



Report to Planning Committee 02<sup>nd</sup> October 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Helen White – Senior Planning Development Officer

Report Summary			
Application No.	24/00289/OUTM (MAJOR AND EIA DEVELOPMENT)		
Proposal	Outline application for the erection of up to 190 dwellings, including public open space, landscaping, drainage and associated infrastructure with all matters reserved except access		
Location	Phase 6a/7 Thoresby Vale, Development, Former Thoresby Colliery, Ollerton Road, Edwinstowe, NG21 9PS		
Applicant	Harworth Estates Mines Property Ltd	Agent	Pegasus Group
Web Link	<a href="https://newark-sherwooddc.gov.uk/24/00289/OUTM">24/00289/OUTM   Outline application for the erection of up to 190 dwellings, including public open space, landscaping, drainage and associated infrastructure with all matters reserved except access   Phase 6a/7 Thoresby Vale Development Former Thoresby Colliery Ollerton Road Edwinstowe NG21 9PS (newark-sherwooddc.gov.uk)</a>		
Registered	12.02.2024	Target Date	03.06.2024 EOT agreed
Recommendation	Grant Planning Permission subject to conditions and legal agreement		

**Under the Council's Constitution, this application needs to be determined by the Planning Committee as it is accompanied by an Environmental Impact Assessment.**

## **1.0 The Site**

- 1.1 Thoresby Colliery closed in July 2015 and the wider site extends to approximately 150.3ha, comprising the former pit yard area, spoil heaps and some arable fields fronting the A6075 Ollerton Road to the south. The colliery site lies to the north east of the settlement of Edwinstowe and is primarily accessed from the A6075 Ollerton Road via the existing colliery access road. The site has a strategic allocation for a mixed use development under Policy SHAP4 of the Amended Core Strategy.
- 1.2 This application site forms a part of the existing mixed use development site that was granted outline consent for housing and employment uses in 2019. Comprising 8.41ha of land, this application involves land to the north and east of the retained welder

workshop but no additional land take than was previously approved to be developed.

- 1.3 The topography of the land is gently undulating rising towards the north with a fall in levels towards the east.

**Extract from masterplan – application site shown in orange colour**



- 1.4 Land immediately to the south forms Phase 6B & 6C (a residential phase with an application lodged but not yet determined) and the employment phase, which is to come forward last.
- 1.5 To the north and east of the wider site is the Birklands and Bilhaugh Special Area of Conservation and Special Sites of Scientific Interest that lie within the adjacent Special Area of Conservation (Birklands and Bilhaugh; Birklands West and Ollerton Corner). The Sherwood Forest National Nature Reserve (NNR) and Country Park associated with the original redevelopment lies to the north. The site also lies within the 5km buffer zone of the Sherwood Important Bird Area, and parts of the of the site are within 500m of an Indicative Core Area identified by Natural England for a potential prospective Special Protection Area (pSPA).
- 1.6 The site lies within the parish of Edwinstowe and within the Edwinstowe and Clipstone Ward.
- 1.7 The site is within flood zone 1 (low risk) according to the Environment Agency maps.

## **2.0 Relevant Planning History**

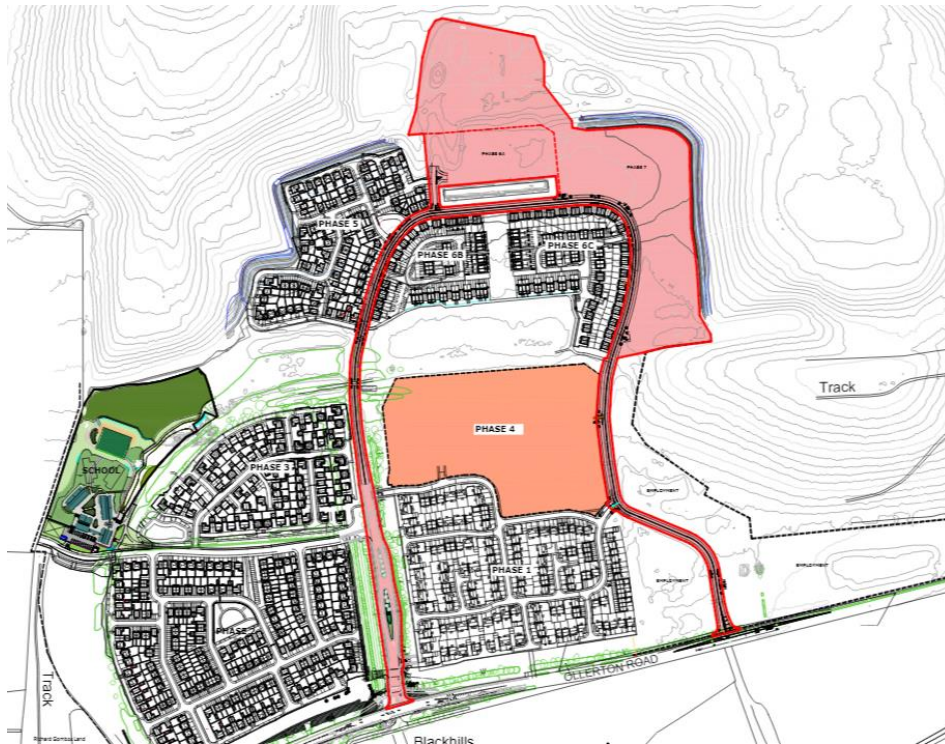
- 2.1 **16/02173/OUTM** – Outline planning permission for a residential development up to 800 dwellings, a strategic employment site comprising up to 4,855 sqm class B1a, up to 13,760 sqm class B1c, and up to 13,760 sqm class B2, a new country park, a local centre, containing a mix of leisure, commercial, employment, community, retail, health, and residential uses, a primary school, open space and green infrastructure

together with associated access works including the details of the primary access junctions into the site from Ollerton Road. Approved March 2019 subject to 51 conditions and a S106 Planning Agreement which secured a range of developer contributions.

- Affordable Housing of 7.5% of total number of dwellings
- Primary Education contribution, 1.3ha of land and £3,600,000 for new school
- Healthcare contribution of £786,096
- Sports Pitch contribution £590,176
- Ollerton Roundabout contribution of £1,198,000
- Library contribution of £35,130
- Community Facility contribution of £607,256
- Open Space of 11.89 ha of land comprising;
  - Sustainable urban drainage;
  - Multi-use games area;
  - Public open space;
  - Children's and young people's space comprising 2 x locally equipped area for play and 1 x neighbourhood play area;
- Maintenance of the open space/country park and monies to do so.
- Review of viability prior to occupation of 400<sup>th</sup> dwelling (now underway)

- 2.2 **19/00674/RMAM** – Reserved Matters for the 'enabling infrastructure phase' of the comprehensive development. The approved works included the provision of a new ghost island at the junction of the existing colliery access with Ollerton Road, a new main spine road to serve the first two phases of the residential development which utilises the existing colliery access drive together with its associated highway drainage, surface water and foul infrastructure drainage systems, landscaping and earthworks. It also included the approval of an air quality assessment which covered the whole of the site and all phases of development. This was granted in July 2019 under delegated powers.
- 2.3 **19/01016/RMAM** - Reserved matters application for Phase 1 (Harron Homes Ltd) residential development comprising 143 dwellings with access gained from the primary, central spine road. This was approved 4<sup>th</sup> December 2019. Development is well advanced on site.
- 2.4 **19/01865/RMAM** –Reserved Matters for Phase 2 (Barratt Homes), submission for 219 dwellings with access gained from the primary, central spine road (permitted under 19/00674/RMAM) including open space, landscaping (soft and hard) and associated internal road infrastructure was approved by Planning Committee in June 2020. Development has commenced on site and is well advanced.
- 2.5 **20/02488/RMAM** – Phase 3 to 9 enabling works and discharge of conditions of 16/02173/OUTM, approved 22.03.2021.
- 2.6 **22/01922/RMAM** Phase 3 - Application for the approval of reserved matters Phase 3; 74 No. dwellings (internal access, landscaping, layout, scale, appearance) pursuant to outline planning permission 16/02173/OUTM, approved 17.04.2025.

