted Ecology survey confirms that the majority of the habitats within the site comprise intensely managed arable land and poor semi-improved grassland, considered to be of limited botanical and ecological interest. As such, the loss of these habitats to the proposed development would not result in significant adverse impacts to ecology and nature conservation within the local area. The Illustrative Masterplan shows that the hedgerows would largely be retained within the proposed development, with minor losses to hedgerow H3 to facilitate the creation of the new roundabout on the A17.

In relation to protected species, the submitted Ecological Appraisal confirms that the proposed development would not result in any adverse impact upon bats, water voles, reptiles, great crested newts, badgers or birds. This is subject to conditions requiring a Reasonable Avoidance Measures Statement (RAMS) / Construction Environment Management Plan (CEMP) and the provision of a suitable lighting scheme and a landscape scheme (including compensatory planting).

Nottinghamshire Wildlife Trust (NWT) raise no objection to the application and support the planting of new native hedgerow to mitigate the loss of existing hedgerow. They also support the use of SuDS designed to benefit wildlife albeit have they have stated that full consideration will need to be given to the impact upon an existing water body and the drainage proposals. Whilst a measurable biodiversity net gain calculation has not been undertaken, it is considered that the proposed development does result in opportunities to improve biodiversity in and around the site. It is recommended that a condition requiring a Biodiversity/Landscape Environmental Management Plan (LEMP) incorporating biodiversity measures, including the provision of bat boxes and consideration of existing water bodies, be required at the reserved matters stage.

Given the conclusions of NWT and subject to conditions, I consider the proposed development to comply with the aims of Core Policy 12 and Policy DM5 of the DPD and the NPPF.

### Impact on Archaeology

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.

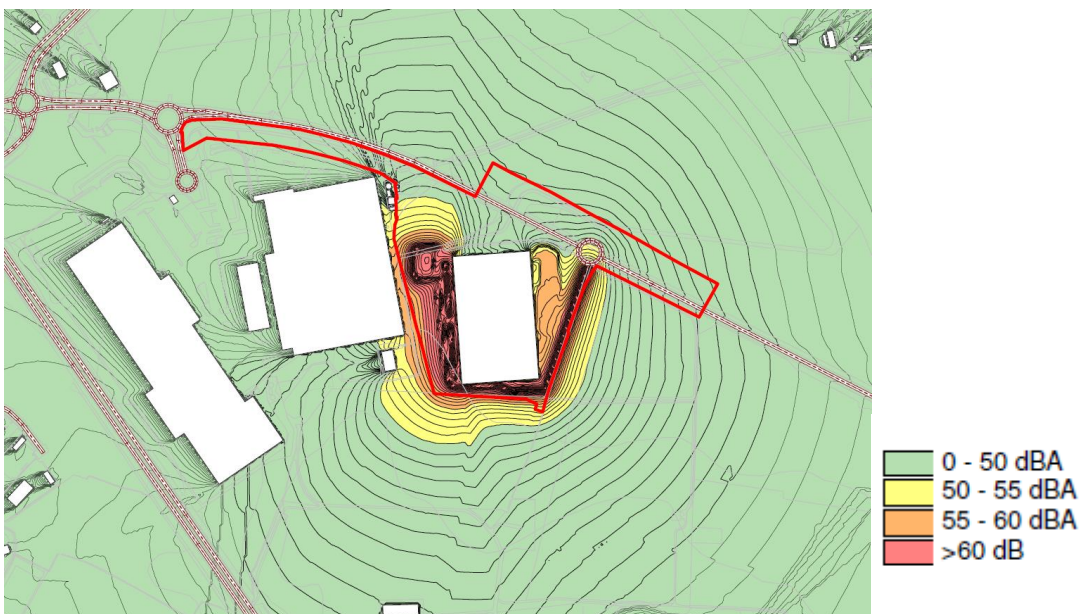
The submitted Archaeological Evaluation Report confirms that the site is located within an extensive, complex and intensive area of archaeological activity dating to between the late Iron Age and Romano-British periods (50BC-400AD). The material recovered and feature distribution found in trial trenching undertaken to date suggests a small but prosperous rural settlement existed on the site, however any conclusions drawn at this stage are tentative due to the limited scope of the work carried out so far. While the site should be considered of significant local and regional importance, it is unlikely that it would be considered appropriate for scheduling under the Ancient Monuments and Archaeological Areas Act 1979. Consequently, the Archaeology Advisor raises no objection in principle to the proposed development, subject to further appropriate archaeological investigation and mitigation. It is therefore recommended that planning conditions are imposed requiring a mitigation strategy which would initially include, but may not be limited

to, a trial trench evaluation of the site which should aim to complete the assessment of the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above. This would be followed by a set piece excavation to preserve by record the archaeological remains identified during the trenching works. Overall, the Archaeology Officer raises no objection to the application subject to conditions to enable any remaining archaeology that currently survives on this site to be recorded prior to its destruction in accordance with Policies CP14 and DM9.

