

## PLANNING COMMITTEE – 5 FEBRUARY 2019

<b>Application No:</b>	<b>16/02173/OUTM</b>
<b>Proposal:</b>	<b>Residential Development up to 800 dwellings (Class C3), Strategic Employment Site comprising up to 4,855 sqm Class B1a, up to 13,760 sqm Class B1c, and up to 13,760 sqm Class B2, a new Country Park, a Local Centre, "The Heart of the New Community" containing a mix of leisure (to include zip wire), commercial, employment, community, retail (up to 500 sqm), health, and residential uses, a Primary School, Open Space and Green Infrastructure (including SUDS), and associated access works including the details of the primary access junctions into the site from Ollerton Road.)</b>
<b>Location:</b>	<b>Former Thoresby Colliery Ollerton Road Edwinstowe</b>
<b>Applicant:</b>	<b>Harworth Estate Group</b>
<b>Registered:</b>	<b>23.12.2016</b>
	<b>Target Date: 29.03.2017</b> <b>Extension of Time Agreed in Principle</b>

Members will note that this application has been brought before Planning Committee on the 19<sup>th</sup> October 2017 with an officer recommendation for approval subject to conditions and an associated S106. Draft conditions were detailed in the Schedule of Communications distributed at the meeting, with any re-drafting being delegated to Business Manager Growth and Regeneration.

The following report forms an edited version of the original presented to the 19<sup>th</sup> October 2017 meeting. The matter is brought back to Members in order to 'sense check' that revisions to the National Planning Policy Framework published on 24th July 2018 do not materially affect previous conclusions and the wider planning balance. Any additional commentary has been captured in bold text within the 'Comments of the Business Manager' section.

### The Application Site

The application relates to the former Thoresby Colliery site which closed in July 2015 and comprises the former pit yard area; spoil heaps and some arable fields fronting the A6075 Ollerton Road to the south.

It is irregular in shape, extending to some 150.3ha and comprises several parcels of land namely:-

- The former pithead area in the centre of the site, including mine shafts, winding houses, coal preparation plant (now demolished) and surface facilities;#
- Agricultural fields in the south of the site, fronting the A6075 Ollerton Road;
- The central tree lined existing access road, with gatehouse, which bisects the fields;

- A railway cutting and former sidings in the west of the site, and south of the pithead area;
- Former coal stocking area south of the pithead;
- A settlement pond in the southeast of the site, for the storage of surface water prior to outfall from the site; and
- Spoil tipping areas to the west, north, and east of the pithead buildings.

The site lies to the north east of the settlement of Edwinstowe and is primarily accessed from the A6075 Ollerton Road via the existing colliery access road.

Residential properties adjoin the eastern and western corners of the site.

To the north and east it is bounded by the Birklands and Bilhaugh Special Area of Conservation and Special Sites of Scientific Interest that lie within the adjacent Special Area of Conservation (Birklands and Bilhaugh; Birklands West and Ollerton Corner). The Sherwood Forest National Nature Reserve (NNR) and Country Park lies to the west. The site also lies within the 5km buffer zone of the Sherwood Important Bird Area, and parts of the site are within 500m of an Indicative Core Area identified by Natural England for a potential prospective Special Protection Area (SPA).

### Background

Thoresby Colliery closed in 2015, with the loss of 600 jobs. It was the last deep coal mine to close in Nottinghamshire. The spoil heap to the north are already subject to a significant restoration scheme agreed with Nottinghamshire County Council which will see it restored to heathland, woodland and grass land.

The applicants, Harworth Group are a large property regeneration company which specialise in the remediation of brownfield sites such as former colliery sites and coking works.

The site is proposed to be allocated as a Strategic Urban Extension site in the Amended Core Strategy. This was published for a period seeking representations between 17 July and 1 September 2017. Following this consultation the site remains a proposed allocation by this Council, as ratified by a Full Council meeting on the 26<sup>th</sup> September 2017. Consequently this site, which forms part of the Council's Amended Core Strategy DPD was formally submitted to the Secretary of State for Examination on Friday 29 September 2017. It is anticipated that the Examination Hearings will be held in December 2017, with adoption to follow in March/April 2018 (based on the timetable for previous DPDs this Authority has submitted).

The proposed site allocation policy within the Publication Amended Core Strategy (Policy ShAP4) identifies the application site for large scale housing development, employment land uses, leisure and community uses including retail to meet local needs and associated green, transport and other infrastructure.

### Relevant Planning History

A scheme for the restoration of the former spoil heaps has been approved by Nottinghamshire County Council originally in 1996 (3/96/0531). This was updated in 2012 (31/11/01826/CMA). The movement of soils and spoil spreading, seeding and planting to restore the spoil heap have consequently commenced and are ongoing

16/SCR/00009 – A screening opinion was submitted in August 2016 seeking an opinion on a proposal for mixed uses including residential, employment and recreational uses. The Council considered that any application would need to be accompanied by an Environmental Statement.

### The Proposal

This application seeks outline planning permission with access to be considered (and all other matters reserved for subsequent approval) for:-

- a residential development of circa 30.6 hectares of land comprising up to 800 dwellings of a mix of tenure, sizes and types (Class C3),
- a strategic employment site, comprising up to 4,855sq.m. Class B1a, up to 13,760sq.m. Class B1c, and up to 13,760sq.m. Class B2 located to the south eastern corner of the site with access to be provided from the A6075,
- a new Country Park comprising circa 99 hectares of land to the north of the site,
- a local centre, containing a mix of leisure (to include zip wire), commercial, employment, community, retail (up to 500sq.m.), health, and residential uses,
- a primary school site comprising circa 1.3 hectares located towards the southwestern boundary of the site,
- open space and green infrastructure, and
- associated access works including the details of the primary access junctions into the site from Ollerton Road.

A breakdown of the amount of development is shown within the table below:-

USE	HECTARES	ACRES	DELIVERY
COUNTRY PARK	99.03	244.72	The former soil heap will be restored, creating multiple ecological habitats
RESIDENTIAL (Cumulative total)	30.65	75.76	The site has the potential to deliver 800 new residential dwellings, ranging from apartments and starter homes through to 3 bedroom houses and a retirement village.
EMPLOYMENT	8.11	20.05	The site has enormous potential to deliver of approximately 250, 000 sq.ft of new commercial space. This has the potential to produce up to 1, 000 new jobs.
SCHOOL SITE	1.3	3.2	Area to provide site for new school creating further linkages to wider community through leisure facilities and employment opportunities. Site area allows for possible future expansion.

The existing vehicular access point off the A6075 Ollerton Road will be retained as the main access point serving the development. An employment access route is proposed further east of this from Ollerton Road. An access point from the A616 Swinecote Road will serve the proposed primary

school, and will be a safeguarded route for alternative access to the new Sherwood Forest Visitor Centre.

Land will be provided to accommodate a primary school site together with a financial contribution towards the building which is detailed within the Developer Contributions section of this report.

The proposal seeks to retain and enhance existing green infrastructure and open space as shown within the indicative master plan

The illustrative Master Plan submitted with the application shows the broad locations of land uses (such as houses, school, open space, employment land) and the Environmental Statement (as the screening opinion in the planning history section above concluded this scheme represents EIA development) outlines typical building scales of 2 and 2.5 storey residential properties with ridge heights of up to 10m, employment properties with ridge heights of up to 10m, primary school with ridge height of up to 9.5m and local centre buildings with ridge heights of up to 12m.

An Indicative Phasing Plan has been submitted which shows how the developer envisages the scheme coming forward.

7 phases (4 phases of residential development located either side of the existing main access road) are shown that indicate the development would come forward from south to north with the first 2 phases (1 and 2) being to the west of the existing main access road. Phase 2 would include the school. The latter phases include the heart of the community zone.

Three character zones are identified within the site, namely 'Forest' 'Heathland' and 'Industrial'.

Given the outline nature of the application details of scale, landscaping and appearance will be determined at reserved matters stage should Members be minded to approve this outline application. However, this outline will allow Members to approve maximum parameters within which any reserved matters should come forward.

Subject to gaining outline consent and associated reserved matters approval, the developer anticipates lodging a reserved matters application for phase 1 in the first calendar year quarter of 2018, and commencing on site in during the third quarter of 2018. Build-out rates have been indicated as being circa 75 dwellings per year and the build programme is anticipated as lasting approximately 10 -12 years. As I explore further below the applicant has provided evidence of their track record of timing, delivery, and build out of similar sites elsewhere.

The application has been accompanied by an Environmental Statement. The scope of the statement covers ecological and nature conservation impacts and socio economic impacts. It demonstrates that there would be no significant adverse or unacceptable environmental effects resulting from the proposed development and no overriding environmental constraints that should preclude the mixed used development of Thoresby Colliery, subject to appropriate mitigation. Given the scale of development proposed, there will inevitably be environmental effects during the construction phase and once the development is built and occupied. Consequently it is important that such impacts are assessed and mitigated for where required. These are matters I deal with throughout the appraisal section below.

Other submissions include the following:

- Flood Risk Assessment
- Design and access Statement
- Planning Statement
- Air Quality Assessment (Executive Summary dated 11<sup>th</sup> April 2017, technical note scope dated 5<sup>th</sup> May 2017 and AQ technical note dated 12<sup>th</sup> May 2017)
- Employment and Residential Travel Plans (revised May 2017)
- Heritage Assessment and Addendum
- Landscape Visual Impact Assessment
- Noise Assessment
- Phase 1 Desk Top Studies
- Supporting Statement in relation to brownfield sites and delivery of development
- Retail Statement
- Illustrative proposed Section plans
- Visualisation plan
- Western and Eastern access junction plans
- Green infrastructure plan
- Consultation Statement
- Land use distribution plan (including phasing)
- Additional supporting statements regarding brownfield sites and policy commitment to delivery

Given the level of infrastructure and S106 requirements required in this case the applicant has formally presented a viability case to the Council for consideration. This was received in July 2017 and has been independently assessed by an expert appointed by the Council.

#### Departure/Public Advertisement Procedure

Occupiers of 3460 neighbouring properties (both residential and commercial) have been notified by letter of the proposal, site notices have been displayed at various locations in and around the site and neighbouring settlements and a press advert has been placed in the local press . Additionally officers attended a public consultation afternoon at the Parish Council offices.

#### Planning Policy Framework

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

##### **Newark and Sherwood Core Strategy (Adopted March 2011)**

- |                    |   |
|--------------------|---|
| • Spatial Policy 1 | Settlement Hierarchy                                      |
| • Spatial Policy 2 | Spatial Distribution of Growth                            |
| • 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 7    | Tourism development                                       |
| • Core Policy 8    | Retail and Town Centres                                   |
| • 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

### **Newark and Sherwood Allocations & Development Plan Document (adopted July 2013)**

- 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 DM12 Presumption in Favour of Sustainable Development

### **Plan Review - Publication Amended Core Strategy July 2017**

Spatial Policy 1	Settlement Hierarchy
Spatial Policy 2	Spatial Distribution of Growth
Spatial Policy 5	Delivering the Strategy
Spatial Policy 7	Sustainable Transport
Spatial Policy 8	Protecting and Promoting Leisure and Community Facilities
Core Policy 1	Affordable Housing
Core Policy 3	Housing Mix, Type, and Density
Core Policy 6	Shaping our Employment Profile
Core Policy 7	Tourism development
Core Policy 8	Retail and Town Centres
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 Environments

ShAP3 Role of Edwinstowe – Land at Thoresby Colliery

### **Other Material Planning Considerations**

- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions SPD (December 2013)
- National Planning Policy Framework 2012.
- National Planning Policy Guidance, March 2014.
- Newark and Sherwood Landscape Character and Assessment SPD (2013)
- 6 C's Design Guide

### **Consultations**

#### **Edwinstowe Parish Council**

The Parish Council has sought the views of Edwinstowe residents and seeks to represent the range of views. We recognise there are different views within the village ranging from support through to opposition and a variety of mixed views in between. Many residents welcome the creation of jobs but there are concerns about the impact of the number of houses unless issues relating to infrastructure and village amenities are addressed. Therefore the Parish Council does not support

or oppose the application at this stage but will seek to influence any development should it be approved and represent residents views through the various planning stages. We strongly urge the planning committee and the planning officers of NSDC to fully consider the views of Edwinstowe residents and ensure that through the use of planning powers and negotiation with developers and relevant bodies the following matters relating to infrastructure and the capacity of village amenities are addressed in the event of approval for the proposed development:-

- Management of traffic flows and parking
- Improvement of Ollerton roundabout
- the capacity of the doctors surgery
- primary and secondary school places
- connectivity with the village
- play and leisure amenities.

In addition we submit a summary of all the suggestions and concerns raised by residents. We recognise that most if not all of these issues will be addressed as reserved matters and some will be matters for other public bodies but should outline approval be given we urge NSDC to commence the process of addressing these matters.