- 2.7 **22/01934/RMAM** Phase 5 – Application for the approval of reserved matters - Phase 5 Barratt Homes 96 No. dwellings (internal access, landscaping, layout, scale, appearance) pursuant to outline planning permission 16/02173/OUTM. Approved 27.02.2024.
- 2.8 **22/02228/RMAM** - Phase 6 - Application for Approval of Reserved Matters (Internal Access, Layout, Scale, Appearance and Landscaping) pursuant to phase 6 (residential development of 116 dwellings) of Outline Application Ref. 16/02173/OUTM and associated discharge of conditions (condition numbers: 4, 7, 11, 12, 14, 16, 17, 19, 22, 26, 31 and 32). **Pending consideration.**
- 2.9 **23/01644/RMA** - Reserved Matters Submission (layout, scale, appearance, access and landscaping) for the construction of a Neighbourhood Equipped Area for Play 1 (NEAP) and for the Multi Use Games Area (MUGA). Approved 20.12.2023. This is located adjacent/south of the approved primary school. Approved 20.12.2023.
- 2.10 **23/01645/RMA** - Reserved Matters Submission (layout, scale, appearance, access and landscaping) for the construction of a Local Equipped Area for Play 2 (LEAP). Approved 29.11.2023. This particular parcel of land is located to the western part of the wider site between the approved primary school/phase 3 and phase 5. Approved 29.11.2023.
- 2.11 **23/02156/RMAM** - Application for Approval of Reserved Matters (Internal Access, Layout, Scale, Appearance and Landscaping) for Phase 4 (residential development of 114no. dwellings) including associated discharge of conditions 4, 6, 7, 14, 17, 19, 26, 32 pursuant to Outline Application reference 16/02173/OUTM. Approved 06.09.2024.
- 2.12 **PREAPM/00222/23** – Sought pre-application advice prior to submission of Outline planning application for the development of up to 205 dwellings, together with associated open space, including childrens play, landscaping and drainage infrastructure (all matters reserved except access). Advice offered October 2023.
- 2.13 **25/01452/NMA** - Application for a Non-Material Amendment to amend the description attached to PP 16/02173/OUTM Residential Development up to 800 dwellings (Class C3), Strategic Employment Site comprising up to 4,855 sqm Class B1a, up to 13,760 sqm Class B1c, and up to 13,760 sqm Class B2, a new Country Park, a Local Centre, "The Heart of the New Community" containing a mix of leisure (to include zip wire), commercial, employment, community, retail (up to 500 sqm), health, and residential uses, a Primary School, Open Space and Green Infrastructure (including SUDS), and associated access works including the details of the primary access junctions into the site from Ollerton Road. **Pending consideration.**
- 3.0 The Proposal**
- 3.1 Outline consent is sought for an additional 190 dwellings at Thoresby Colliery. All matters as reserved except for the means of access which would be taken from Ollerton Road via two existing junctions.



- 3.2 The proposal does not involve any additional land than hasn't already been consented for development; it is within the envelope of the previous mixed use consent on a parcel of land now known as Phases 6a and 7.
- 3.3 The proposal includes public open space and associated infrastructure. The masterplan indicates the provision of a Local Area of Play (LAP) and a Locally Equipped Area for Play (LEAP), pedestrian linkages from the north of the site to the adjacent country park and a vehicular link at the south to the country park.
- 3.4 A viability assessment has been presented with the application that appraises the affordability of the scheme to deliver the policy expectations with regards to infrastructure requirements/developer contributions.

#### The Submission

- Covering letter from Pegasus Group, 07.02.2024, updated 19.07.2024
- Location Plan, drawing no. 2245 101 Rev C
- Site Wide Masterplan, drawing no. 2245 200 Rev E
- A6075 Ollerton Road/Western Site Access Junction, ADC1343/001 Rev B
- A6075 Ollerton Road/Eastern Site Access Junction, ADC1343/002 Rev A
- Arboricultural Report & Impact Assessment, AWA Tree Consultants, January 2024
- Design and Access Statement, Issue 3. June 2024
- Economic Benefits Statement, Pegasus Group, December 2023
- Environmental Plan, CR Reynolds
- Ecological Air Quality Assessment by Redmore Environmental
- Habitat Regulation Assessment by HES Ltd
- Heritage Assessment, Prospect Archaeology, November 2023
- Landscape and Play Strategy, Rev E, Studiod 413 Landscape Architecture
- Landscape and Visual Report, Pegasus Group, December 2023

- Visitor Management Strategy by AES Ltd
- Planning Obligations Pro-forma Statement
- Planning Statement, Pegasus Group
- Retained Building and Public Realm Concept, Studio 413 Landscape and Architecture
- Technical Note (Ground Conditions) RSK, October 2023
- Transport Assessment, ADC Infrastructure, January 2024
- Drainage Strategy (calculations x 3)
- Phase 6a Drainage Strategy, drawing no. 23441-DR-C-0100 Revision P1
- Phase 7 Drainage Strategy, drawing no. 23441-DR-C-0101 Rev P1
- Flood Risk Assessment, DART Engineers Ltd, November 2023
- Viability Assessment
- Environmental Statement, AES Ltd
- Validation checklist

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

- 4.1 Occupiers of 40 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.
- 4.2 Site visit undertaken on 11.03.2024 and 18.09.2024.

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

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

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 5 – Delivering the Strategy
- Spatial Policy 6 – Infrastructure for Growth
- Spatial Policy 7 - Sustainable Transport
- Core Policy 1 – Affordable Housing Provision
- Core Policy 3 – Housing Mix, Type and Density
- 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
- ShAP4 – Land at Thoresby Colliery

##### **5.2. Allocations & Development Management DPD (2013)**

DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
 DM2 – Development on Allocated Sites  
 DM3 – Developer Contributions and Planning Obligations  
 DM5 – Design  
 DM7 – Biodiversity and Green Infrastructure  
 DM9 – Protecting and Enhancing the Historic Environment  
 DM12 – Presumption in Favour of Sustainable Development

- 5.3. The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation and has subsequently been examined in November 2024, the Council is awaiting the Inspector's report. There are unresolved objections to amended versions of policies above mentioned emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.4. **Other Material Planning Considerations**

- 5.5.
- National Planning Policy Framework 2024
  - Planning Practice Guidance (online resource)
  - National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
  - Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
  - Nottinghamshire County Council Highway Design Guide 2021

6.0 **Consultations and Representations**

- 6.1. Comments below are provided in summary - for comments in full please see the online planning file.

**Statutory Consultations**

- 6.2. **National Highways** - Due to the distance from our network the traffic impacts upon this development will not be material to the strategic road network. Therefore National Highways has no comments to make and offers no objection.
- 6.3. **Nottinghamshire County Council (Highways)** – (07.04.2025) No objection subject to the inclusion of conditions and signed deed of variation – The technical issues raised have been addressed and resolved and the proposed development will not have a severe impact on the highway network. These assessments are based on the traffic assignment and distribution used in the outline application which was agreed as the likely scenario subject to improvements having been made to the A614/Ollerton Road roundabout. The access assessments were reliant on the Eastern access (referred to as the Employment access) to the development being available for public use. Whilst this as has been constructed it has not yet been made available for public use and it is unclear if the internal spine road has been provide, but these are necessary to make the development acceptable. Had these additional 190 dwellings formed part of the original outline consent the size of the contribution would have been larger. This additional development should be subject to its own obligation, and advise the LPA considers this. The contribution for school transport, has highway safety implications.

(09.08.24) Object - Response to 31.05.2024 submission –satisfactory response to all queries except the junction of the A6075/B3034 Ollerton Road/High Street/Church Street. They need a drawing showing geometry which has been input in model, they also have ongoing concerns over traffic count used for assessments.



Previous holding objections 15.03.2024

- 6.4. **NCC Lead Local Flood Authority** – (18.03.2024) No objections subject to imposition of condition to deal with surface water drainage.
- 6.5. **Natural England** – (21.01.2025) recommends a risk based approach is taken due to the possibility of a protected area (Special Protection Area) for nightjar and woodlark in Sherwood and Rufford Energy Recovery Facility planning case law. The potential impacts on the Birklands and Bilhaugh Special Area of Conservation (SAC) which remains a concern.
- 6.6. (14.08.2024) need more info to determine impacts on designated sites.

Previous comments 22.03.2024

- 6.7. **Environment Agency** – (17.04.2024) Historic uses present risk or potential for contamination that could be mobilised during construction to pollute controlled waters in this location sensitive due to being a Principle aquifer within Source Protection Zone 3 and directly over the Chester Formation, the bedrock geology. Due to the nature and scale of the development, there needs to be an updated conceptual model of the proposed site with respect to Phases 6a and 7 to ensure all risk with respect to controlled waters have been considered. It is not clear what site investigations or which remediation strategies and verification of remediation have been carried out at this phase of 6a and 7 with respect to controlled waters. Conditions are therefore recommended in order to deal with this risk, without which the EA would object.
- 6.8. **Historic England** – Do not wish to offer advice
- 6.9. **Active Travel England** – Below threshold for bespoke comments

#### **Town/Parish Council**

- 6.10. **Edwinstowe Parish Council** – Support the Scheme
- 6.11. **Ollerton Town Council** – Support, subject to highways

#### **Representations/Non-Statutory Consultation**

- 6.11 **Historic Environment Officer** – Earlier phases underwent archaeological evaluation in 2018 and the result showed no significant remains were present. The submitted assessment concludes a low potential for surviving archaeological remains given the former colliery use and this is considered to be a sound assessment and conclusion. No further input is required.
- 6.12 **NHS Nottingham and Nottinghamshire** – Comment that all practices in the area are working at capacity and to make the scheme acceptable the infrastructure would need to be developed to accommodate the increased population. Request a developer contribution of £982 per dwelling x 190 = £186,580.



### 6.13 NCC Policy – summary of comments as follows:

No objections from minerals perspective.

Development should be designed and constructed to minimise the creation of waste, maximise the use of recycled materials. The proposal is likely to generate significant volumes of waste through the development of operational phases and it would be useful for the application to be accompanied by a waste audit, see guidance within para.049 of the PPG.

Bus Service Support – NCC Highway Design Guide sets out bus stops should be within a maximum walking distance of 400m (further in rural areas). Phases 6a & 7 are situated approximately 800m from existing bus stops provided by Stagecoach East Midlands where there are daily services every 30 minutes to Ollerton and Mansfield as well as services to Worksop, Retford and Nottingham and Warsop. These services could be extended to serve the development and provide an improved frequency to support a vibrant and sustainable community including access to key services. **A bus service contribution of £300k is sought to provide improvements to the local bus services in the area** based on a methodology they have set out. Payment trigger request at 50% of the total upon completion of 25% of the dwellings, 50% of total upon completion of 75% of dwellings. Additional justification for this request was provided 01.08.2024.

