

PLANNING COMMITTEE – 5 FEBRUARY 2019

Application No:	16/00506/OUTM	
Proposal:	Outline planning application for a phased residential development of up to 1,800 dwellings; a mixed use Local Centre of up to 0.75ha to include up to 535sqm of A1 food retail (not exceeding 420sqm) and non-food retail (not exceeding 115sqm), A3 food and drink uses (not exceeding 115sqm), D1 community uses (not exceeding 1,413sqm); sports pavilion up to 252sqm; primary school (2.2ha) with school expansion land (0.8ha); formal and informal open space including sports pitches, pocket parks, structural landscaping / greenspace and drainage infrastructure; principal means of access, internal roads and associated works. All other matters to be reserved.	
Location:	Land At Fernwood South, Nottinghamshire	
Applicant:	Persimmon Homes (East Midlands)	
Registered:	20 April 2016	Target Date: 10 August 2016 Extension of Time Agreed in Principle

Members will note that this is the third occasion that the application has been brought before Planning Committee. The first was on 13 September 2016 with an Officer recommendation of approval subject to conditions and an associated Section 106 agreement. The second, was 24 July 2018 where Officers outlined a viability case which had been presented by the applicant as well as outlining the changes which had occurred between 13 September 2016 and 24 July 2018 in respect of Section 106 negotiations and other changes in material planning considerations. For the avoidance of doubt a decision has not yet been issued and thus the application remains pending consideration.

The following report forms an edited version of the original 13 September 2016 report in order to 'sense check' that revisions to the National Planning Policy Framework on 24 July 2018 do not materially affect previous conclusions and the wider planning balance.

The report below references the report presented to Members on July 24 2018 where relevant (coincidentally the same day as the revised NPPF was published) albeit this later report is also appended in full at Appendix 1 for transparency.

The Application Site

The application site comprises approximately 93.6 hectares of agricultural land situated to the south of the existing village of Fernwood on the south eastern edge of the administrative boundary for District. The existing built form of Fernwood village is separated from the site by a vacant parcel of agricultural land to the northern boundary of the site which extends approximately 170m in width at its narrowest point. Other nearby settlements include the village of Claypole to the east of the site.

The application site is formed of nine agricultural fields with a mix of arable crops and livestock grazing. It can readily be interpreted as three parcels of land delimited by the existing highways network which runs through the site.

Boundaries are defined by the Shire Dyke to the south east (which also forms the administrative boundary of Newark and Sherwood and South Kesteven District Councils, the latter of which falls under Lincolnshire County Council); the existing road network to the west (including both the A1 trunk road and the B6326 Great North Road) and the aforementioned neighbouring agricultural land to the north.

The red line site location plan submitted to accompany the application demonstrates a number of parcels of land which are excluded from the application site; namely the curtilages of three existing residential properties and the existing industrial steelworks accessed from Sylvan Way. The red line site location plan incorporates areas of the highway network to allow the development to apply appropriate mitigation measures.

There are a number of constraints which affect the site including the existence of a gas pipeline which runs north-east to south-west as well as electricity cables which run in a north to south direction along the west of the site. These are supported by pylons approximately 46m in height. A significant proportion of the site along the eastern boundary is classed as being land within Flood Zones 2 and 3 according to the Environment Agency maps owing to flood plain extremities of the River Witham which runs south to north further east of the site. The topography of the site is relatively flat.

The Shire Dyke is classified as a site of local interest in nature conservation on the basis of being a representative stretch of a species rich drain. Other nearby designations include Cowtham House 'arable weeds' along a field margin on the opposite side of the A1 and the Bantycok Gypsum pit approximately 800m to the west of the site recognized for its geological contributions in terms of showing a complete geological succession of the area.

There are no public rights of way within the site itself. There is however a footpath on the south side of the Shire Dyke.

Relevant Planning History

The application site is primarily greenfield and therefore there is no formal planning history in relation to the application site in terms of individual planning applications other than the request for a scoping opinion which the LPA responded to in April 2015 (reference 15/SCO/00001).

There are however relevant planning applications on land surrounding the site. The most relevant of which are summarised below:

14/00465/OUTM - Proposed residential development for up to 1050 dwellings and associated facilities (Education & Recreation) infrastructure and utilities; application for outline planning permission (including access) – **Application approved 29th September 2017.**

18/00526/RMAM - Reserved matters submission for 1050 residential dwellings public open space, sports provision, allotments and associated infrastructure. **Application approved 9th August 2018. This is the scheme promoted by Barratts David Wilson Homes.**

17/01266/OUTM - Outline planning application for the construction of up to 350 dwellings; formal and informal open space, structural green space, surface water drainage infrastructure and access from the B6326. All other matters to be reserved". **Application approved 13th December 2018. This is the scheme promoted by Larkfleet Homes.**

92/50020/HAZ – Storage of ammonium nitrate. *This relates to the land occupied by the existing steelworks off Sylvan Way which has been excluded from the application site. As is discussed further in the detailed discussion of the report, NSDC have revoked the Hazardous Substance Consent by letter dated 29th June 2016 on the basis that there has been a change in site ownership since the consent was granted in 1993. No application for the continuation of the consent has been received since this change in ownership as per the requirements of the relevant regulations (Section 17 of the Planning (Hazardous Substances) Act 1990).*

Background

Members will be aware that what is now known as existing Fernwood was originally allocated for housing development in the Councils 1999 Local Plan. The site of the former Balderton Hospital has been built out over the last 15 years, being completed this year (it is noted that less units that consented have actually been built out).

In 2006 the Council secured Growth Point status, with Greater Fernwood (the expansion of the existing Fernwood including this application site), Land South of Newark, and Land East of Newark being allocated in the Core Strategy (2011) as Strategic Urban Extension (SUE) sites to accommodate the majority of Growth across Newark and Sherwood District. Each of the SUE sites remains critical to this Authority delivering on the housing numbers committed to (and the associated infrastructure), even on the basis of more recent objective assessment of overall housing numbers required for the District over the next 20 years. This is a matter I discuss further when capturing the 5 year housing land supply position in the appraisal section of the report below.

The Proposal

Outline consent is sought for a residential led mixed use development comprising up to 1,800 dwellings, a Local Centre, a Primary School, a Sports Hub with extensive areas of public open space and associated infrastructure. The application has been submitted on the basis of all matters except access being reserved.

Despite being outline in nature, the application has been accompanied by an indicative masterplan which demonstrates the amount and disposition of the proposed uses:

Land Use	Land Area (ha)
Developable Housing Area (up to 1,800 units)	47.90
Primary School	2.2
Primary School Expansion Land	0.8
Local Centre	0.75
Green Infrastructure	31.8
Highway Infrastructure	10.15
Total Area	93.6

Residential

- The residential area of the site would occupy approximately 47.9 hectares representing a density of 37.56 dwellings per hectare comprising a mix of open market and affordable dwellings;
- There will be a mix of housing of different sizes and tenures;
- Although not a matter for consideration at this stage, there is an intention that the majority of the houses would be two stories in height.

Primary School

- The proposed primary school would occupy a land take of approximately 2.2 hectares and be positioned in the north west corner of the site adjacent to Great North Road;
- It will provide a 2 form entry 420 place primary school;
- To the north of the proposed primary school is an area of land allocated as potential for a school expansion site being approximately 0.8 hectares in extent.

Local Centre/Community Hub

- The proposed Local Centre (LC) would also be in the north western corner of the site adjacent to the school accessed from Shire Lane, this would occupy approximately 0.75 hectares and comprise the following:
 - Up to 535m² of A1 retail
 - Of which up to 115m² of A3 food and drink uses
 - Up to 1,413m² of D1 community uses
 - Community / Sports Hall up to 1,113m² including a badminton court
 - Land for a medical facility of up to 300m²
- The Community Hub will be supported by footpaths, cycle paths and crossing facilities to allow connectivity to the development within the site. There will also be areas of car parking and other associated infrastructure.

Open Space/Sports Hub

The proposal includes approximately 31.8 hectares of green infrastructure predominantly positioned along the eastern boundary of the site

- 19.1ha of natural and semi-natural green space;
- 6.4ha of amenity green space and provision for children and young people including:
 - Pocket Parks and Greenways across the Development; and
 - 2 x Local Equipped Area for Play (LEAP) facilities and 1 x Neighbourhood Equipped Area of Play (NEAP) facility designed to meet standards;
- 2ha of allotments in two separate locations; and
- 6.5ha of space for sports provision, comprising a Sports Hub to include:
 - 2 adult football pitches (one grass and one AGP);
 - 2 mini football pitches;
 - 1 junior football pitches;
 - 1 adult and youth cricket pitch;
 - 1 adult rugby pitch;
 - A 252sqm sports pavilion and changing facilities;
 - Additional changing facilities to support pitches north of Claypole Lane; and
 - 4 tennis courts.

Infrastructure

- The masterplan demonstrates the provision of SUDS drainage basins approximately 1.9 hectares in area as well as proposed swales along the eastern boundary of the site;
- Extensive walking and cycling routes throughout the site;
- Vehicular access points into the site:
 - The main access will be from the B6326 Great North Road onto Shire Lane requiring conversion to a roundabout junction;
 - Shire Lane/Claypole Lane will be redesigned to provide a 6.75m wide footway with new access points into the site
 - The second vehicular access point off the B6326 will be at Sylvan Way which will comprise a 7.3m wide carriageway;

- The third access point will be at the south of the site from a new roundabout with access from the A1;
- A bus service comprising an extension and enhancement of existing services is to be introduced.

The development is intended to be delivered over three phases in a north to south direction across the site. Phase 1 would include the delivery of the Local Centre as well as part the Sports Hub to the north of Shire Lane. Subject to gaining outline and subsequent reserved matters permissions, the applicant intends to commence on site in ~~2017 delivering 50 units for the remainder of that year.~~ **This timescale has clearly since passed with the latest intentions suggesting a build commencement in 2020.** Thereafter it is envisaged that the site will deliver a build out rate of 110 units per year. The build period is anticipated to last 17 years.

The application has been accompanied by a full Environmental Statement of three volumes comprising a Non-technical summary, the main report and associated figures and appendices. Other submissions include the following documents:

- A suite of Parameters Plans:
 - A: Application Boundary
 - B: Land Use
 - C: Residential Density & Building Heights
 - D: Access
 - E: Green Infrastructure
 - F: Phasing
 - Masterplan
- Planning Statement;
- Design and Access Statement (D&AS);
- Tree Survey & Constraints;
- Statement of Community Involvement (SCI); and
- Management Plan.

Departure/Public Advertisement Procedure

Letters have been sent notifying of the application to all existing residents of Fernwood village as well as neighbouring properties in close proximity to the site including the industrial uses off Syvlan Way and the existing industrial development at Fernwood. Site notices have been placed at varying locations around the site as well as in nearby villages of Fernwood and Claypole. An advert has also been placed in the local press.

Planning Policy Framework

The Development Plan

Fernwood Neighbourhood Plan (made 10th October 2017)

- **NP1: Design Principles for New Development**
- **NP2: Housing Type**
- **NP3: Residential Parking on New Development**
- **NP5: Green Spaces, Landscaping and Biodiversity**
- **NP7: Supporting Better Movement and Connections**
- **NP8: Enhancing the Provision of Community Facilities**

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 5 Delivering Strategic Sites
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Spatial Policy 8 Protecting and Promoting Leisure and Community Facilities
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type, and Density
- Core Policy 6 Shaping our Employment Profile
- Core Policy 8 Retail Hierarchy
- 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
- Area Policy NAP 2C Land Around Fernwood

Allocations & Development Management DPD

- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 Development on Allocated Sites
- Policy DM3 Developer Contributions
- Policy DM4 Renewable and Low Carbon Energy Generation
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM9 Protecting and Enhancing the Historic Environment
- Policy DM10 Pollution and Hazardous Materials
- Policy DM11 Retail and Town Centre Uses
- Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions SPD (December 2013)
- Newark and Sherwood Landscape Character Assessment SPD (December 2013)
- National Planning Policy Framework 2012 and its Technical Guidance.
- National Planning Policy Guidance, March 2014.
- South Kesteven Character Assessment, Trent and Belvoir Character Area
- Fernwood Neighbourhood Plan (for the avoidance of doubt this is at a very early stage and attracts no weight in planning terms but it is noted for awareness)

Consultations

Fernwood Parish Council – Comments received 21 June 2016:

‘Fernwood Parish Council discussed the above at their meeting on 20 June and they object to the proposal with reservations and comments will follow shortly.’

Further Comments received 26 July 2016:

‘As a result of the meeting that took place on Wednesday 29 June 2016, I have been asked to write to you to communicate the concerns of the Parish Councils whose Parishes are going to be directly

impacted on by the proposed developments of Barrett/David Wilson Homes (B/DWH) and Persimmon Homes.

Fernwood currently, is a small village with the road infrastructure and amenities to match. Historically the B6326 was a country road which serviced the local villages of Balderton, Claypole, Dry Doddington, Stubton, Fenton and the area which was once RAF Balderton. This road has changed very little in the last 100 years.

The development of Fernwood Central, as it is now known, has brought with it highway issues, not only in the Village itself but also on the B6326. It is not unusual to have major traffic congestion on this road when an accident happens on the A1 stretch of road between Long Bennington and the A46. This traffic congestion impacts on Claypole, Balderton and Newark when vehicle drivers try to circumnavigate traffic congestion by using Shire Lane, Hollowdyke Lane and London Road.

With the submission of the proposed developments in the area, Persimmon Homes to the South which includes the development of 1800 dwellings and B/DWH to the North and their revised plans to build 1050 dwellings, Parish Councils of the villages above are very concerned that very little is being done with regard to improving the highways infrastructure in the area.

It seems that current plans have focused on present road usage and not future usage. When the various developments are looked at along with an increase in vehicle usage, the outlook for residents in the various Parishes and their ability to commute from A to B is very bleak. Fernwood Parish Council has estimated the increase of vehicles per development in and around the area to be as follows:

Fernwood North 1050 dwellings — additional 1500+ privately owned vehicles

Fernwood South 1800 dwellings — additional 3000+ privately owned vehicles

Bowbridge Lane 3150 dwellings — additional 6500+ privately owned vehicles

Single carriageway southern relief road — usage unknown.

The totals above do not take into account haulage vehicles, farm, bus provision or vehicles used to access the business park.

When considering the applications put forward by the above developers and the limited highway improvements proposed, we would like to draw your attention to paragraphs 64, 66 and 70 of the National Planning Policy Framework:

- Paragraph 64 which states 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the *way it functions*.'
- Paragraph 66 which states 'Applicants will be expected to work closely with those directly affected by their proposals to *evolve designs* that take account of *the views of the community*.'
- Paragraph 70 which states 'to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
 - plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to *enhance the sustainability of communities* and residential environments;
 - ensure that established shops, facilities and services are able to *develop and modernise in a way that is sustainable*, and retained for the benefit of the community; and
 - ensure an integrated approach to considering the location of housing, economic uses *and community facilities and services*.'

The lack of vision in highways infrastructure in the area displayed by the developers and to a degree, Newark and Sherwood District Council, is of serious concern to the residents that live in the area and it will be these residents who will be directly impacted on during the developments and for many years after completion. B/DWH for example, intend to block off Hollowdyke Lane which would in effect isolate residents of Fernwood, Claypole and surrounding villages in the event of an accident on the A1, A1 bridge or London Road. We would also draw your attention to the design and safety issues arising from the impact on Shire Lane contained in Claypole Parish Council's well –argued submission, and the sensible alternative they put forward.

The Parish Councils would urge NSDC, NCC and Government to rethink its approach to development and move away from the piecemeal approach and consider an approach that includes sustainable highway infrastructure that services the ongoing developments in an area, a highway infrastructure that enhances business opportunities, identifies and obtains additional funding requirements outside of that provided by the developers in order to provide an effective and efficient transport infrastructure for the long term and an infrastructure that takes into account the health and wellbeing of the current and future residents of the area.'

Barnby Parish Council – 'Barnby in the Willows Parish Council does not oppose the application, but is concerned that the area is not sustainable for this level of growth in terms of shopping, medical provision etc. and would therefore add to the congestion problems of Newark and surrounding areas. There are also concerns about the increase in traffic that the development would generate - improvements to the A1 access should be implemented at an early stage of the development.'

Balderton Parish Council – 'Object to the proposal. Members consider that the application must be rejected to on the grounds that local infrastructure cannot cope with the extra traffic generated from this development.'

Further comments received on 1 August 2016:

Members are still very concerned about the impact upon the local infrastructure which cannot cope with the extra traffic generated from this development.

Members consider that the Southern Link Road should be completed fully before the major developments in the area are commenced and are seeking the support of the local M.P. in this respect.

Newark Town Council - No comments received.

Hawton Parish Council - No comments received.

Farndon Parish Council - No comments received.

Cotham Parish Council - No comments received.

Coddington Parish Council – 'Coddington Parish Council supports the proposal, but wishes to comment with regard to the traffic assessment pp49-53 (A1T/B6326 Fernwood South).

This Council endorses the views expressed already that the trigger point for the implementation of remodelling the A1 central reservation crossing, and the extension of the north and south slip roads, should be advanced for initiation and completion at the start of the project.'

Further comments received as follows:

Coddington Parish Council (CPC) supports the Proposal for Fernwood South but has studied with particular interest the accompanying Transport Assessment (TA) (Appendix 6.1). It is a matter of record that CPC has regularly raised concerns, since the 2010/11 Growth Point consultation, regarding the use of the C83 (Balderton Lane) as a rat-run between Balderton/Fernwood, via Coddington, and the A1, A17 and A46; CPC engaged its own consultants to study the issue. The use of Hollowdyke Lane, Fernwood, as an entry/exit point for the C83 was always a leading concern. CPC is therefore pleased to note that the TA, in considering Hollowdyke Lane, has chosen (para 6.64) not to vary the related proposal contained in the 2014 Fernwood North (Barratt/David Wilson Homes) application. That proposal makes provision to convert the northern end of Hollowdyke Lane to a bus-only link-up to Coddington Road in Balderton, as part of the developments sustainable transport package.

CPC had noted in the Newark Advertiser (19 May 2016) the reported concerns of Fernwood Parish Council, in relation to the current consultation, with regard to the restricted use of the Hollowdyke Lane/C83 entry-exit in the event of accidents on the B6326 (A1(T) Overbridge). Those concerns are now being reiterated in a letter arising from a traffic meeting attended by representatives of Balderton, Coddington, Fernwood and Claypole Parish Councils. Whilst Coddington PC is fully in agreement with the need for improved local traffic infrastructure to be addressed, it does not wish to be included as a named collaborator in that letter. Coddington village has already experienced a substantial increase in traffic on its roads, arising from the C83 route and the growth of Fernwood. The continued growth-associated open use of the Hollowdyke Lane/C83 junction would only serve to exacerbate these conditions, damaging the living environment of residents, creating congestion for all road users, and causing danger, particularly to children and parents entering and leaving Coddington School. Proposed mitigation measures for the A1(T) Overbridge include its widening by the addition of a second north-bound lane. This, alone, should help prevent a road blockage at this point. We suggest, however, that contingency measures for that possible event should include the capability of the emergency services to override, temporarily, any barrier operation on the remodelled northern Hollowdyke Lane entry/ exit; this strategy would maintain the routine day-to-day integrity of the bus-only link.'

South Kesteven District Council – 'Thanks you for consulting South Kesteven District Council on this application.

South Kesteven District Council recognises that the site is part of a strategic allocation and therefore has no fundamental objection to the proposal. However, as the site is adjacent to the district boundary we would advise that NSDC carefully considers the following points:

- The impact on the setting of grade I listed St Peters Church Claypole must be carefully considered as it is a very prominent landmark and has an extensive landscape setting, especially when viewed from the west, northwest and south west. NSDC must be satisfied that any harm to the setting is adequately mitigated.
- The proposal is likely to lead to a significant increase in traffic through Claypole and other villages in SK beyond Claypole, particularly on occasions when the A1 is blocked. NSDC must be satisfied that adequate provision is made to mitigate the impact. We would advise that LCC Highways be consulted if they haven't already.
- The edge of the development which runs along the boundary with SK should be sensitively landscaped to ensure that visual impact (from views within SK) is minimised

- South Kesteven have received the following comments from Claypole, Fernwood, Stubton and Fulbeck parish Councils. We would urge NSDC to take into account and address all the material issues raised by them'

Claypole Parish Council -

Initial comments received as follows:

1. 'Introduction

- 1.1 Claypole is a village located at the end of Shire Lane, entered at 1.1 miles from the junction of Shire Lane (C412) and the Great North Road (B6326). It is a community of approximately 1200 residents and enjoys a village identity with a primary school, sports facilities, a public house, a village hall, a shop, a butcher, and a hairdresser.
- 1.2 While acknowledging the importance of the new homes which this development will provide, our primary concerns are that Fernwood South, either during its construction phase, or in its final form, should not undermine our village, nor create safety hazards or undue inconvenience for Claypole residents, or indeed for residents of Fernwood South.
- 1.3 These concerns are reflected in the following observations.

2. Shire Lane (C412)

- 2.1 Shire Lane is routinely used by residents of Claypole, and also by residents of nearby villages (e.g. Dry Doddington, Stubton, Brandon) as the key route to Newark for work, shopping, access to amenities, to schools, and to access the railway and bus network. It is the route for the public transport bus and for school transport, and for farm and business traffic.
- 2.2 At times, when there are accidents on the A17 or A1 south of the A17/46 junction, traffic is diverted through Claypole to reconnect with the A1. This is itself a cause of inconvenience and safety concern to Claypole residents who are placed at danger through large flows of traffic through the village, not least if such diversions coincide with secondary school transport and the start and end of the primary school day (between 7.30 and 9.00am and 3.30 and 5.00pm).
- 2.3 Paragraphs 3.9 to 3.12 of the Environment Statement 1 claim to address the vehicular impact on Shire Lane during the construction phase and eventual use. A conclusion is made that there will be no significant impact on the grounds that the total eventual traffic flow, while increased by an estimated 30% during the construction phase, will remain below the theoretical capacity for Shire Lane quoted in para 3.11. At the time of the operational phase, the report suggests that the routine vehicle flow on Shire Lane will almost double, from 6,700 vehicles a day to 12,485. This is a highly significant increase that will change the whole nature of the road use.
- 2.4 Our view is that, without questioning the basis of the "theoretic capacity" calculation, it was determined for a stretch of road without any significant junctions (save for Broad Fen Lane and the HGV vehicles of Laffey's Construction); an otherwise continuous flow of vehicles from Claypole to the junction with the B6326 and vice versa.
- 2.5 The proposed Masterplan (Environment Statement 1 Appendix 1.2), however introduces four major junctions onto Shire Lane from the housing areas, and two further junctions with car parking areas. These junctions inevitably create a hazards as potential accident sites for vehicles emerging on to Shire Lane and for vehicles using Shire Lane. They would in any case obstruct the flow of traffic to and from Claypole, leading to queuing and frustration and higher vehicular emissions. The proposal is to widen Shire Lane at points and to construct central reservations at some of these junctions. Claypole Parish

Council's view is that this work is not the most effective solution; it will not remove the hazard of vehicles joining a busy Shire Lane and will cause queuing.

- 2.6 We submit that a solution to this significant problem would be for the plan to adopt a ribbon development layout with the provision of service roads at either side of Shire Lane linking the three proposed residential roads to the proposed roundabout junction with the B6326. In this way, vehicles from the housing areas would not connect directly with Shire Lane and thereby not impede traffic flow and reduce the potential for accidents.
- 2.7 Claypole Parish Council rejects the suggestion made in para 3.9 of the Environmental Statement 1, that there will be a "negligible" impact on Shire Lane during the construction phase. The prospect of 330 additional traffic interventions each day, including 120 HGV movements, continuing over several years is far from negligible on an otherwise quiet country road that provides a major and sole access to Newark and the A1 for Claypole residents.
- 2.8 Our concerns is not only for vehicle movements but for the dirt and slippery road surface inevitably caused by construction traffic moving on and off a development site.
- 2.9 Construction work brings not only an unacceptable level of HGV activity, but also temporary traffic control measures and mud on to road surfaces. The report indicates a building schedule over a period of some 17 years. *It is outrageous* to expect Claypole residents, and those from the surrounding villages to accept months and years of frustrating delays from temporary traffic lights, obstruction, dirt and other control measures as they seek to continue their lives routinely travelling to Newark.
- 2.10 The proposed widening of Shire Lane with the construction of central barriers in the Masterplan would lengthen the time of inconvenience to road users during the construction phase exacerbate and means that Shire Lane would remain the point of access to the "estates" during the whole of the construction phase.
- 2.11 Again, we submit that the inclusion of the service roads as described created at the outset, would shorten the impact of the development on Shire Lane users to the initial stages of construction work, and then largely resolve this problem by avoiding the further need for construction traffic to be routed on to Shire Lane. Accordingly we request that the service roads be completed at the initial stage of construction and that construction traffic be then barred from using Shire Lane.
- 2.12 The Parish Council is also concerned that Fernwood South residents who wish to connect to the A17 towards Sleaford and the East Coast, will be tempted to travel through Claypole rather than on the A1 to the A46/A17 junction. In the short to medium term at least, the known traffic problems associated with this junction is likely to encourage people to take a route through Claypole. Claypole's narrow main street with homes and businesses directly onto the road is not suitable for this kind of through traffic. It is important to Claypole, therefore, that the layout and design of the development should facilitate and encourage traffic towards the A1 rather than to Claypole. The service roads taking traffic west to the B6326 junction, rather than directly on to Shire Lane will assist this objective.
- 2.13 There are two further concerns with regard to Shire Lane that were raised with the representative of Persimmon who attended a meeting with the Parish Council. Notwithstanding the importance of discouraging an increased flow of traffic from the development towards (and through) Claypole, we are aware that some increase will be inevitable. We therefore first point out the narrowness and weakness of Shire Dyke Bridge located to the eastern extreme of the development. This is a longstanding concern of the village. It creates a blind bend and has contributed to many road accidents. While it could be argued that the bridge/bend creates a natural traffic

calming measure, on balance we feel that an improvement to this part of the road would be one minor compensation for Claypole residents who will be disadvantaged in so many other ways by this development, even with the installation of the proposed service roads.

- 2.14 We therefore propose that the road at Shire Bridge be straightened, including provision of a new bridge as a part of the new road development.
- 2.15 Second, in the longer term, when the new development with its thriving shops and amenities are in place, it is highly probable that Claypole residents may wish use them. While much of this submission, and indeed the Environmental Assessment, is focused on vehicles, we are likely also to see an increase in pedestrian and cycle traffic, not least from Fernwood to Claypole and the countryside beyond. Para 3.14 of the Environmental Statement 1 makes reference to developing the cycle and pedestrian infrastructure but no clarity is given about the extent of this. Shire Lane is presently not at all suited to pedestrian and cycle use.
- 2.16 We submit that a footpath/cycleway should be installed the length of Shire Lane, from the proposed service roads to Claypole for the advantage of both Fernwood South residents, Claypole residents and for the safety of road users.

3. *Proposed School*

- 3.1 The development plan positions the proposed school at the junction of the B6326 and Shire Lane. Even with the introduction of the service roads proposed in this submission, the Parish Council is deeply concerned about the hazard implications rising from this.
- 3.2 The problems for child safety and traffic congestion outside schools, especially primary schools, at the start and end of the school day is one of wide concern. Various measures have been introduced by schools and by local authorities to restrict, control and calm traffic, aimed at parents dropping off and collecting children, and for children on foot. Seldom are these measures entirely successful in providing a permanent solution. These are huge problems for established schools seeking to cope with increased road traffic past their schools and coming to terms with the changing practice of parents. It is more than appropriate, therefore, to ensure that any new school plans for these problems at the outset.
- 3.3 It is noted that the school entrance is sited off one of the new roads from Shire Lane. Again, the introduction of the service roads described above will mitigate some of the problems, reducing the likelihood of parents parking temporarily on Shire Lane. Nor can it be assumed that parents who cannot park immediately outside the school gate will limit their parking to Shire Lane. Observation of practice elsewhere shows that parents will be willing, if necessary, to park some distance from the school gate. It cannot be assumed that some parents will not park on the B6326, causing a potential major obstacle and hazard on what will become an extremely busy road.
- 3.4 Claypole Parish Council asks that the siting of the school be relocated so that it and its surrounds are within the residential boundary and away both from Shire Lane and the Great North Road.
- 3.5 While it is acknowledged that the opening of the proposed school is not entirely within the hands of the developer, the Parish Council is anxious about the impact that the development will have in the short-term prior to the opening of the new school, and then once opened, on Claypole Primary School. The Claypole School provides first choice places for children from Claypole, Dry Doddington, Westborough, Stubton and Fenton. We are concerned about the impact of a large volume of new housing prior to the new school opening that may deprive places to children from these villages while

causing the school to staff to capacity, only for this situation to be reversed once the new school is opened.

- 3.6 Accordingly we request that a dialogue be opened between the relevant education authorities to manage this situation, and that the planning arrangement should ensure clarity about the planned opening of the new school.

4. *Great North Road (B6326)*

- 4.1 The Environmental Statement 1 assesses that there will be no significant impact on the Great North Road (B6236) either during the construction phase or at the operational stage. We reject this entirely. The road is currently takes a fast moving traffic flow as the southerly access to the A1 south from Newark. Traffic heading south from the existing Fernwood development has added to this. At the same time, all traffic from Shire Lane, whether heading towards Newark or to the A1, north or south, uses this road. There have been several accidents at the junction of Shire Lane with the Great North Road.
- 4.2 It is also worth noting that should there be an accident at this roundabout then all movement from Newark/Balderton to the A1 South would be impacted; residents from Fernwood South would be unable to leave their estate and there would be the potential of some 12,485 vehicles, 3% of which would be HGVs (Environmental Statement 1, para 3.14), seeking a detour through the village of Claypole and then Dry Doddington or Stubton/Fenton.
- 4.3 Design of the roundabout at this junction should be carefully considered to ensure it properly manages the doubling of vehicle numbers emerging from Shire Lane (including the requested service roads) on to a busy and otherwise fast moving Great North Road.
- 4.4 The increased use of the Great North Road will exacerbate the already evident unsuitability of the slip road on to the A1 South. As traffic has grown it is now not uncommon to witness traffic queuing because a vehicle has not managed to join the A1 safely without coming to a halt. This has already caused several accidents. A longer slip road is needed.
- 4.5 The north bound slip road now also causes problems that can only become worse as more domestic and commercial traffic is added from the new developments of Fernwood South and those neighbouring. Although a longer slip road, sight of traffic already on the A1 heading north is obscured for joining traffic by the dense trees between the Balderton roundabout and the A1.
- 4.6 We strongly urge that the highways improvements that are needed, already evidenced by current traffic use, are carried out before the development is started and not as a response to the accidents and injury that will inevitably occur when the operational phase of the development is reached.