- Not enough amenities to cope with additional residents
- Capacity at doctors surgery
- Increase in traffic through the village
- Capacity at local schools including the Dukeries Academy
- Impact on High Street of proposed new retail space
- Transport links
- Availability of affordable housing for the young
- Funding for health, social community education and transport provision
- Ollerton roundabout requires improvements
- Loss of village status and becoming a town
- Total new housing allocation for Edwinstowe
- Sustainable/renewable energy, environmental issues and carbon footprint impact
- Design/density of development
- Design of landscaping and paths at green open space/country park to make the accessible by all
- Location of proposed new school – should it be in the centre of the village
- Impact on parking in the village when using local services and the need to provide/improve pedestrian and cycle routes to and from proposed development
- Retention of existing buildings needs to be considered
- Demand for parking at the country park/zip wire site – concerns there will be disruption from on road parking
- Is access to the development available from A616 Worksop Road possible
- Historically the ponds were prone to flooding
- Visual impact of new development (area of natural beauty)

### **Perlethorpe Parish Council**

It is understood that this is an outline application only. The committee are in favour of the redevelopment of this site and as brownfield is ideal for village type residential development also the whole proposal will bring sustainable employment to the local area.

Regarding the 800 dwellings no mention of what these will consist of is currently available, nor is health facilities. Will this include a doctors surgery as both the one doctors surgeries in Ollerton and Edwinstowe are already at breaking point.

Our prime concern in the infrastructure to the site from day one start of construction this will be a further burden that the Ollerton roundabout where it joins the A614 and the traffic lights at Rose Cottage the direct route form Edwinstowe for residents of the village looking to join the A614 these are all minor B roads and do not appear to have current facilities to be widened.

The planning officer was not aware that the A614 was frequently used as a diversion route if problems occurred on the M1going from junction 29 and also for traffic coming from Blyth on the A1. The public consultation meeting is welcomed. We are not a parish meeting who is against change but do feel much more information is required from Haworth Group PLC before anyone can either support or object to this proposal.

### **Bilsthorpe Parish Council**

Bilsthorpe Parish council discussed the planning application 16/02173 at their council meeting on the 13th February and would like to make their previous concerns over traffic to be highlighted as comments please.

Can consideration please be taken when making a decision as to the increased activity at the junctions on the A614 and A617? The roads are already busy and with the amount of traffic already there and the recently proposed applications for the area the traffic will therefore increase, this we feel will be adding additional risks to users of these junctions. Can traffic lights and /or a roundabout be installed on the A614 and A617. The overall visibility needs to be improved and we welcome suggestions.

### **Ollerton Town Council**

Supports the proposal.

### **Highways England**

Referring to the planning application referenced above notice is hereby given that Highways England's formal recommendation is that we offer no objection.

### **Nottinghamshire County Council (Highways Authority)**

**25.01.17** - I wish to submit this as a holding response, to request more time to assess the submitted Transport Assessment. Notwithstanding the above, it has already been identified that there are significant flaws in the traffic modelling carried out, such that revisions will be necessary and checked further, particularly with respect to the A614/A616/A6075 Ollerton roundabout. Further, more detailed comments will follow in due course.

**12.09.17** - Further to comments made on 25th January 2017, a meeting with the Applicant's Highways Agent has been held and after additional correspondence a Transport Addendum report has been submitted. The impact on the capacity and safety of the public highway network has been checked and the principle of the proposal is acceptable.



In line with the Addendum report, it has been assessed and agreed that a financial contribution towards the NCC-protected Ollerton Roundabout improvement scheme at the A614/A616/A6075 junction should be made in the order of £710,000. This should be secured via a Section 106 Agreement. Without this roundabout scheme being delivered the type and scale of development being proposed would add significantly more congestion to a junction already experiencing serious capacity problems. Furthermore, assuming approval is given, the scale of development actually delivered should be restricted to a specified size until the roundabout scheme itself is delivered. For example, perhaps only 150 dwellings plus, say, a ¼ of the employment site can be occupied before the roundabout is improved.

It has also been agreed that technical improvements to the signalised junctions within Edwinstowe should be made to maximise capacity. It is considered that this can be achieved via a planning condition (see later).

Drawings have been submitted to indicate how the site will gain access from the A6075 and these are acceptable for planning purposes, but may require amendments as part of the detail design and safety audit process involved in a Section 278 Agreement (Highways Act 1980).

Subject to the above and the following conditions, it is considered that no objection be raised to this application:

No part of the development hereby approved shall be occupied / brought into use unless or until junctions with the A6075 have been provided as shown for indicative purposes only on the drawings no. ADC/1343/001B and ADC/1343/02A to the satisfaction of the Local Planning Authority.

Reason: In the interests of Highway safety.

No part of the development hereby approved shall be occupied / brought into use unless or until modifications have been made to the traffic signal controlled junctions at A6075 Mansfield Road/West Lane, and A6075 Mansfield Road/Ollerton Road/Church Street/High Street to improve capacity. This will involve the installation of MOVA (or similar) in agreement with the Highway Authority.

Reason: In the interests of Highway capacity.

No more than 150 dwellings and/or ¼ of the employment site shall be occupied/brought into use until the A614/A616/A6075 Ollerton Roundabout improvement scheme has been delivered.

Reason: In the interests of Highway safety and capacity.

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

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

The approved Residential and Employment Travel Plans (version 4 in each case) shall be implemented in full and in accordance with the timetable set out in those plans unless otherwise agreed in writing by the local planning authority.

Reason: To promote sustainable travel.

Notes to Applicant:

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

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

### **Nottinghamshire County Council (Highways Authority) – Transport & Travel Services**

#### **19.06.17**

#### General Observations

The outline planning application covers the former Thoresby Colliery and extends to a total of approximately 150.3ha. The site comprises the former pit yard area and the spoil heap at Thoresby Colliery, as well as two arable fields fronting the A6075 Ollerton Road.

The proposed development includes up to 800 new residential dwellings, restoration and commercial development to provide new jobs, and the restoration of the spoil heap to provide leisure and recreation opportunities.

#### Bus Service Support

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

Stagecoach are the main commercial operator in this area. Services 14 and 15 combine to provide a 30 minute service to Mansfield. Sherwood Arrow provides an hourly service to Nottingham and links to Worksop, Retford and Tuxford every 2 hours.

Additional services are provided by Travel Wright and Nottinghamshire County Council fleet under contract to the Local Authority. These services have recently been the subject of a service review in which significant cuts were made to the County Council local bus service budget.

At this time it is envisaged that Transport & Travel Services will wish to negotiate with the developer and Highways Development Control regarding provision of appropriate bus service enhancements to serve the site.

Infrastructure

### Fronting the Site

The plans for the new junctions onto Ollerton Road will require the relocation of existing, and installation of new bus stops.

The current infrastructure is set out below:

NS0276 Colliery Lane – Wooden Bus Shelter, Raised Boarding Kerbs and Layby

NS0536 Colliery Lane – Bus Stop Pole and Raised Boarding Kerbs.

The Western site junction plan shows the closure of the bus stop layby and the easterly relocation of both NS0276 and NS0536. Should these locations meet with Highways safety approval then Transport & Travel Services will require the following standards at these stops:

NS0276 Colliery Lane – Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Polycarbonate Bus Shelter, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearway.

NS0536 Colliery Lane – Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Polycarbonate Bus Shelter, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearway.

The Eastern site junction plan shows the installation of two new bus stops, should the locations meet with highways safety approval then Transport & travel Services will require the following standards at these stops:

New Bus Stop 1 (Eastbound) - Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Polycarbonate Bus Shelter, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearway

New Bus Stop 2 (Westbound) - Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Polycarbonate Bus Shelter, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearway.

Transport & Travel Services request that a planning condition be issued that states the below:

No part of the development hereby permitted shall be brought into use unless or until the relocation of two bus stops on Ollerton Road (NS0276 and NS0536) and two additional new bus stops have been installed to the satisfaction of the Local Planning Authority, and shall include real time bus stop poles & displays including associated electrical connections, polycarbonate bus shelters, solar lighting, raised boarding kerbs, and enforceable bus stop clearways.

Reason: To allow safe access to the development and to promote sustainable travel.

### Within the Site

As a portion of the development will be more than the recommended 400 metre walking distance from the existing bus stop infrastructure, Transport & Travel Services require new bus stop infrastructure to be installed on the spine road of the development through Section 38 and Section 278 agreements where appropriate, with reference to the agreed format and route of the enhanced bus service provision serving the site. This includes the below standards at all bus stops:

- Real Time Bus Stop Pole & Displays including Associated Electrical Connections
- Polycarbonate Bus Shelter
- Solar Lighting
- Raised Boarding Kerbs
- Enforceable Bus Stop Clearway

Transport & Travel Services request 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 that 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 employees 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

### **Nottinghamshire County Council Transport Planning /Programmes Team**

Confirm that Version 4 of the Employment and Residential Travel Plans are acceptable.

### **Nottinghamshire County Council (Archaeology)**

I do not think I have seen the geophysical survey and I can't see it on your web-site. The Heritage assessment notes there were some results from this which warrant further investigation. If these are evaluated they may well demonstrate that further archaeological mitigation is warranted, so a phased approach will be needed. I am also not clear on what level of building recording has been undertaken, although I am pleased that the plan is to retain some of the colliery buildings. So a condition requiring the development and implementation of a programme of archaeological investigation and mitigation, with consideration given to the need for building recording, would be useful. A condition such as the following might be appropriate;

"No development shall take place within the application site until a written programme of archaeological mitigation has been submitted to and approved in writing by the CPA."

"Thereafter, the scheme shall be implemented in full accordance with the approved details."

**Additional Comments received 16.01.19 – The evaluation undertaken on the above site has shown, that despite potential, that there is little surviving archaeology on this site. Given this it would seem onerous for the condition requiring further work (Condition 13 of the Draft planning consent) to still be required.**

**My recommendation is that no further work is required on this site and that the inclusion of condition 13 requiring archaeological monitoring in any forthcoming planning consent is no longer required.**

Nottinghamshire County Council (Education) – There have been regular meetings between officers of NCC, NSDC, and the applicants in order to agree the level of provision in terms of a one form entry school. Triggers for its provision are yet to be agreed and these are recommended to be delegated to officers in consultation with NCC.

#### **Nottinghamshire County Council (Lead Flood Authority)**

No objections to the proposals are raised subject to the following condition:-.

It is recommended that a detailed surface water design and management proposal is approved by the LPA prior to any construction works commencing. The submitted Flood Risk Assessment should be used as foundations for any future detailed submissions.

#### **Nottinghamshire County Council (Strategic Planning)**

Outlines national and local policies in relation to waste, minerals, transport, healthy communities, education provision and public health are outlined. The following comments are then made:-

##### Minerals Planning Issues

The red line of the application encompasses both the former colliery tip subject to an extant NCC permission (plus other parts of the tip which have been restored and completed aftercare) and also the former pit head site which is also subject to GPDO requirements to restore to a green end use.

NCC has agreed an alternative restoration scheme for the former spoil heap and works are currently underway to deliver this. (NB the scheme doesn't involve importation). These works ought to be completed this year. NCC have agreed to defer requesting the detailed restoration scheme for the Pit Head pending this application coming forward as the two would be mutually incompatible.

In general terms I have no issue with the proposals and it will be for NSDC to determine the planning merits of this. However, NCC are concerned that the red line covers both the pit head and the spoil tip (for creation of the country park). Therefore if granted and lawfully implemented this will in effect supersede the minerals permission on the tip. This may be academic in many ways if the application isn't determined and implemented for 5 years as the spoil tip will hopefully by this stage be restored and coming to the end of aftercare. If this comes forward more quickly or the entry of the site into aftercare is delayed then NSDC will need to be sure that any permission they grant covers by condition any shortcomings of remaining works required under the extant minerals permission for the tip. NCC can advise on the status of this permission nearer the time to ensure that this is covered.

Any new permission should also have conditions requiring the enhancement of the restored tip to deliver the country park element and also to ensure and provide for its longer term maintenance and management, plus covering any liabilities which may arise if something on the tip was to fail.

NCC has an extant permission for the siting of a metal shipping container on the tip to house switchgear for a ground water abstraction borehole. Again this will need to be picked up.

Secondly the element relating to the pit head should overcome the need for the restoration of the site under the GPDO. However, NSDC will need to be sure that if there are to be any items from the former pit head to be retained that these are adequately conditioned to maintain and or require their removal at a future point linked in with the development. The coal mine methane plant etc. spring to mind.