Bus Stop Infrastructure – submitted drawings indicate details for potential bus stop locations and a bus loop with 2 bus stop pairs on the plan servicing the application site. **A planning condition is requested to specify and secure the infrastructure.**

School Transport - The closest secondary provision is The Dukeries Academy, New Ollerton and students at Edwinstowe attending Dukeries Academy are entitled to free home to school transport on safety grounds. The proposed improvements at the A614 Ollerton roundabout could re-designate the route as an available walking route to Dukeries Academy. The secondary pupil yield from the development is 31 pupils. Additional home to school transport capacity will be required. Developer contributions for the extant Outline permission have been paid towards the A614 Ollerton roundabout improvements. This will include safe crossing facilities. Therefore, on completion of the works the walking route may be classified as a designated route.

**If the walking route to Dukeries Academy is not classified as a designated safe route at the time the planning application is determined, then a Bus Service contribution of £131,250 is requested to provide school transport to serve the site.** This is composed of an annual school transport cost per pupil of £625 on the assumption that the walking route to the closest secondary school provision isn't a designated safe walking route. The level of funding requested would support provision of a school bus for up to 7 years. Payment trigger request at 50% of the total upon completion of 25% of the dwellings, 50% of total upon completion of 75% of dwellings.

Additional justification for this request was submitted 01.08.2024. Including an agreement that the contribution requested to provide school transport to serve the site would be secured conditionally, subject to the following criteria being met:

- 1.Submission of walk isochrone plans by the applicant upon submission of the reserved matters application demonstrating that the site falls within the statutory Home to School walk distance criteria, in whole or in part.
2. the walking route to the Dukeries Academy being designated by the County Council as a safe walking and available route prior to occupation of the first dwelling within the site.

Sustainable Travel – Transport & Travel Services request that any development of over 50 dwellings includes a scheme of free introductory bus passes to be made available to residents upon occupation of the development, to encourage usage of public transport, which should also be set out in the Travel Plan. A condition is requested to secure this.

Primary Education - The proposal for an additional 190 dwellings would increase the overall number of units on the site of the former Thoresby Colliery to 990 (800 + 190), taking account of the existing outline permission (16/02173/OUTM). Based on the pupil yield formula in the Council's Developer Contributions Strategy, the development of 990 dwellings would yield 208 primary aged pupils. The S106 Agreement pursuant to the existing permission requires the developer to deliver a one form entry (210 place) primary school within the site and planning permission for the school has been granted (22/01846/RMAM). On this basis, there would be sufficient school places within the new school to accommodate the additional 190 dwellings and no contribution is sought.

Secondary Education – additional demand would need to be funded through an appropriate CIL funded project.

Special Educational Needs and Disabilities (SEND) – this development would yield one pupil requiring a place in a non-mainstream setting and there is currently a shortage of places with forecast showing this will continue. **A contribution towards 1 place at £95,050 is requested towards expanding special school facilities or to fund specialist provision attached to a mainstream school.**

Transport Strategy - The existing S106 agreement pursuant to the outline planning permission for Thoresby Vale includes a financial contribution towards the cost of the Ollerton Roundabout Improvement Scheme, relative to the additional traffic that the development would generate. The present planning application seeks to increase the quantity of development and therefore the County Council **seek a further contribution relative to the impact of the additional 190 dwellings**. At the time that the original outline permission was granted, it was determined that the percentage increase in the total peak hour traffic flows at the Ollerton Roundabout associated with the proposed development would be 15%. The increase in trips was expected to be generated approximately evenly between the residential and employment development. Using the latest estimated cost of the improvement scheme, the present requirement for the entire development would be £2,850,637.50 (i.e., 15%

of the estimated cost), of which half would be attributable to the residential development, equating to £1,425,318.75. When divided by the total number of dwellings permitted (800), the cost per dwelling would be £1,781.65. This proposal seeks to increase the number of dwellings by 190 and therefore the pro-rata requirement for this additional development would be £1,781.65 x 190 = **£338,513.50**.

Whilst planning permission for the proposed Ollerton Roundabout improvement scheme was granted in September 2022, the full business case remains to be approved by the DfT. The existing commitment of £1.313 million (index linked) from the developer only relates to the impact of the existing outline planning permission for 800 dwellings and a Strategic Employment Site. The present application proposes to increase the number of dwellings by 190 and therefore will have an increased impact upon Ollerton Roundabout. The scale of the contribution sought by the County Council is relative to the level of additional traffic that will be generated by Phase 6a/7 as set out in its response dated 26th March 2024. Had these additional 190 dwellings formed part of the original outline consent, the size of the existing contribution would have been larger to reflect the larger scale of impact. It therefore follows that any additional development is subject to its own obligation.

- 6.14 NSDC Environmental Health** – (08.03.2024) Reviewed report by CR Reynolds Environment Plan which is generally satisfactory and should be complied with throughout the development. However the plan indicates working hours of 07:00-18:00. This department would consider hours of 07:30-18:00 Monday to Friday and 08:00-13:00 Saturday with no works on Sunday or Bank Holidays to be acceptable.

(27.03.2024) An Air Quality Assessment report has been submitted by Redmore Environmental (ref: 1459-17, dated 21st March 24) in support of the above application.

During the construction phase, the air quality impacts from dust generated by earthworks, construction and trackout have been assessed and are considered to be not significant, providing mitigation measures are employed and incorporated into a CEMP for the development which should be controlled by condition.

During operational phase, the impact on local air quality has been assessed and is considered to be not significant, given monitored and modelled NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> levels with and without the development.

- 6.14 Nottinghamshire Wildlife Trust** – (13.08.2024) Make comments on impacts on SSSI and ppSPA.

Concern that Visitor Management Strategy includes new routes that join with existing public rights of way, increasing their use by residents and that it hasn't been given due consideration in terms of recreational pressure on the ppSPA.

Data used to assess impacts on Nightjar is now 8 years old and that more recent data should be used in the HRA. RSPB should be contacted to discuss more recent survey data.

**6.15 Royal Society for the Protection of Birds (RSPB) – (17.01.2025)**

(07.08.2024) Concerns regarding visitor pressure on the Birklands and Bilaugh Special Conservation Area. Disagree with the assessment that the development would have no significant impacts on the SAC and Visitor Management Plan needs to acknowledge and mitigate this. Data for nightjar is out of date. Express keenness to work together to discuss the HRA and VMS which hasn't happened.

Previous comment made 22.03.2024.

**6.16 NSDC Strategic Housing** – Offer comments on affordable housing provision; in summary; if policy 30% compliant scheme = 57 home, or if follows agreement for other phases 15 homes (7.47%). Preferred tenure split is 60% social/affordable rent and 40% intermediate housing, 25% of overall affordable housing should be First Homes Product with the remaining 15% of intermediate to be shared ownership product to reflect local affordability issues.

**6.17 Nottinghamshire Police**– provide general observations on Secure By Design principles

**6.18** Representations from 8 third parties/local residents have been received raising concerns which can be summarised as follows:

- Existing infrastructure such as schools, doctors, road (capacity), drainage and car parks already and this will add increased pressure.
- The infrastructure isn't there to support the housing – these should be the priority not more housing
- Strongly against any more building as Edwinstowe is becoming over populated compared to amenities
- Impact on Sherwood Forest with extra people walking up there

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

**Preliminary Matters**

7.1. The application has been accompanied by an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The scope of the assessment considers cumulative impacts from the development alongside the existing approved development.

7.2. A Habitat Regulation Assessment under the Conservation Habitats and Species Regulations 2017 is also required for this project.

**Introduction**

7.3. The key issues are considered to be as follows which will be discussed in turn;

- The Principle of additional residential development & densities
- Housing Need, Type and Mix (including affordables)
- Highway Impacts
- Ecological Impacts
- Environmental Impacts (Air Quality etc)
- Infrastructure Impacts and Viability

7.4. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

#### The Principle of additional residential development & densities

- 7.5. The application site is a strategic allocation that benefits from Policy ShAP4 in the Amended Core Strategy. This identifies the principle of residential development on the site as being acceptable albeit this proposal would take the quantum above the 800 units envisaged. However it is noted that this was not a ceiling figure.
- 7.6. It is a useful starting point to consider the status of the approved redevelopment of the former colliery in terms of residential numbers, bearing in mind the 800 dwellings granted by the outline consent.

<b>7.7.</b>	<b>Phase</b>	<b>No. of Dwellings</b>	<b>Planning Status</b>
1		143	RM approved, under construction
2		219	RM approved, under construction
3		74*	RM approved, not yet commenced
4		114	RM approved, under construction
5		96	RM approved, under construction
6b & c		150*	RM submitted, pending consideration
<b>Total</b>		<b>796</b>	

\*number of units currently shown within current description for development.

- 7.8. Based on the approved masterplan, this leaves Phase 6a and 7 (the subject of this application) to take the remaining 38 dwellings. It would be possible to mothball and landscape the land subject of this application if permission was not forthcoming. However, in approving reserved matters applications on other phases, there has been an awareness that there could be some surplus land left over even with the densities that have come forward which have been relatively low. Phases 1 and 2 have

been in the region of 24dph and 26.7dph respectively. Phase 3 as advanced is for around 22.4dph, Phase 3 is 39dph and Phase 6b&C is 45dph – all of which are within an acceptable range of densities and would appear appropriate, taking into account context and site circumstance.