### Impact on Residential Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. The NPPF promotes ‘an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions’.

The proposed development is likely to be operated 24 hours a day. A Noise Assessment has been submitted with the application. Six representative receptors were identified, the closest being Beaconfield Farm to the south of the application site with further potential receptors at the edge of Coddington and to the north of the A17. The Assessment, using modelling, shows that cumulative operational noise levels during the daytime and night-time periods are predicted to be below the guideline noise intrusion criteria at nearby properties. Worst-case operational noise levels from deliveries are predicted to be below background noise levels. Modelling for both one and two buildings on site, as well as daytime and nighttime levels were considered – the extract from the plan below shows the daytime levels (albeit the night time results are similar). The assessment of a single building and an alternative (two building) scenario has demonstrated that suitable noise levels can be achieved at the closest noise sensitive receptors, therefore no additional mitigation would be necessary. The Assessment concludes that the proposed warehouse development is not expected to have an adverse impact on health or quality of life overall.



Extract from Noise Assessment ‘Worst-case Cumulative Operation Noise Daytime LAeq, 1hr’

The Environmental Health Officer raises no objection to the application on this basis. This is subject to a condition requiring the submission of a Construction Method Statement to ensure the impacts of dust from site works and construction can be mitigated through good practice construction techniques.

An external Lighting Impact Assessment has also been submitted with the application which states that night time lighting pollution would be minimised through a combination of photocells & timeclocks that would be installed to control all external lighting. The time clocks would act as a master control and be set to switch off at times when the respective part of the site is not in use, albeit noting the site would be in 24 hour use. A condition requiring the submission of a detailed lighting scheme is recommended to be submitted with the subsequent reserved matters application.

Overall, subject to conditions it is not considered that the proposal would have a significant adverse impact on neighbouring land uses in accordance with Policy DM5 of the DPD and the aims of the NPPF.

#### Impact on Highways and Public Rights of Way

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

It is proposed that the development would be accessed off a newly constructed 3-arm roundabout on the A17. In terms of pedestrian and cycle access, it is proposed to extend the existing footway/cycleway along the south side of the A17 from the Long Hollow Way roundabout to the proposal site.

The submitted TA concludes that the proposed development would lead to an increase in traffic, but that it would not significantly change conditions at the assessed roundabout junctions including the proposed site access, the Long Hollow Way roundabout and the two A1 roundabout junctions. This would be partly due to shift patterns which means that staff would be unlikely to be travelling on local roads at peak times. Analysis of local collision data did not identify a road safety issue in the local area.

The Framework Travel Plan states that a shuttle bus between the proposal site and travel hubs such as Newark's train stations and the main bus stops within Newark would be provided. Although the closest bus stops are outside the recommended catchment, the regular buses could be used to travel to the proposed development as part of a multi-modal journey. The Framework Travel Plan also refers to a ride home facility for members of staff travelling to the site by sustainable modes of transport, should undertaking their original travel mode become unfeasible. This measure would act as a 'safety net' for potential travelers by sustainable transport and would reassure car sharers by guaranteeing that a backup measure is in place should an agreed car share journey not go ahead as planned. Nottinghamshire County Council raise no objection to the application subject to securing these measures. Whilst they have recommended that conditions be imposed relating to each of these measures separately, it is considered more appropriate that these measures are secured as part of the overall Travel Plan.

An application to divert the public footpath is likely to be required under section 257 of the Town and Country Planning Act 1990 and a condition to control this requirement is recommended.

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.

### Impact on Flooding and Drainage

Policy DM5 and Core Policy 9 require that proposals pro-actively manage surface water and Core Policy 10 seeks to mitigate the impacts of climate change through ensuring that new development proposals taking into account the need to reduce the causes and impacts of climate change and flood risk.

The site is within Flood Zone 1 according to the Environment Agency maps and is therefore at a low risk of flooding from rivers. The site is also outside of area at high risk of surface water flooding.

The indicative proposals include an on-site sustainable drainage system comprising a lake serving as an attenuation pond, as well as swales. A Flood Risk Assessment and Drainage Strategy has been submitted with the application. This concludes that the site is not at risk of flooding and that surface water drainage can be managed to ensure that the development would not increase the risk of flooding elsewhere. Foul drainage from the development is indicatively proposed to be discharged via a package pumping station, rising main and a demarcation chamber to an existing Severn Trent Water sewer to the south of the application site.