5. *Drainage*

- 5.1 The Parish Council notes that despite the creation of Fernwood, the business park and this proposed development, there is no apparent major investment in drainage solutions, relying instead on SUDS. We question whether this is a sustainable solution in an area of heavy clay.
- 5.2 We also note that on the Fernwood South development masterplan the location of the new SUDS will not be isolated. Indeed major SUDS are located adjacent to the area identified as "Proposed Play Area". We question the safety and wisdom of this.'

Following the submission of a rebuttal to the above comments the following revised comments were received dated 10th August 2016:

'A copy of your letter addressed to Fernwood Parish Council, with the accompanying rebuttal from Persimmon Homes to our submission dated 16 May 2016, has been forwarded to us. We are at a loss to understand why a similar letter was not forwarded direct to us with the invitation to comment further.

We have carefully considered the response by Persimmon, and would comment as follows using Persimmon's numbering for ease of reference:

In the generality we find Persimmon's rebuttal to be disingenuous and based on a fanciful notion of the development they propose and an approach to public safety that relies wholly on compliance with standards and without regard to "real world" behavioural practice. We find therefore, that Persimmon appear disengaged from the real threat of accidents occurring, should aspects of their plans not be modified, to the point of negligence.

1.0 Claypole Parish Council's primary concern are the hazards that will be created by introducing seven junctions onto the main thoroughfare out of Claypole and for villages beyond, towards Newark and the A1. While we acknowledge Persimmon's commitment to design standards, these standards can only reduce or ameliorate the hazards created and do not *remove* risk. If the plan proceeds as currently proposed there *will* be accidents at these junctions.

Persimmon comments that many vehicular accidents arise from people travelling too quickly. This is correct, but again, simply reducing the speed limit will not itself prevent those who are determined to speed from doing so. Persimmons are incorrect in asserting that there will be no queuing on Shire Lane. Queuing *already occurs* at the junction with the Great North Road, especially at peak times. This will be exacerbated by the increased volume of traffic from the Fernwood development, and naturally when vehicles emerge from the side roads onto Shire Lane. Queuing is also recognised as a key cause of vehicular accidents.

We wholly reject Persimmon's comparison of their development with "any village settlement" to justify going ahead with these junctions. The suggestion that we are considering a village with a main road running through it is a falsity. A plainly more apt and factual description of the reality is that Persimmon are proposing to build a housing estate at each side of the busy Shire Lane, the key thoroughfare for residents from Claypole and the villages beyond to Newark and the A1 for access to jobs, shopping, services, amenities and public transport, and for their return. This is the starting point from which safety considerations should and can be built in to the design. In any case, in a true village settlement, like Claypole, there are constant concerns about the safety of vehicles and for pedestrians emerging from side roads on the main street, or crossing the main street. To simply infer that it is appropriate for a new settlement to accept these risks because they occur elsewhere is both arrogant and negligent. We have the opportunity now to ensure the design of the development acknowledges the reality of Shire Lane being a main thoroughfare and to alter the road design accordingly.

With concerns about safety, and the inevitable accidents that will occur if this proposal goes ahead un-amended, it is equally inevitable that residents of the new estate will begin to lobby for a bypass taking Claypole traffic away from the centre of their community. We have proposed a sensible solution to traffic safety concerns by adopting a ribbon development with service roads running parallel to Shire Lane to take traffic from the estate roads to the new roundabout at the Shire Lane/B6326 junction. This would have the additional advantage of ensuring that the design

of this roundabout properly controls traffic flow, when it is widely acknowledged that roundabouts at “T” junctions (as proposed) tend to be ignored by traffic on the major road who mistakenly believe they have priority. A multiple junction roundabout will better control traffic flow and will be safer. The alternative at this early stage would be to pre-empt the bypass argument and consider creating a new road to link Claypole with the B6326 possibly at a modified Hollow Dyke Lane junction.

1.3 Claypole Parish Council’s second issue arises from a demand that our residents, and residents from the villages beyond, are treated with respect during the development process. Persimmon confirm that the “roadworks contract”, presumably to install the junctions onto Shire Lane, will last up to 9 months. That is 9 months of interruption and delay on our sole thoroughfare as our residents make their way to and from work or to the services and amenities of Newark. And this assumes no extension as we have witnessed at the junction of Bowbridge Road and Hawton Lane where motorists have had months and months of holdups. But unlike there, Claypole does not have an easy alternative route.

Beyond these “9 months”, construction traffic will be using Shire lane to access their sites. This will continue throughout the development for some 20 years. While we welcome that construction traffic will be barred from travelling through Claypole itself, the very fact is that they will be using Shire Lane, creating holds ups and hazards – slow moving vehicles, mud from wheels, dropped loads, etc. This is an appalling intrusion on the lives of the people of Claypole. Again, Claypole Parish Council’s suggestion of creating service roads would remove this hazard and inconvenience completely.

1.5 Claypole Parish council expressed concern that residents on the Fernwood development will be likely to travel through Claypole to access the A17. Persimmon acknowledge that no consideration has been given to behavioral practice, and that they have relied wholly upon the Newark Traffic Model. Consequently their response fails to address our concerns nor provide any satisfaction.

In a pragmatic response to this issue we have drawn attention to the hazards around Shire Dyke Bridge on Shire Lane. Our concerns are not only about the structural weakness of the bridge, but also about the road layout at this point, a “blind” bend that has resulted in several vehicular accidents on the Claypole side. We are puzzled by Persimmons comments under 1.7 in their rebuttal that suggests they believe they will be able to provide “good inter-visibility ...to approaching vehicles from both directions” without significant change to the actual road alignment. We submit that given that there will be an inevitable increase in traffic flow to some degree, it would be responsible to review the road layout at this point and to make it safer. It is worth noting that should the road from Claypole to the B6326 be diverted to meet at Hollow Dyke Lane as suggested above, then this would make a significant contribution to minimising the tendency to use Claypole as a “rat run” to the A17, and thereby causing increased traffic and dangers on Claypole’s narrow main street.

1.8 We welcome the proposal to create a footway from the GNR to Mill Lane. We suggest that this also be designated a cycleway, and we look forward to seeing the proposed design.

1.9 Claypole Parish Council is concerned about the hazards created by the proposed siting of the primary school. While we welcome the proposal to create a dedicated drop-off and pick-up zone, it is clear from real life experience that such measures are inadequate on their own. Again Persimmon’s approach does not take account of behavioural considerations.

In Claypole, we already have a defined drop-off and pick-up zone outside the primary school which is situated away from the main street and down a side road. Yet despite this we receive repeated concerns from parents about the hazards created by parents dropping off their children away from the dedicated zone. It is an issue that has been raised with parents by the headteacher, and the Parish Council are in communication with the County Council over this issue.

Even when parents are “threatened” by police monitoring, as in the case at John Hunt School on Balderton Road, parents continue to act in ways which they regard as safe for themselves but without regard to others.

In the case of the Fernwood development, no consideration has been given to the possibility of parents not using designated zones for reasons of congestion or convenience. In their comments Persimmon say “the proposed local centre location benefits from excellent connectivity to the surrounding areas”. This is just our point and because of this connectivity it is more than probable that some parents will feel they “need” to drop off their children on the Great North Road or on Shire Lane without regard to the obstruction and hazards they cause. This is particularly alarming when one reads Persimmon’s description of the road layout they propose associated with the junction of Shire Lane and the B6326.

While we feel that the creation of the service roads will ameliorate the situation to some degree, we still strongly suggest that it would be safer that the school was sited further away from the main roads.

These are our primary concerns, although we remain unassured about the impact this development will have on the B6326 and its junctions with the A1 to the south and north. We would welcome an opportunity to discuss our concerns and the possible solutions in person, and we trust our points will be given due consideration by the Planning Committee. In that regard, we would much appreciate some indication from you as to the next stage and how we might reinforce our concerns direct to the Planning Committee.’

The LPA have met with Claypole Parish Council during the life of the application to discuss their concerns, this has been incorporated within the appraisal below and an additional letter response has been received:

‘The concerns of Claypole Parish Council essentially rest on two issues – safety, and the huge impact the development will have on Claypole residents. On the understanding that this letter will, as with our previous two letters, be included in the paperwork distributed to members in advance of the meeting, I feel it would be helpful to summarise our key points.

1. The proposals to create seven new road junctions on to Shire Lane is inherently unsafe. Shire Lane is the sole route for people from Claypole and the villages beyond to access Newark for work and business and to access services. At peak times it is a very busy road. While the design of the junctions will meet design standards, these standards can only ameliorate the situation; they cannot prevent accidents. People are sometimes careless or negligent or make mistakes. Accidents will occur.
2. Persimmon clearly have a vision of creating a new village community. Whilst ever Shire Lane, the key thoroughfare for residents of Claypole and the villages beyond to access Newark and the A1 cuts through the centre of the proposed settlement, the truth is that Fernwood South will amount to nothing more than two large and divided housing estates.

3. The siting of a school, despite the provision of drop off zones, again pays no regard to how people act in practice. *Some* parents sometimes *will* drop off their children on the busy Shire Lane or on the B6326 causing a hazard for themselves, their children and for other road users. The school would be better sited away from any busy road.
4. The proposal for Shire Lane, and its use for access by construction traffic to the building sites, will mean not months, but years of disruption, “temporary” traffic controls, slow moving vehicles, and dirt. The proposal show no respect for the community of Claypole and the right of people to regain a normal life within a reasonable time, effectively blighting their lives for a considerable time.
5. All of these problems could be resolved by diverting Shire Lane around the northern boundary of Fernwood South to join the B6326 south of the Hollow Dyke Lane junction. It is acknowledged that this will be, in money terms, a more costly option. But we submit, without cynicism, that it is better to act today to provide a safe infrastructure from the outset, rather than to count the deaths and injuries that will inevitably lead to a demand from the new Fernwood community for a “bypass”. In short, the present proposal is in no-one’s interest other than that of the developer. Diverting Shire Lane could provide a solution that will be welcomed by the users today and the residents of Fernwood South tomorrow.

We acknowledge that through a lack of recent contact with Claypole Parish Council from Persimmon it has not been possible to identify and explore this proposal sooner. We therefore ask the Planning Committee to defer this element of the proposals to allow further meaningful dialogue and assessment to take place.’

Stubton Parish Council – ‘I refer to the above planning application which has been sent on to us by Claypole Parish Council. We find it amazing that Stubton Parish Council, a village which is only 3 miles away from the above development, have not in any way been consulted regarding such a massive development of 1800 dwellings plus associated infrastructure.

Claypole Parish Council have contacted us asking for our views on their submission concerning this proposed development. We would comment as follows:

1. Stubton Parish Council is in total agreement with the submission from Claypole Parish Council and would add the following additional comments.
2. It is totally unacceptable that no thought whatsoever has been given to involving Stubton Parish Council and, in fact, other communities such as Brandon & Hough and Stragglethorpe and Fenton which are so close to and will be affected by highway issues relating to such a massive development literally on our doorsteps.
3. We refer to Point 2.2 in Claypole’s submission regarding diversion of traffic through our villages when there are incidents on either the A17 or A1. We can support this point with a set of photographs which are being forwarded separately. These pictures show the chaos in Stubton when the incidents referred to in the Claypole submission occurs.
4. This leads on to Point 2.12 in Claypole’s submission, on this occasion relating to traffic that will try and access the A17 towards Sleaford and the East coast through our villages. The increase in traffic from 1800 additional homes through Claypole and then Stubton will be substantial. The roads in this area are already in an appalling state and will deteriorate rapidly with such an increased traffic flow. In the last 2 years the Parish Councils of Claypole, Stubton,

Fenton and Dry Doddington/Westborough wrote a joint letter to the Chair of Lincolnshire County Council raising the issue of the state of roads in this area. I can see no reference in the planning application documents of Lincs County Council Highways being a consultee - this should be corrected.

Finally, we believe that virtually no thought has been given to the Lincolnshire villages that come under SKDC's jurisdiction and that so closely adjoin this development. This is particularly so with regard to highways issues and we urge you in the strongest possible terms to emphasise these points on behalf of the village communities in your area that are going to be affected.

As nobody has had a proper opportunity to look at the main planning documents, there may well be further comments coming from Stubton Parish Council.'

Fulbeck Parish Council – 'At the last meeting of the Fulbeck Parish Council meeting, DC Sampson brought to our attention the above application.

The Parish Council strongly endorse the concerns highlighted by Claypole and Stubton Parish Councils.

We wish to make it clear that the increase and impact of traffic from 1800 new homes adjacent to our existing rural infrastructure will be significant. The condition of our existing roads and verges due to the total lack of highways maintenance means that they are not capable of supporting present road traffic use to acceptable road safety standards. The future safe use of our rural roads will suffer even more when/if traffic has to be diverted off the A17 or A1 in the event of any accidents or closures.'

Highways England – *Letter dated 13th May 2016:*

'Referring to the planning application referenced above, consultation dated 22 April 2016 for the development of up to 1,800 dwellings, mixed use local centre, 535m² of A1 retail, A3 food and drink uses (not exceeding 115 m²), D1 community uses (not exceeding 1,413 m²); sports pavilion up to 252m²; primary school (22,000m²) and informal open space at Fernwood South, Nottinghamshire, notice is hereby given that Highways England's formal recommendation is that we:

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);

1. Introduction

In this Technical Note, on behalf of Highways England, AECOM reports on the findings of the VISSIM modelling carried out in order to determine the suitability of the mitigation schemes proposed for the Greater Fernwood developments. The Greater Fernwood area consists of the Fernwood North Fernwood South sites, and the mixed use Business Park / residential developments between the A1 and the B6326 Great North Road.

The purpose of this Technical Note is to reassess the impact of these developments on the Strategic Road Network through a cumulative assessment. AECOM has adopted the previous VISSIM model used for the Greater Fernwood assessment reported on in TN6, and revised traffic flows taken from the Newark Traffic Model (NTM). These revisions take into account the updated development proposals and highway improvement plans.

2. Background

In August 2015, AECOM produced a Technical Note (TN6) on behalf of Highways England, with the purpose of providing a response to the Fernwood North application. This TN concluded that the mitigation package proposed was sufficient to alleviate the impacts of the developments.

The three developers working together towards provision of the mitigation scheme have reconsidered their proposals, and therefore the aim of this modelling work is to assess these changes. As agreed for previous modelling undertaken for the Fernwood application, the assessment year will be 2026.

3. Mitigation proposals

AECOM has been provided with the design for new Southern Link Road (SLR) roundabout (*Drawing 70006704 – SK101 A*) conditioned to the Newark South development (reference 14/01978/OUTM), allowing direct access between Staple Lane and the B6326. This is shown in Appendix A.

Furthermore, several schemes have been included in this model, as per drawings received in October 2015 from Waterman and Milestone Transport Planning:

- Goldstraw Lane Roundabout Improvements (Appendix B)
- A1 overbridge dualling (Appendix C)
- Dale Way roundabout Improvements (Appendix D)
- London Road Improvements (Appendix E)
- Shire Lane Roundabout (*Drawing 14106/025 Rev C*) (Appendix F)
- Drawing 14106/027 rev B prepared by Milestone proposes a change to the layout of the B6326 / A1 “southern Fernwood” junction, removing the right-turn facility from the B6326 to the A1 northbound, adding an off-slip to the A1 southbound that merges with the right-turn link from the A1 to the B6326, and a new roundabout to the east of the junction. (Appendix G)

4. A1 Fernwood Traffic Modelling

In order to determine the future cumulative traffic impact of these developments, 2026 traffic flows have been extracted from the VISUM NTM, as received from WYG Consultants in January 2016. These include the flows generated by the Greater Fernwood developments, and take into account committed sites, such as the Newark South development and its associated SLR roundabout scheme.

4.1 Network Generation

The network layout of the VISSIM model in the vicinity of the Fernwood South development has changed since the previous modelling assessment as reported on in AECOM TN6. The “southern Fernwood” junction has been modified, and incorporates a new site access. An additional access to the mixed use development south of the Shire Lane roundabout is also included.

Recent updates from the Newark South developer indicate that the design of the SLR roundabout will now incorporate a 65m ICD.

These network changes have been made to the A1 Fernwood VISSIM model, as detailed in Table 1 and shown in Figure 1.

4.2 Flows

In January 2016 AECOM received the most recent revision of 2026 assessment year AM & PM predicted flows from WYG, displaying LGV & HGV movements in PCUs within origin-destination

(O-D) matrices, which can be seen in Appendix H. The HGV matrices have been converted from PCUs using a reduction factor of 2 to represent heavy vehicles.

To represent an appropriate traffic 'build-up' we have modelled an additional 15 minute period prior to the main peak hour at half of the network demand. This is consistent with all previous VISSIM modelling carried out for the Fernwood developments.

4.3 Routing Decisions

In order to determine the realistic traffic demands on the A1 "southern Fernwood" junction and the A1 southbound off-slip approach to the Goldstraw Lane / B6326 roundabout, the routing decisions in the VISSIM model have been reviewed. Closures have been applied to ensure that:

- all vehicles travelling between the A1 north and the zones in the Greater Fernwood area south of the Shire Lane roundabout use the "southern Fernwood" junction;
- all vehicles travelling between the A1 north and the zones in Greater Fernwood north of Hollowdyke Lane use the A1 SB off-slip to the Goldstraw Lane / B6326 roundabout;
- all vehicles travelling between the A1 south and the zones in the Greater Fernwood area south of the Dale Way roundabout use the "southern Fernwood" junction; and
- all vehicles travelling from the A1 south and the two zones west of the A1 use the A1 NB off-slip.

Vehicles travelling between the A1 north and the zones served by Hollowdyke Lane and the Shire Lane roundabout will make routing decisions based on costs.

Vehicles travelling between the A1 south and the zones served by the Goldstraw Lane and Dale Way roundabouts will make routing decisions based on costs.

4.4 Results

The AM & PM 2026 VISSIM models were run for network performance and queue results, which were averaged over 10 random seed runs. Screenshots of the typical network performance were also obtained based on the network parameter results. A full range of the screenshots is shown at Appendices I and J, where operational conditions can be observed at each junction at 15 minute intervals throughout each AM & PM peak hour.

Both peak hours experienced unreleased vehicles due to high numbers emerging from the Fernwood development area in the AM peak hour, and from the London Road approach to the A1 off-slip / B6326 roundabout, as follows:

- 259 unreleased vehicles from Goldstraw Lane (zone 4) and 110 from the SLR roundabout eastbound approach (zone 10) in the AM.
- 150 unreleased vehicles from the SLR roundabout eastbound approach in the PM.

Maximum queue lengths on the A1 southbound off-slip approach to the Goldstraw Lane roundabout are 206 and 166 metres in the respective AM and PM peak hours. Average queues over each peak hour are 16 and 12 metres long respectively.

Maximum queue lengths on the A1 northbound off-slip to Newark-on-Trent are 52 and 35 metres in the respective AM and PM periods, while average demands on the approach through each peak hour results in no queueing.

Maximum queue lengths on the A1 northbound right-turn lane to the “southern Fernwood” junction are 33 and 42 metres in the respective AM and PM peak hours. Average queues over each peak hour are just 2 metres and 1 metre long – less than one vehicle length.

Both AM & PM models show the A1 northbound off-slip to Newark-on-Trent, A1 southbound off-slip to the Goldstraw Lane / B6326 roundabout and the A1 northbound right-turn lane to the B6326 Great North Road to be operating satisfactorily in each peak period.

5. A1 Overbridge Dualling Scheme

AECOM has tested an alternative option without the northbound dualling of the A1 overbridge in order to determine the effects of this scheme not being delivered until the full occupation of the developments.

5.1 Network Generation & Flows

For this test, the A1 overbridge scheme has been removed from the model. This has allowed us to identify the possible impacts of a one-lane exit from the Goldstraw Lane roundabout towards the SLR roundabout. The flows used for this modelling exercise remain unchanged.

5.2 Routing Decisions

As stated in Section 4, routing decisions have been adjusted to ensure routes chosen are sensible and enable the modelled scenarios to best represent the realistic network operation in terms of impacts on the A1.

5.3 Results

Both the AM & PM 2026 VISSIM models were run for network performance and queue results, which were averaged over 10 random seed runs.

Both peak hours experienced unreleased vehicles, as follows:

- 304 unreleased vehicles from Goldstraw Lane (zone 4), 7 unreleased vehicles from Hollowdyke Lane (zone 6), 1 unreleased vehicle from William Hall Way (zone 9) and 25 unreleased vehicles from the eastbound approach to the SLR roundabout (zone 10) in the AM peak period.
- 94 unreleased vehicles from William Hall Way and 58 unreleased vehicles from the eastbound approach to the SLR roundabout in the PM peak period.

Maximum queue lengths on the A1 southbound off-slip approach to the Goldstraw Lane roundabout are 358 and 178 metres long in the respective AM and PM peak hours. Average queues over each peak hour are 48 and 15 metres respectively.

Maximum queue lengths on the A1 northbound off-slip to Newark-on-Trent are 57 and 40 metres respectively in the AM and PM periods, while the average queues over each peak hour are 2 and 1 metre long respectively.

Maximum queue lengths on the A1 northbound right-turn of the “southern Fernwood” junction are 33 and 42 metres in the respective AM and PM peak hours. Average queues over each peak hour are just 2 and 1 metres.

3 of the 10 seed runs for the AM model show the A1 southbound off-slip to the Goldstraw Lane / B6326 roundabout to be operating over the link length capacity, with the average length over all

10 seeds (358m) extremely close to the limit. This poses a significant risk of queues reaching back to the A1 mainline.

The modelling undertaken demonstrates that the dualling of the B6326 exit at the Goldstraw Lane roundabout is essential for the continued safe operation of the network. **Figure 4** below shows an example of maximum queuing on the A1 southbound off-slip back to the mainline.

6. Conclusions

In order to reassess the potential impact of the proposed developments in the Fernwood area on the Strategic Road Network, VISSIM modelling was conducted by AECOM for two scenarios based on a 2026 assessment year:

- Scenario 1: Greater Fernwood development (Fernwood North, Fernwood South, and Business Park), with mitigation at the A1 overbridge providing 2 lanes in the northbound direction.
- Scenario 2: Greater Fernwood development (Fernwood North, Fernwood South, and Business Park), without mitigation at the A1 overbridge.

Scenario 1 modelling showed queues at the:

- A1 southbound off-slip (towards Goldstraw Lane / B6326 roundabout) to be a maximum of 206 and 166 metres long, and average of 16 and 12 metres long in the respective AM and PM peak hours.
- A1 northbound off-slip to Newark-on-Trent to be a maximum of 52 and 35 metres in the respective AM and PM periods, while average demands on the approach through each peak hour results in no queueing.
- A1 northbound right-turn lane to the “southern Fernwood” junction to be a maximum of 33 and 42 metres in the respective AM and PM peak hours. Average queues over each peak hour are just 2 metres and 1 metre long – less than one vehicle length.

The Scenario 2 modelling showed queues at the:

- A1 southbound off-slip (towards Goldstraw Lane / B6326 roundabout) to be a maximum of 358 and 178 metres long, and average of 48 and 15 meters long in the respective AM and PM peak hours.
- A1 northbound off-slip to Newark-on-Trent to be a maximum of 57 and 40 meters respectively in the AM and PM periods, while the average queues over each peak hour are 2 and 1 meter long respectively.
- A1 northbound right-turn lane to the “southern Fernwood” junction to be a maximum of 33 and 42 metres in the respective AM and PM peak hours. Average queues over each peak hour are just 2 metres and 1 metre long – less than one vehicle length.

Based on queue length and network performance results, the Scenario 1 assessment concluded that the highway improvement works proposed were sufficient for mitigating development impacts on the Strategic Road Network. However, Scenario 2 (without the A1 overbridge dualling scheme) demonstrates that the overbridge works are essential for the continued safe and effective operation of the A1, as there is a significant risk of queues reaching back to the mainline.

7. Recommendations

Acceptable trigger point testing is yet to be provided to support the proposed phasing of the developments in conjunction with the delivery of the highway improvement works. AECOM recommends the developers submit a phasing plan and suitable supporting modelling in order to determine trigger points for the delivery of the improvement works.'

The applicant submitted a rebuttal to the above and on this basis revised comments were received on 16th June 2016.

Although A-One+ raised concerns around the potential departures from standards being required, AECOM have recommended that the application be approved on condition to providing the mitigation at the proposed triggers, and final scheme drawings being approved.

Delivery of highway mitigation:

In May 2016 Highways England responded to the application recommending conditions, stating that the proposed trigger point for the delivery of improvement works at the southern Fernwood junction (as shown in Milestone drawing *14106/027 revision C*) as detailed in the Transport Assessment was not acceptable.

From modelling work conducted in support of the revised trigger points for delivery of mitigation at the A1 / B6326 junction south of Fernwood (as shown in Milestone drawings *14106/037* and *14106/027 revision C*), it is considered that the SRN will suitably accommodate the anticipated traffic demands.

As developers at Greater Fernwood are collaborating to deliver a package of works to accommodate the cumulative development impacts, all developers should be aware that the implementation of the interim measures at the southern Fernwood junction could result in the requirement for the Goldstraw Lane improvement works earlier than currently planned. This will be reviewed in response to the respective Barratt David Wilson Homes planning application anticipated in the coming months for land at Fernwood North.

Conditions:

1. Prior to the commencement of any part of the development hereby approved, details of the form of the A1 / B6326 junction (as shown in Milestone drawing *14106/037*, and *14106/027 revision C*) shall be submitted to and agreed by the Local Planning Authority in consultation with Nottinghamshire County Council (acting as Local Highway Authority) and Highways England.
2. Prior to the occupation of 100 dwellings, improvements to the A1 / B6326 junction (as shown in Milestone drawing *14106/037*) are complete and open to traffic, subject to Detailed Design and Road Safety Audit.
3. Prior to the occupation of 900 dwellings, improvements to the A1 / B6326 junction (as shown in Milestone drawing *14106/027 revision C*) are complete and open to traffic, subject to Detailed Design and Road Safety Audit.

Reason: To ensure that the A1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the motorway resulting from traffic entering and emerging from the application site and in the interests of road safety.

INFORMATIVE NOTE TO APPLICANT

The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. Highways England therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the Highways England Section 278

Business Manager David Steventon to discuss these matters on david.steventon@highwaysengland.co.uk

The applicant should be made aware that any works undertaken to Highways England network are carried out under the Network Occupancy Management policy, in accordance with Highways England procedures, which currently requires notification/booking 3 months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The Area 7 MAC's contact details for these matters is area7.roadspace@aone.uk.com.

Nottinghamshire County Council Highways – Comments received 7th July 2016:

‘Over the last year or more meetings and correspondence between the Planning Authority, the Highway Authority, Highways England and the Developer/Agent have taken place to consider the impact of the proposed development on the highway network. The developer was provided with traffic flows that were derived by the Highway Authority in liaison with the Planning Authority and analysis carried out using the Newark Traffic Model operated by White Young Green. The developer has used these flows to determine the type and scale of highway improvements required to mitigate the impact of the traffic generated by the development. This has gone through a design iteration process to arrive at proposals that are broadly agreed for the Great North Road B6326 corridor. The Highway Authority traffic flow figures used for this process have considered the ‘worse case scenarios’ of total build-out of all development at Fernwood according to the LDF Allocation including the highest peak hour generation figures for potential commercial development (i.e. offices). It is acknowledged that this will take decades to come to fruition and may not be fully realised e.g. commercial development is unlikely to be office dominated, work travel patterns may become more flexible and more home working increase. Notwithstanding this, the methodology has ensured that mitigation measures are fully robust.

Notwithstanding the above, the following comments refer to the submitted Transport Assessment:

Paras. 4.17; 4.19; 4.22 The use of “changes of surface treatment or shared surface areas” should be discussed in detail, perhaps at a later stage. Changes in treatment can offer maintenance issues and shared surfaces are not encouraged except in mews-type development.

Para. 4.18 The introduction of 20 mph limits is only realistic where the street design naturally restricts speeds to this level.

Para. 4.20 On-street parking should be discouraged and provision made off-street.

Para. 4.41 As it is described in the submission, it would appear unlikely that the Greenway Corridors would be adopted (unless constructed differently perhaps). If this is so, then maintenance of these corridors will need to be arranged and secured.

Para. 4.42 Ditto with reference to the new footpath. The developer's intentions should be clarified regarding adoption.

Para.4.43 Further discussions will need to take place with respect to the introduction of a 30mph limit. Perhaps 40mph would be more appropriate.

Para. 4.46 The cross-sectional detail in the text and drawing do not match. Clarification is needed.

Para 4.49 Drainage details may be required where slopes occur.

Para. 4.61 & 4.62 Confirmation is awaited about the level of contribution or alternative arrangements to provide adequate and reasonable bus services to serve the site.

Paras 4.70-4.73 The Framework Travel plan is being considered and will be responded to later.

Para 5.12 Confirmation is awaited on whether or not a S106 Agreement is the appropriate method of securing Travel Plan measures.

Para. 6.52 It is unlikely that a build out and one way traffic system will be appropriate on Shire Lane, but this, or an alternative design to help pedestrians to cross, can be determined at a later stage.

Para. 6.61 see note on 4.41 above.

Para 6.68 It has been agreed that improvements are not required at the Dale Way roundabout.

General Points:

Trigger points for the various junction delivery and improvements has been discussed with the Planning Authority and they will agree these. Such trigger points may not be as quoted in the Transport Assessment and may be the responsibility singularly of more than one developer.