- 7.9. The masterplan shows around 3.7 HA of phases 6a and 7 would be developed for housing which would give a density of around 50dph. This would be in line with Core Policy 3 which sets average densities to between 30-50 dwellings per hectare, albeit ShAP4 does seek to strike an appropriate balance between efficient use of land and the green infrastructure and nature conservation requirements of the site.
- 7.10. Based on the above, officers are satisfied that the site (approved and proposed) do not appear over developed and that the land subject of the strategic allocation can accommodate more than the 800 approved units. The additional dwellings would make efficient use of land in a sustainable location, on brownfield land which would help deliver local housing targets and, in turn, contribute to the government objectives of delivering 1.5 million homes this parliament. The principle is therefore acceptable subject to site specific impacts.
- 7.11. Given the existing site and planning policy context this appraisal is focussed on matters that have the potential to be materially impacted upon over the development approved under the 2016 outline consent.

#### Housing Mix, Type and Need

- 7.12. Core Policy 1 (Housing Mix Type and Density) sets out that the district council will seek to secure new housing development which adequately addresses the housing need of the District, namely family sized housing, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that we will seek to secure an appropriate mix of housing to reflect local housing need. Such a mix will be dependent on the local circumstances of the site, the viability of the development and any localised housing need information.
- 7.13. The district wide housing need survey from 2020 by arc4 has identified the housing needs in the Sherwood Sub Area as follows:

House Type	Housing Need in Sherwood Sub Area
4 or more bedroom dwellings	35.8%
3 bedroom dwellings	20.2%
1 to 2 bedroom dwellings	15.5%
3 or more bedroom bungalows	12.9%
2 or more bedroom bungalows	14.4%
2 or more bedroom flats	1.2%
Total	100%

- 7.14. Officers have requested that the viability submission is based on a policy compliant mix with the expectation that the scheme that comes forward complies with the mix identified as being most needed locally. If basing the viability on floorspace, it would

be expected that the floorspace utilised would at least meet the minimum nationally described space standards for housing, published in the technical guidance from 2015.

- 7.15. Officers are aware of a High Court case (from 2017 -after outline permission was granted for Thoresby) between CPRE Warwickshire and Coventry City Council, which considers mix requirements in a Reserved Matters context. This case appears to have been settled on account of other similar cases that set out that mix does not fall within the scope of a Reserved Matters application where there is no condition attached to the Outline consent to prescribe that mix. On that basis, it is considered necessary to control that the market housing mix that comes forward demonstrates compliance with local needs and this should be secured by an appropriate condition.
- 7.16. The Council's Core Strategy, Affordable Housing SPD and Developer Contributions and Planning Obligations SPD seek to secure the provision of 30% on site affordable housing where the relevant thresholds are met. Based the application proposal of 190 dwellings, this would amount to a requirement for 57 affordable homes. Core Policy 1 identifies that the required tenure mix is 60% social rented housing and 40% intermediate housing.
- 7.17. The Applicant has demonstrated through an independently reviewed viability assessment that the scheme is unviable. However, the Applicant has agreed to deliver 7.47% affordable housing provision or 15 homes within the additionality of the maximum 190 homes proposed. This aligns with the affordable housing provision across the wider site, approved under the 2016 outline application. The tenure would be as requested by the Strategic Housing Officer: 60% social/affordable rent and 40% intermediate housing, and 25% of overall affordable housing be First Homes Product with the remaining 15% of intermediate to be shared ownership product to reflect local affordability issues.
- 7.18. On balance 7.47% affordable housing provision is considered to be acceptable in this case and would be secured via a legal agreement.

#### Highway Impacts

- 7.19. Spatial Policy 7 sets out the criteria for assessing whether a development encompasses a sustainable approach to transport and includes that development proposals should include safe, convenient and attractive access for all, and be appropriate for the highway network in terms of volume and nature of traffic generated. Policy DM5 requires the provision of safe access to new development and appropriate parking provision.
- 7.20. The impact of the proposal on the highway network given the scale and nature of the development is material planning consideration. In policy terms such a requirement is underpinned in the NPPF, NPPG and Development Plan Policies. Policy ShA4P of the Publication Amended Core Strategy states that development should have a provision to minimise the impact on the existing transport network.
- 7.21. Baseline traffic flows have been identified together with proposed traffic generation for the proposed additional, up to 190, houses. The applicants have provided a

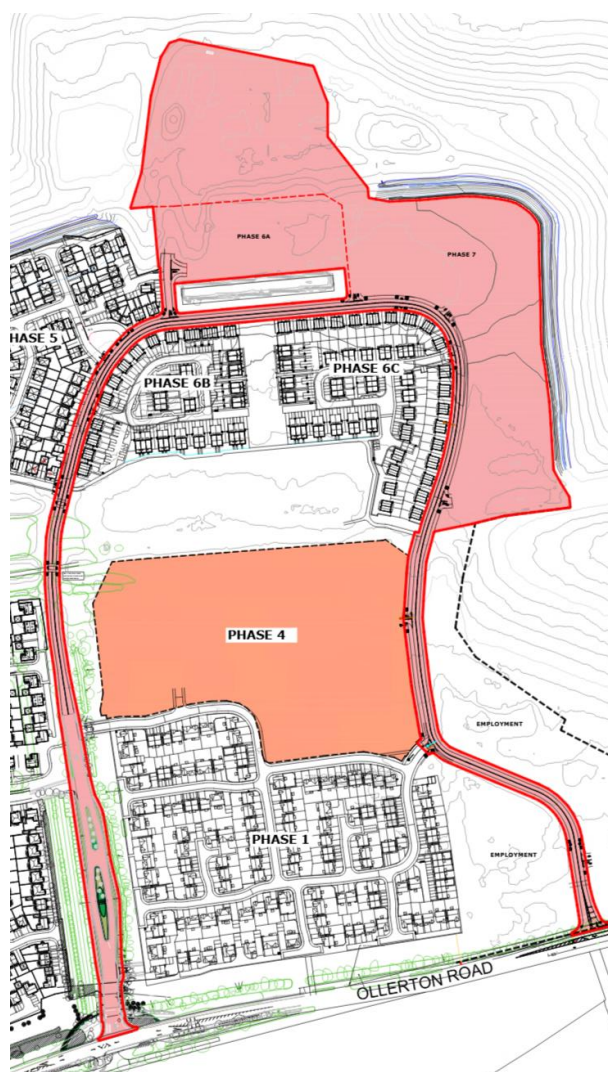


Transport Assessment submitted in February 2014. A further addendum was submitted in March 2024, followed by additional technical information over the subsequent months which sought to address the LHA concerns. The details and conclusions of which are discussed further below.

- 7.22. It is important to also note that any highways mitigation sought must be necessary and attributable to the impacts of the development being promoted. It is not for a development to fix existing infrastructure issues albeit it is incumbent upon the LPA, in conjunction with the highway authority, to ensure that any existing deficiencies are not unacceptably worsened. Provision of infrastructure must also be viable (NPPF) and include an assessment of the quality and capacity of existing infrastructure for transport (NPPF).
- 7.23. The application site forms part of the wider Thorseby Vale site which was granted planning permission for extensive development including up to 800 new houses which, comprises several phases to be delivered over a circa 10 year period. The scheme is for up to an additional 190 houses on areas identified for residential development within the original masterplan. In practice, due to the recent reduction in housing numbers within Phase 6 from 150 to 116, the site is more likely to deliver around 156 houses.
- 7.24. A scheme at the Ollerton roundabout junction to relieve congestion was approved in 2022. Funding for the project, via the Department for Transport, was confirmed on the 18<sup>th</sup> September 2025. It would significantly increase the size and capacity of the junction. The Applicant has already contributed 1.313 million (indexed linked) to the County Council towards the improvements to the Ollerton roundabout which, at the time was a significant proportion of the estimated £7.4 million cost. It is noted that the cost of the junction improvements has increased since this date to almost £20 million.
- 7.25. The LHA advises the proposed 190 dwellings could be constructed additional to the 608 dwellings under the 2016 planning permission currently allowed prior to the roundabout improvements being made, leading to traffic impacts which would likely be severe in this location. As a result they request a deed of variation to the S106 attached to the 2016 outline application to ensure no more than 608 dwellings could be constructed between the two outline applications prior to the roundabout improvements being made. Since this advice was provided the DFT funding announcement for the Ollerton roundabout junction improvements was announced, which adds greater certainty to the projects completion.
- 7.26. A Transport Assessment has been submitted in support of the application. It includes a qualitative assessment of the impact of the proposed Phase 6a/7 development at the Ollerton roundabout which, concludes that the additional traffic at the Ollerton roundabout would not materially affect the operation of the significantly approved junction.
- 7.27. Great emphasis is placed on the fact the junction modelling results for the two A6075 Ollerton Road/site access junctions would operate acceptably and with space capacity in 2029 with the proposed Phase 6a/7 development in place. Also, the capacity

assessment results that the offsite study area junction show there would not be a severe impact due to the proposed development. The Local Highway Authority have reached the same conclusion.

- 7.28. The application is supported by an Environment Plan (EP) which deals with traffic during the construction phases of development. The Districts Environmental Health Officer advises the EP is generally satisfactory and should be complied with throughout the development. It is recommended that this is secured via a condition.
- 7.29. The site would be accessed off Ollerton Road to the south utilising the approved access point onto the spine road through the site and the access to the east, identified as serving the employment uses within the site, being made publically available. As shown on the drawing exert below. While this access road has been constructed, it has not yet been made available for public access and it is unclear if the spine road connects to the site. These access roads are necessary to make the scheme acceptable. Therefore, subject to their provision it has been demonstrated that a safe and suitable access can be achieved for all users.