It is disappointing to note that the applicant has not considered the Waste Core Strategy and emerging Minerals Local Plan, as advised at the pre-application stage. In this regard, the County Council would reiterate the following points made at the pre-application stage:-

- In terms of the Nottinghamshire Waste Core Strategy (December 2013), the proposed site does not cause any issues in terms of the safeguarding of our existing waste management facilities (as per Policy WCS10). As set out in Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.' In accordance with this, where proposals are likely to generate significant volumes of waste through the development or operational phases, it would be useful to include a waste audit as part of the application. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.
- In terms of the emerging Minerals Local Plan (Policy DM13), the site does not lie within a Mineral Safeguarding and Consultation Area and so the County Council does not raise any concerns in terms of the safeguarding of mineral resources

### Strategic Highways

The applicant has provided a Transport Assessment (TA) to support the planning application, this follows a recent meeting to discuss the scope of the assessment. However having received the TA it is clear that the County Council as local highway authority will require further clarification from the applicant on a number of matters contained within it and it is likely that further revised assessment will be required. In which case NCC will provide any observations we have directly to the district council.

### Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and

Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

## Travel and Transport

### *General Observations*

The outline planning application covers the former Thoresby Colliery and extends to a total of approximately 150.3ha. The site comprises the former pit yard area and the spoil heap at Thoresby Colliery, as well as two arable fields fronting the A6075 Ollerton Road.

The proposed development includes up to 800 new residential dwellings, restoration and commercial development to provide new jobs, and the restoration of the spoil heap to provide leisure and recreation opportunities.

### *Bus Service Support*

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

Stagecoach are the main commercial operator in this area. Services 14 and 15 combine to provide a 30 minute service to Mansfield. Sherwood Arrow provides an hourly service to Nottingham and links to Worksop, Retford and Tuxford every 2 hours.

Additional services are provided by Travel Wright and Nottinghamshire County Council fleet under contract to the Local Authority. These services have recently been the subject of a service review in which significant cuts were made to the County Council local bus service budget.

At this time it is envisaged that Transport & Travel Services will wish to negotiate with the developer and Highways Development Control regarding provision of appropriate bus service enhancements to serve the site.

## Infrastructure

### *Fronting the Site*

The plans for the new junctions onto Ollerton Road will require the relocation of existing, and installation of new bus stops.

The current infrastructure is set out below:

- NS0276 Colliery Lane – Wooden Bus Shelter, Raised Boarding Kerbs and Layby
- NS0536 Colliery Lane – Bus Stop Pole and Raised Boarding Kerbs.
- The Western site junction plan shows the closure of the bus stop layby and the easterly relocation of both NS0276 and NS0536. Should these locations meet with Highways safety approval then Transport & Travel Services will require the following standards at these stops:

- NS0276 Colliery Lane – Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Polycarbonate Bus Shelter, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearway.
- NS0536 Colliery Lane – Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Polycarbonate Bus Shelter, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearway.

The Eastern site junction plan shows the installation of two new bus stops, should the locations meet with highways safety approval then Transport & Travel Services will require the following standards at these stops:

- New Bus Stop 1 (Eastbound) - Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Polycarbonate Bus Shelter, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearway
- New Bus Stop 2 (Westbound) - Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Polycarbonate Bus Shelter, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearway.
- 

Transport & Travel Services request that a planning condition be issued that states the below:

No part of the development hereby permitted shall be brought into use unless or until the relocation of two bus stops on Ollerton Road (NS0276 and NS0536) and two additional new bus stops have been installed to the satisfaction of the Local Planning Authority, and shall include real time bus stop poles & displays including associated electrical connections, polycarbonate bus shelters, solar lighting, raised boarding kerbs, and enforceable bus stop clearways.

Reason: To allow safe access to the development and to promote sustainable travel.

#### *Within the Site*

As a portion of the development will be more than the recommended 400 metre walking distance from the existing bus stop infrastructure, Transport & Travel Services require new bus stop infrastructure to be installed on the spine road of the development through Section 38 and Section 278 agreements where appropriate, with reference to the agreed format and route of the enhanced bus service provision serving the site. This includes the below standards at all bus stops:

- Real Time Bus Stop Pole & Displays including Associated Electrical Connections
- Polycarbonate Bus Shelter
- Solar Lighting
- Raised Boarding Kerbs
- Enforceable Bus Stop Clearway

Transport & Travel Services request 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 that 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 employees 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.

## **Ecology**

### *Local context – designated sites*

Thoresby Colliery is located in the most ecologically sensitive part of Nottinghamshire, with land within 500m of the application site designated variously as a Special Area of Conservation (Birklands & Bilhaugh SAC) to the west and north; a National Nature Reserve (Sherwood Forest NNR) to the west; Sites of Special Scientific Interest (Birklands & Bilhaugh SSSI and Birklands West and Ollerton Corner SSSI) to the east, west and north; Local Nature Reserves (Cocklode & Rotary Woods LNR and Sherwood Heath LNR) to the east; and a Local Wildlife Site (Birklands & Bilhaugh LWS) to the east, west and north.

The application site also lies within the buffer zone of (and immediately adjacent to land covered by) the Sherwood Important Bird Area (IBA), and the 'Indicative Core Area', upon which any future Special Protection Area (SPA) designation may be based. Whilst these sites would not be directly impacted by the proposal, there is the potential for significant indirect impacts to occur, during construction and subsequent operation as a result of changes to air quality, noise, lighting, disturbance, and predation by pets.

As a result, it is essential that comments from Natural England are sought as part of the planning consultation process, in relation to potential impacts on SSSIs, and the SAC and NNR, and I will refrain from commenting further on this aspect of the application. In addition, due to the proximity of the SAC, it appears necessary for Newark and Sherwood DC to carry out a Habitats Regulations Assessment (HRA), under the Conservation of Habitats and Species Regulations (2010) to assess impacts on the SAC and the 'possible' SPA, which should consider the Thoresby Colliery development alone and in combination with other proposals (such as the Sherwood Forest VC development). Again, Natural England's comments on the HRA should then be sought.

### Observations

The application is supported by a range of up-to-date ecological survey work. The following matters are highlighted as key issues:

- Para 6.3.50 of the EclA identifies that one of the buildings on site (13) was considered to have 'moderate' bat roosting potential, with another (10) having 'low' potential. However, a contradictory statement is then provided, that 'none of the buildings were assessed as having the potential for roosting bats'. The Bat Conservation Trust (2016) publication "Bat Survey for Professional Ecologist – Good Practice Guidelines, 3rd Edition" indicates, in table 7.3, that structures with moderate roost suitability should be subject to two presence/absence surveys, and those of low roost suitability should have one presence/absence survey. Justification must therefore be sought as to why such surveys are not deemed necessary, noting that these surveys would need to be carried out prior to the

determination of this application to accord with paragraphs 98 and 99 of Government Circular 06/2005.

- Swallow, House Martin and Sand Martin all nest within the application site, the two former species in or on buildings, and the latter in a sand bank and by a settling pond. No mitigation is proposed for the loss of nesting habitat of these species.
- Nightjar were recorded nesting in the vicinity of (although not on) the application site, and are at risk from disturbance and predation.
- The use of 'Forest', 'Heathland' and 'Industrial' Character Zones within the development is generally welcomed. However, it is suggested that a palette of appropriate tree and shrub species is developed, drawn from the Nottinghamshire Landscape Character Guidelines species list for the Sherwood Landscape Character Area (see:
- <http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm>), noting that species such as Scots Pine, Whitebeam and Pin Oak should be avoided. It is also suggested that the 'Industrial' Character Zone is restricted to the area immediately around the heritage buildings, to limit the extent of ornamental and non-native planting. See also below (landscaping condition).
- The EclA suggests that much of the habitat creation that is being carried out as a result of restoration of the colliery pit tip provides mitigation against some of the impacts of the proposed development, and that it contributes around c.100ha of new greenspace to the total provision of c.108ha of SANGS. However, it has to be recognised that restoration of the colliery pit tip is occurring as a result of planning requirements imposed as part of the mineral permission at the site, and will happen irrespective of the development of the colliery yard. In this respect, the proposed development does not provide any additionality, and only greenspace created directly as a result of the proposals should be considered as forming SANGS.
- There is no assessment of the impacts of the proposal on the habitats currently being restore on the colliery pit tip, or the species likely to benefit from this restoration (e.g. Nightjar and Woodlark).
- Recreational elements mentioned in the DAS, such as a zipwires, receive no mention in the EclA, nor is there any indication as to how recreation will be controlled and managed on the restored pit tip. It is requested that further information in this respect is provided.
- It is noted from the Air Quality Statement that air quality modelling in relation to the impact of changes to air quality on adjacent habitats is 'ongoing' (sections 1.2 and 5.1 of the Air Quality Statement). Any planning decision should be deferred until such a time that this information has been made available, as it will be required to assess the impacts of the proposals and to inform NSDC's Habitats Regulations Assessment.

#### Matters to be secured by condition

In order to mitigate against impacts identified in the EclA, it is requested that the following matters are secured through appropriate conditions:

- The submission of a bat sensitive lighting scheme, to be developed in accordance with the Bat Conservation Trust's 2014 publication 'Artificial lighting and wildlife – Interim Guidance: Recommendations to help minimise the impact of artificial lighting' (to ensure that artificial lighting at the site does not have a significant detrimental impact on nocturnal wildlife, including bats)
- The production of a Badger and Reptile Method Statement (outlining precautionary methods of working necessary to avoid adverse effects on Badgers and reptiles during construction)

- A Bee Orchid Translocation Method Statement (detailing methods and timings for the translocation of Bee Orchids from the development site to the colliery pit tip restoration)
- The control of vegetation clearance and building demolition or renovation during the bird nesting season, which runs from March to August inclusive (to protect nesting birds, including Swallows and House Martins)
- Details relating to dust management, measures to minimise the pollution of watercourses, and measure to protect retained vegetation during construction, to be incorporated into a CEMP (to minimise environmental impacts arising from construction works)
- The provision of an artificial Sand Martin bank, adjacent to one of the proposed waterbodies within the development site (to mitigate against the loss of existing Sand Martin nesting sites within the development)
- The appointment of an Ecological Clerk of Works (to undertake ecological supervision and ensure the implementation of the above mitigation measures)
- The submission of a detailed Landscaping Scheme, in advance of each phase of development, to cover:
  - Ground preparation
  - Topography
  - Species mixes
  - Establishment methods
  - Maintenance regimes
  - Enhancement of retained habitats, including woodland thinning and the removal of nonnative
  - or locally inappropriate species (to include Rhododendron, Himalayan Balsam, Swedish Whitebeam, Common Whitebeam, Norway Maple, Sycamore, Laburnum, Snowberry, Cotoneaster sp., False Acacia, Cherry Laurel, Red Oak, Sea Buckthorn, Green Alder, White Poplar, Grey Poplar)

### *Additional enhancements*

The EclA recommends that additional enhancement measures can be provided by the scheme, particularly the provision of integrated bat and bird boxes incorporated into the fabric of a proportion of the proposed dwellings. To this end, the scheme should aim to deliver:

- Integrated bat roost boxes or soffit boxes, in 10% of the properties
- Integrated House Sparrow, Starling and Swift boxes, also within 10% of the properties, as well as artificial Swallow and House Martin nests on/within retained historic buildings.

Confirmation should be sought from the applicant that they are willing to do this, with a condition used to secure delivery. In addition, the commercial/industrial units provide an opportunity to install green or brown roofs, providing additional wildlife benefits and to soften what is currently a very hard boundary with the Cocklode and Rotary Woods LNR. It is requested that this is given consideration by the applicant.

### *Legal agreement*

Provision needs to be made for the long-term management of the 'country park', i.e. finances for ongoing management, including the maintenance of access infrastructure, fencing and the management of retained and created habitats. A Section 106 agreement should be used to secure an appropriate sum, and to require the submission of a detailed habitat and recreation management plan.

## Green Estates

Green Estates Team manage land on behalf of the Authority for public recreation and conservation to the south east of the proposed development. Rotary Wood is situated immediately adjacent and to the east of the proposed Employment Zone, on part of the restored Thoresby No1 Tip; Cockglode Wood an area of semi ancient natural woodland lies between Rotary Wood and the Sherwood Heath SSSI.

Green Estates Team seek further clarification regarding the impact of the development on our existing Green Space and site infrastructure. Green Estates Team considers that Cockglode and Rotary Woods will be a valuable asset on the doorstep of the development and that visitor pressure on our current landholding will increase dramatically as a result of the development. The County Council should be party to s106 agreement / discussions to ensure that the increase in visitor pressure is not to the detriment of the County Council's land, and to offset any increase in management costs associated with this increase in use as a result of development.