Improvements to the Goldstraw Lane roundabout have yet to be safety audited.

Improvements to the A1 Overbridge are still being investigated and the details of this will take a while to be confirmed. However, the Planning Authority are expecting to be responsible for securing this improvement using CIL receipts (tbc).

Further discussions with appropriate NCC Officers are required in order to agree the works on Shire Lane due to the proposed widening of the highway boundary, maintenance issues, commuted sums, etc. It is clear however that within the extent of the public highway boundary and the developer's land holding, an agreed layout can be found.

A similar discussion may be required regarding the temporary bus terminus if it is intended for this to be part of the adoptable highway (clarification should be sought).

Once the above points are clarified, recommendations for suitable planning conditions will be made.'

The applicant has been in direct contact with colleagues at NCC Highways department to clarify the above matters. On this basis further comments have been received:

'Further to my comments dated 7 July 2016, many of the previously raised issues will be addressed at the reserved matters stage. However it is clear that further discussions with appropriate NCC Officers are required in order to agree the works on Shire Lane due to the proposed widening of the highway boundary, maintenance issues, commuted sums, etc. It is clear however that within the extent of the public highway boundary and the developer's land holding, an agreed layout can be found. *This issue is reflected in a condition below.*

Over the last year or more meetings and correspondence between the Planning Authority, the Highway Authority, Highways England and the Developer/Agent have taken place to consider the impact of the proposed development on the highway network. The developer was provided with traffic flows that were derived by the Highway Authority in liaison with the Planning Authority and analysis carried out using the Newark Traffic Model operated by White Young Green. The developer has used these flows to determine the type and scale of highway improvements required to mitigate the impact of the traffic generated by the development. This has gone through a design iteration process to arrive at proposals that are broadly agreed for the Great North Road B6326 corridor. The Highway Authority traffic flow figures used for this process have considered the 'worse case scenarios' of total build-out of all development at Fernwood according to the LDF Allocation including the highest peak hour generation figures for potential commercial development (i.e. offices). It is acknowledged that this will take decades to come to fruition and may not be fully realised e.g. commercial development is unlikely to be office dominated, work travel patterns may become more flexible and more home working increase. Notwithstanding this, the methodology has ensured that mitigation measures are fully robust.

In terms of a Section 106 Agreement, whilst largely addressed by the conditions below, consideration may be given to whether or not to include the following matters within an Agreement:

- Bus service provision and potential subsidy
- Commissioning and implementation of a School Safety Zone and paying associated costs
- Commissioning of traffic counter and paying associated costs
- Implementation, monitoring and review of the Travel Plan
- Bus stop infrastructure
- Commissioning a Traffic Regulation Order (speed limit) and paying associated costs

It is assumed that improvements to the A1 south/B6326 Great North Road will be conditioned in accordance with Highways England recommendations and include all works shown on drawing 14106/027/C.

It is concluded that the proposal can be approved subject to conditions.'

Nottinghamshire County Council Transport & Travel Services -

'General Observations

The planning application covers an area East of the A1, South of Fernwood, with a proposed development of 1800 dwellings.

Bus Service Support

Transport and Travel Services has conducted an initial assessment of this site in the context of the local public transport network.

Centrebus currently operate an hourly service between Newark and Grantham which follows the perimeter of the development. There is also a Council funded off-peak service between Fernwood and Newark. As Stagecoach are the major commercial operator in Newark they have already been included in discussions as to how the Fernwood area can be best served in the future.

Sections 4.55 to 4.69 of the Transport Assessment describes the level of funding for provision of local bus services to serve the site, including reference to discussions with the County Council and bus operators.

Transport and Travel Services request that the developer continue to liaise with the Council regarding the provision bus service provision to serve the site.

Infrastructure

Transport and Travel Services requires new bus stop infrastructure to be installed throughout the development through Section 38 and Section 278 agreements where appropriate. This includes the below standards at all relevant bus stops:

- Real Time Pole, Displays and Associated Electrical Connections
- Bus Shelter (Polycarbonate) or Bus Shelter (Wooden)
- Solar/Electrical Lighting in Bus Shelter
- Raised Kerb
- Bus Stop Clearway
- Additional Hard Stand (if required)

It is noted that Section 4.64 of the Transport Assessment states... “Within the Site bus stop infrastructure will be provided as a capital cost by the developer and will be designed in accordance with the 6CsDG specification...” including... “Provision of infrastructure to enable Real-time information (e.g. underground ducting);” The Council request that the cost of the provision of Real Time information displays at stops are also funded and installed by the developer.

Transport & Travel Services requests that the proposed new bus stop locations and accessibility isochrones meeting 6Cs Design Guidelines are marked on all relevant plans going forward. The Council specification for bus stop facilities should be complemented by Automatic Vehicle Location (AVL) and Traffic Light Priority (TLP) where appropriate.

The provision of detailed bus stop locations will mean this information is in the public domain for comment from adjacent properties / prospective buyers, and therefore avoiding objections from residents about the location for new bus stop infrastructure.

Transport & Travel Services request that both bus service support and bus stop infrastructure are introduced throughout the build-out phases of the development to allow new residents to access public transport as early as possible to help increase sustainability and reduce the use of the private car.

Transport & Travel Services will wish to negotiate with the developer and Highway Development Control regarding new bus stop infrastructure that will need to be installed throughout the development, including the provision of Real Time information displays at stops.’

Nottinghamshire County Council Rights of Way – ‘There are no Public Rights of Way within the application site. However there are a number of issues which relate to the network that requires further consideration.

Proposed link south to a footpath in Lincolnshire

There is a footpath on the south side of the Shire Drain which currently has no link into the application site. Such a link will require a bridge over the Drain and should be provided by the developer to link with the paths proposed in the open space. The link was mentioned in the

application but no mention of how that link would be made was considered. The bridge has informally discussed with Lincolnshire CC (Chris Miller/Andy Savage) and they are in agreement that such a bridge is needed. Future maintenance needs to be considered, preferably a commuted sum from the developer or the agreement of both Authorities to jointly maintain. We would welcome further discussion on this point.

Footpaths and cycleways

There are a number of footpath/cycleways shown on the MasterPlan. Consideration should be given to the status of the routes, who should maintain them, and what is the expectation by users. It is unlikely that they would be adopted as highways or accepted as a new right of way. While we may consider new routes that link to and enhance the existing rights of way network it is unlikely that we would accept these links. There are all within open space that needs to be managed and the paths should be managed in line with that. There is no legal status (in public rights of way) that allows walkers and cyclists only. The legal status above a footpath to allow cyclists would be a bridleway which also includes horse riders.

Path along the Shire Drain

This path is welcomed and would provide a useful circular route using the new estate. It is accepted that a continuation' outside of the application area to link with Fernwood Footpath No 4 is outside of the remit.

Lincolnshire County Council Rights of Way – 'There are no Public Rights of Way within the application site. However there are a number of issues which relate to the network that requires further consideration.

Proposed link south to a footpath in Lincolnshire

The layout plan shows a connection between the proposed development and Westborough and Dry Doddington Public Footpath No. 6 – please find enclosed a plan for your information.

At present this route does not physically exist on the ground and legally terminates at the Shires Dyke. Whilst a programme of works will be required in order to make this route available it is considered that the footpath has great potential to provide a useful pedestrian link between the nearby communities of Long Bennington and Dry Doddington and the proposed development.

In particular a new bridge is required over the Shires Dyke to enable pedestrians to travel between the proposed development site and the public footpath. Lincolnshire County Council believes that the proposed link would greatly benefit the local access network and as such the developer should be encouraged to provide a bridge over the Dyke. Future maintenance of such a structure needs to be considered, preferably a commuted sum from the developer or the agreement of Lincs CC and Notts CC to jointly maintain. The County Council would welcome further discussion on this point.'

Ramblers Association – 'We have no objection to this proposal.

We welcome the construction of a new right of way along the edge of Shire Dyke. This would be much more valuable, however, if it were extended northwards beyond Shire Lane so that it links up with the existing footpath between Fernwood and Claypole.'

Nottinghamshire County Council Developer Contributions – *Additional comments dated 29th March 2018:*

"I am contacting you to confirm Nottinghamshire County Councils position in respect of the education provision which will be required to mitigate the impact of the above development.

This application, which includes the delivery of up to 1,800 dwellings, a local centre, primary school and land to allow the expansion of the primary school has been approved subject to a S106 agreement. As currently set out it is proposed that Persimmon Homes will provide a 2FE (420 Place) School along with a 0.8ha site to allow future expansion to take account of future developments in the area. Persimmon have indicated that they would be willing to transfer the school land for

£1 however in agreeing to this they wish to move the trigger pattern for the delivery of the school places to later in the build profile where more dwellings have been built. The County Councils understanding of this is as follows:

1 FE provision (210 places)

The current draft agreement delivers the infrastructure and 4 classrooms at 200 dwellings (providing 120 places) which accommodates the early arrivals (42 places on formulae), a further 3 classrooms are provided at 450 dwelling providing 210 primary places in total. The proposed triggers provide the 1 FE (Form of Entry) provision in one phase at 450 dwellings. This equates to 95 primary places before school places are provided.

2 FE provision (420 places)

The current draft agreement provides an additional 120 primary places at 900 dwellings and the final 90 places at 1,400 dwellings. The proposed trigger provides the additional 1 FE at 1,400 dwellings which equates to 84 pupils without a place before the final phase is provided.

Whilst acknowledging the benefits of the school expansion land being transferred for

£1, the County Council have significant concerns about the approach to the triggers. The reason being that, based on projections, this would lead to a significant shortfall in primary places in the first phase (50 – 60 places) and up to 84 places in the second phase and, as it stands, there would be nowhere for these pupils to be accommodated. To clarify these figures; in the September 2016 proposal there are 4 classrooms at 200 dwellings which, based on formula, equates to 42 primary aged students. In the July 2017 revised offer 7 classes are available at 450 dwellings which, based on formula equates to 95 students. Therefore in terms of the first phase, 95 places minus 42 places equals 53 places which is between the two figures in brackets above. In terms of the second phase; in the 2016 proposal, 11 classes become available at 900 dwellings but in the July 2017 proposal the 7 classes are the only provision until there are 1400 dwellings. Therefore, based on formula, the 1 FE school that has been provided only provides sufficient accommodation up until the 1000th

dwelling at which point it could be full. Therefore there is a gap in places between the 1000th dwelling and the 1400th dwelling where there are 400 dwellings worth of pupils without a school place in this area. Utilising formula the deficit is 84 places (400 dwellings multiplied by 0.21 pupils per 100 dwellings).

The County Council have also examined the cost of providing a temporary solution should the triggers be amended. On the basis of this work it is estimated that the costs for a mobile classroom per year would be £125,000 for which a method of funding would have to be identified along with a location for this provision to be provided. Due to the costs involved and the overall uncertainty about where such provision could be accommodated such an approach is considered unacceptable.

Therefore as a result of the above it is considered that the triggers should remain and if these are to be amended the County Council would raise significant concerns due to the impact on the ability to delivery education in this part of Newark."

Original comments:

'In respect of education, the County Council has had dialogue with both the District Council and the developer to confirm the primary school provision that will be required to meet the needs of the development of 1,800 dwellings. This is reflected in paragraphs 3.4.1, 3.4.3 and 7.3.3 and 7.3.12 of the applicants Planning Statement of March 2016 but which in summary incorporates a 2 form entry, 420 place primary school to be provided on a 2.2ha area of land (which has been identified on the masterplan accompanying the application) along with a further 0.8ha of land alongside the school site (also identified on the masterplan) to accommodate expansion to a 3 form entry school which will accommodate the needs of future development at Greater Fernwood. It is anticipated that the developer will deliver the school. However should the County Council provide the school they would require the fully serviced site to be transferred on commencement of the residential element of the scheme and the appropriate contributions of £6,080,000 (based on Q4 2014 costs which are subject to change and indexing using the PUBEC Index) to be paid in accordance with an agreed phasing programme. The final arrangement for the delivery of the primary school will be confirmed within the S106 agreement.

With regard to secondary education, the District Council have an adopted Community Infrastructure Levy (CIL) Charging Schedule. The Regulation 123 List of infrastructure includes reference to secondary school provision. It is therefore anticipated that CIL will be used to fund the secondary school provision which will be required as a result of this development.

In terms of libraries the County Council would wish to seek developer contribution for the additional stock that would be required to meet the needs of the 4,320 population that would be occupying the new dwellings. This is costed at $4,320 \text{ (population)} \times 1,532 \text{ (items)} \times £12.50 \text{ (cost per item)} = £82,728$.

Further information about the contribution that would be sought and the justification for this can be found in the attached document.

1. Background

The County Council has a statutory responsibility, under the terms of the 1964 Public Libraries and Museums Act, to provide "a comprehensive and efficient library service for all persons desiring to make use thereof".

In Nottinghamshire, public library services are delivered through a network of 60 library buildings and 3 mobiles. These libraries are at the heart of our communities. They provide access to books, and DVDs; a wide range of information services; the internet; and opportunities for learning and leisure.

The County Council has a clear vision that its libraries should be:

- modern and attractive;
- located in highly accessible locations
- located in close proximity to, or jointly with, other community facilities, retail centres and services such as health or education;
- integrated with the design of an overall development;
- of suitable size and standard for intended users.

Our libraries need to be flexible on a day-to-day basis to meet diverse needs and adaptable over time to new ways of learning. Access needs to be inclusive and holistic.

2. Potential Fernwood South development

There is currently a proposal for a new development on land on Fernwood South this would comprise 1800 new dwellings. At an average of 2.4 persons per dwelling this would add 4320 to the existing libraries' catchment area population. The nearest existing libraries to the proposed development are Newark and Balderton Libraries.

The Museums, Libraries and Archives Council (MLA) publication "Public Libraries, Archives and New Development: a standard approach" recommends a standard stock figure of 1,532 items per 1,000 population.

We would not seek any costs towards increasing the size of the library to accommodate this population but for this development a contribution will be sought just for library stock. An increase in population of 4200 would put extreme pressure on the stock at this library and a developer contribution of £80,430 would be expected to help address this situation.

We would seek a developer contribution for the additional stock that would be required to meet the needs of the 4320 population that would be occupying the new dwellings. This is costed at $4320 \text{ (population)} \times 1,532 \text{ (items)} \times \text{£}12.50 \text{ (cost per item)} = \text{£}82,728'$

Further Response received 26 August 2016:

'I've had a closer look at the library stock levels for Newark & Sherwood and produced the attached which compares library catchment population with current stock numbers compared with MLA optimum stock targets

As you will see libraries aim to meet the MLA target of 1,532 items per 1,000 population across the district. As many stock items are on rotation to maximise usage, the stock levels at each individual branch can fluctuate so do not necessarily meet the target at each individual branch. The stock level at Dukeries Library is unusually high as it also serves the Dukeries Academy school.

Furthermore, the library service is gradually increasing its list of e-book titles which are available to all library users and these counts towards the optimum stock levels.

In short, library provision is 1,199 items above the current MLA target in Newark & Sherwood District. However, we are aware there are a number of items on the system which are long overdue or missing/lost items. The library systems team is currently planning an update to the libraries management system which will remove these items from the system and this is likely to reduce or remove the small current over provision in Newark & Sherwood Libraries.

It will also be noted the total population catchment figure for the libraries in Newark & Sherwood is higher than the resident population in the district. This is because some Newark & Sherwood library catchments extend into neighbouring districts. The library catchment areas are based on work carried out in 2012/13. I can obtain lists of postcodes included in each library catchment if required.'

An additional response in respect of education has been received:

'The triggers outlined are acceptable. Clearly, indexation and site availability etc. would be factors in the S106 agreement in due course, but only if the developer decides not to build the school themselves. Transitional arrangements during the period leading up to the occupation of the 200th dwelling. These will need to be in the form of a double mobile classroom on (preferably) the Fernwood annexe site; or, if this is not possible on the nearest practicable site (John Hunt – Balderton or Sir Donald Bailey Academy - probably). Clearly, the County Council cannot dictate to a school that it must accommodate children who are without a school place on their site in a

temporary classroom. There would have to be negotiations around this. However, the CC needs to have the confidence that the funding would be in place to accommodate potentially 42 children who may be without a school place during the transitional period.'

Lincolnshire County Council Planning – 'With the site being located in Nottinghamshire and primarily connected to the strategic road network in that county, the impact on LCC's highway is limited and the estimated change in traffic flows on Shire Lane is acceptable.

The application proposes a continuous footway link on Shire Lane between the development and Claypole (Paras 6.53 and 6.58). This requires 2 pedestrian bridges, one across the Shire Dyke and one across River Witham. However, the Transport Assessment (TA) does not provide any estimates of pedestrian flows between the development and Claypole. The distance between these is over 1km and it does not seem apparent that a footway would be necessary. It should be noted that any Section 106 planning obligations should comply with Para. 204 of NPPF and meet the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

LCC requests further information to demonstrate that the proposed footway link is necessary.

The TA only proposes to provide the bridge across the Shire Dyke (Para. 6.53). If evidence is provided to demonstrate that a footway is necessary to link the development with Claypole and a bridge across the Shire Dyke is deemed necessary, then it follows that a pedestrian footbridge across River Witham is also necessary and should be provided by the development.

It is unlikely that a reduction in speed limit on Shire Lane (TA Para 6.62) would comply with LCC's Speed Policy.

In addition to these specific comments on highways, LCC Children's Services and Public Health both expect schools and health capacity to be established within or near to the SUE but recognise that parent and patient choice might lead to greater demand for existing services within Lincolnshire. This would be welcomed for secondary school provision. In the case of health services Lincolnshire GP practices may be impacted and so appropriate Clinical Commissioning Groups should be consulted.'

Sport England – 'Thank you for consulting Sport England on the above application. Sport England provides the following comments for your consideration.

The site is not considered to form part of, or constitute a playing field as defined The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595), therefore Sport England has considered this a non-statutory consultation.

It is understood that Newark and Sherwood District Council is a Community Infrastructure Levy (CIL) charging authority and as such, the proposed development is required to provide CIL contribution in accordance with the Councils adopted CIL Charging Schedule.

Sport England is aware that discussions have taken place between the council and the applicants with regard to the provision of on-site sports facilities and or a contribution to off-site facilities.

The proposed on site facilities have been evidenced by the councils playing pitch strategy. It is understood that options for a contribution to sports facilities off-site have also been discussed and the conclusion is to provide all facilities on site which includes the provision of the 3G AGP on site.

A part of our assessment Sport England has consulted National Governing Bodies from Sport;

The Football Association (FA) have advised;

The FA (and Nottinghamshire County FA) would fully support the proposed development but would like to understand the development timeframe specifically relation to the proposed leisure facilities. The FA would also welcome the thoughts of the council in relation to how this development would fit with the proposed Newark Sports Hub? Whilst it is acknowledged that this development may be some years off the same may be said of the proposed Newark Sports Hub scheme.

Would there be any potential to tie the developer in to providing these facilities in advance of the housing being completed?

In addition the Rugby Football Union (RFU) have advised;

The RFU has no objections to the proposal. They would encourage that the applicant considers ensuring the proposed 3G AGP pitch meet the criteria of World Rugby Regulation 22 to allow contact rugby to be played. As for the proposed single rugby pitch on site, the RFU do not believe there to be a strategic need for a single pitch venue. However, there are recognised facility needs for Rugby Union locally at Newark RFC that would ultimately serve this housing conurbation and therefore would wish to explore the ability to secure off-site contributions towards the Rugby Club's development.

Sport England does not therefore wish to raise any issues with regard to the principle of the provision of a Sports Hub on site including the provision of supporting infrastructure, pavilion, changing rooms car parking etc. Sport England would anticipate that whilst the principle of a sports hub is agreed that further discussion would take place around the final provision of the facilities proposed and the timescale for delivery as further details are worked up as part of any reserved matters application Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments. The document can be downloaded via the following link:<http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-andguidance/active-design/>

The comments made in response to this application and the absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grants funding.

Thank you once again for consulting Sport England. We would be grateful if you would advise us of the outcome of the application by forwarding a copy of the decision notice.'

NSDC Community Sports and Arts – Support proposal.

NSDC Parks and Amenities - No comments received.

NSDC Strategic Housing – ‘Support the proposal.

Summary

- The Council’s Strategic Housing Business Unit supports the proposed development of up to 1800 dwellings on land east of Newark.
- The proposed scheme should fully accord with the housing need identified in the Council’s DCA Housing Market and Needs Assessment (2014) (Sub-area Report – Newark Sub Area) for smaller homes (2 and 3 bedrooms).
- The scheme will attract affordable housing provision as detailed in the District Council’s Affordable Housing Supplementary Planning Document (2013). (Core Policy 1 refers). In this respect the requirement is for 540 affordable units. Of these the developer has offered up to 48% designated for affordable rent and the remaining 52% will be for intermediate tenure (usually shared ownership but to include discount for sale), as detailed below.

Type	Aff Rent	Intermediate (S/O)	Discount for sale 75% of OMV	Total
1 Bed	50	-	-	50
2 Bed	130	40	125	295
3 Bed	70	30	80	180
4 Bed	10	-	5	15
Totals	260	70	210	540

The Strategic Housing Unit would normally seek a tenure closer to the Council’s policy but accept that the developer is seeking a more viable option for the site.’

NHS Newark and Sherwood CCG –Support the proposal.

NHS Lincolnshire – ‘This development is proposing up to 1,800 new dwellings. As this submission deals chiefly with the affect that would be felt by Lincolnshire, numbers are based on 2.4 per dwelling as laid down in the South Kesteven District Local Authority (SKDC) Planning Obligations Supplementary Planning Document June 2012. This may result in an increased patient population of 4,320.

The calculation below shows the likely impact of new population in terms of number of additional consultations by clinicians. This is based on the Department of Health calculation in HBN11-01: Facilities for Primary and Community Care Services:

Consulting Room GP

Proposed population	4,320
Access rate	5260 per 1000 patients
Anticipated annual contacts	4.320 x 5260 = 4.320
Assume 100% patient use of room	22,723
Assume surgery open 50 weeks per year	22,723/50 = 454.5
Appointment duration	15 mins
Patient appointment time per week	454.5 x 15/60 = 113.6 hrs per week

Treatment Room Practice Nurse

Proposed population	4,320
Access rate	5260 per 1000 patients
Anticipated annual contacts	$4.320 \times 5260 = 22,723$
Assume 20% patient use of room	$22,723 \times 20\% = 4,544.6$
Assume surgery open 50 weeks per year	$4,544.6/50 = 90.89$
Appointment duration	20 mins
Patient appointment time per week	$90.89 \times 20/60 = 30.3$ hrs per week

This housing development is being considered under the Nottinghamshire area, however, we believe that one Lincolnshire practice is liable to be highly affected by the development: The Medical Centre in Long Bennington.

This proposed housing development does fall within the practice boundary of The Medical Centre and patient choice allows a patient to choose which practice to register with if they reside in that area. A practice cannot decline these patients unless their patient list is closed, which does not apply to any practice in Lincolnshire at present.

I understand that NHS Nottinghamshire have been consulted with regard to this planning application and have no doubt forwarded a submission for a healthcare contribution covering GP practices in Newark and surround that may be affected by the proposed development.

Alongside this, the affect that the proposed development would have on Long Bennington needs to be taken into consideration. The village adjacent to the proposed development, Claypole, and the immediate surrounding area currently make up over 10% of the patient list at Long Bennington (see attached map). It is a very real possibility that the future residents would choose to register at this town practice.

Long Bennington currently has an average patient per metre² ratio; this assessment is made by practice population and size of current premises. This is a monitor to gauge how any further increase in practice population may impact on building capacity issues.

The current list size as of April 2016 is over 5,700 patients; an increase in patients on a scale such as this proposed development would have a significant affect.

The above table indicates the increased number of hours required per week for consultations for 4,320 new patients: just under 144 hours. Those appointments not only impact on consulting space and clinicians but reception and administrative staff too.

Sufficient provision to mitigate the impact of an increased population on primary healthcare facilities in Long Bennington must be allowed for as additional patients increase pressure on GP and primary care services and put the existing infrastructure at risk.

Any proposed development needs to be acceptable in planning terms, with sufficient mitigation to address increasing pressure on the existing primary care facilities.

The s106 contribution would provide capital as an option to extend or reconfigure the building. This of course would be subject to a full business case and approval by NHS England. Any proposed expenditure would take place when the s106 funds are released by the developer as per the agreement and within the agreed timescale for expenditure of the funds.

Given at this stage we do not know the mix of the dwelling size or the spread of any future residents across the two councils, we suggest a total healthcare contribution of £799,200. This is based on an average of the above dwelling sizes (£444) multiplied by 1,800. NHS Nottinghamshire may have a different average dwelling amount.

The first trigger point would be after the first 50 dwellings are built.

This total healthcare contribution would need to be appropriately distributed between healthcare facilities affected by the proposed development including, if appropriate, The Medical Centre at Long Bennington.'

National Planning Casework Unit - No comments received.

NSDC Planning Policy - 'The application is on part of a strategic allocated site covered by Core Strategy Policy NAP 2C – Land around Fernwood. The principle of development is therefore facilitated by this policy and it follows to assess the specific nature of the proposal against the other relevant development plan policies.

The districts 5 year housing land supply is currently in deficit and approval of appropriate development on the scale proposed would help to remedy this.'

Historic England – 'Thank you for your letter of 22 April 2016 notifying Historic England of the above application. This is an outline planning application for a phased residential development of up to 1,800 dwellings, with and including, a mixed use centre, sports pavilion, primary school and open space provision.

Historic England Advice

This site forms part of the strategic housing site to the south east of Newark and Balderton. Along with land to the north and west, we understand the site is allocated within your authority's adopted Core Strategy as part of a Sustainable Urban Extension (SUE). In March 2015 we were consulted on the scoping request for this site and advised that heritage should be scoped into the report. We advised that there is a need to provide an assessment of the impacts of the development upon the significance derived from the setting of heritage assets at Claypole (in South Kesteven) including the Grade I listed church which lies to the west of the village. We also advised that pre-determination geophysical survey is required and should not be left until post-determination (email dated 17 March to NSDC from Claire Searson refers).

We have now considered the archaeological desk-based assessment (DBA) and Archaeological Evaluation produced by CgMs consulting / Wessex Archaeology. We strongly recommend you seek further guidance from Nottinghamshire County Council Archaeologist with regard to the appropriate mitigation of impacts upon the Iron Age - Roman period remains revealed in geophysical survey and trial trenching, which is contra the rather dismissive approach to archaeological potential in the desk based assessment (CgMs desk-based assessment, section 4.6).

We consider the Palaeo-environmental / early and late prehistoric landscape potential appears under-assessed - given the scope along the Trent, Devon and Witham for old river channels and for forth, containing important wet remains. Here we also refer you to the advice of the county archaeologist with regard to appropriate geo-archaeological modelling and mitigation. We find no assessment of the significance of the historic Shire Dyke and the impact of development there-on.

With regard to the setting of the Grade I Church of St Peter Claypole the assessment in the CgMs DBA does not appear to conform to the approach set out in GPA3. We strongly recommend further guidance is sought from your conservation officers and we refer to Government guidance within the Planning Practice Guidance and the sector-wide Historic Environment Good Practice in Planning Notes 2-3.

In assessing and determining this planning application we refer you to the Planning (Listed Buildings and Conservation Areas Act) 1990 which advises local authorities to pay special regard to the desirability of preserving the building, its setting and any features of special interest - sections s.66 (1) and s.72, the latter for conservation areas. Recent appeal decisions have confirmed that considerable importance and weight is to be given to the desirability of preserving the listed building or its setting to discharge these legal requirements. This applies irrespective if the harm is substantial or less than substantial. The role of the LPA should also aim to achieve the objective of sustainable development. In this, the NPPF is clear that great weight should be given to the conservation of designated heritage assets.

The effect on the significance of the non-designated archaeological remains within the outline development site should be taken into account in determining the application (paragraph 135), bearing in mind the need to understand that significance in more detail.

Recommendation

We recommend this application is determined in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, the Planning Practice Guidance and the Historic Environment Good Practice in Planning Notes 1-3. Ultimately it will be for your authority to balance all planning considerations in determining this application. We strongly recommend further advice is sought from your conservation officer and archaeological adviser.'

NSDC Conservation – 'Many thanks for consulting Conservation on the outline scheme for the above.

Fernwood South is a strategic housing site identified in the Council's Core Strategy LDF DPD. The submitted scheme seeks outline permission for up to 1800 houses and mixed uses with all matters reserved. By virtue of its scale, form and potential layout, the proposed Fernwood South extension is capable of affecting the historic environment.

The NPPF sets out a "presumption in favour of sustainable development" within 12 core land-use planning principles that underpin both plan-making and decision-taking. The historic environment is addressed in paragraphs 17 and 126-141, among others. Annex 2 of the NPPF defines the 'historic environment' as comprising all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora. A 'heritage asset' furthermore, is defined as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.

Heritage asset includes designated heritage assets such as listed buildings, conservation areas and scheduled monuments, as well as assets identified by the local planning authority, including local interest buildings and other non-designated heritage assets. Heritage assets with archaeological interest are so defined if they hold, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.

The DCLG Planning Practice Guidance (PPG) should be read in conjunction with the NPPF and includes guidance on matters relating to protecting the historic environment in the section: Conserving and Enhancing the Historic Environment. In addition, Historic England have produced a series of Good Practice Advice (GPA) notes that provide supporting information on good practice, particularly looking at the principles of how national policy and guidance can be put into practice. It follows the main themes of the planning system - planning-making and decision-taking - and other issues significant for good decision-making affecting heritage assets. GPA2 – Managing Significance in Decision-Taking in the

Historic Environment and GPA3 – Setting and Views are relevant in this case, as well as HE Advice Note 2 – Changes to heritage assets and HE Advice Note 3 – Site allocations.