Subject to the submission of more details at reserved matters stage, I am satisfied that the applicant has adequately demonstrated that the development will not adversely impact on flooding or drainage 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.

### Contamination

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 Environmental Health Officer has reviewed the report submitted with the application relating to contamination and raised no objection to the development subject to the use of a condition to secure the remediation and verification requirements details in the reports. Overall, it is not considered that the proposed development would not result in any contamination issues that cannot be suitably be mitigated in accordance with Policy DM10 of the DPD.

### Loss of 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. The application site is located on Grade 3 land. In the absence of soil testing, it is not known if the land is located in Grade 3a or 3b 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 and for developments not in accordance with an approved development plan. Natural England as a consultee on development like this which would result in the loss of agricultural land have not raised any objection to the application or concern in 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.

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

## Other

### *Sustainability*

An Energy and Sustainability Statement has been submitted with the application to show that a sustainable employment development can be brought forward on the site including a number of recommended sustainability measures e.g. BREEAM level of Very Good for all building, DUDS, EPC A-rating, intelligent lighting systems.

Indicative details state that the proposals would incorporate a range of environmentally sustainable features including photovoltaic panels, internal and external LED motion-senor lighting, electric vehicle charging points, rainwater and greywater harvesting and recycling, energy-efficient rooflights and sustainable waste management. The developers are aiming to achieve a 'Very Good' rating from BREEAM, the world's leading sustainability assessment method for buildings. A condition requiring more details regarding these measures is recommended in accordance with the requirements of Core Policy 10 which seeks to mitigate the impacts of climate change through ensuring new development proposals minimise their potential adverse environmental impacts during their construction and eventual operation.

### *Statement of Community Involvement (SCI)*

A SCI was submitted with the application which includes details of public consultation undertaken by the developer prior to the submission of the planning application. A consultation website was set up, a zoom call was undertaken with key stakeholders and a leaflet was issued to the closest 2,184 residential and business addresses to the site. Written consultation responses, comprising online feedback forms, emails and physical feedback cards, were returned. Of those, 47 (49%) agree with the proposals, 31 (32%) disagree and 18 (19%) are not sure. The development team subsequently took into consideration the comments received in relation to aspects of the proposals prior to submission of the outline application.

## Conclusion and Planning Balance

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

The site falls adjacent to but outside of Newark Urban Area as defined in the DPD. As such, it falls to be assessed under Policy DM8 (Development in the Open Countryside) of the DPD. The proposed development is not considered to be small in scale and therefore does not meet the exception for employment development under the criteria of this policy. The proposed development therefore represents a departure from the Development Plan.

As such, if approved the development could undermine the strategic objectives and targets for sustainable growth set out in the development plan.

In relation to impact on visual amenity, the proposal would alter the open character of the existing site. The building would be of comparable height (albeit slightly higher) to other industrial units in the area, with particular reference to the Dixons/Knowhow building to the west of the site. Taking all of these factors into account, there would be limited harm to the visual amenity and intrinsic character and beauty of the countryside in this location. The development would not result in harm to the setting of heritage assets (including the character or appearance of the nearest Conservation Area or any listed buildings). This is subject to further consideration of design (including materials and finishes) and landscaping (including mitigation planting) at reserved matters stage. The application is not considered to result in any adverse impact upon highway safety, public rights of way, trees and ecology, flood risk or drainage, archaeology or residential amenity subject to conditions.

The limited environmental harm identified is not enough on its own to outweigh the fact that the development is unacceptable as a matter of principle and does not justify non-policy compliant development in the open countryside. The benefits arising from the delivery of this employment development as identified above are however, considered to represent a significant material planning consideration. This is because the NPPF states that significant weight should be placed on the need to support economic growth. The NPPG further confirms that the logistics industry plays a critical role in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirements that need to be considered in formulating planning policies (separately from those relating to general industrial land).

Furthermore, the applicant has confirmed that they would be willing to accept a short-term permission and the reduction in the time limit for submission of any subsequent reserved matters application from 3 years to 1.5 years. This would help to prove that the demand is there and the development is more likely to come forward in the short term.

That being the case, the delivery of this site could meet an immediate need or demand for additional employment land within the District that may not otherwise be met by allocated sites in the short term, and provide significant economic and social benefits.

The loss of Grade 3 agricultural land whilst representing a negative factor carries a very small amount of negative weight that does not alter the overall planning balance given that the scale of the development would not result in a significant loss of higher-grade best and most versatile agricultural land.