- NCC seeks further clarification and detail regarding the boundary treatments along our mutual boundary with the Employment Zone to ensure that the boundary is clearly defined and that the security of Cockglode Wood is not compromised. Our concern relates to the potential for increased fly tipping and access to the woodlands by 4x4 / off road motor-cycles from the development during the construction phase, and ongoing for the future.
- NCC seek further clarification and detail regarding the proposed access / fencing / boundary treatments along our mutual boundary with the proposed green space to the east of the development. Currently the ownership boundary between NCC land and the colliery is only part fenced along the tip with a dilapidated barbed wire fence. The boundary is not defined within Cockglode Wood – and a suitable boundary will need to be agreed and established. The Authority also would like to see the removal of the chain link safety fence (currently on NCC land with our agreement) that was retained during the working life of the colliery to prevent public access. Now that the Colliery has closed this fence will need to be removed and ground re-instated.

## Developer Contributions

Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and the Local Planning Authority to ensure all requirements are met. Please contact Andrew Norton, Developer Contributions Practitioner in the first instance ([andrew.norton@nottsc.gov.uk](mailto:andrew.norton@nottsc.gov.uk) or 0115 9939309) with any queries regarding developer contributions.

## Conclusion

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants. These comments are based on the information supplied and are without prejudice to any comments the County Council may make on any future planning applications submitted for this site.

## **Nottinghamshire County Council Environmental Management and Design**

At the pre application stage we provided an indication of content and structure of the Landscape and Visual Impact Assessment. I identified potential mitigation of negative impacts of the development on landscape, landscape character and visual amenity for residents and recreational users through reduction in extent and density of built elements and more substantial buffering to existing and consented semi natural habitats. This could include omission of the development from the field immediately adjacent and south of Cockglade Wood, and substantial reduction in housing density and extent with reciprocal increase in substantial landscape buffering/mitigation elements.

We identified that the proposals will result in a substantial change in the landscape from that which would result from the existing consented restoration scheme (to green field end use) and existing agricultural fields.

The Outline Proposals show an additional 11.89ha of greenspace over and above the restoration of the tip site already underway as part of the GDO consent associated with 40 ha of built development. As previously stated the provision of the Country Park area should not be considered as landscape mitigation for the mixed use development proposals as this is already underway as part of tip restoration for the colliery GDO not the proposed new development.

The additional landscape elements being proposed to that already required under the GDO are:

- green area to the south of Cockglade Wood,
- retention and enhancement of a green corridor, on line of existing mineral railway and settlement pond running through the site,
- retention and enhancement of existing tree planting along colliery access road and adjacent to Ollerton Rd.
- Small green amenity areas within the housing development

A significant proportion of these are retained existing vegetation rather than new planting and will also be used to accommodate SUDs proposals, which are not necessarily typical elements of wider landscape character.

The layout differs from that previously shown in site brochure in the omission of development on current agricultural land immediately east of Swinecote Lane and omission of industrial development immediately south of Cockglade wood. This is to be welcomed.

However the density and number of housing units, and other built development remains significant and the masterplan does not indicate development within a forest matrix as had been proposed as a potential mitigating measure. The development now separated from the edge of Edwinstowe will read visually as a new settlement between Ollerton and Edwinstowe.

The conclusion of the Landscape and Visual Impact Assessment states that the scale of the development is such that will not result in a substantial change in the 2 Landscape Character Areas affected. The negative landscape impacts of development on agricultural land is stated to be offset by the restoration of the spoil tip and former workings. However as the restoration work is an existing obligation I do not consider that this should not be considered as a mitigating factor. I therefore disagree with the conclusion that the impact at a Character Area scale will be negligible to minor beneficial and at a local level will be minor beneficial.

In terms of visual impact the applicant states that the significance of impact on receptors is limited, and will be mitigated by landscape/green infrastructure proposals. I think this will need to be demonstrated to a greater extent at reserved matters stage, and may require more substantial buffer than that indicated in the masterplan, particularly along Ollerton Road Boundary. The viewpoints referenced did not appear to be available to view on the NSDC website.

In conclusion, the proposed development will result in significant change from a landscape of agricultural and semi-natural habitat to an urban development albeit within a landscape structure containing some retained elements (hedgerows, colliery access avenue etc) , with adjacent establishing semi natural habitat on the restored tip. If consented careful consideration at reserved matters stage will be required of the layout and density of built elements impact and the establishment of a robust and extensive landscape structure to reduce negative to in terms landscape and visual amenity.

**NHS Partnerships** – All data we have previously provided you with for each application hasn't changed and will not change until developments are in place and all homes/new populations are functioning. Health's model is similar to that of educations.

Monies through s.106 will always be based on the cost the Planning Authority has highlighted within their Planning Guidance at a cost of £950.00 per dwelling in this case

Monies will always be assessed against existing health facilities based in that geographical area where the housing developments will be developed and will be used to reconfigure its space to allow for the injection of new population – demographics are hard to assess until populations have settled, but like with education, this will be staged.

Health for all developments have provided Planning Case Officers with relevant data to support the two above points (although I agree they may have missed off the actual funding requested, but they are working on the assumption Planners know this due to point 1 above), this will not change at this stage.

In addition, we must get better at aligning housing developments with jointly led health/planning projects and Ollerton is a good example of this. It is my understanding that Ollerton is a key area for the DC, likewise it is for health and I made that clear within the STP (Sustainability Transformation Plan).

## **Historic England**

### Summary

The site lies within the setting of the Scheduled and Grade I listed Rufford Abbey and Grade II registered PAG and the Grade I listed Thoresby Hall and Grade I registered PAG. The proposed mixed use development on the site of the former Thoresby colliery is assessed in relation to potential impacts on the setting of these highly graded assets and also the Edwinstowe and Ollerton Conservation Areas and highly graded assets within. We have already provided advice on the proposed Local Development Framework Plan review - Preferred Approach - Sites and Settlements (February 2017) raising concern over the soundness of the approach in relation to consideration of the historic environment. Assessment is included within this outline planning application and we are encouraged by the retention of a number of former colliery structures on the site. Our advice is given in line with the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, the Planning Practice Guidance and the Historic Environment Good Practice Advice in Planning Notes 1-3. We recommend your authority is satisfied there is sufficient

information to make an informed assessment on the impact of the proposals on designated and non designated heritage assets. We recommend further advice is sought from your conservation and archaeological advisers. We recommend opportunities are sought to enhance and reveal significance through maximising the secured retention and reuse of the colliery structures and to mitigate visual impacts on the wider historic landscape through the masterplan and landscape proposals.

#### Historic England Advice

The outline planning application includes residential development of up to 800 dwellings, a strategic employment site, a new country park, and a local centre with primary school, commercial and health uses. Historic England has been consulted as the proposed site falls within the setting of the Grade I registered Thoresby Park and Grade I listed Thorseby Hall and the scheduled and Grade I listed Rufford Abbey with Grade II registered historic park and garden.

Within Nottinghamshire the Estates of Rufford (not a ducal seat), Thoresby, Welbeck, Clumber and Worksop formed part of what is known as the Dukeries, lands historically taken from Sherwood Forest and remarkable not only for the number of ducal families in close proximity to each other but also because the estates were largely contiguous. In the early 20C the economic and social base of the Dukeries was dramatically influenced by its underlying coalfield, the eastern extension of the Nottinghamshire coalfield. This included the opening of Thoresby Colliery on former Thoresby estate land; the first two shafts sunk in 1925.

The Thoresby Estate was enclosed out of Sherwood Forest in the late 17C. The present Grade I listed Hall was built between 1864-1871 by Sydney Pierrepont, the 3rd Earl Manvers and designed by Anthony Salvin. The Hall lies within the Grade I registered mid 19C formal gardens designed by Salvin and pleasure grounds by Edward Milner. The grounds are surrounded by parkland of the late 17C with 18C alterations by Francis Richardson, and notably Humphry Repton who produced a Red Book in 1791. Rufford Park has a very rich and diverse historic environment which focuses on the scheduled monument of Rufford Abbey, a Cistercian monastic house of 12thC origin comprising impressive standing remains (also listed Grade 1 with the later Jacobean house), the foundations of the cloistral complex and ancillary buildings, and water-management earthworks. It lies within a Grade II registered park which contains several other listed structures including the grade II\* former orangery.

Historic England responded to your authority's Local Development Framework Plan review - preferred Approach - Sites and Settlements (February 2017). We maintained our previous concerns in respect of the soundness of the allocation in respect of consideration of the historic environment in relation to the former Thoresby colliery site. I refer to this consultation response which remains relevant.

The Thoresby site is an early 20th century colliery, which by the 1980's was one of the largest producing pits in the country. The first shafts were sunk in 1925-8, and after privatisation, the mine continued to be worked under the auspices of RJB Mining. It was the first all-electric mine, the first to have fully mechanised coal production and also the first to achieve an annual saleable output of more than a million tons of coal.

In the late 1980s it raised output to exceed two million tons. A large number of its original buildings survive and this includes the large brick-built group surrounding the shaft mouths.

In response to the local plan allocation, we advised of the importance to ensure that a proper assessment and recording of the historic value of the buildings is carried out to both inform the process of identifying which buildings should be retained and to provide a comprehensive record'. This needs to be reflected both in Policy SHAP4 and in this current planning application. In line with paragraphs 128 and 129 of the NPPF, it will be for your authority to determine whether the information submitted is sufficient to fully understand the impact of this outline application on both non designated and designated sites - the latter to include the Edwinstowe and Ollerton Conservation Areas, the Grade I, II\* and II listed buildings within those settlements, Thoresby and Rufford Park, the Sherwood Forest and landscape setting.

We note the submission of the Heritage Assessment produced by prospect archaeology and the proposed retention of several building as part of the redevelopment of the site - the main entrance, the main power house and electrician's and welders workshop. The retention and reuse of these buildings is supported and we recommend this is secured with agreed phasing, through any future S106 agreement. Through the masterplan we also recommend detailed consideration is given to the setting of the retained buildings to ensure their understanding and appreciation is fully realised.

In respect of the potential inter-visibility of the proposed development with Thoresby Park and Rufford Park, we would make the following observations.

#### Thoresby

The Heritage Assessment and LVIA indicate that the views from Thoresby Park to the proposed development should be blocked by the spoil heap which is in the process of being turned into a new Country Park. There is also extensive, longstanding enclosure with woodland planting on the south side of the park adjacent with the colliery site. With consideration of designed views/vistas the Chestnut Avenue, which the register entry for the site describes as 'a strong visual feature in the landscape' shown as early as the 1680 estate map, once extended as far as the present colliery site (via the Grade II Buck Gates), but this axial feature, with its vista, has been truncated by the colliery and spoil heap for some time. Whilst we understand the creation of the country park has consent, are there opportunities to enhance and reveal this vista through layout and planting? This needs to be in the context of mitigating any inter-visibility with new development.

#### Rufford

The LVIA notes filtered views from the A614 and Rufford Lane, and from public rights of way in the edge of Rufford Country Park that should decrease as vegetation matures, and in the case of the PROWs will also be mitigated by landform, but the spoil heap will be visible. In the case of the spoil heap it is presumed it is visible already, and that the new planting and creation of the country park may have a beneficial impact on views. Considering the potential views from the A614/Rufford Lane, again this might be an area where detailed design can/will mitigate impact on views to the proposed development. Unfortunately the LVIA document on the planning website was missing its figures, therefore we could not examine the existing photos from this viewpoint, or any mapping, including of TZVs (if there were any).

#### Policy Context

Our advice on this planning application is given in the context of the 1990 Act and Government policy and guidance provided in the NPPF and the Planning Practice Guidance. We also refer to the sector wide Historic Environment Good Practice in Planning Notes 1-3. It is a legal requirement that any decisions relating to listed buildings and conservation areas must pay special regard to the desirability of preserving a listed building, its setting or features of special interest



(section 66(1) of the 1990 Act) and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act). This is a high test and needs to be given the appropriate weight in determining these applications. The importance attached to setting is therefore recognised by the principal Act, by the NPPF, by the accompanying practice guide and in the good practice advice in planning.

As the NPPF states, great weight should be given to the conservation of heritage assets (paragraph 132). All harm requires 'clear and convincing justification' and the public benefit weighed against the harm caused.

Paragraph 131 of the NPPF, in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

#### Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 128-137 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. We refer to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. We also refer to section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

We recommend your authority is satisfied there is sufficient information to make an informed assessed and that further advice is sought from your conservation officer and archaeological adviser. We recommend opportunities are sought to enhance and reveal significance through maximising the secured retention and reuse of the colliery structures and to mitigate visual impacts on the wider historic landscape through the masterplan and landscape proposals.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice

#### **Natural England**

##### **22.03.17**

Outlines legislation and conservation objectives. Raises following comments:-

Natural England notes that the applicant has provided an air quality assessment which concludes there is no likelihood of significant effects from the proposal upon the above named designated sites.

On the basis of information provided, Natural England advises that there is currently not enough information to rule out the likelihood of significant effects. Natural England therefore advises that your authority should not grant planning permission at this stage. Natural England advises that the information and evidence gaps could potentially be resolved with additional information formally submitted by the applicant in order to amend the proposal. This would then provide an opportunity for your authority to repeat your screening to check for the likelihood of significant effects of the project as submitted (i.e. with all new information provided as part of the proposal).