The proposal site does not contain any designated heritage assets. There are a number of designated heritage assets within the wider area, however, including the important landmark Church of St Giles in Balderton (Grade I listed), the Church of St Mary Magdalene in Newark (Grade I), and the Church of St Peter at Claypole (also Grade I; within South Kesteven District). Impact on the setting and significance of such nationally significant landmark buildings is an important consideration. In accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'), special regard must be given to the desirability of preserving listed buildings, including their setting. In this context, the objective of preservation means to cause no harm, and is a matter of paramount concern in the decision-taking process. Fundamentally, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Paragraph 132 of the NPPF states that significance can be harmed or lost through alteration or development within the setting of a heritage asset. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. The setting of a heritage asset is defined in Annex 2 of the NPPF. Setting is the surroundings in which an asset is experienced, and its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not (see paragraph 13 of the PPG for example (ref: 18a-013-20140306)). The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. In addition, please note that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting.

The proposal represents a large development on the southern side of Fernwood, which is in itself a large urban extension. The A1 corridor is an important modern landscape feature, and the depot site and pylons to the east of the proposal site represent further modern landscape intervention. The indicative details submitted show a network of primary streets linked by junctions leading to streets and residential lanes. New buildings would have a maximum height of 2 storeys with some opportunity for 2.5 and 3 storeys on primary streets. Given the existing built form of Balderton and Fernwood, it is felt that the proposal is not likely to compromise designated heritage assets in Balderton or Newark, and I am satisfied that topography and relative distances between receptors and the proposal site ensure that impact in the wider landscape is not likely to result in any specific material harm to the setting or significance of the Church of St Giles in Balderton or Church of St Mary Magdalene in Newark.

It is nonetheless recognised that the proximity of the Church of St Peter at the western edge of Claypole suggests that the Fernwood South development could have an impact on the wider landscape setting of the Grade I church. Whilst I would defer to Conservation colleagues in South Kesteven for their view on this matter, the Council must pay special regard to the consideration of the setting of this listed building.

I note from Historic England comments that concern is raised in the non-conformity of the submitted CgMs report with GPA3. Additional work might be undertaken to address this. Nevertheless, given the indicative proposed layout of the scheme, it seems likely that there are opportunities to help reinforce and improve green infrastructure at the eastern portion of the proposal site which would help mitigate impact on the wider setting of the church. The proposals for sports and amenity areas will help in this regard.

In addition, the development site contains archaeological interest. The County Historic Environment Record (HER) and National Monuments Record (NMR) identifies three sites of interest within the Fernwood NE site, including an undated cropmark enclosure (possibly prehistoric in origin), a ring ditch feature and various linear features identified on aerial photographs. There is one identified feature within the Fernwood SW site comprising linear cropmarks of unknown origin, but this would not be affected by the proposal. Nevertheless, the effect of the proposed development on the significance of any non-designated heritage assets should be taken into account in determining the application in accordance with paragraph 135 of the NPPF. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In addition, given the archaeological interest of these identified heritage assets, appropriate regard must be given to their potential for higher significance, noting that assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to the policies for designated heritage assets (as required under paragraph 139 of the NPPF). I defer to the County Archaeologist Ursilla Spence on these matters.'

CBA - No comments received.

The Georgian Group - No comments received.

Victorian Society - No comments received.

Society of the Protection of Ancient Buildings - No comments received.

Twentieth Century Society - No comments received.

NCC Archeology - Thank you for requesting comments on the archaeological implications of this proposed development.

Archaeological evaluation has been undertaken on this site, and is reported upon in the ES as Appendix 13. I monitored the work closely. In the Northern part of the site, traces of Iron Age settlement activity were revealed. I take some exception to the statement in the evaluation report that these comprise regionally typical remains, as we have relatively few settlements of this period in this county or regionally. In the southernmost part of the development site extensive remains of Roman settlement activity were located, including human burials. Between these two areas further Roman activity had been affected by Medieval and later small scale industrial extractive processes which were not fully comprehensible from the limitations of the trial trenches. So the site has considerable archaeological potential, although none of what I have seen so far on the site provides me with grounds for recommending refusal. Having said that, the known archaeological resource will require considerable mitigation measures which will have significant time and cost impacts. Your authority needs to ensure that the developers fully appreciate the level of mitigation which will be required to ensure a level of archaeological investigation and recording appropriate to the level of significance of the remains. I would recommend that the area of the Roman settlement to the south and the Iron Age settlement to the north be subject to open area excavation. The mixed area between probably also needs to be stripped and then decisions need to be made about areas for sample excavation and further monitoring. The programme of mitigation can be sorted through an appropriate condition, requiring a scheme of mitigation and programme of archaeological work to be approved by you and then fully implemented to your satisfaction.

Natural England – ‘Thank you for your consultation on the above dated 22 April 2016 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Wildlife and Countryside Act 1981 (as amended)

No objection – no conditions requested

This application is unlikely to affect designated sites that Natural England has a duty to protect. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981 (as amended)*, requiring your authority to re-consult Natural England.

Natural England can provide advice on the following areas:

We acknowledge that the site forms a Sustainable Urban Extension, part of a strategic allocation site Policy NAP 2C ‘land around Fernwood’ in the 2011 Core Strategy.

Soils and Land Quality

1 Although we consider that this proposal falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, Natural England draws your Authority’s attention to the following land quality and soil considerations: Based on the information provided with the planning application, it appears that the proposed development

comprises approximately 93 ha of agricultural land, including 55.8 ha classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).).

2 Government policy is set out in paragraph 112 of the National Planning Policy Framework which states that:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.

3 It is recognised that a proportion of the agricultural land affected by the development will remain undeveloped (for example as green infrastructure, landscaping, allotments and public open space etc.). In order to retain the long term potential of this land and to safeguard soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.

4 Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site. Detailed guidance is available in Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*.

Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Natural England welcome the incorporation of 31.8 hectares of GI into this development, made up of children's and youth provision, pocket parks and greenways, semi-natural greenspace and structural planting/landscape buffer. We also welcome the references to the Natural England Green Infrastructure Guide and to the Statements of Environmental Opportunity in relevant National Character Area profiles in the Environmental Statement.

Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. The proposed scheme offers the opportunity to enhance green infrastructure through the provision of open spaces, habitat areas, green corridors and landscape features that link together to form a network of multifunctional green space. This has the potential to deliver multiple benefits for both people and wildlife providing opportunities for access, recreation, biodiversity enhancement and flood mitigation.

We note the master planning process has aimed to meet the current and future needs of the area but that the development provides less semi-natural greenspace than the Council's standard. We would welcome the creation of priority habitats that contribute to local biodiversity priorities identified in the local Biodiversity Action Plan to further help to maximise the benefits of the scheme. Walking and cycling routes form an important part of the GI network and we note that the proposals deliver footpaths and cycleways linking this site to the town and wider countryside which will encourage more sustainable modes of travel and provide informal recreation opportunities, helping to improve the health and well-being of residents.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible

impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Further comments received 24th August 2016:

'Natural England has previously commented on this proposal and made comments to the authority in our attached letter dated 10 June 2016

The advice provided in our previous response applies equally to this **amendment** although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which **significantly** affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.'

Nottinghamshire Wildlife Trust – 'Thank you for consulting Nottinghamshire Wildlife Trust on the planning application detailed above. We have reviewed the plans and supporting documentation, specifically the Environmental Statement (Vol. 2 March 2016) and Masterplan and we have the following comments to make.

We are pleased to see that an ecological assessment of the site has been carried out as this allows consideration of protected and priority species and habitats in the determination of the application. We are generally satisfied with the methodology used and conclusions reached, although we have some concerns regarding loss of habitat for skylark and yellowhammer, both farmland birds of conservation concern (see link below). These species are birds of open countryside and are likely to be displaced by the development.

With respect to breeding birds, disturbance could be minimised by retaining boundary hedgerows and ensuring adequate protection during construction (ideally, works near hedgerows would avoid the bird breeding season March to August inclusive). If any vegetation clearance is required, it is imperative that this is undertaken outside of the bird breeding season. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended) and we recommend a suitably worded condition, for example:

“No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.”

Should the LPA grant permission for this proposal we feel that there is an opportunity to create a development that largely protects habitats of nature conservation value and enhance biodiversity through meaningful habitat creation which would also act as an informal amenity green space for local residents. We encourage the applicant to take every available opportunity to maximise biodiversity within the new development. Having studied the masterplan carefully I find I am generally supportive of what is being proposed but I would encourage the applicant to consider the following;

- Drainage features can add to the habitat mosaic of an area if they are designed with wildlife in mind. There are many examples however, where they are designed to be purely functional and consequently their wildlife value is limited. We would be happy to discuss the design of these features but encourage the applicant to be innovative so that features are multi-functional to maximise biodiversity opportunities. This approach would also create a pleasant environment for residents.
- It is reassuring to know that many existing hedgerows will be retained and that meadows will be created. Retained hedgerows should ideally be free-standing so they do not form part of residential curtilages to ensure that they are sympathetically managed. I would also suggest including grass / scrub mosaics which can be high in biodiversity.
- Implement a managed access strategy to ensure that some areas are ‘wildlife only’ to minimise disturbance. Use natural planting to encourage people to stay on the path network where appropriate.

Land around sports pitches to be managed as informal green space with man-made furniture kept to a minimum. Provide interpretation that explains why green space is being managed informally to maximise biodiversity opportunities. We are aware of instances where informal areas of grassland have been established but due to pressure from the local community they have then had a formal management strategy implemented to make the area tidy. This could be an issue where sports facilities such as playing pitches are situated adjacent to informal green infrastructure.

Ideally, all new planting should be of native species and reflect the landscape character area. Avoid 'simplification of habitats' i.e. 'lolly-pop' trees and lawns.

Management Plan

We welcome the proposed informal green infrastructure including tree and shrub planting, and meadow creation. In order to ensure that newly created habitats are managed to maximise their benefit to wildlife a habitat management plan should be produced (see below). This document should include a monitoring element to assess habitat establishment and to ensure that habitats are being managed sympathetically, in accordance with the management plan. All habitat creation should have consideration for the Nottinghamshire Local Biodiversity Action Plan (as you will be aware Core Policy 12 of NSDC's Adopted Core Strategy March 2011 refers to LBAP habitats).

Implementation

In relation to implementation of the scheme, if approved, we recommend that the following is secured via condition:

- A construction environmental management plan, with details of procedures/ timing of works to avoid impacts on protected species and retained habitats.
- Detailed plans for green infrastructure (this should include species lists for hedges, trees, shrubs, meadows etc.).
- Details on management of new habitats during the establishment phase.
- A habitat/ biodiversity management plan, which should include a monitoring element.
- A mechanism to secure implementation of the management plan in the long-term must be put in place (i.e. funding must be available for the developer, local council or another organisation to cover habitat management/ maintenance costs).
- We welcome measures such as bat and bird boxes but we currently see no clear mechanism proposed to secure these and who will advise on their location.
- We fully support the mitigation proposals stated in section 9.9 of the Environmental Statement and we would like to see these secured through the planning system.'

RSPB - No comments received.

Sustrans - No comments received.

Network Rail – *Email dated 2 June 2016:*

'Thank you for your letter of 22 April 2016 providing Network Rail with an opportunity to comment on the abovementioned application.

With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met.

Given the size and proximity of the development in relation to the railway it is considered that there may be significant impacts particularly upon Newark North Gate railway station. It is noted that cycle links are proposed between the development site and the existing National Cycle Route 64 that runs northwards towards the station and is anticipated that this will result in significant additional use of facilities at the station.

It is therefore appropriate that a contribution is sought from the developer towards station facility improvements. Works are currently planned to improve connectivity between the station forecourt, cycle parking facilities and the cycle network. A key element of this is a link from the cycle way into the station including a new ramp. We consider that a contribution of £3,000-

£4,000 from the developer towards further improving this connection would be appropriate given the increase in cycle traffic that the development is likely to generate. This would be a small but welcome improvement to cycle connectivity.

I trust full cognisance will be taken in respect of these comments. If you have any further queries or require clarification of any aspects, please do not hesitate to contact myself I would also be grateful if you could inform me of the outcome of this application, forwarding a copy of the Decision Notice to me in due course.'

Email dated 1st July 2016:

'What we are seeking funding for is a ramp within the station area to enable ease of access for cyclists to the station facilities.

I've attached a photo for your reference showing the area of the station where the ramp would be required which I think demonstrates how the ramp would increase cycling connectivity/ease of use between the cycle network and facilities at the station itself.

Virgin Trains East Coast is currently planning works to improve cycling facilities at the station, however, this ramp is not in the scope of their works and extra funding would enable this link between their improvements and the wider cycle network. Additionally, any extra funding would go towards secure single cycle pods and a possible changing hut for cyclists.'

Email dated 1st September 2016:

'Thank you for your letter of 18 August 2016 providing Network Rail with a further opportunity to comment on the abovementioned application.

We note with disappointment the response from the developer in relation to our previous request. However we would comment further as follows.

Firstly the developer has misunderstood the reason for the suggested improvement. It is not to primarily help safety issues within the forecourt - as they rightly point out that is the rail industry's responsibility and to that end you will be aware of the current LBC application for forecourt works which addresses that very point. It is also erroneous to say that it is a DDA requirement - the Equality Act (DDA is no longer extant) is concerned with access for all to the station and this is already in place, so there is no requirement on our part to provide this enhancement. We are not funded to provide improvements to the cycle network.

There will be an increase in cycle trips along the cycle route (not only to the station) when taken over the whole of the Fernwood development so it is logical that the simple improvement to route 64 at Newark NG station is provided, but given the reluctance of the development industry in general to fund this (despite the extremely modest cost) is this something the Council could seek to fund through the Community Infrastructure Levy?'

NSDC Environmental Health (Contaminated Land) – 'Air Quality: I generally concur with the findings of the submitted air quality assessment (Technical

Appendix 7.1 of RSK submitted documentation March 2016). I shall await submission of the dust management and traffic plans as described in proposed mitigation measures. We welcome the incorporation of electric vehicle charge points at dwellings within the development.

Contaminated Land: I have now had the opportunity to review the Preliminary risk assessment submitted by RSK (December 2014) in support of this development. This includes an environmental screening report, an assessment of potential contaminant sources, a brief history of the sites previous uses and a description of the site walkover. Following this work, several potential pollutant linkages have been identified and the report concludes by recommending a full scope of intrusive investigations in order to further refine the conceptual model. I would therefore recommend that the full phased contaminated land condition is attached to any planning approval for this site.'

NSDC Environmental Health (Noise) – 'The report does take account of the industrial units to the South East and advocates mitigation measures. These will need to be required and detailed on any approval given.

In respect of the A1 it is no surprise to see that the site experiences high noise levels. The stretch of road adjacent to the site is not currently identified as a Noise Action area but levels are high. Some properties adjacent to the A1 will experience very high noise levels above the relevant criteria. In respect of the properties themselves they can be protected inside, but external space is harder to protect. Were measures not put in place to protect the external spaces then the properties themselves could turn into acoustic prisons.

Therefore full details of steps to protect external space around the residential dwellings, as well as the dwellings themselves would need to be required as part of any approval given.'

The agent has addressed the above comments throughout the life of the application through the submission of a further noise modelling technical report. The following additional comments have been received:

'The submitted report does not in itself add a great deal to the process. To achieve suitable internal noise levels specification details will still be needed from the developer to ensure that the structure provides sufficient protection. In respect of the gardens modelling shows these to just achieve the criteria through the use of walls and fencing. Again we would need details of these and proof that they achieve the required levels of protection.'

NSDC Emergency CCTV - No comments received.

NSDC Access and Equalities Officer - 'As part of the considerations of inclusive access and facilities for all, with particular reference to disabled people, attention is drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings, and that consideration be given to incorporating accessible and adaptable, as well as wheelchair user dwellings within the development. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

Inclusive access should be carefully considered throughout where all users, including disabled people, can equally use the development.

Pedestrian approaches should be carefully designed to ensure that they provide a safe, barrier free level approach to the proposals from the edge of the site, as well as car parking where suitable provision for disabled motorists to park should be provided, with dropped kerbs, appropriate tactile warnings and carefully designed road crossings etc. as applicable. Routes should be carefully designed so as to be smooth, level, non-slip, and barrier free and of sufficient width. Site gradients will need to be carefully assessed to ensure that these are accessible to all users with any sloping pathway designed to meet level or ramped approach standards. It is recommended that separate traffic free pedestrian pavements with kerbs will be provided throughout the development to separate vehicular routes from pedestrian pathways and any danger to pedestrians from being required to walk along vehicular routes avoided.

It is important to restrict the number of barriers, restrictions or other hazards that disabled people encounter on the approach to and from the proposals. Uneven surfaces and gaps between paving materials cause problems for wheelchair users, people with impaired vision and people who are, generally, unsteady on their feet. Paving materials should be smooth, level and non-slip. Similarly car parking surfaces should be smooth, firm, non-slip and level with no uneven surfaces or gaps. Any street furniture such as litter bins, bollards, signposts etc. whether free-standing or projecting from the building are hazardous if not carefully designed and positioned clear of pedestrian routes. They should be carefully designed so as to be readily apparent and illuminated. For people with impaired vision, this is particularly important to reduce the risk of colliding with items located along the access route. Any external seating including benches should be carefully designed at an appropriate height and design so as to be suitable for ambulant disabled people with arms rests to give additional support and help when standing together with space for wheelchair users to sit alongside their seated companions. Carefully designed inclusive access routes should be considered to all external features and facilities and the developer should carefully considers their accessibility.

It is recommended that information and directional signs around the development, to and within the buildings etc. be clear and positioned so as to be easy to read. The JMU Sign Design Guide and BS8300 give guidance in this regard for buildings. It is further recommended that the developer's attention be drawn to BS8300:2009 'Design of buildings and their approaches to meet the needs of disabled people – Code of practice' which explains how the built environment can be designed to anticipate, and overcome, restrictions that prevent disabled people making full use of premises and their surroundings,.

The proposal should be required to meet minimum requirements of the Building Regulations and it is recommended that the developer be mindful of the requirements of the Equality Act 2010.'

DEFRA - No comments received.

Fisher German LLP (re Government Pipelines and Storage Systems GPSS) - No comments received.

National Grid – *Letter dated 3 May 2016:*

'As your proposed activity is in close proximity to National Grid's Transmission assets we have referred your enquiry/consultation to our Asset Protection team for further detailed assessment. We request that you do not commence work or take further action with regards to your proposal until you hear from us.

Affected Apparatus

The National Grid apparatus that has been identified as being in the vicinity of your proposed works is:

- High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment
- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)
- Electricity Transmission overhead lines
- Above ground electricity sites and installations

As your proposal is in proximity to National Grid's apparatus, we have referred your enquiry / consultation to the following department(s) for further assessment:

- Land and Development Asset Protection Team (High Pressure Gas Transmission and Electricity Transmission Apparatus)
- Gas Distribution Pipelines Team

We request that you take no further action with regards to your proposal until you hear from the above. We will contact you within 28 working days from the date of this response. Please contact us if you have not had a response within this timeframe.

Requirements

BEFORE carrying out any work you must:

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Carefully read these requirements including the attached guidance documents and maps showing the location of National Grid apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 - 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.'

Email dated 10 May 2016:

'We have received the Fenclosed regarding a proposed development. There is a High Pressure Gas Pipeline in the vicinity and NG must be consulted before any works take place.

A PADHI+ assessment should be carried out to determine the suitability of any development near such a pipeline.

NG has an easement on this pipeline and would object to any development within the vicinity until the developer engages in detail discussions.'

Letter dated 13 May 2016:

'National Grid has no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line – 4VK.'

Health and Safety Executive – Comments received 1 June 2016:

'The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of HSL.

HSE's Advice: Advise Against. The assessment indicates that the risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE's assessment.

If the proposed development relates to an extension to an existing facility, which will involve an increase of less than 10% in the population at the facility, then HSE may reconsider this advice; please contact HSE's Planning Advice team if this development involves such an extension.

Pipelines

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on our assessment of the pipeline as originally notified to us. It may be that in the vicinity of the proposed development the operator has modified the pipeline to reduce risks by, for example, laying thick-walled pipe. If you wish to contact the operator for this information then HSE is willing to re-assess the risks from the pipeline, relative to the proposed development, if all the following details are supplied to HSE by you:

- pipeline diameter, wall thickness and grade of steel.
- start and finish points of thick-walled sections (not required if it is confirmed that they are more than 750m from all parts of the development site).

These details to be clearly marked on a pipeline strip map, or other appropriate scale map, then included with the full consultation and submitted to CHEMHD5, HSE's Major Accidents Risk

Assessment Unit, Health and Safety Executive, Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS to allow it to be individually assessed. Please clearly identify on your covering letter that it is a resubmission with additional details of the major hazard pipeline.'

Following the revocation of the nearby Hazardous Substance Consent the following revised comments have been received:

'HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.'

British Gas PLC - No comments received.

The Environment Agency – 'Thank you for referring the above application which was received on 22 April 2016.

The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed:

The Local Planning Authority must be satisfied that the site is sequentially preferable given that parts of the site are located within Flood Zones 2 and 3.

The submitted Flood Risk Assessment (FRA) is dated March 2016 but has used data obtained from the Environment Agency back in November 2014 hence the references to the new Upper Witham Modelling data which we confirm is now available.

The FRA has identified a Sequential Approach to the proposed development by locating 'More Vulnerable' residential development within Flood Zone 1 which we support.

The FRA has acknowledged that climate change figures have been amended and that the site is located in the Anglian River Basin Area. The FRA recommends that the Higher Central limit of 35% is used. Given the scale and nature of the development the Environment Agency recommends that the Upper End level of 65% is consider for sensitivity testing given the number of houses proposed.

Section 10.5 identifies the possible need for Flood Plain compensation for any development within flood Zone 3. It references the old climate change figure which would need to be amended to reflect the new guidance. This is particularly relevant if the proposed football pitches are to be raised rather than remain at the existing greenfield site levels.

The Environment Agency no longer comments on Surface Water details as this is the responsibility of the Lead Local Flood Authority. Part of the site is proposed to discharge into Shire Dyke therefore we recommend that the Upper Witham IDB are consulted as part of the planning application and drainage strategy comments.

In summary we are satisfied that the FRA is appropriate given the outline nature of the development and recommend the following:

Environment Agency position

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment dated March 2016 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

1. Provision of compensatory flood storage where land raising is proposed in Flood Zone 3 subject to an Environment Agency approved assessment used to determine the volume and level required.
2. Each Phase of development or subsequent detailed submission should include an updated Flood Risk Assessment which takes into account the proposed development and latest flood risk information.
3. All residential development must be located in Flood Zone 1 as recommended in the FRA dated March 2016.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

1. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
2. To reduce the risk of flooding to the proposed development and future occupants.
3. To reduce the risk of flooding to the proposed development and future occupants.'

Further comments received on 11 August 2016 on the basis of updates provided by the applicant during the life of the application:

'Further to our previous reply to the application an additional statement has been submitted by RSK dated 8th August 2016 in regards to our original proposed conditions and acknowledgment of the updated flood risk information for the site.

The submitted Master Plan 6534-L-07 dated 16 February 2016 shows how the current proposal is affected by the amended information and the Environment Agency are satisfied that the projected outlines are representative of the flood risk to the site.

Taking the points from the statement in turn we can confirm that we are satisfied that the additional information submitted in regards to loss of floodplain are satisfactory and demonstrates that the proposed land raising will not have a significant impact on third parties. Approximate volumes have been identified from the Master Plan and provided these remain consistent for the final development the Environment Agency are happy to withdraw our original flood plain compensatory condition. The proposed amended Flood Risk Assessment should include this information as part of the proposed update to the document.

We note that an amended Flood Risk Assessment is proposed for the whole site rather than the original recommendation of individual FRAs for the different phases of development.

Please note that the following condition supersedes the condition in our initial response to this proposal.

As residential development is now proposed within the Flood Plain the amended FRA will need to include proposed mitigation measures to demonstrate the development is 'safe'. These mitigation measures will need to follow the principles highlighted within the statement of raising floor levels appropriately above the predicted flood level on site and incorporating Flood Resilient construction techniques where appropriate.

Environment Agency Position

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment dated March 2016 and additional statement update on 8 August 2016 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

No development is to take place until an updated Flood Risk Assessment for the proposed site is submitted and agreed in writing. The amended FRA will take forward the principles identified in the statement dated 8 August and the identified flood risk in Plan 6534-L-07 dated 16 February 2016.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To reduce the risk of flooding to the proposed development and future occupants.'

Further comments received 31 August 2016 on the basis of the latest revised FRA submitted during the life of the application:

'Additional information has been submitted dated 12 August 2016, reference 890034CWL02 which looks to address the Environment Agency previous condition recommendation of a Flood Risk Assessment.

The principle area of additional information is around identifying a suitable finished floor level for the proposed residential development within Flood Zone 3 based on the new Upper Witham Modelling and addressing the impacts of climate change over the life time of the development.

The Environment Agency are satisfied with the proposed mitigation measures and wish to amend our previous recommendation to reflect the additional information within this Flood Risk Addendum, as follows:

Condition

The finished floor levels of residential development identified in the 2d Flood Depths within drawing 6534-L-07 are to be set 600mm above the predicted 1% 2015 flood level based on the flood risk depths.

Reason: To reduce flood risk to the proposed development'

Nottinghamshire County Council Flood Team – No objection in principle subject to the following:

1. A detailed surface water drainage proposal is approved by the LPA prior to any commencement on site.
2. This condition is requested as the LLFA considers the surface water drainage has not been adequately addressed within the existing flood risk assessment. The following points must be conserved / adhered to in any revised proposals:
 - a. The greenfield run-off rate of 301 l/sec is not disputed. This is based on the 93ha of existing arable farmland draining to the watercourse on the eastern boundary.

- b. The applicant states that only approx. 25 ha of the existing 93 ha site will become impermeable as a result of the development. This is an extremely low percentage for a modern residential development and must be justified.
 - c. The applicant states that the entire Qbar discharge rate of 301 l/sec will be allocated to the 25 ha of impermeable area and has sized the surface water attenuation volumes on this basis. The LLFA contends that this methodology is flawed as some discharge from the remaining 68 ha is inevitable and will almost certainly travel towards the surface water attenuation system. It is quite likely that lawned areas and other 'green' areas would become compacted and the 'greenfield' discharge coefficient would increase with proportionately more water discharging from these areas than is the case at the present time. In this regard the attenuation storage is likely to be considerable under-sized and would overflow in an extreme event with large volumes of water passing to the watercourse.
 - d. It is quite possible that there would be an increase in the flood risk to 3rd parties as a result of unregulated overflows from the site therefore this is contrary to the aims of the NPPF.
 - e. The applicant is showing the positioning of surface water detention basins within an area indicated at risk of flooding from the Shire Dyke. It is unclear how these would be expected to function in the design event as presumably the Shire Dyke would be using all the available flood plain at this time. It is likely that the discharge rates from any surface water attenuation features would also be compromised in this scenario.
 - f. Any drainage design simulations should check the entire drainage system on the site including plot drainage for flooding during all storm durations from 15 minutes to (at least) 24 hours with any/all flood volumes shown to be directed away from the site boundaries and propose properties and instead directed to the surface water attenuation system.
3. The LLFA suggest that the surface water drainage strategy is revisited and additional design input added to address the points made in 1a-e. We suggest that an attempt is made at an outline drainage design that uses contemporary ground modelling software and drainage software to accurately simulate the behaviour of the drainage system for both the proposed land uses and also the position of the surface water attenuation features.
 4. The applicant states in correspondence with the Environment Agency that they will create flood compensation areas. A condition needs to be added to any planning permission that requires the flood compensation design to utilise a 3D ground model and produce a grid of levelled coordinate points for the existing and proposed topography. This is required in order that the design may be checked and also independently verified following the implementation of the proposed earthworks.
 5. Any future planning permission should also require the surface water, foul drainage and highway designs to be designed to the appropriate adoptable standards and technical approval for any future adoption achieved before the commencement of any development on the site. This is to ensure that the drainage design performs correctly for the lifetime of the development.

Further comments received in relation to suggested wording for a suitable condition:

'No development shall be commenced within each Phase or phase pursuant to Condition 4 until a detailed surface water drainage scheme for that Phase or sub-phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. In addition to dealing with surface water drainage this scheme shall also be designed to maximize biodiversity opportunities. The scheme shall subsequently be implemented prior to first

occupation of any dwelling within that Phase or sub phase unless otherwise agreed in writing with the Local Planning Authority. The scheme to be submitted shall include:

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- Detailed site levels designs for the site. This information should be accompanied by a contour plan and a flood routing plan. The site should be designed to retain all surface water flows within the site and route these to the attenuation ponds. Flows crossing the site boundary onto 3rd party land are not acceptable.
- Detailed consideration of the risk of accumulation and mitigation of the pluvial flooding as shown on the Environment Agency surface water flood risk plans.
- Detailed drainage layout including building/plot drainage where possible. This is to include a fully referenced network plan with supporting calculations and documentary evidence of infiltration coefficients if used. The performance specification should follow the guidance within Sewers for Adoption 7th edition in terms of the criteria for pipe-full flows, surcharge and flooding;
- Full drainage simulation outputs to demonstrate that the drainage system can fulfil the design criteria and that failure of the drainage system during short-duration high-intensity events does not automatically mean that properties flood. The management of accumulations of water on the site should be clearly defined and the potential flow routes considered. The designers should consider how exceedance flow routes may be maintained and not blocked by fences, garden sheds and the like. In this regard they should be designed where possible to avoid reliance on 3rd party properties and should use public open space and highways.
- All infiltration areas with supporting specification, calculations and construction details.
- Attenuation pond/tank details including volumetric calculations, geotechnical & slope-stability calculations as appropriate, specification of materials used to construct any berms.
- Full specification & general arrangement drawings for inlet/outlet structures and flow control structures. The details should also include the access arrangements for clearing and maintenance including in times of flood/failure of the infrastructure.
- Full documentary evidence for consideration by the LPA/LLFA legal advisors of the rights to discharge to any watercourse.
- All calculations should be provided using contemporary drainage software (Windes or similar). If possible electronic files should be provided to support paper and pdf outputs. Information can be provided in common software packages and formats including PDS, Windes, xyz, genio, word/excel/autocad etc. All documents should be referenced with a unique identifier – drawing number, document number/revision etc. Calculations and drawings should be cross-referenced and issue sheets provided to enable tracking of revisions to information;
- Timetable for its implementation;
- Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.'