- 7.30. The application is supported by an Environment Plan (EP) which deals with traffic during the construction phases of development. The District's Environmental Health

Officer advises the EP is generally satisfactory and should be complied with throughout the development. It is recommended that this is secured via a condition.

- 7.31. The proposal would provide opportunities for travel by sustainable transport modes. There are amenities including a primary school, local centre and a new country park within walking and cycling distance of the site. Bus travel is accommodated via bus stops on the A6075 Ollerton Road with further bus services located within Edwinstowe and Ollerton, within walking and cycling distance. The Thoresby Vale site has already committed to the provision of pedestrian and cycle connections to the existing public rights of way surrounding the site. As well as high quality, accessible, pedestrian and cycle infrastructure throughout the site. Layout is a reserved matter nonetheless the submission indicates a commitment to providing footways throughout the development.
- 7.32. It is intended to add the site into the overall travel plan for the rest of the Thoresby Vale site, this would be secured via a condition. It would not be possible to secure a S106 contribution for monitoring however, the additional dwellings proposed would be included as an amendment to the travel plan for the wider site rather than a new stand alone travel plan.
- 7.33. It is considered therefore that the scheme accords with Core Policy 7 of the Newark and Sherwood Core Strategy, and DM5 of the Allocations and Development Management DPD. It is recommended that conditions are included to cover highways matters in line with the advice provided by the Local Highway Authority. Planning obligations requested are covered in the 'Infrastructure Impacts and Viability' below.

#### Ecological Impacts

- 7.34. Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity, promotes the appropriate management of features of major importance for wild flower and fauna, provides suitable SANGs to reduce visitor pressure on the Districts ecological, biological and geological assets (particularly for 5kms around the Birklands and Bilhaugh SAC) and which supports the development of green infrastructure.
- 7.35. This aim of this is reflected in Core Policy 12 of the Amended Core Strategy. Policy DM7 of the DPD also seeks to protect, promote and enhance green infrastructure in line Core Policy 12 whilst policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.
- 7.36. Furthermore Policy ShAP3 – Land at Thoresby Colliery of the amended Core Strategy requires that the nature of conservation aspects must be addressed given the sites location close to designated conservation sites and that development should not put additional strain on the SAC or NNR. The provision of SANGS will also be required to serve day to day recreation needs.
- 7.37. Para 187 of the NPPF states decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity in a manner

commensurate with their statutory status. Para 193 of the Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

- 7.38. As the proposed increases the number of houses within the residential built development areas that have the benefit of planning consent it is possible that the ecological impacts associated with the proposed increased housing density will be the same as those identified for the consented scale of development. However, as this is a new application, the application is supported by an Environmental Statement (ES). The Districts Biodiversity and Ecology Lead Officer advises they consider Chapter 7 of the ES has been prepared using appropriate assessment methodologies. This has been informed by appropriate desk studies and field surveys undertaken by competent professional ecologists.
- 7.39. There are differences in opinion between Natural England and the Districts Biodiversity and Ecology Lead Officer relating to potential impacts on the Birklands and Bilhaugh Special Area of Conservation (SAC). It remains a concern for Natural England and the RSPB who have provided comments on the application. This specifically relates to the Habitats Regulations Assessment submitted.
- 7.40. Consent has been granted for 800 dwellings for the Thoresby Vale phased development. As development of the phases have progressed through the reserved matters process approved designs have enabled more efficient use of the land resulting in the ability to provide an additional 190 dwellings. Importantly, these would be provided within Phase 6a and 7, so the current application does not involve expansion outside of the areas already consented for housing, and the residential built development area would be the same as the consented masterplan.
- 7.41. The consented development for 800 homes needed to provide mitigation measures to ensure no likely significant effect on the SAC. These were:
  - Cat barriers to mitigate potential disturbance and predation;
  - A Country Park to provide Suitable Alternative Natural Greenspace (SANG); and
  - A Visitor Management Strategy (VMS) to manage access within the Country Park and access into the SAC.
- 7.42. The cat deterrent features have been created and are operational. The Country Park is now open and operational. The VMS (Version 2) was approved by Natural England in 2021. As part of this application an amended version of the VMS (Version 3) was submitted. In the Introduction it is stated that “The plan has subsequently been updated in July 2024 due to the official opening of the Country Park on 22nd June 2024 and ongoing installation of the footpath network around the Country Park. The Visitor Management Strategy is and will remain a live document”
- 7.43. The Council’s Lead Ecologist has reviewed this version of the VMS and cannot see any changes that are specifically related to the proposed development currently under

consideration.

- 7.44. Concerns were raised by both Natural England and the RSPB about the amended version. However, it is considered that the recent amendments to the Visitor Management Strategy sit outside of matters relating to the development currently under consideration and are amendments that would have been required to ensure compliance with what has been agreed as necessary for the consented development. They are a reflection of the fact that the VMS is, and will need to be a live document under constant review. NE subsequently confirmed this is an accurate interpretation and have subsequently advised more specific actions could be included in the VMS to ensure the SANGS is doing its job, i.e. diverting recreational users from the two applications away from the SAC into the Country Park.
- 7.45. Although, Natural England's most recent comments, confirm that recent amendments to the VMS satisfies their previous concerns regarding impacts on the SAC, they advise this mitigation cannot be accepted at the screening stage of the HRA process.
- 7.46. The Council's Lead Ecologist advises it's important to remember the baseline conditions for the proposed additional housing are completely different to those that formed part of the assessment for the approval for the 800 dwellings; because when that application was being considered the key mitigation measures (i.e., cat barriers, the Country Park SANGS and its associated Visitor Management Strategy) were part of the proposed mitigation by design. However, as highlighted in the submitted sHRA, these measures already exist so are a reflection of the baseline conditions that now exist. The consideration in this case should therefore be, are they sufficient to have confidence that their current existence and predicted permanence are such that they would also be able to perform the same function for the additional development.
- 7.47. The cat protection measures are already in place so in that respect no additional measures should be required to mitigate for potential cat predation for the additional housing. A SANG area is far in excess of what the consented development would normally be required to provide, and its capacity would continue to provide more than what would normally be required for the consented 800 homes and the additional development. So again, this also is not being provided as specific mitigation, but something that is currently present, not what is being proposed. The SANG provides a facility to encourage/reduce the number of people likely to access the SAC and the VMS then manages/controls access within the SANG and access into the SAC. There has been no need to create a specific VMS for the current application, or make amendments specifically related to it. Therefore, it is considered that this is not mitigation being provided, but a reflection of the baseline conditions that now exist.
- 7.48. The Council's Lead Ecologist recognises the HRA process is notoriously complex because of the raft of associated case law, so it is not uncommon to have differences of professional opinion when it comes to production and review of HRAs and this is considered that this is the current situation here.
- 7.49. It is the responsibility of the District Council to prepare the required HRA, one option is to adopt a shadow HRA (sHRA) provided by the applicant, if we consider it has been prepared appropriately and we agree with its conclusions. It's the Council's Ecology

Officer's opinion that the submitted sHRA is acceptable and it would be appropriate for NSDC to adopt the sHRA, and that there would be no likely significant effect on the SAC from the proposed additional development.

- 7.50. This conflicts with the advice submitted by NE however, NE Have subsequently agreed to defer to the advice provided by the Council's Lead Ecologist on this matter. Therefore it is considered that it would be appropriate for Newark and Sherwood District Council to adopt the sHRA.
- 7.51. The landscape strategy proposed by the applicant aligns with the approved scheme for the wider site. It provides watercourses and tree and shrub planting which would provide habitat connectivity from east to west across the application site, creating wildlife corridors through the proposed development and linking surrounding ecological sites to the new Country Park. Two access points into the new Country Park are provided from the northern portion of phase 6A.
- 7.52. In line with the approach taken under the 2016 outline application, in line with Natural England's comments, a condition has been suggested which would require further tree planting details are deposited at the Reserved Matters stage; to ensure that appropriate species are used and that there is no negative impact on the SSIs and SAC. Precise details of landscaping will be submitted as part of any Reserved Matters application and further consultation will be undertaken at that time. For the avoidable of any doubt it is recommended that a planning condition be attached to any consent requiring that any tree and hedgerow is identified and justified as part of the reserved matters approval process.

#### Environmental Impacts (Air Quality etc)

- 7.53. An Air Quality Assessment report has been submitted by Redmore Environmental (ref: 1459-17, dated 21st March 24) in support of the above application.
- 7.54. As advised by the Council's Environmental Health Officer (EHO) during the construction phase, the air quality impacts from dust generated by earthworks, construction and trackout have been assessed and are considered to be not significant, providing mitigation measures are employed and incorporated into a Construction Environmental Management Plan (CEMP) for the development which should be controlled by condition.
- 7.55. During operational phase, the impact on local air quality has been assessed and is considered to be not significant, given monitored and modelled NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> levels with and without the development.
- 7.56. The Council's Biodiversity and Ecology Lead Officer notes the concerns raised by Natural England regarding the air quality assessment at Birklands West and Ollerton Corner SSSI. They consider that "...nitrogen deposition should be considered as impacting the invertebrate species designated at the SSSI as it may impact the continuation of woodland habitat and its features on which the designated invertebrates rely", and that "...Assessment should be made as to whether the additional nitrogen deposition will hinder or undermine the efforts to restore the site to favourable conservation status".