Natural England advises that the following information should be provided in order that your authority may undertake an Appropriate Assessment as part of the Habitats Regulations

Assessment process:

### Air quality

The air quality assessment document which was submitted to your authority on 27 February 2017 presents a very complicated case. The key pollutant which is of concern to Natural England in this case is NO<sub>x</sub> and details of the relevant parameters measured for this pollutant (i.e. nitrogen deposition and NO<sub>x</sub> concentrations) can be obtained from the following website: [www.apis.ac.uk](http://www.apis.ac.uk).

The applicant's report does not present the information specifically in relation to how Natural England would usually see an assessment of air pollution. Instead, the applicant has calculated the estimated overall concentrations of NO<sub>x</sub> and nitrogen deposition in a scenario where the proposed development did not take place and in a scenario where it did. The relevant process contributions from the proposed development were calculated by subtracting the former from the latter. However, what is not clear is how the contribution of the Thoresby Colliery has been taken into account, as this could influence the process contribution from the proposed development since the colliery has now closed. This will potentially mean the background NO<sub>x</sub> levels and nitrogen deposition will not be the same in both DM (do-minimum) and DS (do-something) scenarios, if the Colliery emissions are only included in one of the scenario. As a result the NO<sub>x</sub> and nitrogen deposition process contributions from the proposed development may be over or under-estimated. For this reason,

Natural England requires clarification on whether the process contributions from the proposed development were estimated independently of the background concentrations, or the background concentrations were the same in both DM and DS calculations.

Natural England notes that under the presented method of assessing process contribution of NO<sub>x</sub> concentrations, >1% of the critical load or level has been determined at 5 receptor sites. However, it is not clear how it was determined that there would be negligible effects, either alone or in combination with other process contributions. This matter needs more clarification before an LSE can be ruled out as well as any significant negative effects on the SSSIs.

Furthermore we would like clarification on how traffic levels were estimated for this proposal since the Transport Assessment and the air quality assessment appear to differ. In particular we would want to understand what the change to traffic along the Swincote Road (B6034) which runs immediately adjacent to the SAC will be.

Dust deposition is not recognised as an issue on the SSSIs and SAC, but Natural England would fully support appropriate measures (such as those employed in the mineral extraction industry) to

reduce the generation of dust during the demolition and construction phases through suitable suppression measures as part of the development conditions.

Finally, where mitigation is to be provided to offset negative effects upon the interest features of the neighbouring SSSIs and SAC, this provision must fully offset these identified effects in order to be acceptable. In the current planning application, mitigation is proposed but no negative effects were identified. As a result, it is not clear what the mitigation is to mitigate or indeed, how it will be quantified. However, the provision of measures to reduce vehicle use is welcomed although the lack of any specific cycling routes within the development seems an obvious omission.

### SSSI Further Information

This application is in close proximity to Birklands and Bilhaugh and, Birklands West and Ollerton Corner Sites of Special Scientific Interest (SSSI). Natural England advises that further information on air quality should be requested from the applicant as described above.

### Air Quality In-combination judgement

A High Court judgment was handed down on 20 March 2017 in Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority [2017] EWHC 351 (Admin)). Wealden District Council brought a challenge against a Joint Core Strategy produced by two of its neighbouring authorities. Natural England provided advice to Lewes District Council and the South Downs National Park Authority on the assessment of air quality impact on Ashdown Forest SAC. This advice was based on nationally developed guidance agreed with other UK statutory nature conservation bodies. The court found that Natural England's advice on the in-combination assessment of air quality impacts in this case was flawed. We are considering the details of this decision and the implications for our advice.

Competent authorities should seek their own legal advice on any implications of this recent judgment for their decisions.

### Increased recreational disturbance

The provision of Sustainable Alternative Natural Green Space (SANGS) and a minimum of at least 400 metres between the built development and the nearest SSSI/SAC are positively welcomed by Natural England. Natural England fully supports in principle the provision of the proposed green space as part of this development for both recreation and nature conservation. To ensure its successful implementation, your authority should ensure its long term financial security through a planning agreement or agreements, and secure through planning conditions, detailed plans on layout, habitat creation, set-up and management. It is also important to formalise links with existing rights of way which currently exist outside the application site. We suggest that this should be considered at the outline stage of the planning process or at least within the first reserved matters application. We also suggest that you may want to consider a green infrastructure management plan for the whole site which would include zoning for different uses such as dog walking and quieter areas as recommended in the environmental statement.

Consideration of the likely impacts from this development on breeding nightjar and woodlark within the Sherwood Forest area

We note that the proposal is located in the Sherwood Forest area in close proximity to habitats that have been identified as important for breeding nightjar and woodlark populations and

therefore we support the approach that has been adopted to consider the potential impacts of the proposal on these species and their supporting habitats. Natural England considers this risk based approach is in accordance with the recommendations outlined in the Advice Note attached, including helping the Authority to meet its duties given under regulation 9A of the Habitats Regulations, which requires LPAs to apply all reasonable endeavours to avoid the deterioration of wild bird habitat (including that of nightjar and woodlark) when exercising their statutory functions.

#### Invasive non-native species

In common with most developments, landscaping proposals submitted as part of the development will inevitably include non-native species as the case here. Where this is proposed in areas which are not earmarked for the promotion of nature conservation, Natural England recommends that the developer provides, as part of a condition, details that the species concerned will not naturalise. Norway maple and Turkey oak are very good examples of tree species which readily naturalise, and which potentially could have a negative impact upon the neighbouring SSSIs and SAC. This simple measure would ensure that the developer would not be unduly restrained from diversifying certain aspects of their development but at the same time ensure that the semi-natural habitats within the neighbouring SSSIs and SAC are not compromised.

#### Other advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A below.

#### **16.06.17**

Thank you for your consultation on the above comprising the Air Quality Technical Note which was received on 15 May 2017 and the In-Combination Assessment Report which was received on 8th June 2017.

#### SUMMARY OF NATURAL ENGLAND'S ADVICE

#### NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's advice on other natural environment issues is set out below:-

#### European sites - Birklands & Bihaugh Special Area of Conservation Special Area of Conservation

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Birklands & Bihaugh Special Area of Conservation Special Area of Conservation and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

The projected amount of nitrogen deposition from the proposed new development when considered alone and in combination with other proposals will be below the relevant threshold for significant effects for the Birkland and Bilhaugh SAC. In addition to individual planning proposals, in-combination assessments should consider “plans” however I am unsure what evidence is available from the emerging local plan review that may help in assessing this individual planning application.

#### Birklands West and Ollerton Corner Site of Special Scientific Interest

We note that the In-Combination assessment, which has now been submitted, identifies potential oxides of nitrogen (NO<sub>x</sub>) and ammonia (NH<sub>3</sub>) releases from a number of sources based on information obtained from Air Quality Assessments produced in support of planning or environmental permit applications. Impacts at sensitive receptors have been quantified using dispersion modelling, the results compared with the relevant benchmark level and the significance assessed in accordance with the appropriate guidance. The predicted annual mean NO<sub>x</sub> concentrations, nitrogen deposition rates and acid deposition rates were below the relevant criteria at all the ecological receptor locations. As such, the predicted impacts were considered to be insignificant, in accordance with the relevant guidance.

In addition to individual planning proposals, in combination assessments should consider “plans” however I am unsure what evidence is available from the emerging local plan review that may help in assessing this individual planning application.

Therefore based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

#### Birklands and Bilhaugh Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection

#### Improving Air Quality

We note that Spatial Policy 7: Sustainable Transport, of the Newark & Sherwood Core Strategy (adopted 2011), encourages sustainable transport provision across the District, including public transport, walking and cycling. Furthermore Policy DM5: Design of the Development Management Development Plan Document (adopted July 2013), also encourages the provision of alternative modes of transport. In addition Policy DM10: Pollution & Hazardous Materials states that proposals for potential point source polluters and other activities that have potential to lead to increased deposition of nitrogen should, as part of any planning application, consider the potential for effects on European sites and the scope for avoiding or mitigating these.

We therefore suggest that your authority takes a strategic approach to the improvement of air quality across the district by the implementation of local plan policies and other measures as appropriate. In areas where air pollution may be affecting sensitive receptors such as Ollerton Corner appropriate monitoring would help your authority to formulate a strategic approach to improving air quality information. Natural England would be happy to advise further on working towards a strategic solution to this issue.

**Nottinghamshire Wildlife Trust**

**27.01.17**

NWT recognise that redevelopment of the current footprint of the Colliery buildings has been an established principle in the Colliery restoration scheme for many years and that there is a need for replacement employment provision and new housing in the area. We acknowledge that a heavily disturbed industrial site such as this, which has been in use until very recently, would be suitable for redevelopment.

The Application site lies within the 5km buffer zone of the Sherwood Important Bird Area, and parts of the Application Site are within 500m of an Indicative Core Area identified by Natural England for a potential prospective Special Protection Area (SPA) (due to nightjar and woodlark that this area supports). The Application Site lies close to the Birklands and Bilhaugh Special Area of Conservation and Special Sites of Scientific Interest that lie within the Special Area of Conservation (Birklands and Bilhaugh; Birklands West and Ollerton Corner), as well as Sherwood Forest. This suite of protected nature conservation sites have been designated for their significant biodiversity value and there will, therefore, need to be a full and thorough assessment of the potential impacts to priority habitats and protected species. The applicant's ecologist states;

'Without mitigation, effects on the SAC were considered to be significant due to the increase in visitor numbers, predation by domestic pets and air quality issues. Similarly, without mitigation effects on the potential SPA could lead to a loss in the sites interest features to birds which may be significant due to increased visitor numbers, an increase in urbanisation which can cause disturbance to breeding and feeding birds from people, pets and traffic, and increased mortality from road traffic and any air quality issues.'

### **Background Information**

The pit tip is in the process of being restored under a separate mineral planning permission, to habitats characteristic of the Sherwood area (heathland, acid grassland and woodland) and will, once established, be complementary to the important habitats in the National Nature Reserve (NNR/SSSI) and also provide valuable wildlife-rich public open space. The Tip habitats were designed to accommodate some informal recreational use, as had been promised to the local community under the restoration scheme but we have significant concerns about the scale of this proposal (800 dwellings) as it also extends on the adjacent fields which have not been previously developed. We acknowledge, however, that the proposal is broadly in line with policy ShAP4A contained within the Council's draft "Preferred Approach – Sites and Settlements" document. The proposed scale of residential dwellings would lead to a significant rise to the local population and thus increased footfall onto the restored former pit tip that may lead to disturbance of some of the sensitive species which is hoped will colonise the restored tip in the future. Dog ownership is likely to be high and it is reasonable to conclude that a high proportion of these animals would be exercised on the former pit tip. Predation and disturbance of ground-nesting birds by inadequately controlled dogs will undermine the ability of nightjar and woodlark to establish sustainable populations. These are both birds of conservation concern with important populations in the county. Dogs are also a hazard to grazing animals, used for conservation management of heathlands and acid grasslands when they are not appropriately controlled.

We welcome that the applicant has undertaken an assessment of cumulative effects, in line with NE and LPA expectations in the ppSPA area, **the conclusion however cannot be finally drawn until the deliverability of any mitigation and SANGS can be assured.**

### **Suitable Alternative Natural Greenspace (SANGS)**

It is pleasing to note that the majority of the proposed development is beyond the 400m buffer required to protect the SAC. This is the distance used as a buffer to sensitive habitats in the

Thames Basin Heaths to mitigate indirect impacts from residential development. There are, however, a small number of residential developments close to the school that are within this buffer zone. The planning application correctly states that Suitable Alternative Natural Green Space' (SANGS) is required for the proposed development. SANGS is the name given to green space that is of a quality and type suitable to be used as mitigation in order to minimise impacts on priority habitats and protected species within the SAC. The effectiveness of SANGS as mitigation will depend upon the location and design. These must be such that the SANGS is more attractive to the residents than the SAC.

The application states that the entire former pit tip (now 'Country Park') and 11.89 hectares of proposed green infrastructure should be considered as SANGS. A key point of consideration is whether the whole of the country park can be included as SANGS. Natural England's guidance is clear that **'SANGS allow for pet owners to let dogs run freely over a significant part of the walk. Access on SANGS should be largely unrestricted, with both people and their pets being able to freely roam along the majority of routes. This means that sites where freely roaming dogs will cause a nuisance should not be considered for SANGS.'**

The guidance goes on to state that the identification of SANGS should seek to avoid sites of high nature conservation value which are likely to be damaged by increased visitor numbers. Where sites of high nature conservation value are considered as SANGS, the impact on their nature conservation value should be assessed and considered alongside relevant policy in the development plan.