Severn Trent Water – 'I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.

Condition

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Suggested Informative

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Additional Drainage Requirements

- The developer must produce a comprehensive drainage strategy for the site.
- This strategy must include how surface water is to be dealt with. In particular showing how no surface water will be allowed to enter the foul or combined system through any means.
- Surface water should be drained using sustainable techniques.
- Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) Include a timetable for its implementation; and
 - iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- The strategy will also demonstrate how any land drainage issues will be resolved.
- The developer may have to commission a hydraulic modelling study to determine if the proposed flows can be accommodated within the existing system. And if not, to identify what improvements may be required. If the surface water is drained sustainably, this will only apply to the foul drainage.
- Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required.
- If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.'

Anglian Water –

'Section 1 – Assets Affected

1.1 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

“Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.”

WASTEWATER SERVICES

Section 2 – Wastewater Treatment

2.1 The site is in the catchment of Claypole Water Recycling Centre which does not have the capacity available. A drainage strategy will need to be prepared in consultation with Anglian Water and the Environment Agency to determine whether additional flow can be discharged to watercourse and to cover temporary measures in the interim, if additional capacity can be provided at the STW.

We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Section 3 – Foul Sewerage Network

3.1 Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Section 4 – Surface Water Disposal

4.1 From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

4.2 Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Section 5 – Trade Effluent

5.1 Not applicable

Section 6 – Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Foul Sewerage Network (Section 3)

CONDITION

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have

been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON

To prevent environmental and amenity problems arising from flooding.'

Trent Valley Internal Drainage Board – 'The site is outside of the Board's district and catchment. All matters relating to surface water drainage should be agreed with Upper Witham IDB and the appropriate Lead Local Flood Authority.'

Upper Witham Drainage Board – 'The Board has no objection to the proposed development provided it is constructed in accordance with the submitted details and Flood Risk Assessment and Drainage Strategy. It is noted that:

- 9.3 the discharge will be restricted to 301.6 l/s for the 93.17ha site.
- 10.4 a strip 6m wide will be left both sides Shire Dyke to allow the Board to access for maintenance, repair and improvement.
- 10.4 Upper Witham IDB By-law Consent is required for anything within the 6m By-law distance from the top of the bank of Shire Dyke.
- Upper Witham IDB Consent will be required for any works within Shire Dyke including outfalls.
- The applicant is aware that there is an impounding structure in Shire Dyke and the water level is raised during the Summer months.
- At the detail stage provision will have to be made to allow the Board's plant and equipment to access the maintenance strip adjacent to Shire Dyke.
- At the detail stage provision will have to be made to allow the Board's plant and equipment continuity of access across Shire Lane.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved the final details of the scheme for the provision, implementation and future maintenance of the surface water drainage system.'

Further comments received 23 August 2016:

The Board supports the position of the Environment Agency and the proposed revisions. It is noted that the Zone 3 outline has changed because of updated modelling of the River Witham and there is proposed to be ground raising and compensatory flood plain storage.

Police Architect – 'I would like to comment upon the above planning application in my role as the Force Architectural Liaison Officer, the planning application consultation documents received recently.

Having viewed the outline planning documents for this large development I would like to comment as follows: -

The proposed development of up to 1800 dwellings mixed use local centre, sports pavilion, primary school and other infrastructure will be located some five miles from Newark Town centre in currently a very rural location, and has borders with the neighbouring county of Lincolnshire. It is essential that the development achieves a high level of sustainability from all matters, including crime and disorder.

This not only includes the need to use environmentally friendly materials, construction and operational methods, but also the need to raise awareness of the reduction of crime as a positive sustainability issue.

I can see only vague references to the development being sustainable from crime and disorder or no reference to Designing out Crime within the D&A Statement or other planning statements. The proposed development is very large and the potential for crime and disorder both at the construction stage and once built and occupied is high.

All measures should be taken to mitigate any future crime and disorder concerns for this development; therefore I would strongly advise that the development is built to Secured by Design standards to ensure the sustainability. Secured by Design (SBD) is a police initiative to guide and encourage those engaged within the specification, design and build of new homes to adopt crime prevention measures in new development and to reduce the opportunities for crime and disorder.

Secured by Design is owned by Police CPI and is supported by the Home Office and Communities and Local Government (DCLG).

The environmental benefits of Secured by Design are fully supported by independent research proving that SBD housing developments suffer at least 50% less burglary, 25% less vehicle crime and 25% less criminal damage. Therefore the carbon costs of replacing windows or doorsets on SBD developments as a result of criminal activity is more than 50% less than that of non-SBD developments.

In addition to the reduction in crime and disorder, recent academic research conservatively estimates the annual carbon cost of crime within the UK to be in the region of 6,000,000 tonnes of CO₂. This is roughly equivalent to the total CO₂ output of 6 million UK homes. At current domestic burglary rates the marginal carbon costs of building a home to SBD standards will be recovered within four years.

In support of my comments, the ODPM publication 'Safer Places – the Planning System and Crime Prevention, published in 2004, includes a section on 'Access and Movement' making reference to both the advantages of well connected layouts together with a layout with fewer connections. The two advantages of a well connected layout are: -

- Clear views and easy orientation
- More activity and so more potential for natural surveillance.

The Safer Places documents then includes a further advantage of enabling more intrinsically secure building types which are outlined under the sub heading 'Structure' and explains how this is achieved and the pitfalls to avoid.

Potential 'honey pots' i.e. places where people congregate and linger require particular planning so as not to bring crime and anti-social behaviour into the area. Within a similar context, out of scale facilities such as supermarkets or leisure facilities that are intended for the wider, rather than local community should be sited with care.

Specific areas of concern are as follows: -

- I note within the Design and Access statement that the developers have not made any direct reference to the sustainability of the proposed development through designing out crime. I would recommend this development works towards achieving the Secured by Design Award. Paragraphs 58 and 69 of the National Planning Policy Framework are relevant in this instance.
- Vehicular and pedestrian routes should be designed to ensure that they are visually open, direct, and well used. They should not undermine the defensible space of neighbourhoods.

Design features can help to identify the acceptable routes through a development, thereby encouraging their use, and in doing so enhance the feeling of safety.

Where it is desirable to limit access/use to residents and their legitimate visitors, features such as rumble strips, change of road surface (by colour or texture), pillars, brick piers or narrowing of the carriageway may be used. This helps to define the defensible space, psychologically giving the impression that the area beyond is private.

- Routes for pedestrians, cyclists and vehicles should not be segregated from one another. Networks of separate footpaths to unsupervised areas facilitate crime and anti-social behaviour and should also be avoided.

Public footpaths and green access routes should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime. Where a segregated footpath is unavoidable, for example a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that it is:

- as straight as possible
- wide
- well lit
- devoid of potential hiding places
- The provision of public open amenity space, as an integral part of new residential developments, should make a valuable contribution towards the quality of the development and the character of the neighbourhood.

In order to do this it must be carefully located and designed to suit its intended purpose – mere residual space unwanted by the developer is very unlikely to be acceptable. In particular:

The open space must be designed with due regard for natural surveillance, and adequate mechanisms and resources must be put in place to ensure its satisfactory future management, and care should be taken to ensure that a lone dwelling will not be adversely affected by the location of the amenity space.

It should be noted that positioning amenity/play space to the rear of dwellings can increase the potential for crime and complaints arising from increased noise and nuisance

- I note within the D&A statement, the vision to provide a good mix of dwelling types, whilst I agree with this concept, it is important to ensure the layout and orientation of dwellings is designed to afford “active edges” to the street, so as to provide good natural surveillance over the street, and vehicle parking areas.
- I note within the D&A Statement that the provision for vehicle parking or parking within areas that can be seen by the respective owner, will be on plot parking with the desire not to provide rear parking courts, I would support this design choice. Specifically vehicles should either be parked in locked garages or on a hard standing within the dwelling boundary, preferably behind a gate.

Where communal car parking areas are necessary they should be in small groups, close and adjacent to homes and must be within view from routinely occupied “active” rooms of the owners’ premises. It may be necessary to provide additional windows to provide the opportunity for overlooking of the parking facility.

If car parking must be contained within an internal courtyard, although this practice is actively discouraged due the introduction of access to the rear of dwellings, then it must be protected by an automatic gate, incorporating access control and be overlooked by neighbouring homes.

Where dedicated garages are provided within the curtilage of the dwelling then the entrance should be easily observed from the street and neighbouring dwellings.

Locating garages forward of the building line can obscure views of both the entrance to the garage and the dwellings.

Where parking is designed to be adjacent to or between units a gable end window should be considered to allow residents an unrestricted view over their vehicles.

The outline planning documents do not include specific layout detail for the proposed new homes, parking facilities, public open space provision, footpath orientation or green access routes. I would like to have sight of these plans as soon as they become available and I would ask the developer engage in pre planning discussions with myself to ensure the opportunities for crime and disorder can be minimised.

The development of this site will have significant Policing and road traffic implications to this area both during the construction phase and when complete. Due to the large size of this development it may be necessary to incorporate a small Police Office into the community hub. I have informed the Divisional Commander of these proposals and I am awaiting further information regarding the Policing requirements.

I would ask to be kept informed as matters progress in order to maintain liaison and also appraise operational Policing colleagues both in this County and in Lincolnshire as appropriate.'

East Midlands Ambulance Service – No comments received.

Fire Brigade Headquarters - No comments received.

British Horse Society – No comments received.

NEWARK STEEL LTD – *Letter received 23rd October 2018 (For the avoidance of doubt this representation was submitted significantly after the public consultation and resolution to approve):*

Thank you for informing my client Newark Steel Ltd (hereafter 'NSL') of the material changes that have been made to the abovementioned planning applications. I am writing on behalf of NSL with respect to both applications submitted by Persimmon Homes and Larkfleet Homes, respectively.

Newark Steel Ltd and Depot Location

NSL became a subsidiary company of Barrett Steel Ltd in 2002; the UK's largest independent steel stockholder. The founding company was established in 1866 and the group now consists of more than 40 companies operating from 27 sites across the UK. Barrett Steel Ltd is therefore well versed with integrating with its neighbours and takes pride in establishing itself into local communities. NSL has had a presence in Newark for over 40 years¹. It relocated to its current site in August 2002 and it currently employs 44 members of staff. NSL is therefore an important asset to the town and the local economy.

The NSL depot is located to the south of Fernwood at the eastern end of Sylvan Way. The Persimmon Homes' application site (Ref. 16/00506/OUTM) therefore adjoins the NSL depot on three sides. The Larkfleet Homes' application site (Ref. 17/01266/OUTM) is located to the north of the NSL depot (beyond the Permission Homes' application site to the north).

Depot Site and Industrial Activities

The NSL depot is best described as a steel stockholding and processing site which operates from 03:30 hrs to 16:30 hours on weekdays, and on Saturday mornings; the site office is open until 18:00 hours.

Notwithstanding this, NSL have a long lease so had previously had positive discussions with planning officers at the LPA to potentially operate 24 hours a day 7 days a week. In accordance with its growth plans, NSL is aiming to implement these changes in the next 12-18 months.

A range of industrial and associated activities take place at the site (both inside and outside buildings) including unloading inward delivery vehicles, un-securing steel deliveries, steel cutting, shot blasting², painting, moving the steel goods around the site, outside storage, securing finished products for outward deliveries, loading delivery vehicles for customers, staff parking, client parking, visitor parking and staff visits from other Barrett Steel sites, amongst other things.

I attach a Site Plan of the depot for assistance; this shows Warehouse B at the northern end of the depot. To the south is a trailer park beyond which is Warehouse A. At the southern end of the depot are 4no. overhead cranes split into two separate areas (Location N and Location T) with a yard in between. A visitor car park, offices, staff car park and goods in lay-by exist on the west side of the depot. The Site Plan also shows that there is a single point of vehicular access into and out of the depot and it exists in the south-west corner.

Finally, the Site Plan shows that the same vehicular access point also serves two other industrial businesses, which operate to the north of the depot, namely: Rototek, a plastic moulding company; and, a used tyre storage and processing company. Part of this road abuts the Permission Homes' application site.

Potential Impacts and Concerns

The isolated nature of the site from residential dwellings has allowed the company to sustainably grow without hindrance since their beginning at the site. Given the NSL depot neighbours the Persimmon Homes' site, there is the potential for significant adverse impacts on the future residential occupiers. Conversely and more importantly, the proposed relationship with some of the residential properties and the depot means there might be pressure applied to the Council by residents, at a future date to, control operations inside and outside the industrial operations which could prejudice the business. This would be completely unjust and should be avoided at all costs.

To avoid the above scenario, it is important that the NSL's concerns with the two planning applications are fully considered by the Council. Each concern is discussed in turn below.

a) Noise – The Persimmon Homes' Masterplan (Dwg. No. 6534-L-07-I) shows residential properties adjacent to the south and west boundaries of the NSL depot. Residential properties are also shown adjacent to Sylvan Way (both sides). Consequently, there is the potential that residential amenities within the proposed development could be affected by the activities that take place inside the depot, particularly as the operations commence at 03:30 hrs. For example, there will be noise outside of the depot buildings from several sources including from the manoeuvring of Heavy Goods Vehicles (HGVs), the coming and going of delivery HGVs, warning

sounds from unloading and packing HGVs, reversing alarms on forklift trucks and side-loaders, as well as from slinging chains over loads. There will be additional noise from activities that take place inside the warehouses including from the steel dragger system (which is how the steel moves between certain equipment and processes within the warehouses), 4no. steel saws, a saw drill line and shot blaster³; large doors on both sides of the two warehouses are open when the site is in operational use. Given the proposed residential development adjoins the NSL depot on three sides, we would expect the Permission Homes' Noise and Vibration Assessment (NVA) to have considered these activities however, a review of this documents suggests that these activities have been significantly underplayed.

For example, the monitoring location closest to the NSL depot⁴ is located next to Warehouse B and shielded by dense overgrowth. This is both quite far from Warehouse A, which is where the noisiest industrial activities take place, and behind a hedgerow that is outside of the applicant's control so its long-term retention cannot be secured via an appropriately worded planning condition. It is suggested that this monitoring location will not lead to accurate findings. NSL would have been pleased to have discussed its operations with Persimmon Homes' acoustics advisor if they had bothered to contact them; the scope of the NVA would then have been robust.

The NVA suggests that the extraction equipment on the warehouses are the most likely source of noise from the depot. This is incorrect for the reasons explained previously. Furthermore, this fails to appreciate that the extraction equipment is located on the east-facing elevations i.e. opposite the rear of the depot so away from the Persimmon Homes' site.

More significantly and worrying are the baseline noise model maps⁵; these show the warehouses as white boxes with no noise emission levels. This suggests there is no sound generated from the warehouses, which again is incorrect.

Tables 3.2 to 3.5 show the unattended and attended monitoring results however, the exact start and end times are not specified. It is not therefore clear if the NVA adequately captures the noise generated from the NSL depot, particularly during its night-time operations.

Given it has been nearly 4 years since the NVA was undertaken and during the same period NSL has incrementally grown its operations at the depot, we consider noise levels have probably increased and this, in itself, justifies an updated NVA.

Whilst traffic noise has been assessed adjacent to the A1, the B6326 Great North Road and Shire Lane, it has not been assessed adjacent to Sylvan Way. No reasons are given for this exclusion but it should be an important consideration because residential properties are proposed on either side of Sylvan Way. The road is currently used as the access into and out of 3 industrial sites, namely: the NSL depot; the Rototek site; and, a used tyre storage and processing compound. It is understood that Persimmon Homes intend to make the western end of Sylvan Way into a bus route; the western end will also act as a vehicular access into the residential block to the north of Sylvan Way and a smaller block to the south. Consequently, noise from traffic along Sylvan Way will increase as a result of the residential developments. However, the omission of this road represents an inconsistency and undermines the credibility of the NVA.

Additionally, it is likely that the industrial noise from the depot will increase when NSL pursues its growth plans.

For the above reasons, the robustness of the Persimmon Homes' NVA is questionable. Notwithstanding a resolution to grant outline permission has been given for this planning application (Ref. 16/00506/OUTM), we consider an updated NVA should be undertaken as a matter of urgency. We also question why a similar assessment was not undertaken both to inform and support the Larkfleet Homes' planning application (Ref. 17/01266/OUTM).

b) Gantry Flood Lights – As the NSL depot is operational when it is dark there are flood lights on both gantries, warehouses and offices. These have the potential to have adverse impacts on the east side of the Persimmon Homes' site. The machinery and vehicles at the depot are additional sources of light. However, no lighting assessment has been prepared to inform and support the planning application.

c) Transportation & Movement Impacts – The proximity to the A1 has been an asset to NSL in that it has allowed the company to both receive deliveries and transport orders from the depot without the need to go near residential properties. This has been important to NSL because the deliveries and orders are on 16-28 tonne HGVs and loads generally leave the depot between 06:30 hrs to 09:30 hrs i.e. during rush hour. It is therefore unfortunate that there only limited information on the NSL operation within the Transport Assessment (TA).

We would expect the existing vehicle traffic movements to have been considered in the TA. This should include 10 NSL HGV fleet, 6-12 Barrett Steel and outside hauliers/suppliers visiting the depot per day, 6-12 collection vehicles, cars from staff who work at the site, cars from staff who are visiting from other Barrett Steel sites and vehicles from third party visitors, such as customers⁶ (all of which would generate 2-way vehicular movements).

We would also expect detail on how the proposed alterations, new transport routes (roads, cycle paths, footpaths and bus routes) and access points systems will interact with surrounding uses, including our clients' site. Our concerns relating to the potential transportation and movement impacts are discussed below.

The proposed bus route at the western end of Sylvan Way will not only introduce a different form of large vehicle, on what is not the widest of roads, but also lead to a potential risk that is generated from users stepping off buses into the paths of the HGVs. Children who can be easily distracted and elderly people who often have mobility difficulties usually form a large percentage of bus users. It will be important that bus stops and crossings are suitably located across both residential developments. But they should be avoided along Sylvan Way if there is the potential for both collisions with traffic from the NSL depot, and the creation of queues onto the B6326.

In terms of this latter point, it should be noted that there are occasionally queues of HGVs on Sylvan Way waiting to access the depot. During these times and when the depot is at its busiest, this could have implications on the flow of traffic on Sylvan Way. Accordingly, there could be rare occasions when queueing HGVs make it difficult to use the two new vehicular access points into the residential development (one to the north side of Sylvan Way; and the other off Sylvan Way to the south).

Again, and notwithstanding the resolution to grant, we suggest the Council reconsiders the highway impacts of the Persimmon Homes' planning application (Ref. 16/00506/OUTM). We also suggest the Council considers the cumulative impacts with the Larkfleet Homes' planning application (Ref. 17/01266/OUTM). We consider the Council should only determine the two

planning applications once it is content that the additional vehicle movements resulting from the residential developments will not harm the safe movement of vehicles on the strategic and local highway network.

d) Distance from Warehouse Buildings – The office buildings on the depot are the closest NSL buildings to the Persimmon Homes' site. We are concerned that these buildings are not shown on any of the sections contained within the Design & Access Statement. Yet, we estimate the west elevation is approximately 12m from the nearest residential properties. It is unlikely that being so close to the depot would result in acceptable internal and external levels of amenity for any new residential occupiers.

e) Construction Traffic Management Plan (CTMP) – Only after an updated NVA has been prepared and scrutinised, and the highway impacts have been reconsidered, and should the Council continue to look favourably at the Persimmon Homes' planning application, we would expect a CTMP to be prepared for each phased of development. As NSL is an important local business and employer within the District, any impacts that might impede their operations should be avoided.

f) The Agent of Change Principle – As explained previously, there is the potential that in the future there might be pressure applied to the Council by the new residents to control operations at the NSL depot, both inside and outside, which could prejudice the business. This would be completely unjust particularly if NSL continued to operate within the parameters of its own planning permission(s). It would also conflict with the Revised National Planning Policy Framework (NPPF), specifically, that developments promote *“a high standard of amenity for existing and future users”* (Para 127(f)) (bold and underlined text – my emphasis) and 'The Agent of Change' principle (Para 182). This is the first time that national planning policy has made a specific reference to the agent of change principle; the principle by which a person or business introducing a new land use is responsible for managing the impact of that change. The onus is now wholly on applicants to secure suitable mitigation before developments are completed. For completeness, Para 182 states:

“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.” (bold and underlined text – my emphasis).

We note that the noise mitigation measures within the Persimmon Homes' application (Ref. 16/00506/OUTM) include a 3.0m high bund and a 1.5m high acoustic fence on the ridge line. For the reasons outlined previously, we are not convinced these measures are sufficient.

To avoid the above, it is recommended that the Council and statutory consultees, particularly the Environmental Health Department, reconsider the potential impacts on residential amenity from the industrial operations at NSL, Rototek and the adjoining used tyre storage and processing company.

Revisions to the Persimmon Homes' Masterplan might be required to ensure that there will be no adverse impacts on residential amenities.

We ask that these comments be brought to the attention of the planning case officer(s) and the planning committee and reserve the right to submit further comments, particularly in circumstances whereby additional amendments are submitted to the Council.

I would therefore be grateful if you could keep us informed of progress in respect of both planning applications.

Following a response from the Engineers RSK on behalf of Persimmon Homes (discussed further in the appraisal below), an additional letter dated 4th January 2019 was also received:

RESPONSE ON BEHALF OF NEWARK STEEL LTD

Thank you for informing us that The Larkfleet Homes' planning application (Ref. 17/01266/OUTM) has been approved and that The Persimmon Homes' planning application (Ref. 16/00506/OUTM) is still pending consideration.

Construction Environmental Management Plan (CEMP)

I note that Condition No. 7 attached to The Larkfleet Homes' planning permission requires the submission and written approval of the LPA to a CEMP. This should cover various matters including the means of access and routing strategy for construction traffic. But as outlined in our previous letter (Enclosure 1 refers), given Newark Steel Ltd (hereafter 'NSL') is an important local business and employer within the District, any impacts that might impede their operations should be avoided. Accordingly, we would be grateful if you could notify us within 5 working days of receiving an application from Larkfleet Homes', or any other applicant, for the approval of details pursuant to Condition No. 7.

Persimmon Homes' Noise and Vibration Assessment (NVA)

I have reviewed the Technical Note prepared by RSK in response to our letter. We remain very concerned with this aspect of the planning application, particularly, as RSK maintain their opinion that the air handling units on the roof of Warehouse A are the most dominant noise source at the NSL Depot. Whilst this may have been the case in February 2015 when the surveys were carried out, NSL has subsequently confirmed that this was a quiet month for the company with volumes of material processed being approximately half of what was processed in other months in 2015 and in subsequent years. The NVA is therefore based on surveys that do not reflect normal operations at the NSL Depot. We therefore maintain that as the NVA does not reflect the true picture of the locality, it cannot be relied upon in establishing the noise impacts on the internal and external levels of amenity for any new residential occupiers within the proposed development.

Additionally, the air vents in Warehouse A have subsequently been filled following the relocation of kit in the site. For these reasons alone, we would expect the noise levels and locations to be different to those mentioned in the NVA (which have not been altered in the Technical Note). Relying on a new survey to inform Reserved Matters applications, as is suggested in the Technical Note, is not a robust approach. For example, there is a real possibility that the noise maps within the NSL Depot will change and some of the amber noise contours

may change to red or vice versa. Such changes will have knock-on effects on the layout and design of the proposed development.

In the light of the above and for the reasons set out in our previous letter, we maintain that an updated NVA should be undertaken as a matter of urgency. Page 2 of the Technical Note suggests that the supplementary noise survey will include measurements taken at the boundary of the NSL Depot whilst Page 3 suggests measurements will be taken around the perimeter. However, NSL is content for equipment to be left at an agreed location(s) at the Depot to ensure it is robust. NSL is also content to agree with RSK, or any other acoustic consultant appointed by Persimmon Homes, a suitable time for the additional surveys to take place to ensure the findings reflect normal operations at the Depot. Notwithstanding this, we welcome RSK's acknowledgement at Page 4 that NSL and Rototek should be consulted to ensure a robust assessment.

Page 4 also confirms that traffic data was not available for the Sylvan Way link to inform the NVA. We suggest that NSL's existing vehicle traffic movements, as specified in our previous letter, are considered in the updated NVA.

Conclusion

NSL is continually looking to grow its business which could increase its operational hours at the Depot, amongst other things.

Whilst we appreciate Persimmon Homes' has subsequently appointed RSK to prepare the Technical Note in response to our concerns, the planning application is still not robust in terms of how noise impacts from neighbouring and nearby land uses have been assessed. Given the findings do not reflect normal operations at the NSL Depot, we request an updated survey is carried out as soon as possible and before it is determined otherwise there is a real risk it could be vulnerable to legal challenge. This is the reason I have sent copies of this letter to Members of the Planning Committee.

For the avoidance of doubt, all our concerns set out in our previous letter still stand.

Please ensure that a copy of this letter is sent to RSK so that we can agree a suitable time for the updated survey(s) and locations within the Depot for equipment to be left.

Finally, we look forward to hearing from you regarding details pursuant to Condition No. 7 attached to outline permission 17/01266/OUTM.

Representations have been received from 21 local residents/interested parties which can be summarised as follows:

Support

- In favour of progress and development, but with reasonable safeguards
- Improved public transport is to be applauded, particularly evening bus service to Newark (although timetable seems optimistic)
- Development needed urgently

Character

- Fernwood will become part of a much larger conurbation – the land gap between the two developments should be increased to protect the rural character of Fernwood
- Removing vegetation will have a significant adverse impact on visual amenity value

Highways and Parking

- The area around Fernwood already has a huge amount of traffic due to its proximity to the A1
- Any further increase in housing will increase traffic leading to problems of poor road safety, accidents and increase in loss of life
- The road system cannot cope with a potential increase in traffic of 3600 vehicles from this development along with 2000 vehicles from the DWH development and the south Newark relief road
- At peak periods there are long tailbacks of vehicles trying to cross the A1 towards Newark
- The junction between the Great North Road (B6326) and the A1 needs improving, especially for traffic turning right from the A1 onto the B6326
- Don't believe that provision on safety or noise of the increased traffic has been taken into consideration
- Traffic on London Road will be brought to a standstill
- Highways should not be a reserved matter
- There isn't sufficient highways access into Newark from the area with only one small bridge across the A1 and A1 south not providing enough slip road
- Conditions should be in place to deliver public transport prior to completion of build
- Not enough parking around shops
- Traffic at rush hours is already bad – public transport isn't an option for everyone such as those running small businesses
- Houses need more parking provision
- The proposal will affect the safe access and exit from the properties accessed off the A1 northbound; Cowtham House, Cowtham Cottage and the Woodwork Business
- The B6326 is the only road allowed Fernwood residents to enter Balderton and Newark and to join the A1 southbound
- More stationary vehicles queuing will lead to more accidents
- There isn't enough parking at train station to accommodate more commuters
- There is already huge problems with on road parking
- Increasing traffic near a primary school is a bad idea
- School traffic near the junction will cause traffic congestion and a safety hazard
- Concern about the number of access points onto Shire Lane – the layout should be changed to reduce this down to 2
- The southern section of the development has only one entrance / exit point – this roundabout is the final junction leading onto the A1 southbound and the first off the A1 northbound if vehicles cross the A1
- There is a possibility of drivers using the link road, Great North Road and Shire Lane as a short cut to the A17
- There should be a new access to the A1 in this area
- The A1 north bound slip road should be closed as it is dangerous
- There are no guarantees to introduce public transport
- Access to the houses by car has not been mentioned apart from where the road accesses are
- There has not been a study of how many cars will access existing roads where are already parking problems causing severe blockages

Impact on Wildlife

- Hedgerows needs to be retained under the Enclosure Act 1765 – during window they provide shelter for ecology
- Hedgerow removal will remove green link in the area

Local Centre

- The local centre will not be sufficient to meet the needs of 1,800 households so residents will be forced to travel to Newark town centre

Health Care

- Balderton is already stretched to breaking point with waits of 4 weeks for non-urgent appointments – only locums will be providing health care cover for the foreseeable future
- An increase in population needs another health centre to be built

Flood Issues and Drainage

- Any additional building will increase the risk of flooding
- Lessons should have been learnt from other parts of the country where housing has been built on flood plains
- Community playing fields shouldn't be next to drainage pond or in flood area
- Drainage ponds shouldn't be used – they have to be maintained and aren't safe – they are positioned in areas where children could be playing

Housing Delivery

- There are many houses on Fernwood for sale or rent
- There is no waiting list and no need for extra homes to be built
- If the extra housing is to accommodate potential immigrants, it should wait until after the EU referendum in June

Heritage Issues

- There is no mention of recent archaeology – the site was RAF Balderton during WWII

School Provision

- Where will children from existing Fernwood go
- The position of the school at the junction of Shire Lane and Great North Road will lead to traffic problems at school times
- Until the school is built children will be going to school in Claypole and Balderton, the current Chuter Ede annex is already oversubscribed

Sporting Facilities

- Concern over who will be responsible for the maintenance of the facilities

Management Company

- Planning approval should be conditioned to ensure the developer makes additional costs clear at point of sale
- Existing residents on Fernwood are being billed twice for the maintenance of open space
- There should be fairness and equality for all residents of the village with everyone paying towards the upkeep and maintain of the open spaces through council tax

Comments relating to other planning applications on the Strategic site

- The area will be too built up
- There is enough traffic and parking problems around Fernwood already
- Loss of privacy to existing residents
- Concern regarding plans for Hollowdyke Road
- Applications shouldn't be considered in isolation

Other Matters

- Decision should wait until Fernwood Parish plan is in place
- Objection to LCC suggestion of bridge – land owners not notified
- There will be 17 years of disruption
- The Newark growth point has ruined the town

In the interest of completeness, the LPA have taken the opportunity to instruct an additional period of consultation to neighbouring parties (including all properties within existing Fernwood) through a bespoke letter which presented the presented viability position (i.e. the 10% offer).