- 7.57. The Council's Lead Ecologist advises, whilst acknowledging Natural England's concerns regarding this matter this is potentially difficult for the applicant to address. This is because most studies of the impacts of nitrogen deposition on woodlands focus on impacts on the ground flora. And concludes given that this potential impact would affect a very small area of the SSSI, that if this potential were a reality, it wouldn't significantly hinder or undermine other proposals to restore the site to favourable conservation status.
- 7.58. In response to reviewing the Council's Lead Ecologist comments NE confirm they accept his position on impacts to woodland from nitrogen deposition and heathland from nitrogen deposition.
- 7.59. Taking this into account it is considered that the proposal would not result in a detrimental impact on air quality to such an extent as to harm nearby designated ecological sites.

#### Infrastructure Impacts and Viability

- 7.60. Spatial Policy 6 of the Core Strategy and Policy DM3 of the Allocations and Development Management DPD set out the approach for delivering the infrastructure necessary to support growth. This sits alongside the Community Infrastructure Levy, albeit this area is zero rated for CIL so is not relevant.
- 7.61. The Developer Contributions and Planning Obligations Supplementary Planning Document (SPD) provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL).
- 7.62. White Land Strategies Ltd was instructed by Newark and Sherwood District Council to undertake an independent viability reappraisal of the mixed use development for residential development of up to 800 dwellings (Class C3), strategic employment land comprising up to 4,855 sqm Class B1a, up to 13,760 sqm Class B1c, and up to 13,760 sqm Class B2, a new Country Park, a Local Centre, "The Heart of the New Community" containing a mix of leisure (to include zip wire), commercial, employment, community, retail (up to 500 sqm), health, and residential uses, a Primary School, Open Space and Green Infrastructure (including SUDS), and associated access works including the details of the primary access junctions into the site from Ollerton Road, known as Thoresby Colliery, Edwinstowe, planning application number 16/02173/OUTM.
- 7.63. The application is supported by a viability update submitted by Tustain Associates, a Market Value achieved sales to the date of appraisal, and a Cost Plan (Tustain Associates). The Applicant has set out that viability has improved. Residual Value has been increased but remains below the target Benchmark Land Value (BLV).
- 7.64. The 2024 viability update submitted looks at unit numbers overall to consider whether the increased units raises Residual Value to the point where additional Affordable housing can be delivered on site over and above the 7.5% threshold. As set out in the White Land Strategies Ltd. (WLSL) viability assessment, the viability target for the Applicant based on a fixed profit approach is to measure Residual Land Value (RLV)



against NPPF guidelines and FVA benchmarks. The purpose of their viability assessment is to consider whether the retention of the 7.5% affordable housing and s106 contributions proposed by the Applicant on the grounds of viability is a reasonable position.

- 7.65. The following table is taken from the WLSL report summary. The table demonstrates that there is only real potential for surplus with values rising above cost inflation. As a result of the economic climate there is a trend of costs outstripping build costs which is not certain to fall back to historic trends in the short term. Values are shown in the table as more sensitive to costs. As stated in the WLSL report: "If there is a 5% cost increase a 5% rise in values would still be unviable despite being more sensitive. It is not likely in the short term that values which are based on current sales value of current phases to be able to outstrip cost inflation by c7.5%-10% to return a scheme capable of increasing planning contributions."

Sensitivity Analysis Report					
<b>Table of Residual Value</b>					
Sales: Rate /ft <sup>2</sup>					
Construction: Rate /ft <sup>2</sup>	-10.000%	-5.000%	0.000%	5.000%	10.000%
-10.000%	-4,236,476	7,469,915	18,962,382	30,361,189	41,720,586
-5.000%	-11,919,832	559	11,619,157	23,051,941	34,433,543
0.000%	-19,770,955	-7,534,814	<b>4,203,086</b>	15,726,879	27,134,063
5.000%	-27,765,543	-15,251,809	-3,280,688	8,367,715	19,820,854
10.000%	-36,051,949	-23,120,031	-10,841,699	929,637	12,488,097

The table shows the following:

- Costs must fall relative to values by c-5% to -10% costs to show surplus;
- Values must rise relative to costs by c+5% to show surplus;
- If Costs rise a surplus is only shown if values rise by c+10%

- 7.66. The WLSL report concludes, there is clearly a continuing viability issue. This is partly due to the substantial abnormal costs which have been formally presented by Bentley. Alongside the current economic climate in which current sales value are unable to outstrip cost inflation. As a result, there is no 'Additional Planning Obligation sum' to be paid by the Applicant.
- 7.67. As set out in the Developer Contributions and Planning Obligations SPD the District's priorities include Affordable Housing, infrastructure identified in the Infrastructure Delivery Plan (IDP), and Green Space Strategy Requirements. Despite demonstrating that the scheme is not currently viable the Applicant is committed to providing a high quality scheme and where possible mitigating the infrastructure impacts of the proposed development.
- 7.68. As outlined under the 'Housing Mix' section above the Applicant has agreed to deliver 7.47% affordable housing on site, in line with the 2016 outline application.
- 7.69. The IDP for Sherwood area includes new and improved community infrastructure including primary and secondary school places, and healthcare facilities. Also, securing the resolution of traffic and transport issues in and around the town including

the A614/A6075/A616 Ollerton roundabout junction. Specific to the Land at Thoresby Colliery priorities include green infrastructure (the provision of SANG compliant open space, traditional play areas and sports pitches), education (primary school), healthcare (on site or expansion of Major Oak Healthcare Centre), and highways infrastructure (Ollerton roundabout).

- 7.70. With regards to public open space the 2016 outline application has implemented or is committed to a total public open space (POS) provision of 12.1ha, which exceeds the minimum requirement of 11.89ha. Suitable Alternative Green Space (SANGs) are required to avoid increased pressure on The Birklands and Bilhaugh Special Area of Conservation which lies to the north, east and west of the former Colliery, as a result of the proposed residential development. As outlined under the Ecology section above the existing SANG area is far in excess of what the consented development would normally be required to provide, and its capacity would continue to provide more than what would normally be required for the consented 800 homes and the additional development.
- 7.71. Amenity green space is triggered at 30+ dwellings and the SPD indicates provision should be 14.4m<sup>2</sup> per dwelling. At 190 dwellings this equates to 2736 m<sup>2</sup>. This provision applies to dwellings capable of family occupation (so 2 or more bedrooms) with expectations of 18m<sup>2</sup> per dwelling. In the case of children and young person public open space (POS) for a scheme of 190 dwellings, it would be expected that an additional Locally Equipped Area for Play (LEAP) and a Local Area for Play (LAP) be provided on site.
- 7.72. Two additional areas of public open space would be provided under the current application. Firstly, the area to the north of Phase 6A, would provide an additional 1.25ha of POS including an additional LEAP and extensive areas of informal recreation space. Secondly, the area, to the southern edge of Phase 7, totalling approximately 1250m<sup>2</sup>, would provide a linear landscape corridor, including a link to the Country Park and additional LAP. Details shown the plan below. Maintenance of the public open space would need to be secured via a Management Company if not adopted by the District Council.



- 7.73. No public open space contributions towards natural and semi-natural green space,

outdoor sports facilities, or sports pitches over what has been committed to at the 2016 outline stage have been agreed to. Given the existing provision made, including the new country park and the close proximity of these phases to that, and the viability argument; on balance it is considered this lack of provision is justified.

- 7.74. The Local Highway Authority have requested a further financial contribution towards the Ollerton roundabout improvements on the grounds that the additional housing will impact upon the junction and the cost of the improvement works has substantially increased. With regards to impacts upon the roundabout the evidence submitted by the application within their Transport Assessment indicates reduced flow rates for the 2029 scenario over the 2026 figures previously submitted for the 2016 outline application. Although, the local Highways Authority have noted this reduction they have questioned its accuracy and provided reasons why the 2029 modelling shows reduced flow rates.
- 7.75. Following the submission of the application funding for the Ollerton roundabout junction improvement works was confirmed by the Department for Transport on the 18<sup>th</sup> September 2025. Although, it is acknowledged that the costs of the junction improvement works have significantly increased since the grant of permission for the 2016 outline application, it is noted that the Applicant paid the requested contribution in full, at an early stage, to facilitate the fast delivery of these works. For these reasons it is considered unreasonable to request a further contribution towards the Ollerton roundabout junction improvement works for the proposed additional housing.
- 7.76. Contributions towards an enhanced bus service, and primary healthcare have also not been agreed to on the grounds of viability. However, a £9032 contribution towards libraries and a contribution towards 1 place at £95,050 is for expanding special school facilities, or to fund specialist provision attached to a mainstream school, have been agreed to. With regards to a school bus, this contribution would only be required if the conditions recommended by Nottinghamshire County Council could not be met, prior to the occupation of the first dwelling within the site there would be no safe alternative route for pupils to travel between the site and the Dukeries Academy secondary school.
- 7.77. The Council's Developer Contributions SPD sets out that a community facilities contribution may be sought where a development puts pressure on existing facilities and allows £1,384.07 per dwelling (this figure requires indexation applying from 2016) to be sought. As the submitted viability appraisal demonstrates that the scheme would not be able to support the full range of obligation requirements this contribution is not a priority. The Applicant has agreed to a community facilities contribution of £262,000 on the terms that it would be ring fenced for use towards the onsite workshop building which has permission for conversion to a community hub and falls within phase 6A although, is not within the current site location plan.
- 7.78. Overall it is considered that the scheme is unable to afford all of the required infrastructure or commuted sums required to mitigate the schemes impacts, this has been demonstrated through a Viability Appraisal which has been independently appraised and found to be sound.