<http://www.bracknell-forest.gov.uk/sangs-guidelines-and-checklist-12-06-08.pdf>

At this point it is worth acknowledging the good work being undertaken in relation to the tip restoration scheme and the extensive green infrastructure being proposed within the footprint of the former colliery. We are, however, of the opinion that including the entire pit tip as SANGS would be incongruous with the aims and objectives of the restoration scheme, as it would underline the value of the habitats for rare ground nesting birds, notably nightjar and woodlark. To avoid significant indirect impacts through recreational activity we would expect to see a comprehensive and workable visitor management strategy developed given the level of disturbance is likely to be greater than originally anticipated. Zoning levels of activity through fencing and natural barriers would be essential so that there would be quieter areas for sensitive bird species. We would expect this to be agreed at this outline stage, as it is an essential requirement to enable the LPA to rigorously assess the potential impacts of the scheme on these Annexe 1 bird species, for which the tip restoration has been designed.

The preparation of a detailed plan such as this would also clarify whether the necessary measures can be taken to accommodate this scale of development within this sensitive part of the County, or whether this scale of housing is too large.

It is also essential (as raised in our response to the allocation consultation) that in order for the benefits of any SANGS to be claimed, they must be available in good condition for the duration of the potential impact, i.e. for as long as houses are present on the site. **Thus assurance must be made of the availability of funds for the long term management of the habitats.**

### **Ecological Surveys**

We welcome the provision of a thorough ecological appraisal of the site as this allows full consideration of protected and priority habitats and species in the determination of the

application. We have reviewed the above report and are generally satisfied with the methodologies used and conclusions reached. We would, however, take this opportunity to question the conclusion that the nightjar territories recorded on site are of only county importance. The number of nightjar breeding in Sherwood Forest NCA 2004-6 was 66 pairs. Breeding bird surveys revealed one possible breeding pair within the Application Site and one confirmed breeding pair in the wider survey area. These two pairs make up 3.03 % of the known population in the county. The application site should be seen as integral with the wider network of sites that currently meet the threshold to be designated as a SPA, an area of national importance and so the application site should not be viewed in isolation but rather as a piece of the pSPA area.

### **Air Quality / Nitrogen Deposition**

The Environmental Statement (Section 6.4.19) indicates that the emissions of greatest potential concern in relation to ecology are oxides of nitrogen, sulphur dioxide and ammonia because of their fertilising or acidifying effect on ecosystems. Nitrogen dioxide and ammonia have a fertilising effect and all three can have an acidifying effect when deposited to soils. The document goes on to state 'Because of the proximity of sensitive ecological receptors to the Application Site, including European designated sites, it is of paramount importance to carefully consider these potential adverse ecological impacts.'

The Environmental Statement states 'the primary source of NO<sub>x</sub> will be traffic generated. The Transport Assessment demonstrates that the differential between the former colliery traffic and the traffic proposed to be associated with the development is not significant and therefore there is not likely to be any significant increase in NO<sub>x</sub> emissions from traffic (6.4.23)'. This conclusion seems to conflict with the information that is provided in the Transport Assessment document in the tables on pages 29-30. Predicted 2-way movements in the peak am and pm hours for the "existing" colliery use are 270 apiece, while the figures modelled for the future development (residential and employment) are 1063 (am) and 954 (pm). **This would appear to indicate a significant increase.** The Air Quality Assessment document states in Section 5.1 *Further work is ongoing to assess the effect of the proposed development upon the Special Area of Conservation (SAC) and Sites of Special Scientific Interest (SSSI's) within the local area using an air quality model and 'designated areas will be the subject of a specialist modelling report. This has been commissioned and will be published subsequent to this document'*. The document referred to does not appear to be available at this time. The data generated by the modelling work is likely to be crucial to the determination of this planning application, and at this time, until this information is available, NWT cannot be assured that any impacts could be mitigated.

We are particularly concerned about the deposition of nitrogen on established and restored heathland sites that are in close proximity to the application site. Research has revealed that nitrogen deposition can lead to heathlands becoming grass dominated, which in turn reduces the suitability of habitat for nesting woodlark and nightjar.

[http://www.apis.ac.uk/overview/pollutants/overview\\_N\\_deposition.htm](http://www.apis.ac.uk/overview/pollutants/overview_N_deposition.htm)

### **Landscaping and Biodiversity Opportunities.**

We welcome the green infrastructure proposals. The area is of a size and quality that is likely to be of wildlife value to certain bird species recorded during surveys and appeal to residents for informal recreation. This should help to minimise pressure on the restored pit tip and SAC. That said, we have a few constructive suggestions to enhance the proposed green infrastructure. We note that within the Design and Access statement that landscaping for the proposed industrial area and elements of the green infrastructure running through the development comprise the



following non-native species ginkgo biloba, pin oak, sweet gum and tulip tree. We would strongly recommend the use of native species appropriate to the Sherwood area as outlined in Nottinghamshire Landscape Character Assessment. This would enhance green corridors through the site for wildlife and coalesce within the wider landscape, reflecting the unique character of the Sherwood region an internationally recognised place. The SuDS system could also include swales, which would further enhance the biodiversity of the site. The design of ponds should have gently sloping sides to maximise its biodiversity benefits. All planting for the ponds and bank side should consist solely of native species, of local provenance and sourced from a supply guaranteed to be free from contamination with alien species. The inclusion of bat bricks in dwellings adjacent to the site boundaries to provide roosting opportunities for bats within the new development. Light pollution to be kept to a minimum along the boundary with the adjacent tip and adjacent to green infrastructure to minimise disturbance to bats.

We think there is an excellent opportunity to provide nesting opportunities for little ringed plover, a species recorded during the breeding bird surveys by creating substantial areas of brown roofs that would replicate the brownfield land lost to the proposal (60.25ha). Open mosaic habitat on previously developed land is a habitat of principal importance for the conservation of biodiversity in England (Priority habitats under Section 41 of the Natural Environment and Rural Communities Act 2006). This S41 list guides decision-makers such as councils and statutory undertakers, as to their duty under Section 40 of the NERC Act, to “have regard to the conservation of biodiversity in England” in day-to-day decisions.

The proposed industrial units are an obvious location but the school building could also provide opportunities. Creation on the school building would provide educational benefits but also provide a wide range of other benefits. These include:

- Reduced rainwater runoff
- Enhanced roof insulation properties
- Attractive visual appearance
- Reduction in urban heat island effect
- Enhances roof lifespan by protecting underlying waterproofing system
- Provide green space in urban areas
- Encourage biodiversity

It should be noted, that all brown roof systems should use a high percentage of recycled products. Most materials used in the implementation of a brown roof can be up to 100% recycled. With the careful selection of products, it is possible to reach this percentage. Suppliers and manufacturers should also be able to provide certification to substantiate this. However if this is not possible, you should expect at the very minimum 40% recycled products.

***(photographic examples are then provided)***

Paragraph 109 of the NPPF states that the planning system should look to provide net gains in biodiversity where possible, whilst Paragraph 118 advises that opportunities to incorporate biodiversity in and around developments should be encouraged.

### **Bird nesting season**

It is stated in Section 6.5.14 of the Environmental Statement that “Any potential impacts on breeding birds will be avoided by undertaking vegetation clearance including scrub or tree clearance outside of the bird breeding season (May to July for most species) unless prior nesting bird checks are undertaken by an appropriately qualified ecologist prior to clearance”. We strongly

recommend that this time period is amended to reflect the fact that resident species such as dunnoek can be nesting in early-mid March and that nightjar and yellowhammer could have active nests in August and therefore to minimise the risk of harm to nesting birds we would recommend that any vegetation clearance avoids the period March-September inclusive. If any works are to begin during this period then a suitably qualified ecologist should be on site to survey for nesting birds. As you will be aware all birds (except pest species), their nests, and eggs are protected from disturbance and destruction by the Wildlife & Countryside Act 1981 (and as amended).

### **Concluding Remarks**

In the absence of the results of the detailed Nitrogen modelling and the necessary assurances on the zoning of the Tip habitats, visitor management and SANGS we are unable to support this application, as we cannot be certain that this scale of housing could be accommodated without harm to priority habitats and protected species, particularly from high levels of disturbance and the impacts of NOx. For this reason we have a position of a holding objection to this application.

I hope that you find our comments helpful. Please do not hesitate to contact me on 0115 958 8242 should you wish to discuss any of the above or for us to meet with you and the Applicants. We would be grateful if you would keep us informed about the progress of this proposal

### **21.03.17**

Re: Air Quality Assessment

Thank you for consulting Nottinghamshire Wildlife Trust (NWT) on the Air Quality Assessment supplementary planning document. Having studied the document carefully we request a clearer explanation from the applicant's consultants on the following points before we are prepared to review our position of a holding objection to this planning application.

The Environmental Statement (6.4.23) states that the difference between traffic levels when the colliery was active and those arising from this proposal are considered to be 'not significant'. It is predicted, however, that peak traffic flows will be 3.5 – 4 times the levels associated with the active colliery.

We would like clarity on where the baseline nitrogen deposition rate is derived from (see below).

- We are unable to understand the relationship between the figures in Table 22 and 29.
- Table 22 highlights baseline nitrogen deposition rates;
- E1. Birklands West and Ollerton Corner – 18.62 (KgN/ha/yr).
- Table 29 highlights Predicted Annual Nitrogen Deposition Rates;
- E1. Birklands West and Ollerton Corner – 19.02 (KgN/ha/yr). This figure is without development (DM) but why is this figure different to the one in Table 22.

Having discussed the Air Quality Assessment with Colin Wilkinson (RSPB) we are of the opinion that a meeting with all parties would be useful in order to fully understand how the conclusions in the assessment have been reached.

09.05.17

**Re: Air Quality Technical Note (Ecological Impacts)**

Thank you for consulting Nottinghamshire Wildlife Trust (NWT) on the Air Quality Technical Note. Having studied the document carefully we find that our concerns relating to predicted air quality standards have been allayed. That said the assessment is wholly reliant on the reliability of the dispersion modelling process and an acceptance of this at face value. For this reason we feel that there is a strong case for a long-term air quality monitoring programme to be implemented. This is fully justified due to the scale of the proposed development and the proximity of priority habitats that are particularly sensitive to the effects of nitrogen deposition.

This programme would involve;

- Long-term air quality monitoring of atmospheric nitrogen (NOx) at the twelve receptor locations established in the recent assessment in years 1, 2, 3, 5, and 10. This could begin following completion of Phase 1 and continue after completion of the development.
- Provision of the monitoring results to the Local Planning Authority.
- Reviewing data to compare the accuracy of the original predictions to what is actually happening on the ground. If air quality is shown to be worse than predicted then a re-evaluation of the level of mitigation would be required.
- Traffic monitoring at the entrance of the development to assess predicted traffic movements against actual traffic movements. This would be in the interest of the applicant if air quality in the area deteriorates but evidence can be produced that confirms that the new development is not the source.

**SANGS**

The application states that the entire former pit tip (now 'Country Park') and 11.89 hectares of proposed green infrastructure should be considered as SANGS. **As stated in a previous response we do not agree with this approach** (letter dated 18 January 2017). We are of the opinion that including the entire pit tip as SANGS would be incongruous with the aims and objectives of the restoration scheme, as it would undermine the value of the habitats for rare ground nesting birds, notably nightjar and woodlark. To avoid significant indirect impacts through recreational activity, a comprehensive and workable visitor management strategy is required given the level of disturbance is likely to be greater than originally anticipated under the terms of the mineral restoration scheme. Zoning levels of activity through fencing and natural barriers would be essential so that there would be quieter areas for sensitive bird species. Previously we stated that we would expect this to be agreed at the outline stage, as we considered this to be an essential requirement to enable the LPA to rigorously assess the potential impacts of the scheme on these Annex 1 bird species, for which the tip restoration has been designed. After careful consideration we are now of the opinion that it would be more appropriate for this aspect of the application to be agreed at the reserve matters stage, as long as the requirement to do so is made clear in any outline permission.

We have identified a possible alternative approach that may achieve better conservation outcomes than the creation of conventional open space to meet SANGs requirements:

1. The alternative would comprise of informal habitat-rich recreational green space being created on the former arable land, to attract a significant number of local dog walkers away from the habitats on the Tip (dogs are a significant predator of ground-nesting birds) and also to achieve health and wellbeing benefits for the new residents, particularly the very young or more inform, who may wish to walk short distances on flatter ground than the Tip provides.

2. An extension of habitat management on the pit tip beyond the 5-year statutory aftercare period required under the current mineral permission, financed through this proposed development. The latter would enable the habitat complex to be managed to optimise its value for wildlife in the long term whilst also providing a valuable wildlife-rich greenspace for a sustainable level of informal recreation. In the absence of such a commitment to long term (at least 25 years) conservation management, the Tip habitats cannot be claimed as SANGS, as the impact of the residents would, of course, be in perpetuity.