An additional 5 no. of letters have been received on the basis of this revised consultation, details of which can be summarized as follows:

- **10% affordable housing is too low – it should at least meet David Wilson figure of 11.5%**
- **Still concern about access and traffic problems which when coupled with the proposed school at Fernwood will rocket**
- **The Prime Minister and local MP have explicitly voiced that affordable housing is at the forefront of social inclusion**
- **The Planning Committee has the political muscle to increase social housing not decrease**
- **The council should enter into partnership with farmers and smaller builders to provide the houses**
- **To reduce from 30 to 10% affordable housing flies in the face of the Neighbourhood plan, national housing need and local need**
- **It is dishonest of Persimmon and they should not be allowed to get away with it**
- **They would have known the deficit at the outset**
- **Affordable housing is for young families and singletons trying to start on the housing ladder.**

Comments of the Business Manager

The Principle

Fernwood, along with Newark and Balderton forms the 'Sub Regional Centre' identified in Spatial Policy 1 and is expected to accommodate 70% of the district's overall growth over the Development Plan period according to Spatial Policy 2. It is noted that the Development Plan is currently under review, albeit the need for this site, along with the other two SUE's around Newark remains.

Core Strategy Policy NAP 2C sets out that land around Fernwood has been identified as a Strategic Site for housing (for in the region of around 3,200 dwellings, 2,200 of which were envisaged to be constructed in the Plan Period up to 2026) a high quality business park of 15 hectares, a local centre comprising retail, service, employment and community uses together with associated green, transport and other infrastructure.

NAP2C envisaged, amongst other things, that the development for housing would come forward in 3 phases of between 750-1000 dwellings with average density levels of 30-50 dwellings per hectare. Higher levels were potentially envisaged in areas of greater accessibility. In addition it is anticipated that affordable housing in line with CP1 will be delivered and the incorporation of sustainable development principles and construction methods.

The current application promotes a scheme of 1800 units, themselves split into 3 no. phases. Whilst phasing is not as envisaged in the Core Strategy this need not be fatal in itself. The rate at which a build out can be achieved is, of course, market driven. Further, overall quantum's of development, even when this site is considered alongside other land parcels (including the BDW Homes scheme) do not significantly exceed those originally envisaged (as detailed below all impacts in cumulative terms have been based on 3500 dwellings).

With respect to commercial uses, and both the site specific policy and Core Strategy Policy CP 8 it is noted that out of centre uses are promoted. It is equally noted that a local centre forms part of the strategic allocation. Each of the proposed uses is accompanied by a maximum quantum of floorspace and subject to conditions to control this I am satisfied that the size and scale of what is proposed is proportionate to the size of the scheme.

The issue of assessing likely cumulative impacts remains important in planning terms, but this is particularly true for the Fernwood allocation. Unlike the other strategic sites (which have/are being progressed by a single site promotor/developer), the Fernwood site has come forward in tranches, each promoted by different landowners/developers. This application is the second to be submitted on Land around Fernwood, noting the first was submitted by Barratts David Wilson Homes. The remainder of the Fernwood allocation includes two more substantive landowners, those in control of land to the west of the B6326 and those in control of land between the Persimmon and BDW schemes. Officers, developers, and land owners have engaged on a number of cumulative matters, both in terms of allowing the completion of the respective Environmental Statements (ES) but equally in terms of highways impacts and mitigation, again as detailed below.

In policy terms the scheme is acceptable, subject an assessment of technical impacts, all of which I address below.

Paragraph 59 of the revised NPPF document confirms that the Governments agenda remains focused on 'boosting the supply of homes' and that 'the needs of groups with specific housing requirements are addressed.' The NPPF also re-affirms the plan-led approach, which is reflected in the context for this scheme by the fact that this site forms part of a SUE, the promotion of which is identified in both the Council's Adopted and Revised Core Strategy.

5 Year Housing Land Supply

Members are fully aware of the Council's current position with respect to the 5YLS, as detailed in the note brought to this Committee at the June (2016) meeting. I will not re-rehearse the full details of this note here save to note the following significant matters. Firstly, the note confirms the Council's view that it has a 5YLS on the basis of its Objectively Assessed Need. Whilst there remains debate as to the weight that can be attached to the OAN in the absence of being tested via Plan Review the Council remains firm that it does have a 5YLS against its OAN. On this basis paragraph 49 of the NPPF is not engaged and the Council's housing policies continue to carry full weight. What is critical in this conclusion is that meeting the OAN is predicated on the SUE sites delivering housing in 2017. To date a start on site has not been made on any of the SUE's. It remains a significant material planning consideration that approving this scheme, and unlocking the ability for the applicant, a national housebuilder, to apply for reserved matters will ultimately allow the delivery of new homes.

The Plan Review remains to be ongoing with the Inspectorate considering the responses to Main Modifications. Nevertheless, the position in respect to the Council's ability to demonstrate a 5 year housing land supply is not considered to have changed. It is noted that the 2018 NPPF

outlines a standardised methodology for calculating housing land supply but given that this is due to be revised again, and indeed that it allows for transitional arrangements, this is not considered to materially affect the current application. In any event this site contributes to the Council's 5 YLS as part of an adopted SUE.

Environmental Impact Assessment

The proposal constitutes an Urban Development Project with a site area in excess of 0.5 ha and therefore it falls within Schedule 2 Part 10(b) of the Environmental Impact Assessment (EIA) Regulations 1999. Due to the scale, nature and location of the development, in the context of Schedule 3 of the same regulations, it is considered to be EIA development. The EIA Regulations were amended on 15th April 2015 to change the threshold for developments constituting an EIA. However for the avoidance of doubt the project would still constitute an EIA development given its size.

An Environmental Statement (ES) has been submitted as part of this Outline Planning Application. The aim of an ES (also referred to as an Environmental Impact Assessment) is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.

The ES covers the following environmental issues associated with the proposed development:

- Socio-Economic Factors
- Traffic and Transport
- Air Quality
- Noise
- Ecology and Nature Conservation
- Landscape and Visual Impact
- Flood Risk and Surface Water Drainage
- Soils
- Heritage
- Utilities
- Cumulative Effects
- Alternatives

For awareness a number of terms to assess impact (e.g. 'slight adverse') are used throughout this report. Such terms follow the language of how an ES categorises both positive and negative impacts.

Paragraph 43 of the NPPF emphasizes that the right information is crucial to good decision making, particularly where formal assessments (such as EIA's) are required. For the avoidance of doubt, Officers consider that the originally submitted EIA remains fit for purpose despite the time that has lapsed since its preparation (the EIA is dated March 2016). This is primarily because of the limited changes at the site that have occurred on the ground within this time.

It is noted that the letters submitted on behalf of Newark Steel (listed in full above in the consultation section) contend that the Noise Chapter of the ES should be updated. Officers view on this matter is outlined in the relevant section below.

Disposition and Appropriateness of Uses

Given that the scheme is outline, many of the details are for consideration at reserved matters stage. However the disposition of land uses is shown on the Illustrative Master Plan with indicative phasing shown on the Phasing Plan enabling a broad assessment regarding the disposition of land uses and timings.

The development is split into 3 phases and will be broadly built out on a north to south trajectory. The first phase will deliver approximately 841 dwellings, the second phase approximately 537 dwellings and the third phase approximately 422 dwellings. Indicative residential densities have been demonstrated on Parameters Plan C showing the lowest density to be broadly central within the site (in Phase 1) and pockets of higher residential densities throughout all phases, the majority of which are surrounded by medium density development. Maximum heights of the development overall (albeit exact details are to be agreed through reserved matters) would be 13m arising from buildings in the LC. The residential elements however are stated as being a maximum height of 12m (up to three storeys). It is suggested that all density categories (lower, medium and higher) will provide a combination of 2; 2.5 and 3 storey dwellings.

The delivery of the phasing in a broadly north to south direction is considered the most logical route for development. The closest existing residential properties of existing Fernwood are to the north of the development and thus (notwithstanding the inevitable separation due to the aforementioned parcel of land in separate ownership) occupiers of the first Phase will be afforded greater opportunity for integration to the wider community. Nevertheless the delivery of the LC in the first phase will ensure that the community of Fernwood South will begin to establish early in the development delivery timescale. This is considered a great benefit to the scheme. Indeed the first phase includes at least an element of all proposed land uses. By the time the third phase is delivered, the LC, primary school and all sports hub facilities will have been built.

I note the comments received during consultation regarding the indicative disposition of uses in the site. Particular concern has been expressed regarding the positioning of the LC and primary school in the north west corner. I am mindful that this originally derived from the indicative map within the Core Strategy (NAP 2C) and it is on this basis that the scheme has evolved. Nevertheless officers remain of the view that this would be the most appropriate positioning for the LC and the primary school. It would allow ease of integration should the land immediately to the north come forward to be developed in the future but also takes advantage of a highly accessible part of the site. There are other advantages of situating the LC and primary school at the corner of the site in amenity respects in that playing fields associated with the school will be bounded to the west by the road network and open countryside beyond. Claypole PC have raised what is considered to be a legitimate concern that there may be a tendency for parents to drop their children off on Great North Road and Shire Lane instead of using the designated spaces. However, I consider that appropriate measures could be put in place to minimise the likelihood of this. I would suggest that it is reasonable to attach a condition requiring a parking and management plan to come forward with any application for the school. I am also mindful that the parking available in the adjacent LC could be used during busy periods of drop off and pickups.

In some respects the positioning of the sports hub facilities has been dictated by the constraints of the site in terms of the greater flood risk to the eastern side of the site in acknowledgement that these uses are less vulnerable. In any case the incorporation of a 'green infrastructure corridor' along the eastern boundary is considered beneficial in terms of mitigating the visual impacts of the development and forming an appropriate transition to the open countryside. The positioning of

the green corridor also assists in the creation of a 6m exclusion zone along the Shire Dyke to enable access for maintenance works as agreed with the Upper Witham Internal Drainage Board.

The Design and Access Statement includes discussion of the evolution of the Masterplan throughout pre-application discussions with key stakeholders and the authority, but also given the outcome of a range of public consultations.

In conclusion I consider the broad disposition of land uses and phasing to be appropriate and it is recommended that the development should be conditioned to require that the reserved matters applications broadly reflect the illustrative phasing plan and illustrative Master Plan.

The 2018 NPPF does not alter the above assessment.

Alternatives

The EIA regulations stipulate that the ES must include an outline of the main alternatives studied by the applicant and an indication of the main reasons for the choices, taking into account the environmental effects. Appropriate consideration of alternative sites is a material consideration in the determination of the application.

This is addressed through Chapter 16 of the ES. It is agreed that the principle of development on the site has already undergone a rigorous testing and independent examination as part of the preparation of the Core Strategy. It is therefore equally agreed that the consideration of alternatives in this instance is most appropriately focused on the alternative land use arrangements within the site. The ES details a thorough evolution of the scheme taking into account the numerous constraints which exist on the site. The final masterplan submitted appears to represent a logical, but more importantly, deliverable solution to development within the site. Officers are satisfied that there are no other, more suitable, alternatives which would present the opportunity to deliver the development envisaged through the allocation of the strategic site.

The revised NPPF does not explicitly refer to the process of undertaking an ES noting that this is covered by the EIA regulations. The 2018 NPPF therefore does not alter the above assessment.

Impact on Highways Network

Perhaps unsurprisingly given the scale of the development, the majority of objections received from interested parties have focused on the implications of the development on the highway network. Clearly assessing such impacts are a well-established material planning consideration. In policy terms such a requirement is underpinned in the NPPF, NPPG, and Core Strategy Policy NAP2C which sets out that transport measures should maximise opportunities for sustainable travel and increasing non car use, achieve suitable access to local facilities and minimise the impact of the development on the existing transport network. It goes on to say that these will include high quality passenger transport links to Newark and Balderton town centres and safe, convenient pedestrian and cycle routes within and adjoining the development.

As detailed above it remains a requirement of the planning system to have regard to cumulative impacts, including in the case of Fernwood given its location upon both the local and strategic highway network. It was clear to the Local Planning Authority early on in negotiations with both BDW and Persimmon that there was a need for not only a cumulative approach, but equally a collaborative one. Within this part of Newark Urban Area there are local highways offering access

into Claypole and Balderton, the strategic access to and from the A1, and the access east that would follow upon completion of the Phase 1 of the Newark Southern Link Road connecting the A1 end with the A46.

Since late 2014 the LPA has led and coordinated transport discussions between the highway authorities (NCC and HE), the developers/land owners (Persimmon, BDW, and Strawsons/Knightwood Group), and unusually for a District Council like ourselves (bearing in mind that we are not the highway authority) our own highway consultants WYG Environment Planning Transport Ltd (WYG). Unusually the Council also has sole control and ability to use the Newark Highway Model (NHM), a strategic tool for allowing highway scenarios and impacts to be tested. Baseline traffic conditions on the highway network traffic flow data has been obtained from this model. A brief summary of the discussions and conclusions is contained within the WYG letter attached as Appendix 2 to this report. What is important to note in this instance is that the developers have been asked to design and mitigate for traffic flows which have been presented to them by the highways authorities and WYG. This is based on an absolute worst case scenario if all developments were to come forward at the very upper limits of quantum's that could be accommodated within the land area available.

It is important to note that any highways mitigation sought must be necessary and attributable to the impacts of the development being promoted. Provision of infrastructure must also be viable (NPPF) and include an assessment of the quality and capacity of existing infrastructure for transport (NPPF).

Construction Traffic Impacts and Mitigation

The construction phase of the development will give rise to traffic and transport impacts. It is acknowledged that the build period will span over 17 years and thus will undoubtedly represent a major construction project in the local area potentially creating disturbance to the local community and other road users. Understandably this has been raised as a concern by numerous parties during consultation on the application.

The ES, at Chapter 6, identifies the importance of the preparation of a Construction Management Plan (CEMP) to be secured by condition to ensure that all reasonable steps are taken to minimise and mitigate adverse effects from construction traffic. This will include, but is not limited to; details of vehicle routing and hours of construction; construction noise and dust management and details proposed site compounds.

The principal elements of construction traffic comprise; HGV traffic transporting materials and plant; the removal of surplus excavated material and waste; as well as staff and operatives transport. Overall it is anticipated that the delivery of general construction materials would result in a peak of no more than 80 - 120 two-way HGV trips per day, the majority of which would occur outside of typical highway network peak periods spread evenly throughout the day. In addition, it is anticipated that there will be vehicular movements associated with site operatives and staff generating no more than 210 vehicle movements over a daily period during peak activity on the site. Access will be from the B6326 Great North Road in all phases and the C412 Shire Lane in phases 1 and 2.

Although construction traffic impacts are recognised as having a minor negative environmental impact and thus minor adverse significance of effect, based on the Institute of Environmental Assessments Guidelines, the traffic generated during even the peak periods of construction activity will have a negligible impact.

Impacts from Operational Development and Mitigation

The Transport Assessment submitted to accompany the application has set out to identify the anticipated highways and transport impacts associated with the development. The study area focuses on highway links and junctions along the B6326 Great North Road corridor from its junction with the A1 at 'Fernwood South' to the A1 / London Road roundabout to the north as well as the C412 Shire Lane from its junction with the B6326 Great North Road through to the County Boundary to the east of the site. It is these road corridors, and the junctions along these corridors, that will experience the greatest traffic impact arising from the development.

The methodology used is based on a comparison between predicted traffic flows on potentially affected roads, with and without development. The ES has considered the Institute of Environmental Assessment's Guidelines. Increases in traffic flow below 10% are generally considered to be insignificant. Guidance suggests that community disruption becomes sensitive to increases in traffic flow at a 30% increase (considered to be a minor impact). It is considered appropriate for a 60% and 90% increase to be classed as moderate and substantial impacts respectively. It must be noted that these percentages relate to the increase in traffic flows, that is not to say that such increases are unacceptable (either with or without mitigation), a matter which then needs to be assessed.

It is accepted that the 'with development' scenario would result in a 'minor impact' at two locations; namely C412 Shire Lane (between accesses) and B6326 (north of C412 Shire Lane). In addition the C412 Shire Lane between the B6326 and the first access would see an increase in traffic flows considered to be of 'moderate impact'. The significance of these is in part linked to the low baseline traffic flows (relative to the capacity of the roads) that exist on these road corridors. A development of 1800 dwellings will inevitably increase traffic flows. It is worth noting however that the level of vehicular movements will still be well below the theoretical link capacity of the affected roads. For example, typically the B6326 Great North Road has a theoretical link capacity in excess of 33,000 vehicles per day. Under the 'with development' case flow conditions, this section of the road would, as a maximum, carry 13,506 vehicles per day.

The work undertaken in the preparation of the Transport Assessment, in line with discussions with relevant bodies such as NCC Highways and Highways England, has identified a number of mitigation measures required by the current application notably at the following locations:

Highway Work	Proposed Mitigation	Drawing No. / Location	Trigger for Delivery
A1 South/B6326 Fernwood South	Various works including <ul style="list-style-type: none"> • Creation of left-slip from A1 (south) • Banning right turn from B6326 to A1 north • Roundabout to serve Phase 3 of the Persimmon development 	14106/027 C <i>Appendix 11 of Persimmon Transport Assessment</i>	1a) banning right turn out and extension of the right turn filter will be completed prior to first occupation of the 100 th dwelling on the Persimmon scheme; 1b) Creation of left slip road from A1 will be completed prior to occupation of the 900 th dwelling on the Persimmon scheme

B6326 Great North Road/Sylvan Way	Works proposed include improving existing footway and pedestrian crossing facilities around the bell-mouth of the junction and give way sign	14106/026 Rev A <i>Appendix 14 of Persimmon Transport Assessment</i>	Works to be completed prior to occupation of Phase 2 of Persimmon scheme
B6326 Great North Road/C421 Shire Lane junction	Change existing give way controlled junction to a new roundabout	14106/025 D <i>Appendix 16 of Persimmon Transport Assessment</i>	Works to be commenced on commencement of Phase 1 of Persimmon scheme and completion prior to first occupation of the 50 th dwelling on the Persimmon scheme
C421 Shire Lane Corridor improvements	Reconstruction of carriageway between the roundabout junction with the GNR and the County boundary at the bridge at the Shire dyke giving; <ul style="list-style-type: none"> • continuous carriageway of 6.75m wide • including the provision of a continuous shared 3m footway/cycleway on the northern side of the carriageway • including a 2m footway on the southern side of the carriageway 	14106/018 rev E <i>Appendix 20 of Persimmon Transport Assessment</i> 14/106/025 Rev D <i>Appendix 16 of Persimmon Transport Assessment</i>	Works to be started on commencement of Phase 1 of Persimmon scheme and finished prior to completion of Phase 1 of Persimmon scheme
B6326 Great North Road Corridor Improvements (Shire Lane to Dale Way)	Narrowing of carriageway to facilitate construction of a 3m shared footway/cycleway	14106/016 Rev D <i>Appendix 19 of Persimmon Transport Assessment</i>	Works to be completed prior to first occupation of the 50 th dwelling of the Persimmon development

The measures outlined for each of the locations are at a scale so as to address any residual impact of development. As set out above, the detail of these works has been subject to numerous discussions prior to the submission of the application. The above mitigation measures represent measures attributable, on a proportionate basis, to solely the Permission proposals. In addition to this, there is a wider package of highway mitigation as detailed in the table below. For the avoidance of doubt highway junctions between the Balderton roundabout and the A1 South can be attributed to each of the developments on the basis of a clear majority impact. This is not the case for the A1 over-bridge (which requires a 2 lane northbound solution) given that all developments have an impact on this part of the network. Members will be aware following the

full Council resolution on 12 July 2016 that the A1 over-bridge is now on the CIL 123 List, with CIL receipts from Fernwood developments expecting to more than provide for the capital costs of works.

The following table outlines the highway requirements which fall beyond the responsibility of Persimmon (save for works required in the event that only Persimmon come forward):

Highway Work	Proposed Mitigation	Drawing No. / Location	Trigger for Delivery
Goldstraw Lane/B6326 Roundabout	Works involve: <ul style="list-style-type: none"> Increased flare length on Goldstraw Lane to extend the 2 lane entry; Increased flare length on the B6326 southern arm to extend 2 lane exit; Widening of the B6326 on the norther arm to provide a 2 lane exit; Increase flare length on the A1 slip road with 40m taper to provide a 2 lane entry 	Watermans; 210354/06/008/A03 <i>Appendix 1 of Barratt/DWH Transport Assessment (application submission 14/00465/O UTM)</i> Milestone: 14106/038 <i>Annex 2 of Technical Note from Milestone Transport 28.06.2016</i>	Triggered on commencement of development for the Barratt/DWH scheme with completion required prior to first occupation of the 100 th dwelling on the Barratt/DWH scheme In the event that the Barratt/DWH scheme does not come forward then Persimmon to undertake interim works prior to first occupation of the 630th dwelling on their scheme
A1 Over-bridge	Widening to provide to 2 lanes north bound towards Newark	Watermans - 210354/06/15 A01	For NSDC to take forward through CIL
B6326/London Road Balderton Roundabout	Widening of the B6326 southern arm to create two lanes to accommodate continuous 2 x 3.3m lane approach	Watermans: 210354/06/010	This improvement is not triggered until the much later in the Great Fernwood Allocation delivery No trigger for Persimmon
B6326 between Dale Lane and Goldstraw Lane junctions	Exact scheme subject to discussion	Watermans: 210354/06/008 Rev AO3 <i>Appendix 1 of Barratt/DWH Transport Assessment (application submission 14/00465/O UTM)</i>	Triggered on commencement of Barratt/DWH development with completion required prior to first occupation of the 100 th dwelling No trigger for Persimmon
Hollowdyke Lane/B6326 Great North Road	Improvements to visibility; <ul style="list-style-type: none"> Widening of HDL at its junction 	Watermans: 210354/03/005.4 Rev E	Final works to Hollowdyke Lane and its junction with the B6326 is triggered later in the Greater

Junction	<p>with the B6326 to 6m wide for a distance of approx.30m</p> <ul style="list-style-type: none"> Increasing the corner radii on HDL to 10m <p>Hollowdyke wider works including passing bays</p>	<p><i>Appendix C of Barratt/DW H Transport Assessment (application submission 14/00465/O UTM)</i></p>	<p>Fernwood Allocation deliver Interim improvements still under discussion</p> <p>No trigger for Persimmon</p>
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It is worth noting at this stage the comments of Fernwood Parish Council with respect to the lack of a coordinated/comprehensive approach to highways impacts and a request for a new A1 over-bridge. I have already commented on the collaborative approach between agencies, landowners, developers, and our own highway consultants. On the issue of a second A1 over-bridge whilst I concede this is desirable it is not, based on all statutory agencies (and indeed the evidence presented by the applicants) necessary. In any event it is likely to be cost abortive based on span, landownership, and design constraints. In terms of the existing A1 over-bridge the applicant's responsibility would be to pay any CIL monies when due. It would be for the collecting authority (in this case NSDC) to deliver the bridge at a time it deems it appropriate (dependent on the level of development coming forward), in conjunction with the highway authorities.

Other strategic road networks likely to be affected by the development include the A46 itself (which would be easily accessible upon completion of the NSLR). Highways England have made clear that any impact upon the A46 network are for any wider capital scheme to consider following two successive Autumn Statements (2014, 2015) confirming a commitment to the A46 proposals as part of the Road Investment Strategy.

The mitigation measures attributed to the applicant would be secured through conditions and an accompanying S106 agreement. This will ensure that any off site mitigation measures are implemented at the appropriate trigger points (including long-stop dates in the event that some developers do not build out) subsequently ensuring that any potential adverse effects of the additional traffic arising from the development are addressed and that any cumulative impacts are not unacceptable.

Public Transport

One of the core planning principles outlined by paragraph 17 of the NPPF states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. **This stance is carried through by Chapter 9 (Promoting sustainable transport) of the NPPF 2018.**

The aim of the Movement & Access Strategy is to ensure that all development within the site is located within 400m walk distance of public transport services that provide a frequency of at least every 30 minutes during daytime hours. The applicant has undergone discussions with NCC Public Transport Group as well as local operators to promote an extension to the existing Town Services coupled with revisions to the respective routes and timetables. Bus services will be delivered at 15 minute frequencies to / from the Town Centre and Northgate Retail Park and at 30 minute frequencies to / from Newark Hospital and Newark North Gate station (Monday to Saturday). To facilitate this the applicant is offering revenue contributions towards the additional costs to support the enhanced service over a five-year development period at a total sum £500k indexed linked (the majority towards the day time service but 100k to deliver the evening service).

The services are intended to deliver competitive journey times to key destinations to present a realistic alternative to private car use, albeit the highway flow work undertaken does not have regard to any reduction given the worst case scenario approach. Although the extension to existing services proposed will be delivered in a phased manner to link with the phasing of the build out, the presence of existing adopted roads (notably Shire Lane) opens up the opportunity for an early intervention within Phase 1. To ensure effectiveness of implementation, a Travel Plan Coordinator will be appointed by the developer prior to the initial occupation of the proposed development. Other measures such as free four week bus season tickets and a commitment to provide every household with a Travel Information Pack are being promoted to increase the likelihood of public transport usage. The details contained with the submitted Travel Plan dated March 2016 can be secured by condition.

Sustainable Access including Cycle Routes and Public Footpaths

The internal street hierarchy is designed to give local streets that provide a permeable, legible circulation pattern where pedestrians and cyclists are afforded the same, if not greater, priority than vehicular traffic. The general characteristics of local streets follows the design principles as set out in the 6Cs Design Guide incorporating primary streets; secondary streets; lanes; shared service corridors and private driveways all with individual functions.

As well as parking provision, dwellings will be provided with secure, covered cycle storage facilities within each plot. For the non-residential uses cycle parking will be provided in accordance with the 6Cs Design Guide and will include a combination of long term and short term spaces.

A series of informal footpath routes through the open space areas is proposed, as well as along the Shire Dyke. This will be secured by reserved matters and appropriate conditions for the accompanying masterplans and landscape submissions. As part of the highways mitigation works proposed, it is proposed to reconstruct the entire length of the C412 Shire Lane between the proposed roundabout junction with the B6326 and the County Boundary at the bridge over Shire Dyke. This will deliver a continuous 3.0m shared footway / cycleway on the northern side of the carriageway and a 2.0m footway on the southern side of the carriageway.

It is also promoted that the development will make a full contribution to Lincolnshire County Council (LCC) towards the continuation of the 2.0m footway to connect to Claypole village, beyond the River Whitham bridge. It should be stressed that this element of the works is not considered necessary or directly attributable to the proposed development and as a consequence will not be incorporated into the associated S106 agreement. I note that LCC concur in their consultee submission that the continuous footway is potentially not necessary. Furthermore, it is noted that it is unlikely that the reduction in speed limit suggested along this length of Shire Lane would be accepted by LCC. This is not promoted by the ES as being necessary and is given in the context as the need for further consultation with relevant authorities.

The applicant has sought to respond to community and relevant consultees concerns throughout the life of the application. Specifically a response to the comments of Fernwood and Claypole PC was received on July 27th 2016.

Claypole Parish Council consider that instead of the six junctions proposed to access Shire Lane, the masterplan is re-designed to adopt a ribbon development layout with the provision of service roads at either side of Shire Lane. Officers would concur with the response of the applicant that the scheme presented has been designed on the basis of road safety impacts, and has been endorsed by NCC highway engineers as acceptable.

Comments regarding the weakness of the existing bridge across the Shire Dyke at the eastern boundary of the development are noted. However, it is equally noted that the capability of this bridge has not been identified as an issue during traffic modelling and that Shire Lane to the westernmost section will still be operating at less 45% of its link capacity. Further solutions suggested by Claypole Parish Council are therefore considered unreasonable nor attributable to the proposed development.

Comments have also made reference to the implications to traffic congestion if there is an accident on the A1 or the B6326 which has knock on consequences for the road network surrounding the site. Officers consider that the method of assessment employed by the applicant in the Transport Assessment submitted is appropriate. Based on Institute of Environmental Impact guidelines this methodology includes an assessment of accident data which concludes that the accident rate is well below the annual average accident rate for the geometric layout and traffic flow conditions. On the basis of the level of assessment undertaken, it is not considered reasonable to resist the application on this basis. On the rare occasion that accidents do occur, appropriate diversion routes will be put into place by the appropriate authorities, which could include the A1 underpass.

Comments have been received from the NCC Rights of Way Officer suggesting that a footpath on the south side of the Shire Dyke should be linked to the development site through a bridge over the Dyke. It is noted that there are no existing public rights of way within the application site. Whilst this request may be desirable in connectivity terms, it is not considered necessary to the acceptability of the development noting the level of footways and cycleways intended for the site itself. In any case this land is outside of the applicants ownership or control and comments have been received during consultation from the landowner stating that the provision of a new bridge would not be supported.

The 2018 NPPF does not alter the above assessment.

Impact on Trees, Ecology and Nature Conservation

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

The NPPF incorporates measures to conserve and enhance the natural and local environment and requires at para. 118 that, in determining planning applications, the following principles are applied to conserve and enhance biodiversity:

- Significant harm resulting from a development should be avoided, adequately mitigated, or, as a last resort compensated for; and
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

The overall thrust of national planning policy in respect to conserving and enhancing the natural environment has been carried forward to the 2018 revision of the NPPF as detailed in Chapter 15.

Trees

The application has been accompanied by a standalone Tree Survey & Constraints Report dated March 2016. The preparation of this involved survey of 26 individual trees as well as 13 groups of trees and 3 hedges present within the site categorised according to suitability for retention. Of the individual tree specimens surveyed, the majority were considered to be of low quality (category C, with a life expectancy of 10-20 years) with 9 categorized as being of moderate quality (category B, life expectancy of 20-40 years) and just two trees; both English Oak, categorized as being of high quality (category A, life expectancy of 40 or more years) (T15 and T26). None of the trees within the site have been designated worthy of retention through a tree preservation order.

T26 appears to be within the residential curtilage of Balderfield Cottage along their southern boundary. T15 appears to be situated just outside their residential curtilage on the eastern boundary between the highway and an area of hedgerow. Having assessed the indicative masterplan I am confident that the development will not impact upon the retention of T26. I would have greater concerns to the longevity of T15 given its positioning closer to the indicative residential development however protection measures could be secured at reserved matters stage and the roots are already established in close proximity to existing hard surfacing which provides access to the existing dwelling. In any case in the context of the overall scheme I am mindful of the intentions to retain tree cover where possible and it is noted that the level of additional landscaping will be significant.