## Other Matters

- 7.79. The objections raised by a small number of local residents have been noted. It is not considered that the proposed additional houses would have a significant impact on infrastructure, including the highway network, or the ecological sensitivities of the site, over and above the 2016 outline consent.
- 7.80. **Community Infrastructure Levy (CIL)** - The site is located within Housing Low Zone 1 of the approved Charging Schedule for the Council's Community Infrastructure Levy. The additional residential floorspace created would be chargeable, but the site is located in the Housing Low Zone of the CIL charging schedule where CIL is zero rated.
- 7.81. In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from 12<sup>th</sup> February 2024. The application was submitted and validated prior to BNG becoming mandatory legislation in the UK.

## **8.0 Implications**

- 8.1. In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.
- 8.2. **Legal Implications – LEG2526/4251**
- 8.3. Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

## **9.0 Conclusion**

- 9.1. A development of the scale proposed is unlikely to have any significant impacts on the existing character of the location, over and above the committed development which is under way within the wider Thoresby Vale site. This planning application represents an opportunity to deliver further dwellings and associated infrastructure. The delivery of housing, in this case promoted by a master developer with experience in the North and Midlands Regions, is a significant material planning consideration given the governments drive to encourage the delivery of new housing in the right places and in the context of the Districts lack of a 5 year housing land supply, which this scheme would contribute towards.
- 9.2. The site is adopted under the Council's Revised Core Strategy. The scheme is in accordance with the proposed site allocation. Whilst it is always disappointing when full affordable housing provision and the full raft of developer contributions are not secured regard must be given to government guidance, albeit it is considered that a review mechanism is appropriate in this case. The relevant technical matters have been assessed above and it is concluded that there are no issues, subject to conditions

and mitigation that would warrant refusal of the application. On this basis it is recommended that planning permission is granted.

## **10.0 Conditions**

01

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved on any phase, whichever is the later.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The reserved matters application for the first phase or any sub phase of the development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and all subsequent reserved matters applications shall be submitted before the expiration of thirteen years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

03

Details of the appearance, landscaping, layout (including internal accesses) and scale ('the reserved matters') for each phase or sub phase of the development pursuant to Condition 4 (Phasing) of the development shall be submitted to and approved in writing by the local planning authority before development in that phase or any sub phase 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 to comply with the requirements of Section 92 of TCP Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004 and in the interests of highway safety, sustainable travel and highway capacity issue.

04

The development hereby approved shall be implemented in accordance with the Indicative Phasing Plan (ref. 3.7.1 contained within the Design and Access Statement attached to planning permission ref. 16/02173/OUTM) and each reserved matters application shall be accompanied by an up to date phasing plan and phasing programme which includes details as follows:

- I. Site accesses and major internal infrastructure including internal roads, pedestrian and cycle crossings, footpaths and cycleways;
- II. improvements/traffic management and any restoration;
- III. Timing and delivery of the associated green infrastructure (as indicated on the Provision of Open Space Strategy Drawing No. EMS.2508-004E) with that phase (including public open space, formal sports recreation facilities, NEAPs, LEAPs and associated parking facilities).

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

05

Each reserved matters application shall be broadly in accordance with the Proposed Master Plan (drg no. 2245 200 Rev. E) and the approved Design and Access Statement or any forthcoming Design and Access in relation to any Reserved Matters application.

Reason: To ensure consistency with the Masterplan and Design and Access Statement and ensure the site is developed in a satisfactory manner.

06

Development other than that required to be carried out as part of an approved scheme of remediation must not commence on any phase or sub phase pursuant to Condition 4 (relating to phasing) until parts 1 to 4 (below) 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 point 4 has been complied with in relation to that contamination.

1 - Site Characterisation An investigation and risk 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:
  - o human health, Planning Application: 16/02173/OUTM
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o groundwaters and surface waters,
  - o ecological systems,
  - o 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'.

2 - 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.

3 - 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, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4 - 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 point 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2, 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 point 3.

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 and to prevent deterioration of a water quality element to a lower status class in the Nottingham Castle Sandstone.

07

The reserved matters (for each development phase, if applicable) of the development hereby permitted shall include detailed plans and particulars relating to the following items and shall be implemented in accordance with the phasing plan:



- i) A detailed layout plan of the phase(s) to include all key dimensions including junction and forward visibility splays and shall be accompanied by swept path analyses of a 11.2 m refuse vehicle throughout for the residential development;
- ii) Details of highways and private street works;
- iii) The layout and marking of car parking, servicing and manoeuvring areas;
- iv) Details of the means of foul and surface water drainage;
- v) Cycle and bin storage facilities;

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

08

The development hereby permitted shall not be occupied unless and until the Employment Access and spine road linking the development to it has been constructed and made available for public use.

Reason: In the interests of capacity and general highway safety.

09

No development shall take place until a Construction Method Statement (CMS) has been submitted to and has been approved in writing by the Local Planning Authority including a works programme. For each part of the works programme (i.e., site Page No. 3 clearance, foundations, structures, roofing, plumbing, electrics, carpentry, plastering, etc.) the CMS shall include:

- o a quantitative assessment of site operatives and visitors,
- o a quantitative assessment of the size and number of daily deliveries,
- o a quantitative assessment of the size, number, and type of plant,
- o a plan identifying any temporary access arrangements,
- o a plan of parking for site operatives and visitors,
- o a plan of loading and unloading areas for vans, lorries, and plant,
- o a plan of areas for the siting and storage of plant, materials, and waste,
- o the surface treatment of temporary access, parking and loading and unloading areas, and
- o the routing of vehicles to and from the site exceeding 3.5 tonnes. o details of wheel washing facilities and on-call road sweepers.

The first action on commencement of development, and prior to any further action (including site clearance, site stripping or site establishment) shall be the formation of; any temporary access arrangements; parking areas; and loading, unloading, and storage areas in accordance with the approved CMS and thereafter any temporary access, parking, load and unloading, and storage areas shall be set out and utilised in

accordance with the approved CMS and programme. The designated parking, loading, and unloading, and storage areas shall be used for no other purpose during the respective part of the programme.

Reason: To minimise the impact of the development on the public highway during construction in the interest of highway safety.

10

No part of the development hereby approved shall commence until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion 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 and NPPF Paragraph 169.
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.

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 30 year and 1 in 100 year plus climate change return periods.

o No surcharge shown in a 1 in 1 year. o No flooding shown in a 1 in 30 year.

o For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.

- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- 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 effectiveness.

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 infiltration of surface water drainage into the ground in areas affected by contamination is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework. To prevent deterioration of a water quality element to a lower status class in the Nottingham Castle Sandstone.

12

No development shall take place on any phase or sub phase pursuant to Condition 4 until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by, the local planning authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall set the overall strategies for:

- o the parking of vehicles of site operatives and visitors; o loading and unloading of plant and materials;
- o storage of plant and materials used in constructing the development; o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- o wheel and vehicle body washing facilities;
- o provision of road sweeping facilities;
- o measures to control the emission of noise, dust and dirt during construction
- o a scheme for recycling/disposing of waste resulting from demolition and construction works;
- o the means of access and routing strategy for construction traffic; o details of construction traffic signage;
- o a strategy to control timings of deliveries to avoid the morning and evening peak travel times (such as being co-ordinated by a logistics manager in order to prevent queuing on the surrounding highway network);
- o a construction Travel Plan;

- o management of surface water run-off, including details of a temporary localised flooding management system; o the storage of fuel and chemicals;
- o the control of temporary lighting; o measures for the protection of retained trees, hedgerows and watercourses;
- o details of pre-commencement surveys and mitigation measures for ecological sensitive areas (which should detail procedures/timings of works to avoid impacts on protected species and retained habitats;
- o the protection of (and avoidance of disturbance to) badger setts and the implementation of good working practices to minimise impacts on foraging or transitory badgers;
- o Pre-construction ecological surveys and mitigation measures including details of procedures/ timing of works to avoid impacts on protected species and retained habitats;
- o Appropriate controls for the storage of hazardous materials and fuel storage and filling areas.

Reason: To ensure appropriate mitigation for the impact on residential amenity caused by the construction phases of the development and to reflect the scale and nature of development assessed in the submitted Environmental Statement and to accord with the objectives of the NPPF and Policies CP9, CP12, CP13 Newark and Sherwood Core Strategy and CP9, 12 and 13 and ShAP3 and ShAP4 of the Amended Core Strategy.

13

No development shall be take place on any phase or sub phase pursuant to Condition 4 until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The SWMP shall set out the volumes and types of waste that are likely to be produced during the development within that phase or sub phase and shall set out actions for the recycling, recovery, re-use and disposal of each waste stream. The development within that phase or sub-phase shall thereafter be carried out in full accordance with the approved SWMP.

Reason: In the interests of the environment.

14

No removal of hedgerows, trees or shrubs shall take place between 1st March and 30th September inclusive. Where this is not possible, areas should be cleared of vegetation only if they have been surveyed by a suitably qualified ecologist and has found to be clear of nests immediately prior to the destructive works commencing and these finding have been submitted to and confirmed in writing by the Local Planning Authority. If an active nest is identified then the area will need to be retained until the young have been deemed, by a suitably qualified ecologist, to have fledged and a five meter buffer around the nest should be maintained. Only once this has happened can the area be cleared from site.