### Summary

Following the submission of Air Quality Technical Note (Ecological Impacts) we find that our concerns relating to predicted air quality standards have sufficiently allayed. We are of the opinion, however, that a long-term air quality monitoring programme is required to test the accuracy of the dispersion model. After careful consideration we are now of the opinion that it would be more appropriate for the issue of SANGS and a visitor management strategy to be dealt with at the reserve matters stage. In light of this we find that we are now able to remove our holding objection to this planning application, subject to the imposition of conditions to secure the monitoring and SANGS as describe above.

### RSPB

#### 26.01.17

Thank you for consulting us on this application. For the reasons explained below RSPB objects to this application, at least pending further information from the applicant regarding vehicle movements, air pollution, and nitrogen deposition on lowland heathland and acid grassland in nearby statutory sites for nature conservation. All comments about other aspects of the development below must considered without prejudice to this fundamental point of concern.

If we are sent further information in response to the points raised below, we will review our position.

The RSPB places the highest importance on the continued protection of statutory nature conservation sites including Sites of Special Scientific Interest (SSSIs) designated under the Wildlife & Countryside Act 1981, and sites such as Special Areas of Conservation (SACs) classified under Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora ("the Habitats Directive").

This proposal lies adjacent to Birklands and Bilhaugh SSSI to the north, to Birklands West and Ollerton Corner SSSI to the east, and is close to part of Birklands and Bilhaugh SAC, across Swinecote Road to the west. That part of the SAC which lies to the west is also designated as Sherwood Forest National Nature Reserve (NNR). Finally we believe Sherwood Forest qualifies for classification as a Special Protection Area (SPA) under Council Directive 2009/147/EC on the conservation of wild birds ("the Birds Directive") because it supports nationally important populations of nightjars and woodlarks, species listed on Annex 1 of the Birds Directive. No SPA has yet been classified in Sherwood Forest, but Natural England has issued guidance that a precautionary approach should be taken to granting permission for developments that may affect these two bird species. Collectively these sites are the single most important continuous assemblage of designated sites for nature anywhere in Nottinghamshire, in terms of physical scale, intrinsic value and statutory status. This is the context in which our response should be viewed.

Some of the land subject of this application is plainly previously developed land as defined by the National Planning Policy Framework and therefore the re-use of that part of the land is consistent with national policy. The type, scale and precise extent of development is for the Council to consider in the context of emerging local plan policy. These proposals seem to be broadly consistent with draft policies ShAP3 and ShAP4, contained in the Council's draft "Preferred Approach – Sites and Settlements" document now open to consultation. That said the scale and type of development envisaged in draft policy and this application does not look "plan-led".

We welcome the inclusion of an Environmental Impact Assessment with the application. We are satisfied the breeding and wintering bird surveys are adequate in terms of scope and methodology. The results raise no significant concerns for us that cannot be dealt with either through conditions, and/or at reserved matters stage.

We are satisfied the proposals generally avoid significant direct impact on existing features of nature conservation interest, including designated sites, protected species, and habitats of principal importance. The indirect impacts on nearby protected sites could be significant in two regards:

- 1) Increased nitrogen deposition on lowland heathland and acid grassland on nearby protected sites, arising from a significant increase in local vehicle traffic over base line levels.
- 2) Increased recreational disturbance (including from dog walking) and predation by domestic cats on nearby protected sites, arising from a large increase in the local residential population.

We deal with each of these in turn, below:

- 1) Increased nitrogen deposition

We have decided to object to this outline application because of what we believe is a lack of clarity (and missing information) relating to vehicle movements, air pollution, and nitrogen deposition on lowland heathland and acid grassland in nearby statutory sites for nature conservation. We explain the reason for our concerns

Paragraphs 6.4.18 – 6.4.25 of the Environmental Statement (ES) deal with indirect air quality impacts on nearby protected wildlife sites. 6.4.22 says, "the air quality assessment predicts that the deposition rates will be insignificant' but then mentions further modelling being done the results of which are not yet available. The agent for the application has told us (on 24 January) that this might be available in around two weeks. We believe this is critical information and we cannot submit a final response to this application until we have had a chance to consider it.

Based on ES paragraph 6.4.22, we have looked at the Air Quality Statement. This only deals with the public health impacts from air pollution not the ecological impacts. It certainly does not do what paragraph 6.4.22 says it does.

6.4.23 of the ES says, "With regard to the NO<sub>x</sub> the primary source of NO<sub>x</sub> will be traffic generated. The Transport Assessment demonstrates that the differential between the former colliery traffic and the traffic proposed to be associated with the development is not significant and therefore there is not likely to be any significant increase in NO<sub>x</sub> emissions from traffic [Our emphasis].

This is at odds with what the Transport Statement says about baseline and future traffic levels. The consultants have chosen to use as their baseline the recent past level of colliery use at the point of its closure in 2015. Pages 29/30 of the TS contain the tables that model the traffic movements

then, and those that predict future traffic movements. Compared with 270 two-way vehicle movements during each peak AM and peak PM hour former colliery use, the future two way traffic movements from the housing and employment development represent an increase of around 394% in the peak AM hour, and 353% in the peak PM hour. We do not accept this is an insignificant difference, as suggested by the ES.

Ultimately, the threat of increased nitrogen deposition on nearby heathland is the most significant nature conservation issue to be addressed here. There are two reasons for this:

First, under the Conservation of Habitats and Species regulations 2010 the Council has to consider whether this proposal is likely to have a significant effect on the interest feature of the SAC, alone or in-combination with other plans or projects. As noted on the JNC Standard data Form1, the SAC is already threatened by diffuse aerial pollution; nitrogen deposition on SAC heathlands may already be approaching, if not already exceeding, recommended limits.

The ecological effects are insidious. Nitrogen is basically a fertiliser; when added to habitats that are naturally low-fertility, it encourages vigorous growth of competitive species like tussock forming grasses, nettles, brambles and scrub at the expense of specialist grasses, lichens heathers and shrubs adapted to low fertility conditions. The whole character of the habitat can change over time, leading to the loss of the invertebrates, reptiles, birds and other wildlife associated with heathland and acid grassland.

So, even a small increase in nitrogen deposition arising from this development may amount to a significant effect, alone or in combination with other plans or projects. As the application stands, we believe that as the competent authority, the Council cannot currently conclude there is not likely to be a significant effect on the features of interest of the SAC. Unless further information is produced by the applicant that models the predicted effects accurately and openly, and those effects prove to be insignificant (alone or in combination) our view is that the application should be refused.

Secondly, the applicant cannot realistically mitigate the amount of air pollution (and therefore nitrogen deposition) arising from private car use except by reducing the overall scale of the development to a level more commensurate with the scale of vehicle use seen previously, when the colliery was active. We have other concerns (discussed later) which can, potentially, be addressed by careful design and detailed mitigation plans at reserved matters stage, but this is not one of them. This matter must be properly considered and addressed or outline permission should not be granted.

## 2) Increased recreational disturbance and predation by domestic cats

Having looked closely at this issue we have decided not to object on this score, because the application does outline the mitigation measures to be employed, the detail of which can be refined and confirmed at reserved matters stage.

We do have some minor concerns about the proposed mitigation for the impacts of recreational disturbance and predation by domestic cats. If this application is approved, these points need to be addressed in full detail simply so that the Council and the applicant are aware of the issues when the time comes.

## **Role and function of the restored pit top, and mitigation for recreational disturbance**

Avoiding residential development within 400m of the SAC is not the entire solution to mitigating offsite recreational impacts arising from that development, though the buffer is welcomed. In our response to PREAPP/00237/16 on 8 November 2016 we recommended this 400m buffer based on local plan policies and SPD adopted in the Thames Basin Heaths. These policies were based on detailed research into visitor recreational behaviour there that showed that if homes are built closer than 400m to large wooded/heathland areas, then the residents are likely to visit those areas almost regardless of the amount, location or quality of Sustainable Alternative Natural Greenspace (“SANGS”) provided as part of the development itself in effect for homes closer than 400m to sensitive habitats, the impacts cannot be mitigated.

Beyond 400m, the effect still exists but mitigation becomes more and more possible with increasing distance, through provision of SANGS. Housing development may be many kilometres away from the sensitive sites and still have to provide SANGS. The application does not really explain this very well: all of the housing proposed on the site, even on the eastern edge, has the potential to cause significant indirect impacts on the SAC unless fully mitigated by provision of SANGS

The stated aim of Harworth Estates’ planned restoration of Thoresby Colliery tip is to “create extensive areas of high priority BAP/Section 41 habitats that are characteristic of the Sherwood Forest Natural Character Area, in accordance with the aims of the UK BAP, The Nottinghamshire LBAP and Nottinghamshire Heathland Strategy. (Restoration Method Statement, March 2016).

It is now proposed that the restored pit top should become a country park and the application suggests that all of it (99.03 hectares) will serve as additional SANGS to that provided within the built development, as well as provide high quality new wildlife habitat.

Given that the primary function of SANGS is to attract visits from members of the local community who would otherwise have to use the nearby national and internationally important designated sites (e.g. for dog walking), one of the defining characteristics of SANGS is that it should be accessible. The Council’s Developer Contributions & Planning Obligation SPD confirms this, stating, “...in the context of the Birklands and Bilhaugh SAC the terms SANGS refers to... Sites that are freely accessible to people living within 5km of the SAC that provide an alternative to the SAC for regular (i.e. more than once a week) walking and dog walking. (Our emphasis).

Unconstrained public access and provision of high value wildlife habitats are not always mutually compatible, especially in the birds’ breeding season. On the pit top this will be an extended season, given the potential presence of nesting wood larks from mid Feb and nightjars until the end of August. Careful zoning and access controls to some areas in this extended period will be needed, and therefore not all of the country park can be counted as SANGS. In particular, if and when a reserved matters application is submitted, complete clarity over what areas of open space (within the development and on the pit top) will be made available for dog walking on and off leads will be required, along with full details of how this will be monitored and enforced.

Mitigation of domestic cat predation: Any reserved matters application must provide full design details of the location and design of physical buffers (including water features) designed to prevent domestic cats reaching the habitats on the restored pit top, including specifications for how they will be managed maintained in perpetuity, and deep water retained in them even during prolonged droughts. Without these safeguards, the mitigation could swiftly become useless

Choice of tree species in landscaping - The plan to use exotic tree species such as sweetgum, tulip tree, pin oak and maidenhair tree to landscape part of the built development is not appropriate to the area. The justification for using such exotic species is weak – the application mentions reflecting “fossil fuel heritage” (3.8.1 of the Design and Access Statement) even though most of these species arose entire geological ages after the Nottinghamshire coal field was formed. It will create an enclave of landscaping that is alien to the surrounding natural landscape of Sherwood. It will not aid habitat connectivity or native species movement across the site, or compensate in kind for loss of any existing native trees. We would strongly prefer to see a mix of native tree and shrub species appropriate to the natural character of the site and its surroundings, notably pedunculate and sessile oak, field maple, beech. Silver and downey birch and rowan, and hope the Council will insist on it.

Defining and achieving “outstanding quality” in the development, including for biodiversity enhancement: We welcome the applicant’s vision to “create a mixed – use development of outstanding quality”. However, the application does not really give a clear impression of what “outstanding quality” actually means in terms of the benchmarks and standards to be sought. Furthermore, draft Local Plan Policy ShAP4 does little more than facilitate the scale and location of the development desired by the applicant, and describe what would be expected of any mixed development of similar scale in a similar location. So on the face of it the power of the Council push for real “outstanding” quality is limited.

We hope and believe the applicant aspires to deliver a high quality, distinctive development that delivers much more than just a certain number of new homes that help meet local and sub regional housing needs. These high standards should span the full range of sustainability attributes, for example including water supply and re-use, energy efficiency and production and biodiversity enhancement.

Similarly, we hope that Newark and Sherwood Council will define a vision for the quality of this development that takes it far above “average” and sets a new high standard for sustainable, nature-friendly housing in the District that offers existing and new residents a high quality of life. We are worried that neither the current master plan, nor the draft Local Plan policies, will achieve this as they stand.

As stated in our response to PREAPP/00237/16 on 8 November 2016, there is great scope to incorporate nature-friendly features into the built development (as well as any green infrastructure), such as integral bird and bat boxes, choice of native plants, nature friendly Sustainable Urban Drainage Systems, green roofs and brown roofs for invertebrates and others. A more complete list of positive design interventions can be found in “Designing for Biodiversity: a technical guide for new and existing buildings’

The RSPB is working with a range of partners in the housing industry to bring about a much needed improvement in the design of large scale housing developments for nature on several major sites in the UK. We would be pleased to work with the applicant and the Council to consider ways that the redevelopment of Thoresby Colliery could define a new high standard for nature-friendly housing in Newark and Sherwood.