Ecology

A desktop study was undertaken for existing ecological data regarding both statutory and non-statutory protected species, designated sites and habitats of nature conservation interest. Appropriate search radiuses were established between 1 and 10kms around the site. There are no sites of international importance within 10km of the site and no designated sites of national importance within 2km of the site. There are however nine non-statutory designated sites within 2km of the site (three of which are within 1km), the closest being the Shire Dyke Local Wildlife Site (LWS) forming the boundary of the site.

Further to this, numerous field surveys were undertaken from a period between November 2014 and September 2015. Both Natural England and Nottinghamshire Wildlife Trust (NWT) have provided detailed comments on the application. Natural England has welcomed the incorporation of the green infrastructure corridor along the eastern boundary of the site and pocket parks etc. within the site. NWT have confirmed that they are generally satisfied with the methodology used and conclusions reached. Suitably worded conditions are suggested within the response. Notwithstanding this, NWT do raise concern regarding the potential loss of habitat for skylark and yellowhammer. This is discussed below in the relevant section on nesting birds.

Protected Species Impacts

Standing advice from Natural England has been used to assess the impacts upon protected species arising from the proposed development.

Badgers

Although records exist for the wider area, no evidence of the presence of badgers was noted on the site. Consequently no adverse impact upon local badger populations is anticipated as a result of the development.

Bats

All species of British bats and their resting places are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010.

Surveys undertaken indicate that a small number of standard trees within the hedgerows provide roosting potential for bats, although no evidence of occupation by bats was recorded in association with any of the trees. It is considered that the trees on the site are unlikely to constitute a significant resource for bats locally. Given the predominance of arable land, the site overall is considered to be suboptimal value for bats. Potential for foraging habitat is further reduced given the management of the existing hedgerows. Retention of the mature ash trees will reduce impacts on roosting bats, should they utilise the suitable roosting features present on occasion.

Otter

Evidence of otter along Shire Dyke was recorded during the survey work undertaken however no couches, holts or slides were confirmed present. The dyke is therefore considered to be used on occasion basis by commuting otter, facilitating movement between more optimal habitats.

Reptiles

The majority of the site was considered to be unsuitable as foraging or refuge habitat for reptiles due to its arable nature. However the dyke, hedgerow boundaries and areas of ruderal vegetation were considered to offer suitable potential cover. Notwithstanding this, no evidence of reptile species was recorded during targeted surveys. Given that the dyke forms the boundary of the green infrastructure corridor some distance from the built form of the development, no significant impacts on reptiles are anticipated to arise from the development.

Amphibians and Water Voles

No records of great crested newts were obtained either arising from the desk based or field surveys. No suitable breeding habitat was identified within the site nor the area surrounding 500m of the site boundary.

Whilst water voles are known to be present in the area, no evidence of water vole were recorded during the survey.

Nesting Birds

All nesting birds are protected under the Wildlife and Countryside Act, 1981 (as amended). Under this legislation all birds, their nests and eggs are protected by law. Species listed on Schedule 1 of the Act are specially protected at all times.

The site as existing supports nesting and wintering bird species typical of the habitats available. The hedgerows and limited tree and scrub cover on site provide further potential nesting, shelter and foraging habitat. Overall, surveys recorded 42 bird species during the breeding season. All of the species identified are fairly to very common species in Nottinghamshire and the UK. No significant populations were registered. Given the characteristics of the site, the site is considered to be of no more than local nature conservation value in the breeding season.

Concerns regarding the potential for the development to impact upon skylark and yellowhammer

(birds of open countryside) are noted. Both are farmland birds of conservation concern. It is acknowledged by the submitted surveys that these species are likely to be lost to development. However the modest populations recorded suggests that the site is of little importance for skylarks or yellowhammers in winter and thus the residual impact is likely to be negligible. I am mindful that NWT have had sight of these surveys and still felt it necessary to explicitly raise concern (noting a lack of formal objection). Nevertheless I am also conscious of the overall opportunities for habitat creation across the wider site, for example the Sustainable Urban Drainage (SUDs) basins. Whilst this may offer no benefit to skylark or yellowhammer specifically, as an overall ecological balance the impact on these two species is not considered significant.

Invertebrates

A single Natural Environment and Rural Communities (NERC) Act Section 41 species; the cinnabar moth was recorded present within the site. Although this is a declining species, the ES concludes that it is widespread and common, highlighted for conservation action for further research rather than protection of individual sites. Overall the site is considered to be of low to moderate importance for invertebrates at a County level, given the number and proportion of Key Species recorded. Nevertheless it is considered reasonable for mitigation measures to take specific regard of this species. This can be explicitly referred to in suitably worded conditions relating to ecological mitigations.

Loss of Hedgerow Habitat

Hedgerows form the majority of field boundaries within the site, with a total of 21 hedges present. The surveys undertaken show the existing hedgerows to be generally species poor and dominated by hawthorn with the majority cut to a height of less than 2m. None of the hedgerows were assessed as being 'important' under the Hedgerow Regulations 1997. Hedgerow H12 to the immediate north of Shire Lane was considered as being of moderately high to high value. All other hedgerows were of low to moderate value.

The majority of the hedgerows, notably including H12, are intended to be retained which will reduce impact on ecological receptors. However, given the scale of the development, it is inevitable that there will be some loss and degradation to the existing hedgerows and their associated habitats within the site. This includes the loss of five of the existing hedgerows including one defunct, and partial losses (generally short sections of less than 20m) from nine of the remainder. Hedgerow losses would total circa 800-980m which accounts for approximately 15% of the existing hedgerow resource. This is considered to be a marginal percentage when taken in the context of the overall site area and the level of additional landscaping which will be introduced through the development.

Biodiversity Enhancements

It is acknowledged that there are numerous potential detrimental impacts to the ecological value of the site which could arise during the construction and operational phases. These include, but are not limited to, the direct loss of habitats and their associated flora; degradation of retained habitats through soil compaction or changes to drainage etc.; pollution through either airborne or waterborne means; directly killing of species during site clearance; disturbance through increased artificial light; increased visitor pressure and degradation of retained or created habitats through mismanagement. However, this must be taken in the context of the overall benefits which the development, once constructed, has the potential to deliver.

The large area of public open space afforded by the green corridor along the eastern boundary of the site will serve as a buffer between the Shire Dyke and the built form of the proposed development. Moreover the provision of native species structural planting, comprising linear corridors of woodland, hedgerow and tree grouping will provide ecological benefits as high quality community, foraging and nesting habitat. In addition to this, further benefit will be provided through the creation of the surface water detention basins required for drainage purposes.

The nature of the existing site being intensively managed arable land provides a significant opportunity to provide enhancement. It is considered that the habitat creation and enhancement opportunities presented by the indicative masterplan and further detailed in Chapter 9 of the ES would be appropriate to compensate for very minor loss of habitat necessitated by the development. Indeed the ES concludes that, overall the development will result in up to moderate (significant) positive benefits to habitats across the site compared with the existing site. A corresponding positive benefit is anticipated for wildlife across the site, including notable and protected fauna.

NWT within their response have helpfully offered, amongst other advice, to provide more detailed design advice to ensure that the drainage features of the site offer the best opportunities for wildlife enhancement. It is considered beneficial to bring this to the applicants attention through a suitably worded informative should permission be granted. Subject to consideration of this and other mitigation measures secured by condition, the proposal is considered compliant with the relevant ecological paragraphs of the NPPF, as well as Policies CP12, DM5 and DM7.

Soils and Agricultural Land Quality

Natural England's comments on soil and land quality have been noted. Of the 93ha site area, approximately 55.8ha is classified as being the 'best and most versatile' agricultural land (Grades 1, 2, and 3a land in the Agricultural Land Classification system). It should be noted that there is no land of Grade 1 or Grade 2 quality within the site. However, it is also fully appreciated that the majority of the built form proposed by the development is within Grade 3a land.

Para. 112 of the NPPF is clear in stating that:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.

This stance has been replicated by paragraph 170 of the 2018 NPPF.

Matters of agricultural land quality have been considered within Chapter 12 of the ES. The ES assumes for the purposes of assessment that all agricultural land within the site would be lost. This would undoubtedly impact upon the existing land use and the magnitude of effect is recognized as being high with an overall effect on agricultural land quality being of moderate adverse significance. Whilst this must be weighed in the overall balance it is considered that the LPA have applied the duty required by the NPPF in allocating the site through thorough consideration of the economic and other benefits associated by the allocation of a strategic site of this scale. It is therefore not considered reasonable to resist the proposal purely on the basis of the loss of agricultural land.

The 2018 NPPF does not alter the above assessment on matters of trees, ecology or nature

conservation.

Visual and Landscape Impact

Core Policy 13 (Landscape Character) sets out a framework for assessing landscape character and sets expectations that development proposals should positively address the implications, aims and objectives of each landscape policy zone. The adopted Landscape Character Assessment (SPD) is a district level assessment of landscape character (that sits hand in hand with CP13) and is a useful tool in assessing local landscape character in relation to specific sites.

The site lies within the South Nottinghamshire Farmlands character area crossing two policy zones; Policy Zone 08: Cotham Village Farmlands and Policy Zone 09: Trent and Belvoir Vale. The latter zone forms part of an extensive alluvial flat characterized by a level to gently rolling landform. It is acknowledged that this area may form part of a separate regional character area that is more fully represented within Lincolnshire however it has been included within the South Nottinghamshire Farmlands area because the landscape priorities are similar.

It is accepted that the South Nottinghamshire Farmlands contain some of the highest quality agricultural land in the County with around 80% of the farmland under arable cropping. Nevertheless it is also conceded that urban and industrial development, including residential development through site allocation forms a future pressure to the existing landscape.

The ES deals with matters of Landscape and Visual Amenity within Chapter 10 forming the LVIA to the application. Given the scale of the proposed development, the landscape impacts will undoubtedly be beyond the administrative boundaries of NSDC acknowledging the juxtaposition of the site boundaries to neighbouring authorities. In this respect, the comments of neighbouring authorities have been afforded appropriate weight in the consideration of the scheme. Specifically SKDC have suggested that the boundary of the site should be sensitively landscaped to ensure visual impact is minimised.

The LVIA has selected a number of representative viewpoints grouped based on their positioning in relation to the site, namely:

- Shire Lane & Broad Fen Lane;
- Great North Road & A1(T);
- Hollowdyke Lane & Fernwood;
- Claypole;
- Stubton;
- Doddington; and
- Fernwood South.

The methodology and assessment within the LVIA is considered appropriate in terms of allowing a thorough assessment of the likely impacts of the proposal. It is agreed that the site is strongly influenced by existing surrounding urbanized elements including the built form of the urban edge of Newark. Notwithstanding this, it is undoubtedly the case that the proposal will impose a fundamental change to the character of the site when compared to its existing form.

Of the detailed assessment contained within the LVIA, the following key conclusions are drawn for the attention of Members:

Landscape Effects

- The long term effects on SN PZ08 (which covers the greatest proportion of the site) are considered to be negligible to minor adverse in the vicinity of the site, taking into consideration the beneficial effects arising from the structural landscaping and green infrastructure across the site.
- The long term effects on the landscape of SN PZ09 due to the proposed green infrastructure will become minor beneficial in close proximity to the site.

Visual Effects

- The extent of visibility is controlled primarily by the topography of the local area.
- The majority of properties and settlements in the vicinity will have limited or no views of the site leading to a significance of no greater than negligible.
- The residential properties excluded, but surrounded by the site will be subjected to moderate to major adverse impacts with the properties at Airfield Cottages suffering a moderate adverse impact (reducing to minor to moderate adverse following establishment of the proposed buffer).
- Visual impacts to users of public rights of way, nearby footpaths and the road network range from minor adverse to moderate adverse again acknowledging that these impacts would reduce on establishment of site screening.

The proposal has taken lead from the requirements of Policy NAP 2C in terms of allowance for a landscape buffer along the eastern boundary of the site. Moreover, landscaping and structural planting has been indicated throughout the site and along the western boundary. In allocating the site for a mixed use residential development of this scale, it has already been implicitly accepted that there will be landscape impacts arising from the proposal. Nevertheless, the outline scheme as presented is considered appropriate in maximizing the opportunities to appropriately screen the development where possible. The identification of adverse impacts summarised above are noted, and indeed will be weighed in the overall balance of the proposal.

The 2018 NPPF does not alter the above assessment.

Archaeology and Cultural Heritage

Core Policy 14 (Historic Environment) seeks to ensure that continued preservation and enhancement of the character, appearance and setting of the district's heritage assets and historic environment, including archaeological sites. Policy DM9 (Protecting and Enhancing the Historic Environment) echoes this and with regard to archaeology specifically states that proposals should take account of their effect on sites and their settings with the potential for archaeological interest. Where proposals are likely to affect known important sites, sites of significant archaeological potential, or those that become known through the development process, will be required to submit an appropriate desk based assessment and, where necessary, a field evaluation. This will then be used to inform a range of archaeological mitigation measures, if required, for preservation by record and more occasionally preservation in situ.

The scheme has been fully assessed by internal colleagues in conservation with their comments listed in full in the above consultation section of the report. Nevertheless, given the level of expertise offered by these comments, their repetition is deemed appropriate in the context of the appraisal of the proposal.

The proposal represents a large development on the southern side of Fernwood, which is in itself a large urban extension. The A1 corridor is an important modern landscape feature, and the depot site and pylons to the east of the proposal site represent further modern landscape intervention. The indicative details submitted show a network of primary streets linked by junctions leading to streets and residential lanes. New buildings would have a maximum height of 2 storeys with some opportunity for 2.5 and 3 storeys on primary streets. Given the existing built form of Balderton and Fernwood, it is felt that the proposal is not likely to compromise designated heritage assets in Balderton or Newark, and I am satisfied that topography and relative distances between receptors and the proposal site ensure that impact in the wider landscape is not likely to result in any specific material harm to the setting or significance of the Church of St Giles in Balderton or Church of St Mary Magdalene in Newark.

It is nonetheless recognised that the proximity of the Church of St Peter at the western edge of Claypole suggests that the Fernwood South development could have an impact on the wider landscape setting of the Grade I church....Nevertheless, given the indicative proposed layout of the scheme, it seems likely that there are opportunities to help reinforce and improve green infrastructure at the eastern portion of the proposal site which would help mitigate impact on the wider setting of the church. The proposals for sports and amenity areas will help in this regard.

The proximity of the site to the Grade I listed Church of St Peter is acknowledged within the Heritage assessment contained within Chapter 13 of the ES and indeed its high sensitivity is recognized. Members will note that colleagues at South Kesteven have requested that due regard is had to the impacts on the setting of this asset. The comments make clear that it is for this Council as decision maker to come to a view in this regard. It is considered that the development around the Church obscures all views to the east, south and west (and subsequently the site). Further, it is stated within the ES that the Church primarily draws its historic and aesthetic significance from its immediate setting (i.e. the churchyard and the village of Claypole) which will not be impacted by the proposed development. In the context of the above conservation comments, I am minded to agree with this assessment. Moreover I am conscious that any specific impacts, such as those arising from the built form within the site, will be a matter for assessment at reserved matters stage when the full details of the scheme are before Members for consideration. On this basis no conflict with the aspirations of CP14 and DM9 have been identified in respect of designated heritage assets.

In addition to the aforementioned designated heritage assets, regard must also be had to non-designated assets present within the site, notably the identification of archaeological potential. The ES details the results of geophysical surveys and trial trenches undertaken which acknowledges there to be three main areas of archaeological activity. In the northern part of the site, traces of Iron Age settlement activity were revealed. In the southernmost part of the site extensive remains of Roman settlement activity were located, including human burials. In between these two areas it appears that further Roman activity had been affected by Medieval and later small scale industrial extractive processes.

It is fully acknowledged that the primary impact of construction works will be from the ground work associated with the development directly impacting upon the archaeological resource. Equally it is acknowledged that the impact is likely to result in substantial or total destruction of archaeological remains. The comments of NCC Archaeology are noted particularly in terms of the considerable mitigation measures deemed necessary to facilitate the development. Nevertheless this is recognized through the ES. As a consequence, subject to an appropriately worded condition requiring a suitable scheme of mitigation and programme of archaeological work the importance

of the archaeological remains identified thus far is not considered sufficient to prevent development on the site.

The 2018 NPPF does not alter the above assessment. It is noted that Section 16 (Conserving and enhancing the historic environment) does refer to more recent case law in stressing that harm is harm irrespective of whether it is less than substantial or not, however the application was assessed on the basis and in the knowledge of this case law in any case.

Impacts on Environment

Flooding

Policy NAP2C requires the provision of flood mitigation; provides that residential development should not be located in flood zone 3; provides that development may be accepted in Zone 2 (subject to appropriate mitigation) and states that where appropriate a Sustainable Urban Drainage scheme (SUDs) should be incorporated. This policy remains in compliance with the NPPF and its technical guidance.

Paragraph 100 of the NPPF confirms that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. In the context of the allocated nature of the site, paragraph 104 is also of relevance. This confirms that for individual developments on sites allocated in development plans, applicants need not apply the sequential test.

The above stance has been carried by Chapter 14 the NPPF 2018.

Chapter 11 of the ES and the accompanying Flood Risk Assessment (FRA) deals with matters of Flood Risk and Surface Water Drainage (the latter discussed separately in the following section). In the context of the proposed development, the two most important watercourses in the area are the Shire Dyke and the River Whitham. The former constitutes the eastern and southern boundaries of the site. As a consequence of this, areas to the east and south of the site are recognized as being within Flood Zones 2 and 3 for fluvial flooding with the remainder (and indeed the majority of the site) within Flood Zone 1. The original application submission marked out the indicative floodplain on the submitted Green Infrastructure plan (Parameter Plan E reference 6534-L-05 dated 15th February 2016). This plan demonstrated the ability to confine all residential elements of the proposal within Flood Zone 1 with less vulnerable uses such as community spaces and allotments within the areas designated as being Flood Zone 2 and 3.

The original application submission has been assessed by relevant consultees. Of particular relevance is the original response from the Environment Agency (EA) dated 4th May 2016. The overall conclusion of this response was that the submitted FRA was appropriate given the outline nature of the development, no objection in principle was raised and conditions were suggested should the application be approved. Notwithstanding this, the response did also provide commentary on the data sources of the FRA acknowledging that the data used was obtained back in November 2014 and did not consider the new Upper Witham Modelling data. On the basis of this advice, during the life of the application, the applicant has instructed further work by their consultants RSK Environmental Ltd. The results of this work are outlined by letter dated 8th August 2016 and through a revised FRA and ES addendum received 17th August 2016. These details have

been subjected to an additional consultation period in line with the Town and County Planning (Development Management Procedure) Order.

The additional works have now considered the updated Upper Witham Modelling data. The updated flood modelling data illustrates a wider flood extent than that which was used to develop the masterplan such that areas in the north east and south of the site, indicated for residential development on the masterplan, would now be situated within Flood Zone 3. Measures to overcome this have been suggested such as ensuring that the finished floor levels of the plots are raised to meet the EA requirements.

RSK have been in direct discussions with the EA and indeed the EA have provided further comment on the additional details provided. The EA have confirmed that they are satisfied that the additional information submitted in regards to loss of floodplain are satisfactory and demonstrate that the proposed land raising will not have a significant impact on third parties. Members will note that the NPPF does not require the application of the sequential test given that the site has been allocated for development of the nature proposed. However it is equally noted that the proposal would now represent a departure from the aspirations of Policy NAP2C in that a small number of residential properties would be situated within Flood Zone 3 (without mitigation via groundworks and design). In this instance it is considered appropriate to take a pragmatic approach acknowledging that the applicants made best endeavors to develop a policy compliant scheme on the basis of the data available at the time of application submission. The proposal therefore falls to be assessed against the exception test outline by paragraph 102 of the NPPF. **Now outlined as a requirement of paragraph 162 of the NPPF 2018.**

The wider sustainability benefits of the proposal are acknowledged (and indeed afforded the appropriate weight in the overall balance undertaken below) and thus it remains for the authority to be satisfied that the development will be safe for its lifetime and not increase flood risk elsewhere. Given the outline nature of the proposal, exact mitigation measures such as raising floor levels and incorporating flood resilient construction technique cannot be considered in detail at this stage. Nevertheless, I am confident that these could be agreed through a suitably worded condition such as that recommended by the EA. In terms of the requirement to not increase flood risk elsewhere, the EA have confirmed satisfaction that the proposed land raising will not have a significant impact on third parties.

The 2018 NPPF does not alter the above assessment.

Surface Water Drainage

The NPPG is clear of the importance of sustainable drainage systems as a means of control for surface water run off to mimic natural drainage as closely as possible. Consideration of sustainable urban drainage (SUDs) is also required by Policy NAP2C.

As has already been acknowledged, the development will impose a fundamental change to the character of the site introducing built form to existing agricultural land. This will undoubtedly lead to an increase in surface water runoff in correlation to the increase in impermeable surfaces (stated as being 27%). Given the proximity to surrounding watercourses there is potential for this to lead to increased instances of flooding if not addressed.

The indicative masterplan submitted demonstrates that three SUDs attenuation areas are proposed. Two of these would be located adjacent to the Sports Hub designed as grass, landscaped depressions with no permanent bodies of water. Sloping into the depressions has

been designed to allow safe and easy access. The attenuation area situated within the southern part of the site has greater scope to provide wetland and aquatic habitats. The drainage strategy also includes conveyance swales, filter drains and permeable paving designed to drain survey water to convey it towards the detention basins. The proposed SUDs features are designed to provide approximately 16,400m³ of storage. The submitted Surface Water Drainage Strategy states this as being in excess of the 13,447m³ required volume to retain the 1 in 100 plus an allowance for climate change event.

Relevant consultees have assessed the development as proposed. Specifically, the original comments of NCC Flood Team are noted. Whilst not objecting to the application, their original comments imply that details of surface water drainage required further work to be secured by condition. The applicant has appointed their consultants to provide a rebuttal to these comments during the life of the application and NCC Flood have suggested a suitably worded condition to deal with issues of drainage.

The Upper Whitham Drainage Board have also raised no objection to the proposed development provided it is carried out in accordance with the application submission and a condition is attached to the grant of any permission to approve the final details of the scheme for the provision, implementation and future maintenance of the surface water drainage system. The comments of Anglian Water are noted in terms of the lack of capacity of Claypole Water Recycling Centre to cope with the wastewater treatment arising from the development. However, this does not constitute an objection to the proposal. It is suggested that this matter can be overcome through condition requiring the submission of a drainage strategy. This is in line with the comments of Severn Trent. Therefore I am satisfied that the proposal as submitted accords with the requirements of NAP2C.

The 2018 NPPF does not alter the above assessment.

Water Quality

Impacts on the natural environment including water quality is addressed through paragraph 109 of the NPPF and the associated online guidance of the NPPG. **The advice has been carried to Chapter 15 (Conserving and enhancing the natural environment) of the NPPF 2018.** This is addressed within Chapter 11 of the ES. It is acknowledged that there is the potential for the development to result in water pollution from silt laden runoff if it is allowed to drain to the surrounding watercourse untreated. There is also potential from spillages and leaks from plant and machinery during the construction phase.

The site is in close proximity to the Shire Dyke which is recorded as having a moderate ecological status and good chemical status. The overall significance of construction activity impact on the water quality of the Shire Dyke is considered to be moderate adverse. Whilst this would undoubtedly be an undesirable impact arising from the development, I would concur with the ES in terms of this being a short term, non-permanent impact which is more importantly reversible. Moreover, the ES details numerous elements of legislation which will be adhered to during construction. I therefore do not consider that the potential impacts on water quality identified above would be significant enough to warrant a resistance of the proposal.

The 2018 NPPF does not alter the above assessment.

Air Quality

Chapter 7 of the ES and its associated Appendix has assessed matters of air quality based on

findings of the existing air quality conditions, potential air quality impacts during the construction phase of the development and the predicted impacts on local air quality resulting from road source emissions generated by the development once it is fully operational. The assessment concludes that there are two types of air quality impact to be considered for the proposed development:

- The impact of existing sources in the local area on the development;
- The impacts of the development on the local area.

The focus of the impacts of the development on the local area include an assessment of dust emissions during construction. Mitigation measures are suggested such as the requirement for the submission of dust management plan including monitoring requirements during the construction phase (no monitoring is required during the operational phase of the development). This could be secured by condition as an incorporation of the Construction Environmental Management Plan (CEMP).

The traffic data used includes the increase in traffic from the development as well as all other committed developments in the area. If Members were minded to approve the application, it is recommended that a condition is attached to require the submission of a Travel Plan so that sustainable means of transport are encouraged for occupiers. The Travel Plan could incorporate the suggestion of at least one electric vehicle charge point per 10 residential dwellings.

The site is situated adjacent to an existing steel works depot as well as being in close proximity to the A1. Nevertheless, the illustrative masterplan demonstrates the ability for buffer zones between these existing uses.

No exceedance of any of the applicable air quality standards have been predicted in terms of any of the assessed pollutants with the majority of receptors considered to experience a negligible impact on air quality. With the ability to secure mitigation measures by condition the proposal is considered acceptable in respect of air quality impacts.

The 2018 NPPF does not alter the above assessment.

Noise and Vibration

The NPPF is clear in identifying matters of noise as a material consideration in the planning process. Specifically paragraph 123 states that decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life.

This stance is followed to the 2018 NPPF at paragraph 180.

The applicant has fully assessed the implications of the development through a noise and vibration assessment discussed within Chapter 8 of the ES. Of key consideration is whether the site is suitable for residential development with reference to indoor and outdoor design criteria of the associated noise legislation. Particular sources of noise include traffic (noting the proximity to the A1 and Great North Road); sports noise from the proposed facilities and the presence of existing industrial uses adjacent to the site. Further, there is noise associated with construction, both movements/activities and associated plan.

With regards to the industrial uses present, paragraph 123 of the NPPF is of relevance at its third

bullet point where it states that existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

The letter submitted on behalf of Newark Steel dated 23rd October 2018 has been taken into account noting that this makes reference to the current application as well as the now approved application adjacent to the site for Larkfleet Homes (outline approval for up to 350 units approved by reference 17/01266/OUTM). It has been stated that the Newark Steel Ltd. depot (immediately adjacent to the site) has the potential to operate 24 hours a day, 7 days a week (by virtue of a historic planning permission which does not condition hours of operation). The LPA were aware of this, and have been so for some years. As is implied within the letter, Newark Steel Ltd. have engaged with the LPA in recent years and for the avoidance of doubt, the presence of the site allocation and the operational ability of the site was explicitly discussed.

The concern raised through the letter is that the residential development surrounding the established commercial use would hamper the established use of the site through the Council receiving future pressure to control operations which could prejudice the business. Concern is also raised that there is potential that the residential amenities within the proposed development could be adversely affected by the commercial activities within the site operating at unsociable hours.

Representatives of Newark Steel Ltd. contend that the Noise and Vibration Assessment submitted to accompany the application significantly underplays the existing commercial activities within the site. Their later representations (dated 4th January 2019) suggest that the time the surveys were undertaken was a 'quiet month' for the business. No evidence to substantiate this point has been provided however. Newark Steel Ltd. has strongly requested that the applicant is required to undertake updated Noise and Vibration Surveys prior to determination of the outline application.

Officers have carefully considered the responses received and indeed sought comments from the applicant and colleagues in Environmental Health. The applicant's noise consultant 'RSK' have provided a technical note to the letter dated 26th November 2018. For completeness this is attached in full at Appendix 3. The key point to take from this response (and indeed discussions with NSDC Environmental Health Officers) is that the applicant will be required to supplement the original noise surveys prior to any development happening on site. This is confirmed by the recommendation of Officers to attach condition 14 (Appendix 4) which requires a Noise Assessment and where necessary attenuation / mitigation scheme for each reserved matters application. These additional surveys would clearly capture any variance of noise levels which have occurred since the original survey. The applicant has confirmed that this would include the traffic flows utilizing Sylvan Way and if required a number of mitigation measure (such as façade treatments; orientation; and stand off distances) could be used.

On the basis of the ability for the LPA to insist on further noise surveys prior to the development commencing, it is not considered reasonable nor necessary to insist on further work at this time. The applicant is clearly aware of the potential to employ appropriate mitigation measures pending the results of further surveys. Given that the application is at outline stage there is clearly scope that any reserved matters submission affecting the residential development closest to the existing commercial uses could be designed to appropriately mitigate matters of noise and vibration. It is also worthy of note that even the indicative layout includes allowance for noise mitigation through a 3m high earth bund and 1.5m acoustic fence (as also referenced in further detail below).

As is implied above, reference is also made in the responses on behalf of Newark Steel Ltd. to the 'Agent of Change' principle which has been introduced at paragraph 182 of the 2018 NPPF. This paragraph states:

“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

It is fully appreciated that Newark Steel Ltd. is an important local business and employer within the District and thus any impacts that may impede their operations should be given careful consideration. However, the application site forms part of a wider Strategic site allocation which has been allocated for residential development since the adoption of the Core Strategy in 2011, having been emerging for a considerable period prior to this formal adoption. The allocation, as one would expect when forming part of a Development Plan, has been subject to extensive and wider ranging consultation, including with Newark Steel Ltd. It is this allocation which represents the ‘existing’ context in terms of land use. In allocating the site, the LPA were fully aware of the presence of the Newark Steel Ltd and were equally aware of the need for land-uses to co-exist and be designed appropriately. The ‘Agent of Change’ principles in the NPPF are principles that this Authority already has regard to in its decision making for new uses and activities being proposed. It remains the ability of the reserved matters submission to agree matters of noise mitigation in this respect if deemed necessary. The ‘agent of change’ principle introduced by the 2018 NPPF does not materially affect the current assessment of the application.

Environmental Health officers (EHO) agreed the methodology for noise assessment prior to the submission of the application. Baseline conditions were monitored by unattended noise meters for a 6 day period along Great North Road; the A1; and close to the industrial facility to the east of the site. Further short term monitoring equipment was placed at four further locations around the site.