Consideration has been given to all comments from neighbours, interested parties and consultees. On balance, the benefits are significant and represent sufficient material considerations in this instance to outweigh the harm identified to justify a departure from the development plan. Overall, taking all matters into account and having regard to the three dimensions of sustainable development – economic, social and environmental roles, the proposal is considered to represent a sustainable form of development.

## **RECOMMENDATION**

**That outline planning permission is granted subject to the conditions shown below:**

### Conditions

01

Applications for approval of reserved matters shall be made to the Local Planning Authority not later than 1 year from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

02

Details of the appearance, landscaping, layout and scale ('the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

Reserved matter submissions shall be in accordance with the maximum parameters defined on Drawing No 111002 Rev C 'Parameters Plan' and Location Plan Drawing No 110001 Rev A.

Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance of doubt.

04

Development other than that required to be carried out as part of an approved scheme of remediation or for the purposes of archaeological or other site investigations linked to this planning permission must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

### **Part A: Site Characterisation**

An investigation and risk assessment including an UXO assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority.

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;
  - ground waters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

#### **Part B: Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. 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.

05

No site clearance works including shrubbery removal shall take place and no tree shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to September inclusive) unless a precautionary pre-start nesting bird survey has been carried out by a qualified ecologist/ornithologist and agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

06

No development shall be commenced until a Construction Environmental Management Plan (CEMP) incorporating a Reasonable Avoidance Measures Statement (RAMS) and timetable has 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. This shall include the precautionary measures listed by Nottinghamshire Wildlife Trust in their letter dated 18/09/2020) and the pre-construction survey work and / or mitigation measures as summarised in paragraphs 4.24 and 4.27 of the Ecological Appraisal (July 2020 by fpcr);
- 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.

Reason: In the interests of maintain and enhancing biodiversity.

07

Any subsequent reserved matters application(s) shall be accompanied by a Biodiversity/Landscape Environmental Management Plan (LEMP). 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) 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;
- e) selection of specific techniques and practices for establishing vegetation;
- f) sources of habitat materials (e.g. plant stock) or species individuals;

- g) method statement for site preparation and establishment of target features;
- h) extent and location of proposed works;
- i) aftercare and long term management;
- j) the personnel responsible for the work;
- k) timing of the works;
- l) monitoring;
- m) 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.

08

Any subsequent reserved matters application(s) shall be accompanied by the submission of a detailed lighting scheme. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, and structures they illuminate; a horizontal and vertical illuminance plan to include:

- Details of light intrusion, source intensity, and upward light; and
- Details of the lighting fittings including their design, colour, intensity and periods of illumination.

No external lighting works shall be installed within any part of the application site other than in accordance with the approved details or in accordance with any alternative external lighting scheme first submitted to and agreed in writing by the Local Planning Authority.

Reason: in the interests of visual amenity and biodiversity.

09

No development shall commence on site (including any site clearance/preparation works), until a Construction Method Statement has 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:

- Details of construction access
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of oils, fuels, chemicals, plant and materials used in constructing the development
- The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing
- Wheel-wash washing facilities and road-cleaning arrangements
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from site preparation and construction works
- Measures for the protection of the natural environment
- Hours of work on site, including deliveries and removal of materials
- Full details of any piling technique to be employed, if relevant
- Location of temporary buildings and associated generators, compounds, structures and enclosures, and
- Routing of construction traffic.

Reason: In the interests of residential amenity.

10

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Link Engineering Flood Risk Assessment (FRA) ref. LE19105-NEW-LE-GEN-XX-RP-CE-FRA01 dated July 2020, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

11

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the Local Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

- f. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in full accordance with the approved arboricultural method statement and tree/hedgerow protection scheme.

Reason: To preserve and protect existing trees which have and may have amenity value that contribute to the character and appearance of the area.

12

The following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the Local Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reason: To preserve and protect existing trees which have and may have amenity value that contribute to the character and appearance of the area.

13

No landscape works shall take place until the Local Planning Authority has approved in writing the 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, and structural cells.

Reason: In the interests of visual amenity and biodiversity.

14

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest. 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 permission of the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity.



15

No part of the development hereby approved shall be occupied / brought into use unless or until the new roundabout junction with the A17 has been provided as shown in principle on the drawings no. Drawing nos 17146-010 rev. E dated July 2019 as clarified by 17146 - SK200930.1 'Proposed Roundabout Layout Deflection Radii' dated September 2020 to the satisfaction of the Local Planning Authority.