Reason: To safeguard protected species and to accord with the objectives of the NPPF, Policy CP12 of the Newark and Sherwood Core Strategy and Policies CP12, ShAP 3 and 4 of the Amended Core Strategy.

15

The first reserved matters submission for the landscaping of each phase (as required by condition 3) shall include the submission of an updated Landscape Masterplan and full details of both hard and soft landscape works (both in the public realm/strategic landscaping works and for individual plots) for that phase and a programme for their implementation. This submission shall include:

- o Provision for replacement or new boundary treatments including hedgerows and trees (which shall be identified and justified) in line with the Illustrative Landscape and Ecology Masterplan (drg no. ems.2709\_10C) or any updated version that shall be agreed through the relevant reserved matters approval
- o Hard landscaping details shall include car parking layouts and materials, materials for other vehicle and pedestrian access and circulation areas, minor artefacts and structures for example, furniture, refuse or other storage units, signs, lighting etc.
- o Soft landscaping details shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment) and schedules of plants, including species, numbers and densities together with clear annotations as to existing trees and hedgerows that would be retained plus proposed finished ground levels or contours.

The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

Reason: In the interests of visual amenity and biodiversity, to ensure that trees and hedgerows to be lost as a result of development is properly and commensurately mitigated with replacements, to reflect the scale and nature of development addressed in the Environmental Statement and to ensure accordance with the objectives set out in the NPPF and Policy CP12 of the Newark and Sherwood Core Strategy and Policies CP12, ShAP 3 and 4 of the Amended Core Strategy

16

All hard and soft landscape works for each phase or sub phase shall be carried out during the first planting season following commencement of that phase/ in accordance with the approved implementation and phasing plan for each phase including as approved by the associated reserved matters approval. The works shall be carried out before any part of the phase or any sub phase is occupied or in accordance with a programme which shall firstly be agreed in writing with the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

17

Prior to commencement of development in any phase or any sub phase pursuant to Condition 4, an Arboricultural Survey and Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. This shall include measures to protect trees and hedgerows to be retained within that phase or any sub phase and details of mitigation measures where necessary. The approved mitigation measures shall be implemented on site in accordance with an agreed timetable and shall be retained during the development of the site, unless otherwise agreed in writing by the local planning authority. Any trees/shrubs (planted by way of mitigation) which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

18

Prior to commencement of development within any phase or any sub phase pursuant to Condition 4, a scheme to update the Extended Phase 1 Habitat Survey produced by AES dated 2016 appended to the Environmental Statement deposited with the application and any associated protected species surveys will be submitted to and approved in writing by the Local Planning Authority. The updates shall then be provided in accordance with an agreed timetable. Where protected species are identified as being present on site, a scheme of mitigation shall be submitted to and approved in writing by the Local Planning Authority. This scheme of mitigation shall include a working design, method statements (including Badger and Reptile Method statement) and timetable of works to mitigate any adverse effects to protected species. The development shall be implemented in accordance with the approved schemes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that decisions regarding the details of the scheme are made in accordance with up to date ecological information and so that any mitigation which may be required can be put in place in a timely manner in the interests of ecology and to accord with the objectives of the NPPF and Policy CP12 of the Newark and Sherwood Core Strategy and Policies CP12, ShAP 3 and 4 of the Amended Core Strategy.

19

No development shall be commenced in respect of each phase or sub phase pursuant to Condition 4, unless a detailed Habitat Creation and Management Plan (to include the proposed SANGS) associated with that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority. The Habitat Creation Plan may form part of the Construction Environmental Management Plan (identified at condition 08) and shall include details of the following within each phase, as appropriate:

- o The location and extent of all new habitats including all works required for the creation;

o For the creation of new habitats, these details shall identify target habitats with reference to the Nottinghamshire Local Biodiversity Action Plan and shall include details of all tree, woodland, scrub and hedgerow planting, and wetland and grassland establishment, and will provide information regarding ground preparation; cover material; soil profiles; sources of tree and shrub stock (which should be of local provenance - seed zone 402 or 403), seed mixes for grassland, woodland and wetland areas (to be used in grassland establishment methods, and which shall be of certified native origin); proportions; size; spacing; positions; densities; sowing rates; methods of establishment; areas left for natural regeneration; creation of wetland areas; and fencing off of planting areas. For the management of created and retained habitat, these details shall include the identification of management objectives; annual work programmes; and monitoring.

o Measures to enhance retained habitats;

o A Visitor Management Strategy to include details of zoning levels of activity, how public access will be controlled to limit disturbance to wildlife and physical features to prevent domestic animals from reaching habitats and how these will be monitored and enforced

o Ecological enhancements to include bird and bat boxes at appropriate points within the site which should offer immediate enhancements and longer term enhancements where appropriate;

o Opportunities to enhance the proposed drainage features on site to benefit biodiversity;

o Details of a habitat management plan for existing and new habitats during the establishment phase including details/arrangements for on-going management and monitoring for not less than 10 years;

o A Bee Orchid Translocation Method Statement (detailing methods and timings for the translocation of Bee Orchids from the development site to the colliery pit tip restoration)

o The provision of an artificial Sand Martin bank, adjacent to one of the proposed waterbodies within the development site (to mitigate against the loss of existing Sand Martin nesting sites within the development)

o The appointment of an Ecological Clerk of Works (to undertake ecological supervision and ensure the implementation of the above mitigation measures)

o An implementation timetable for all elements. The approved Habitat Creation and Management Plan shall be implemented on-site as approved, in accordance with the agreed timetable.

Reason: To safeguard protected species and their habitats and in order to provide ecological enhancements in a timely manner in line with Policy CP12 of the Newark and Sherwood Core Strategy and Policies CP12, ShAP 3 and 4 of the Amended Core Strategy



and the advice contained in the NPPF as well to take account of the Nottinghamshire Local Biodiversity Action Plan.

20

First applications for reserved matters approval for each phase pursuant to Condition 4 shall be accompanied by a detailed external lighting scheme (for the operational phase) designed to ensure the impacts of artificial light are minimised and that light spill onto retained and created habitats, particularly around the site periphery and green corridors through the site are avoided. Any security lighting / floodlighting to be installed, shall be designed, located and installed so as not to cause a nuisance to users of the highway. The details of any such lighting shall be submitted to and approved by the Local Planning Authority (together with a lux plot of the estimated luminance). The development shall proceed within each phase or sub phase in accordance with the agreed external lighting scheme.

Reason: This condition is necessary to ensure that the impacts of external lighting on nocturnal wildlife, particularly bats are minimised in accordance with CP12 of the Newark and Sherwood Core Strategy and policies CP12, ShAP 3 and 4 of the Amended Core Strategy together with the NPPF and to protect drivers from uncontrolled light sources near the public highway.

21

The mitigation measures approved as part of Condition 21 of outline application ref. 16/02173/OUTM shall be implemented at both construction and operation phases within any phase or sub phase pursuant to Condition 4 in accordance with details contained within the Air Quality Assessments, Reports and Technical Notes produced by Redmore Environmental deposited with the application, in particular those dated 17th February 2017 and 12th May 2017.

Reason: To ensure appropriate mitigation for the impact on residential amenity and to safeguard protected species and habitats.

22

No part of the development on any phase or sub phase pursuant to Condition 4 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 to the satisfaction of the Local Planning Authority.

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

23

No part of the development on any phase or sub phase pursuant to Condition 4 shall take place until the approved Residential and Employment Travel Plans (version 4 in each case) have been updated to include the development hereby approved. The

updated travel plans shall be implemented in full and in accordance with the timetable set out in those plans or alternative timetable which may be agreed in writing.

Reason: To promote sustainable travel.

27

The availability of the Edwinstowe Parish Public Bridleways No 16 & 24 shall not be affected or obstructed in any way by the proposed development at this location unless subject to an appropriate diversion or closure orders nor shall path users in the area be impeded or endangered by the proposed development.

Reason: to safeguard the Public Rights of Way and Bridleways.

28

The first reserved matters application for each phase pursuant to Condition 4, shall be accompanied by a Noise Assessment which shall include updated background noise modelling data where appropriate (such as there being a change in circumstance since the original noise modelling was undertaken) and where necessary, a Noise Attenuation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved attenuation scheme shall be implemented on site prior to first occupation of any dwelling in that phase or to an alternative implementation timetable as may be agreed in writing by the Local Planning Authority. For the avoidance of doubt this condition also relates to the construction phase of the development.

Reason: To ensure that noise levels and vibration are appropriately mitigated and that the mitigation measures are implemented in a timely manner in the interests of residential amenity. This condition accords with Policies DM5 and the NPPF.

29

From the commencement of the development to its completion, a copy of this permission shall always be available at the site offices for inspection.

Reason: To enable the Local Planning Authority to monitor compliance with the conditions of the planning permission.

### Informatives

01

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.

02

A S106 Agreement (Planning Obligation) accompanies this permission and should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990.

03

The applicant is advised to contact National Grid in advance of any works so that provisions can be agreed with regards to construction etc.

05

The developer is advised that in respect of the CEMP condition, hours of construction would be expected to be along the lines of between the hours of 07:30 and 18:00 on Mondays to Fridays; 07:30 to 13:00 Saturdays, and at no time on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

06

The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is transferred onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land.

07

We ask to be re-consulted with any changes to the submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to us objecting to the discharge of conditions. We will provide you with bespoke comments within 21 days of receiving a formal consultation.

08

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. 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 2010 (as amended).

09

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.

#### BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents

listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.