Officers have assessed the associated chapter of the ES and more explicitly the associated Noise and Vibration Assessment with its accompanying figures. There are two broad noise issues to address, one for residential amenity when development is complete and one for the construction phase(s).

It is acknowledged that the site experiences high noise levels due to the proximity of the A1. The original comments received from the EHO raised concerns that some properties would experience very high noise levels which could create issues for external spaces turning the properties into ‘acoustic prisons.’ The ES divides assessment to indoor/outdoor living spaces as well as specifically addressing the implications for the proposed primary school.

In relation to indoor living space, it is brought to the attention of Members that for all twelve of the receptors assessed, there is an exceedance of between 17dB(A) and 31dB(A) of the 35dB(A) criteria. Where ambient façade noise levels are predicted to exceed 35dB(A) by more than 10dB(A) (as is the case across all 12 receptor points) additional mitigation will be required. It should be noted that further into the site, façade noise levels would be expected to reduce given the barrier presented by the built form along the edge of the site.

Moving to assess outdoor living space, the design criteria for traditional external areas that are used for outdoor living space is that levels should not exceed 50dB(A) (with 55dB(A) used as an upper limit). In the south of the development, within Phase 3, the gardens closest to the A1 are predicted to have levels in excess of 55dB(A).

With respect to the Primary School predicted façade noise levels on the north, south and west elevations at both ground floor and first floor are expected to exceed noise criteria levels to a degree of moderate significance. The eastern elevation would be affected to a level of minor significance.

The above was raised as a concern with the applicant during the life of the application and has been addressed through an additional response by RSK Environmental Ltd dated July 2016. This acknowledges that, should development be unmitigated, a number of properties in the final masterplan would be exposed to noise levels which would exceed relevant design criteria. As such, the additional response goes on to provide details of how internal and external living spaces will be protected through mitigation. This includes additional fencing/noise buffering to the western boundary of the site not previously submitted through the original 'worst case scenario.'

No formal objection to development has been raised by the EHO but the stance remains that a condition will be required to seek further details of noise mitigation measures within each Reserved Matters phase to ensure that they achieve the required levels of protection. It is noted that at present, the Masterplan has a wide landscaped buffer area, however if a noise barrier similar to that screening the industrial area were to be designed there would be a benefit to future residents of Phase 3. In addition facades of properties facing the existing and proposed road noise sources will require mitigation. Other measures suggested include a noise mitigation barrier along the boundary between the industrial area; suggested as a 3m high earth bund with an acoustic fence a further 1.5m high giving a total bund height of 4.5m. Furthermore it is confirmed that the masterplan allows for the incorporation of a landscaped standoff area for the boundary of the site facing onto Great North Road. This is suggested as being a bund of approximately 1.4m in height.

The assessment goes on to consider the implications of the sports facilities usage. The tennis courts and Artificial Grass Pitch have been modelled assuming full operation from 10am to 11pm (these are not necessarily the hours of use but are considered appropriate in terms of noise assessment for a worst case scenario). The change in noise level in comparison to traffic noise is approximately 2dB(A) and thus of negligible significance.

The ES details 5 existing residential receptors which have been assessed in the context of construction noise. These include the properties which are surrounded by (but excluded from) the site area. There would undoubtedly be noise impacts to these properties during the general earthworks, construction and fit out phases of the development. Predictions based on estimated plant usage, measured from the facades of the properties, shows that the levels of noise at these receptors would exceed the 65 dB(A) threshold of potential significance at Balderfields and Balderfields Cottage. This is an undesirable impact of the proposal but unfortunately one considered difficult to overcome. It can, of course, be minimized as far as possible by ensuring that site compounds on each phase(s) are sited as far as practicable from these receptors and by controlling this, working practices, and hours of operation via a Construction and Environmental Management Plan (CEMP).

Exact details of noise mitigation would be agreed at the reserved matters stage. I am satisfied that the applicant has done enough to satisfy the potential for appropriate mitigation such that the proposal would not cause conflict with the relevant elements of the NPPF.

Land Contamination

Paragraph 120 of the NPPF requires the LPA in their decision making to ensure that new

development is appropriate for its location to prevent unacceptable risks from pollution and land instability. **This stance is carried to the 2018 NPPF document.** It is noted that the site has comprised agricultural land use since prior to the 1880s until present and as such no significant contaminative land uses are present within the site.

The application has been accompanied by a Preliminary risk assessment which considers the possible direct or indirect effects that construction and operation of the development could have on the ground conditions both beneath and immediately adjoining the site. As expected, the majority of the potential effects on ground conditions are predicted to occur during the construction phase of the development. The significance of effect of potential risks to human health of future site users via direct contact with contaminants in soils during the operational phase (post mitigation) would be minor adverse.

The ES, at paragraph 12.9 details a number of mitigation measures which will be secured by condition including submission of a Construction Environmental Management Plan and a Site Waste Management Plan. The comments of internal colleagues in environmental health are listed in full above confirming that the recommendations of the report advising a full scope of intrusive investigations should be secured by condition. On the basis of these conditions I am confident that the approval of outline residential consent would be appropriate and that any adverse impacts arising from land contamination factors could be readily mitigated by appropriate planning and design.

The 2018 NPPF does not alter the above assessment.

Utilities and Services

Residential development of the scale proposed will implicitly have implications on service infrastructure and utilities. Chapter 14 of the ES has considered the supply of electricity, gas, water and telecommunications to the site and the means of providing foul drainage disposal as well as the effects on the existing infrastructure and the environment. Paragraph 162 of the NPPF relates to infrastructure confirming that LPA's should work with other authorities and providers to assess the quality and capacity of local infrastructure services. **This stance is carried to the 2018 NPPF document.** Policy NAP2C follows this stance by requiring the provision of necessary infrastructure in relation to the progression of the development.

Consultation has been undertaken with relevant statutory undertakers to establish the location of existing apparatus and the means of supplying the development with new service supplies. As existing, the site essentially has no provision for service supplies albeit various services cross the site. The site is constrained by the existence of service provision including overhead power lines which cross the site and a gas main running through the eastern side of the site.

Given the existence of the High or Intermediate pressure (above 2 bar) gas pipeline within the site, the development requires the undertaking of a PADHI+ assessment. The comments of the Health and Safety Executive (HSE) are listed in full in the above consultation section. It is noted that their original response dated 1st June 2016 advised against residential development on the basis that a hazardous substances consent was identified at the existing industrial units adjacent to the development. On receipt of this response, the applicants have worked with the LPA and the HSE to demonstrate that the consent should be (and subsequently has been) revoked on the basis of a change in site ownership. On this basis the HSE have provided revised comments confirming that they do not object on safety grounds.

Foul drainage is proposed to discharge via a pumped outfall into the existing public sewer system. The nearest sewer network is in Fernwood village to the north of the proposed development. Whilst not incorporated within the formal response to the application from Severn Trent Water (STW), the ES states that, at pre-development enquiry stage, STW confirmed incapacity of the existing foul sewer network to serve the foul flows from the development. Despite this, the role of STW includes a requirement to carry out any works necessary off-site to meet additional capacity required by the development informed by their detailed modelling work. In any event STW have made clear that they do not wish to object subject to a condition to deal with sewerage.

The proposal would necessitate the diversion of some of the existing infrastructure within the site including pole mounted 11kV and 33kV cables; cables supplying the maintained dwellings off Claypole Lane; the medium pressure gas mains and telecommunication cables. Details of diversionary works will be provided at detailed design stage with the intention for works to be undertaken as part of the development. No objections have been raised by statutory consultees and I am therefore satisfied that the necessary infrastructure can be provided in accordance with the requirements of Policy NAP2C.

The 2018 NPPF does not alter the above assessment.

Developer Contributions

The applicants have been in discussion with the authority since 2014 which has enabled negotiations on the delivery of contributions associated with the development. The following section examines the developers offer against that anticipated by the authority. Further detail is provided at the table contained within Appendix 5 attached to this report.

Affordable Housing

Core Policy 1 requires that 30% on-site affordable housing is provided which should reflect local housing need and viability on individual sites, overall reflecting a mix of 60% social rent and 40% intermediate. For 1800 dwellings this equates to 540 dwellings.

The proposed scheme is policy compliant numerically in terms of affordable housing provision with the intention for each phase to include affordable housing delivery. Whilst the applicant has not departed from the aspiration of providing 30% of affordable units on site, through pre-application discussions a revised mix has been presented:

- 52% of units will be intermediate provision (the policy aspiration is 40%), consisting of:
 - 25% of units to be shared ownership;
 - 75% of units to be Discount Open Market Value (DOMV) properties, with a discount of 25%;
- 48% of units will be affordable rent provision (the policy aspiration is 60%), owned and managed by a Private Registered Provider or the Local Authority

The accompanying S106 will include a clause which allows flexibility in the event that circumstances change during the life of the build out. This does not diminish the importance of the delivery of affordable housing but is intended to give both the developer and the LPA comfort that the right housing is being delivered at the right time to meet potentially changing needs. The default position would be towards monetary contributions off site but only in the scenario where a number of stringent requirements have been met. A financial contribution would represent a

last resort with all other avenues to secure a registered provider(s) having been exhausted.

Colleagues in Strategic Housing have assessed the latest offer acknowledging that it represents a departure from the 60/40% split aspired by policy. A pragmatic view has been reached in order to secure full 30% provision in numerical terms and no objection has been raised. The following tenure mix has been suggested:

Type	Aff Rent	Intermediate (S/O)	Discount for sale 75% of OMV	Total
1 Bed	50	-	-	50
2 Bed	130	40	125	295
3 Bed	70	30	80	180
4 Bed	10	-	5	15
Totals	260	70	210	540

The above position has changed substantially since Members first considered the application in September 2016. The details of the changes in affordable housing provision based on a viability case were presented to Members through an update report in July 2017 (Appendix 1). To confirm, the negotiated position is now that the proposal will deliver 13% affordable housing (234 units). The detail and breakdown of these units is included within the report at Appendix 1.

Notably, the 2018 NPPF and associated NPPG online guidance has evolved further since the report presented on July 24th 2018 in respect to matters of Viability. The processes for the consideration of viability have been rewritten in an effort to appear '*proportionate, simple, transparent and publically available*' (Paragraph: 010 Reference ID: 10-010-20180724). This therefore aids in reinforcing paragraph 57 of the revised NPPF which explains that:

'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'

In line with the requirements of the Viability Guidance Note (Ref ID 10-007-20180724) and paragraph 57 of the revised NPPF the weight to be given to a viability assessment is a matter for the decision maker.

Whilst it is recognised that under paragraph 019 Reference ID: 10-019-20140306 of the replaced Viability Guidance Note (2014) that where an applicant is able to demonstrate to the satisfaction of the Local Planning Authority that planning obligations would cause development to be unviable, the Local Planning Authority should be flexible in speaking such obligations, in particular affordable housing, this is no longer the case.

Paragraph 64 of the revised NPPF now expects that for major development, planning decisions should expect at least 10% of homes to be available for affordable home ownership, unless '*this*

would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.' The paragraph goes on to list exemptions to this 10% requirement, which does not include discussions around viability. This is a new requirement which The Government had previously not placed substantial weight on.

The affordable housing offer remains above the 10% requirement of paragraph 64 with the offer agreed representing what is reasonably viable (in also accepting that irrespective of viability 10% is a minimum on-site contribution) according to the Council's independent viability expert. This is based on significant infrastructure costs to mitigate this development, which have a dual benefit of improving the transport infrastructure for the wider area. The review mechanisms previously sought will be maintained.

Community Facilities

As defined by the Developer Contributions and Planning Obligations SPD, community facilities include (but are not limited to), Community Halls; Village Halls and Indoor areas for sport. In the interest of comprehensive development, the District Council will seek the collective provision of new infrastructure (where necessary).

The development incorporates a Local Centre which is intended to be the community hub of the proposal. This will include a new Community / Sports Hall with a floor space of up to 1,113m². This is of an appropriate size to provide an indoor badminton facility. Again this has been discussed throughout pre-application discussions and deemed appropriate and commensurate to the scale of the development. Delivery of this will be secured through the accompanying S106. Securing all required community facilities on-site negated the need to secure any financial payments.

The 2018 NPPF does not alter the above assessment.

Health

Policy NAP2C states a requirement for a three GP facility for the whole allocation for the Land around Fernwood (circa 3,200 dwellings). The applicants acknowledge that, whilst not constituting the whole allocation, the development of 1800 dwellings would form a significant proportion. It is accepted that the proposed development through this application alone would not generate the need for a three GP practice. The applicant has proactively engaged with local health providers in order to establish the most appropriate form of health care for the development.

At this stage, there is not a clear steer as to whether the health facility will be delivered on site (incorporated within the Local Centre) or whether it would be more appropriate to provide off-site contributions. The latest discussions have however suggested that the latter option would be most favorable to meet healthcare needs at this time. On this basis the S106 will be worded to allow flexibility and the ability for a healthcare review throughout the life of the development to ensure that the contributions sought are appropriate to the evolving needs of the health providers and ultimately the local community. Any off site contributions would be capped at £1.71M (derived from per dwelling figures of the SPD). The applicants have confirmed that they would reserve land for the healthcare facility until the healthcare review has reached a conclusion on where the contribution should be met. In the event that the review identifies an on-site facility, the applicant will transfer the land to the healthcare body to deliver the facility.

As identified above the application site boundary forms the administrative boundary of the District. It is therefore perhaps unsurprising that comments have been received from NHS Lincolnshire stating that the development is likely to affect the medical centre in Long Bennington. Justification for this is provided in full in the above consultee section but essentially the response confirms that the proposed housing development falls within the practice catchment for at GP surgery at Long Bennington.

NHS Lincolnshire have requested a commuted payment from the development based on the full 1800 units proposed and based on a 'health calculator' used by a Lincolnshire Planning Authority. Whilst there remains no objection to a health contribution, this can only be calculated on the basis of this Council's guidance, hence the £1.71m cap detailed above. Further, any proportion of this £1.71m which does go to Lincolnshire should be both reasonable in terms of evidence and detailed in terms of spend. For the avoidance of doubt NHS Nottinghamshire remain unconvinced that Lincolnshire are entitled to any proportion of monies secured. From a planning point of view the value of contribution is clear, as is the ability to spend some in Nottinghamshire and Lincolnshire. A S106 can be drafted on this basis, allowing debate and discussion between health authorities to continue. The exact split of where the contributions would be attributed could be decided through the healthcare review, a mechanism introduced and tied by any S106 agreement.

The proactive and flexible nature of the applicant in the delivery of healthcare provision should be noted and indeed is fully supported by officers. The exact wording of the agreement would be secured through the S106 but I remain confident that the applicant would be providing healthcare facilities (by some means) which would meet the needs generated by the development.

The 2018 NPPF does not alter the above assessment.

Education

There is no dispute that a development for 1800 dwellings would put a strain on the existing education provision. Indeed education provision within an urban extension is a key component of sustainability. In this respect, Policy NAP2C requires the Greater Fernwood allocation to deliver a new primary school.

The proposal for 1800 dwellings would generate approximately 378 primary school places. As demonstrated on the masterplan the proposal includes 2.2hectares of land within the north western corner of the site to deliver a two form entry primary school (420 places). In addition to this, an area of land approximately 0.8 hectares would be provided adjacent to the school to allow for expansion to a three form entry in the event that future housing is delivered (by other landowners) in line with the aspirations of the strategic site allocation. On this basis the proposal would be policy compliant with respect to education needs. Triggers for delivery have been agreed with the County Council as the Education Authority through pre-application discussions and will be secured through the S106.

Members will note that secondary school provision is to be delivered through CIL.

The comments received from interested parties in respect of education provision are noted and the concern that the development would affect the existing primary provision in other schools is a legitimate one. Education would be delivered early in the development build out. By the occupation of the 200th dwelling, infrastructure for the school (including core facilities such as the school hall and dining room) and 4 classrooms would be delivered to cater for early occupations.

The applicants offer is considered to make adequate provision for primary school facilities to serve the needs of the development itself. It is acknowledged that there may be some consequences for other schools in the vicinity during the very early stages of development but unfortunately this is deemed as inevitable and unavoidable given the scale of the development. NCC Education raise no objections to the delivery mechanism and triggers proposed.

The position in respect to the education contribution has been subject to lengthy discussions since this time as outlined by the update report presented in July 2018 (Appendix 1). However, despite these discussions, the position remains as presented originally and the 2018 NPPF does not alter the above assessment.

Libraries

The Council's SPD allows for contributions towards library stock at a cost £47.54 (based on 2016 indexation). This would equate to £85,572 based on a development of 1800 dwellings. NCC have requested full stock costs (it is noted that the actual amount stated is slightly lower on the basis that it has not accounted for indexing).

This figure has been subject to dispute from the applicant in terms of whether it forms a CIL compliant request on the basis of the impact of solely this development. Officers have met with NCC to discuss the approach to the request and to seek comfort as to where the monies would be spent and how they are reasonably related to the development. Members will note an additional response listed in the consultee section above. It is acknowledged that Balderton and Newark libraries both have an existing shortfall in stock. It is equally acknowledged that it does not fall for the applicant to mitigate against existing stocking issues. NCC state that each new development places pressure on the library stock available. What is unfortunately not clear, is how specifically the development for 1800 dwellings will impact upon local libraries and thus where and how the contribution sought would be spent. Without this justification officers are unfortunately not satisfied that the request for a contribution towards library stock would be CIL compliant. On this basis, library contributions will not feature within the accompanying S106.

The 2018 NPPF does not alter the above assessment.

Public Open Space

Allotments and Community Gardens

The Council's SPD provides that 12m² should be provided per dwelling. Based on 1800 dwellings this would amount to 21,600m² (2.16ha). The masterplan demonstrates the delivery of 2ha of allotments to be delivered at two areas of the site (north east adjacent to the sports hub and south). The shortfall from policy aspirations is considered negligible in the context of the whole development (indeed acknowledging overprovision in other areas as discussed below). As such the proposal is deemed appropriate in this respect. Delivery of the allotments would be secured by the S106 with the north east area being delivered within Phase 1 and the southern area within Phase 3.

Amenity Green Space and Provision for Children and Young People

The SPD requires provision of 14.4m² per dwelling for amenity green space and 18m² per dwelling for provision for children and young people. The applicant has presented a combined offer of 6.4ha which would far exceed the policy requirements of 5.83ha. This would be delivered in the

form of Pocket Parks and Greenways, as well as a Neighbourhood Equipped Area of Play (NEAP) and two Local Equipped Area of Play (LEAP). Precise details of what the NEAP should include are best decided in consultation with the new community and therefore this matter will be left flexible within the S106 Agreement to facilitate this. However in accordance with guidance it would need to include both grass and hard surfaced areas, an activity zone of at least 1000 square metres, comprising an area for play equipment and structures, and a hard surfaced area of at least 465 square metres (the minimum needed to play 5-a-side football), a buffer zone of a minimum of 30m between the activity zone and the boundary of the nearest property. It would also be expected to contain a minimum of 9 experiences (such as balancing, climbing, sliding etc), seating and litter bins. The older children's/youth element should be either through the provision of a tarmac surfaced, fenced and marked out Multi-use Games Area or a tarmac surfaced skate/wheeled sport park containing at least 4 separate ramps. These facilities will be secured through the Section 106 Agreement.

Natural and semi-natural Green Space

The SPD suggests that 10ha per 1000 population should be provided (which would be 43.2ha) but recognises that due to difficulties in achieving this residents should live within 300m of an area of natural and semi-natural green space. It is noted that it would be somewhat unrealistic for a site of 93.6ha to deliver 43.2ha of natural and semi-natural green space (and be able to achieve the residential development proposed). The proposal includes extensive areas of natural and semi-natural green space totaling 19.1ha alongside structural planting and landscape buffer areas totaling 6.7ha. All residents would live within the 300m zone as demonstrated by the masterplan and thus the proposal is policy compliant in this regard.

Outdoor Sports Facilities

The delivery of sports facilities has been subject to numerous negotiations throughout the pre-application process with the Councils Sports, Community and Arts Manager. The applicant has taken the decision to deliver all facilities on site (there had been discussion of off-site contributions at one stage). As a consequence the sporting offer within the Sports Hub is comprehensive and includes:

- 2 adult football pitches (one grass and one AGP);
- 2 mini football pitches;
- 1 junior football pitches;
- 1 adult and youth cricket pitch;
- 1 adult rugby pitch;
- A 252sqm sports pavilion and changing facilities;
- Additional changing facilities to support pitches north of Claypole Lane; and
- 4 tennis courts.

Specifications for the sports pavilion have utilised Sports England advice. These facilities combined are considered to be a significant offer which weighs positively in the overall balance of the scheme.

I note the comments received from Sports England which suggest (through comments by the Rugby Football Union) that there may not be a need for a single rugby pitch venue and as such off site contributions to Newark RFC should be considered instead. This does not an advance to an objection to the development and having discussed with the Sports, Community and Arts Manager, officers are satisfied that on-site provision as envisaged is appropriate.

Other on-site provision

A SUDs scheme would also come forward early within the development and the locations are indicated on the master plan. This ultimately would form part of the public open space and have some ecological value. Its maintenance and management would be included within the S106 Agreement.

The 2018 NPPF does not alter the above assessment.

Maintenance of Public Open Space

Maintenance of the public open space is still subject to negotiation. The District Council has confirmed that it would not take on the maintenance of the POS. **Whilst not materially affecting the planning decision the District Council has not now ruled out the ability to take on the POS as part of the wider management of the whole Fernwood SUE.** The POS amounts to a total of approximately 31.9ha (which represents 34% of the site area) and includes a range of facilities including, equipped areas of play, sports pitches, allotments and attenuation ponds which would require an able and sophisticated maintenance regime.

It is understood that the management of public open space is a contentious issue and one that has caused concern in the past on the existing Fernwood development. During the life of the application, the applicant has engaged with the LPA, the Parish Council and the local MP. On the basis of these discussions a revised Outline Management Strategy has been submitted during the life of the application.

It is acknowledged that the applicant has a duty of care to new customers which extends far beyond the initial point of sale. Managing the delivery of communal facilities for a large sustainable urban extension requires careful programming and constitutes highly specialized, resource intensive work. Equally it is acknowledged that the use of Management Companies (ManCos) is common practice across the UK. The revised strategy, at page 5, provides detail as to what a ManCo is:

‘A MANCO is a company set up to specifically maintain and manage communal areas and services within a development which do not belong to nor are the responsibility of a specific person (for instance an individual leaseholder or home owner).

The MANCOs will be non-profit and set up by the developers solely to administer the management and financial obligations associated with the communal facilities and infrastructure of a development. The MANCOs will be limited by guarantee.

Communal areas might include areas such as bin stores, access roads and forecourts, car parks, nature walks, wildlife trails and allotments as well as the main structure of community buildings and sporting facilities. The MANCO effectively becomes the legal body charged with looking after such areas and services.’

The intention is for maintenance to be delivered by an Umbrella MANCO (responsible for the whole site) as well as Phase Specific ManCos (responsible for phase specific needs such as open space and landscaping features within individual phases). The following charges and fees are outlined to facilitate operation of the ManCo:

- An annual administration charge – for operation of the ManCo; and

- A combined Umbrella ManCo service charge (for the physical maintenance of the overarching development) and phase specific MANCO service charge (for phase specific maintenance) [with breakdown of costs between Umbrella MANCO and phase specific ManCo].

These charges will be made readily available to prospective purchasers in an upfront and transparent manner. It has been explicitly stated that there will be no additional charges for items such as solar panels or satellite dishes. The brochure for prospective purchasers outlining associated charges could be secured by a suitably worded condition.

During stakeholder engagement, Fernwood Parish Council has expressed an interest in taking over management responsibilities of infrastructure and facilities. Whilst the applicant remains of the view that the ManCo framework is the most effective way to implement the management of the development, opportunities for management responsibilities of targeted infrastructure and facilities to be transferred to the Parish has been suggested. It is envisaged that this would be in the later stages of the development once the infrastructure has been delivered and management arrangements are established and sustainable. In the short term it is suggested that the ownership obligations and maintenance responsibilities of the Community Hall/Sports Hall could be transferred to the Parish Council upon its completion. Furthermore, a stream lined approach is suggested for the holding of community events on ManCo managed land.

These options would be written into the S106 Agreement to allow flexibility. It would be ultimately at the discretion of the developer to decide which option to pursue (as they are legally entitled to do) albeit it falls to the LPA to agree a precise schedule of maintenance/management prior to development commencing. Maintenance would be paid for by the developer through either by them front loading the ManCo with subsidies and/or applying service charges to the dwellings they sell.

The 2018 NPPF does not alter the above assessment.

Transport

The highways mitigation works discussed above in the Highways Impact section of the report (and incorporated within Appendix 2) would be secured through conditions and the associated S106 agreement. As previously discussed within the relevant sections, the intentions of the Travel Plan would be secured through condition.

In addition to the above, Members attention is drawn to the comments of Network Rail which are listed in full in the above consultation section of the report. Their initial response sought a financial contribution of between £3-4k to be spent towards further improving Newark North Gate Station facilities. Specifically works to improve the connectivity to the station by cycle were referenced. This request was relayed to the applicant during the life of the development and further discussions were entered into with Network Rail and officers in order to ascertain a more specific request which could be considered CIL compliant. A further response was received (again listed in full above) which confirmed that Network Rail are seeking funding for a ramp to enable ease of access for cyclists. This ramp was stated as being outside of the scope of works currently planned by Virgin Trains East Coast.

Understandably, the applicants want to secure that all requests are reasonable and relatable solely to their development in order to ensure a CIL compliant scheme. The applicants have provided a Technical Note undertaken by their Transport Consultants dated 20th July 2016. This response states that the ramp is covered under DDA compliance regulations and is therefore the

responsibility of Network Rail. Further details are provided in terms of the level of cycle trips which will actually be undertaken between the development site and Newark North Gate station (a distance of 6.2km by cycle). Reference is also made to the bus services funded by the development which include a 30-min frequency from the site to the station. Despite the latest comments offered by Network Rail clarifying matters surrounding safety regulations, Officers concur with the overall conclusions of the technical note and agree that, in this instance, it would not be reasonable to require the applicant to make the contribution requested by Network Rail. As such this has not been incorporated within the S106.

The 2018 NPPF does not alter the above assessment.

Other Matters

Amenity

Consideration of amenity impacts is required through Policy DM5 which states that development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact. Environmental impacts arising from the development upon residential dwellings (both existing and proposed) has been assessed through the ES in various chapters such as Air Quality and Noise and Vibration. These matters have been discussed separately above and subject to the suggested conditions it is not considered that the development will lead to detrimental amenity impacts which would warrant a resistance of the proposal.

Given the outline nature of the proposal it is not possible to assess all amenity impacts such as overbearing or loss of privacy through overlooking. These factors will be fully assessed at reserved matters stage.

The 2018 NPPF does not alter the above assessment.

Cumulative Matters

EIA regulations require the submitted ES to examine possible cumulative impacts arising for development. In the case of the current submission, this is dealt with both through chapters on specific matters and through Chapter 15 which deals solely with Cumulative Effects presented in the tabulated form in relation to the following sites:

- Land south of Newark – Allocation NAP 2A – strategic mixed use development comprising up to 3,100 dwellings, employment land, two local centres, and associated green, transport and other infrastructure
- Land East of Newark – Allocation NAP 2B – strategic mixed use development comprising up to 1,650 dwellings, and a local centre, comprising retail, service, employment and community uses, and associated green, transport and other infrastructure
- Greater Fernwood – Allocation NAP 2C – the allocation to which the current application comprises part of. In addition, there is the **approved applications** submitted by Barratt / David Wilson Homes and **Larkfleet Homes referred to in the relevant planning history section above.**

The ES identifies that; whilst there may be some short term impacts (principally due to overlapping construction periods) overall the combined impacts of all developments are unlikely to give rise to significant adverse impacts. When taken in the context of the level of mitigation

proposed by this application, and indeed the mitigation which will be secured by other applications, officers consider this to be an appropriate conclusion in respect of cumulative impacts.

The 2018 NPPF does not alter the above assessment.

Consultee Comments

The majority of consultee concerns/comments have been addressed with the relevant sections above.

The detailed comments of the Access and Equalities Officer and the Police Architect Liaison Officer (listed in full above) have been noted. Indeed the importance of creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion is explicitly identified by paragraph 58 of the NPPF in the context of requiring good design. **This stance has been carried to Chapter 8 (Promoting health and safe communities) of the NPPF 2018.** Given the outline nature of the development it is not possible (nor appropriate) to interrogate the development at the level of detail referred to by these comments. Nevertheless it is considered reasonable to include an informative drawing attention to the principles of Secured by Design and the requirements of Building Regulations. It should however be noted that the final street hierarchy will be designed such that fire appliances will be able to reach within 45m of any residential dwelling and the maximum carry distance for refuse collection be 25m.

Overall Planning Balance and Conclusions

This planning application represents an opportunity to deliver one of the Council's allocated Strategic Urban Extension sites. The delivery of housing, in this case promoted by a national housebuilder is a significant material planning consideration. That said it is equally necessary to ensure that an acceptable form of development takes place, including required mitigation. A development of this scale will inevitably have impacts and will inevitably change the existing character of the location. However, it does not follow that a significant change must equate to unacceptable harm.

Following extensive negotiations the Local Planning Authority is satisfied that subject to conditions and an appropriate S106 Agreement, appropriate mitigation can be secured which makes the development acceptable in overall terms. I am satisfied that the suite of parameter and framework documents submitted can be conditioned to govern any future reserved matters submissions, which in themselves will require more detail and supporting information. On the basis of all matters details above approval is recommended. **The above judgement is taken in the contact of the updated national policy position as published on July 24th 2018.**

RECOMMENDATION

That outline planning permission is approved subject to the conditions appended at Appendix 4 and the sealing of an associated Section 106 legal agreement on the basis of the contributions outlined in Appendix 5.

Background Papers

Application case file.

For further information, please contact Laura Gardner on ext. 5907.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb

Business Manager Growth and Regeneration

Committee Plan - 16/00506/OUTM