Reason: In the interests of Highway safety.

16

No part of the development hereby approved shall be occupied / brought into use unless or until the extension of footway and cycle facilities from the Long Hollow Lane roundabout to the proposed site have been provided as shown in principle on the drawing no. no. 17146-010 rev. E 'Proposed Roundabout Layout and Pedestrian/Cycle Access Improvements' dated July 2019.

Reason: In the interests of highway safety and to promote sustainable travel.

17

No part of the development hereby permitted shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority including layout, street lighting, drainage and outfall proposals, and any proposed structural works. The development shall be implemented in accordance with these details.

Reason: To ensure the development is constructed to safe and adoptable standards.

18

No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and implementation) to promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall include arrangements for monitoring of progress of the proposals. For the avoidance of doubt, the Travel Plan shall include the following proposals:

- prior to the occupation of the development, details of a daily or more frequent return shuttle bus service to connect the development and travel hubs such as Newark's train stations and the main bus stops within Newark shall be submitted and approved in writing by the Local Planning Authority. This bus service shall be operational upon practical completion of the unit(s) and reviewed after at least three months, six months and after twelve months, and thereafter every twelve months and maintained for a period for a minimum period of 10 years from the commencement of the use unless, either a commercial bus service passing within 400 metres of the site comes into operation, or the bus service is proven to be no longer viable. If a commercial service does come into operation, or the bus service is shown to be no longer viable, then the applicant shall seek the written approval of the Local Planning Authority that the service is no longer required;
- car usage minimisation including the provision of electrical charging points for cars and other vehicles and the use of car sharing.
- details of the ride home facility for members of staff travelling to the site by sustainable modes of transport.

The Travel Plan shall be implemented in accordance with the timetable set out in that plan

Reason: To promote sustainable travel.

19

Any subsequent reserved matters application(s) shall be accompanied by the submission of a Transport and Parking Appraisal in order to assess the level of on-site parking required for staff and visitors. This identified level of on-site parking shall be demonstrated on the submitted plans and shall also include for provision within the site for a shuttle bus stop/parking bay. Development shall be carried out and retained in accordance with the approved details

Reason: To ensure that adequate off-street parking provision is made in the interest of highway safety.

20

No part of the development hereby permitted shall be brought into use until provision has been made within the application site for parking of cycles in accordance with details submitted to and approved in writing by the Local Planning Authority. The cycle stands shall be located near to the main entrance to the development, be covered and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: In the interest of promoting sustainable travel.

21

No development shall take place until written schemes of archaeological investigation and mitigation have been submitted to and approved in writing by the Local Planning Authority. 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 a programme of community based outreach
6. Provision for archive deposition
7. Nomination of a competent person/organisation to undertake the work

The schemes 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.

22

The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in the above Condition. The applicant/developer shall 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.

23

Reports of the archaeologist's findings (required by the above condition) shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 6 months of the works hereby approved being commenced.

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

24

The development will require the diversion 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 a detailed design and specification first submitted to and approved in writing by the Local Planning Authority.

Reason: To retain a safe and sustainable pedestrian route.

25

Any subsequent reserved matters application(s) shall include details of sustainability measures and environmentally sustainable features proposed and to be incorporated into the design of the development both during its construction and operation, which builds upon the aims of the submitted Energy and Sustainability Report 23/07/2020 (by Cudd Bentley).

Reason: In the interest of tackling climate change and securing a sustainable development.

#### Notes 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 hereby approved as the development type proposed is zero rated in this location.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) 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

There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team.

The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath 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. 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.

If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles.

If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon.

Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.

Where the right of way runs across the site, there are currently open fields on either side with no adjacent boundary. This open aspect should be retained as far as is practicable as part of any development, with good practice design principles applied to either ensure that the route does not become enclosed and/or is incorporated it as part of a greenspace corridor.

05

The applicant should note that notwithstanding any planning permission that 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.

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 contact Highways Development Control Team (Newark & Sherwood) by phoning Nottinghamshire Customer Services on 0300 500 8080.

Should any subsequent amendment be required to the approved access plans referred to in Conditions 16 and 17, an amendment application under Section 73 or Section 96A of the Town and Country Planning Act 1990 would be required.

06

With respect to the archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, 01522 554823, email [Matthew.Adams@lincolnshire.gov.uk](mailto:Matthew.Adams@lincolnshire.gov.uk) to discuss the requirements and request preparation of a brief for the works. It is recommended the resulting 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.

For further information, please contact Helen Marriott on extension 5793

**Lisa Hughes**  
**Business Manager – Planning Development**