In this letter and previous responses to the master have listed our expectations of this development. We will expect all of these to be addressed through careful design and layout, or additional controls through conditions or planning obligations, at reserved matters stage. We summarise them all below and hope this is helpful:



- No housing should be located closer than 400m to the SAC; other land uses such as education, employment or open space may be acceptable within this buffer.
- Significant landscaping buffers and SANGS should be maintained between urban development and nearby protected sites (the SAC, NNR, SSSIs and Local Wildlife Sites) and habitats of principal importance including those to be created on the pit top.
- The development must provide enough SANGS (by a comfortable margin), that is located, designed and managed in such a way as to mitigate indirect impacts on the SAC and SSSIs, from recreational disturbance. Provision must be made for that SANGS to be managed in perpetuity.
- Not all of the restored pit top can be claimed as SANGS, because significant parts of it are intended to provide high quality habitats capable of supporting nesting nightjars, woodlarks and other wildlife sensitive to disturbance.
- Those areas of the restored pit top not designed to be publicly accessible (including to dogs on or off leads, and mountain bikes) must be clearly defined.
- Areas where seasonal public access may be appropriate should be defined on a zoning plan. Given the potential presence of nesting woodlarks and nightjars, the breeding season on open ground habitats should be taken to mean from 15 February to 31 August each year, inclusive.
- The means by which public access to these areas will be deterred and enforced, and arrangements for monitoring the effectiveness of these measures, must be provided.
- Full details of the physical features to be built into the development to prevent domestic cats reaching habitats on the restored pit top must be provided including details of how these will be maintained in perpetuity and (in the case of ditches) deep standing water retained in them at all times.
- A restrictive covenant on cat ownership by future residents would not be an appropriate part of the cat predation mitigation plan because it cannot be enforced effectively.
- The development proposals must include details of the any development on the former colliery site to help secure the long term financial costs of managing the habitats on the pi top.
- Landscaping schemes throughout the development and the open spaces should use only native species appropriate to the natural character of the site's surroundings. Exotic species such as those currently proposed for the "industrial character zone" should be avoided.
- Details of how the development will integrate with its surroundings, including access routes between the built development, the pit top, Edwinstowe village and the planned new Sherwood Forest Visitor Centre, should be included.

**13.03.17** - Thank you for consulting us about the Air Quality Assessment February. In our previous letter of 25 January 2017 on this case, the RSPB objected pending further information from the applicant regarding vehicle movements, air pollution and nitrogen deposition on nearby statutory sites for nature conservation.

For reasons explained below we have decided to maintain our objection at this time, pending further information and an opportunity fully to discuss the implications with Natural England and the Wildlife Trust.

From the AQA we note the following salient points:

Local background concentrations of nitrogen dioxide (NO<sub>2</sub>) are predicted to fall slightly over the next ten years (AQA Table 14, p24) continuing a trend apparently already in train. This promises a slight and gradual slow-down (though not a reversal) in the rate of nitrogen deposition on local semi-natural habitats including those in the Birklands and Bilhaugh Special Area of Conservation (SAC)

Baseline nitrogen deposition rates on the most sensitive habit types present at each sampling point in the designated wildlife sites around Thoresby Colliery exceed the 'high critical load in most cases. Notably, the baseline nitrogen deposition rates on the SAC at sampling points E10, E11 and E12 are almost double the "high" critical load for the oak woodland habitat present (AQA Tables 21/22, pp30-32)

In our opinion therefore, any proposal that would have more than a quite minimal effect in terms of additional nitrogen deposition, might well have a significant adverse effect on the features of interest of the SAC especially when considered in-combination with other plans or projects.

AQA Table 29 (p44) predicts increases in the annual nitrogen deposition rate at receptor sites in the SAC of 0.01 kilograms of nitrogen per hectare per year. As the consultants conclude, predicted change in annual nitrogen deposition rates is less than one percent of the critical load.

However, there are a several issues that mean we have decided to maintain our objection this time.

First, no new information has yet been provided to clarify the situation regarding expected increases in traffic movements compared to baseline levels. As we raised in our letter of 25<sup>th</sup> January 2017, we cannot reconcile the suggestion in 6.4.23 of the Environmental Statement that the "differential" between (past) colliery traffic levels and those arising from this proposal will be "not significant", with the prediction that peak hour traffic flows will be 3.5 to 4 times the levels associated with the former colliery use in its last years of operation. We would welcome further clarity from the applicant on this, as this crucial point underpins any assessment of the significance of changes in air pollution and nitrogen deposit.

Secondly, it would be helpful to get clarification on whether the "DM" figures in tables 27 and 29 include or exclude pre-existing emissions from the colliery use (including those arising from ongoing combustion of mine gasses on the site).

Lastly, to enable the competent authority and nature conservation stakeholders (particularly Natural England) to be able to understand the significance of the air pollution effects of this proposal when considered in combination with other plans or projects, it would be helpful if the AQA information could be presented in the same way as was used in application 16/01499/FULM for the new Sherwood Forest Visitor Centre. Specifically, we still have not yet seen a clear statement about how many vehicle movements associated with Thoresby Colliery proposals would be likely to use the B6034 between Edwinstowe and its junction with the A616. It seems unlikely to be "none". We feel that a clear description of the actual expected increase in vehicle

movements against base line levels on the Swinecote Road is a necessary part of the evidence base on which the AQA must be founded. Such was the approach followed in the case of the planned new Visitor Centre, that gave Natural England and the Council the confidence to be able recommend application 16/01499/FULM for approval.

Finally, as noted at the beginning we are in active conversations with Natural England and the Wildlife Trust on these matters. However, as the Council seems to have been a little inconsistent in consulting all of us concurrently about the same things we have decided to maintain our objection for now if only to allow reasonable time for the RSPB to understand their positions before responding fully and finally.

#### **25.04.17**

We ask that you consider the RSPB's objection pending the outcome of meeting between the applicant NSDC and NE and particularly, Natural England's position as a result. The following outlines the RSPB's views in the meantime, having read the technical note.

With reference to the three issues relating to the AQA we raised in our objection letter of 25 January 2017:

1. *(Quote): "it would be helpful to get clarification on whether the "DM" figures in tables 27 and 29 include or exclude pre-existing emissions from the colliery use (including those arising from ongoing combustion of mine gasses on the site)"*

Clarification that the "DM" figures in tables 27 and 29 do not include emissions associated with the former colliery use is helpful. We also note the explanation that the DM values take account of any emissions arising from mine gas combustion, but that the contribution from this source is likely to be extremely low. At this point we have no further comments or questions on this particular aspect.

2. *(Quote): "no new information has yet been provided to clarify the situation regarding expected increases in traffic movements compared to baseline levels. As we raised in our letter of 25 January 2017, we cannot reconcile the suggestion in 6.4.23 of the Environmental Statement that the "differential" between (past) colliery traffic levels and those arising from this proposal will be "not significant", with the prediction that peak hour traffic flows will be 3.5 to 4 times the levels associated with the former colliery use in its last years of operation. We would welcome further clarity from the applicant on this, as this crucial point underpins any assessment of the significance of changes in air pollution and nitrogen deposition."*

*We note the following relevant reply from p4 of the technical note:*

*"Traffic data for use in the Air Quality Assessment was provided by ADC Infrastructure Limited, the Transport Consultants who produced the Transport Assessment for the development. If there are specific questions regarding the methodology used for the generation of flows then we would be happy to pass these on."*

In our view the question we posed on 25 January 2017 remains unanswered. We did not specify that our question had to be resolved solely by the AQA, it was in part an inquiry based on an apparent discrepancy between the Environmental Statement, and the Transport Statement. We would be interested to know if the applicant intends to follow this up with ADC Infrastructure Limited if they are the best qualified party to help answer.

3 (Quote): “to enable the competent authority and nature conservation stakeholder (particularly Natural England) to be able to understand the significance of the air pollution effects of this proposal when considered in combination with other plans or projects, it would be helpful if the AQA information could be presented in the same way as was used in application 16/01499/FULM for the new Sherwood Forest Visitor Centre. Specifically, we still have not yet seen a clear statement about how many vehicle movements associated with the Thoresby Colliery proposals would be likely to use the B6034 between Edwinstowe and its junction with the A616. It seems unlikely to be “none”. We feel that a clear description of the actual expected increase in vehicle movements against baseline levels on the Swinecote Road is a necessary part of the evidence base on which the AQA must be founded – such was the approach followed in the case of the planned new Visitor Centre, that gave Natural England and the Council the confidence to be able to recommend application 16/01499/FULM for approval.

Having seen the response to this question, Natural England’s opinion on whether the method followed will allow the Competent Authority to rule out a likely significant effect is going to be the most important factor. As we are unable to attend the meeting we only observe at this point that the response relayed from ADC Infrastructure Ltd seems highly mechanistic and assumes, for example, that no one exiting the Thoresby Colliery development will make dual purpose trip to Edwinstowe or Forest Corner and then onwards, that people make rigid journey decisions based on small differences in the time taken over short distances, and the junction improvements at the Ollerton Roundabout will always perform flawlessly.

### **30.05.17**

We welcome the Air Quality Technical Note, which resolves the outstanding queries we had relating to air pollution impacts on protected wildlife sites in the area, particularly Birklands and Bilhaugh Special Area of Conservation (SAC).

However, we believe that if the Council is minded to approve this application it would be important, and reasonable, to require the applicant to undertake long term air quality monitoring related to the development. This would enable all parties to test the accuracy of the modelling work in the Technical Note, and the predictions made. Also, if the predictions prove inaccurate and the impact of traffic emissions from the development on priority habitats is greater than predicted, there needs to be scope to at least consider implementing further mitigation options. As an example of how inputs to models can be e misjudged, we need only look at how certain car manufacturers have been caught falsifying vehicle emissions data recently.

**So, the RSPB is prepared to withdraw our objection dated 25 January 2017, subject to a condition requiring long term air quality monitoring linked to the development**

We are happy to leave the precise wording to Newark and Sherwood Council but in our opinion it should include the following:

- A vehicle movement counter to be positioned on the main access road into the development from the A6075 Ollerton Road.
- Air quality sampling to take place at the same 12 sampling locations as shown on Figure 1 of the Technical Note dated 12 May 2017.
- Monitoring sufficient to establish a clear pre-development baseline in all seasons, and then to take place in years 1, 2, 3, 5 and 10 from the completion of development.. Monitoring could begin earlier (e.g. on completion of phase 1) but the predictions in the Technical Note are founded on

the complete and operational development, so we believe the critical monitoring period will be from when the development is complete.

- Reports to the Council to be provided annually or when monitoring takes place as above

Suggested reason: to test the reliability of the Air Quality Assessment in the long term, monitor ongoing effects on local protected wildlife sites that may be attributable to the development, and provide a basis for discussion of further mitigation measures to be employed should these be deemed necessary.

We do not think this requirement is onerous or unreasonable.

Other issues:

Given the time that has passed since our original objection in 25 January 2017 it is appropriate to highlight once more the issues we raised then that we believe need to be fully addressed at reserved matters stage, if this Outline application is approved. These are:

No housing should be located closer than 400m to the SAC; other land uses such as education, employment or open space may be acceptable within this buffer.

Significant landscaping buffers and SANGS should be maintained between urban development and nearby protected sites (the SAC, NNR, SSSIs and Local Wildlife Sites) and habitats of principal importance, including those to be created on the pit top.

The development must provide enough SANGS (by a comfortable margin), that is located, designed and managed in such a way as to mitigate indirect impacts on the SAC and SSSIs, from recreational disturbance. Provision must be made for that SANGS to be managed in perpetuity.

Not all of the restored pit top can be claimed as SANGS, because significant parts of it are intended to provide high quality habitats capable of supporting nesting nightjars, woodlarks and other wildlife sensitive to disturbance.

We note that in section 3.3.4 the Air Quality Technical Note again suggests that large areas of heathland on the pit top are earmarked to serve as SANGS. We do not accept this is necessarily appropriate. The amount, location and nature of SANGS needs to be determined in consultation nature conservation bodies through Reserved matters

- Those areas of the restored pit top not designed to be publicly accessible (including to dog on or off leads, and mountain bikes) must be clearly defined.
- Areas where seasonal public access may be appropriate should be defined on a zoning plan. Given the potential presence of nesting woodlarks and nightjars, the breeding season on open ground habitats should be taken to mean from 15 February to 31 August each year, inclusive.
- The means by which public access to these areas will be deterred and enforced, an arrangements for monitoring the effectiveness of these measures, must be provided.
- Full details of the physical features to be built into the development to prevent domestic cats reaching habitats on the restored pit top must be provided, including details of how these will be maintained in perpetuity and (in the case of ditches) deep standing water retained in them at all times.

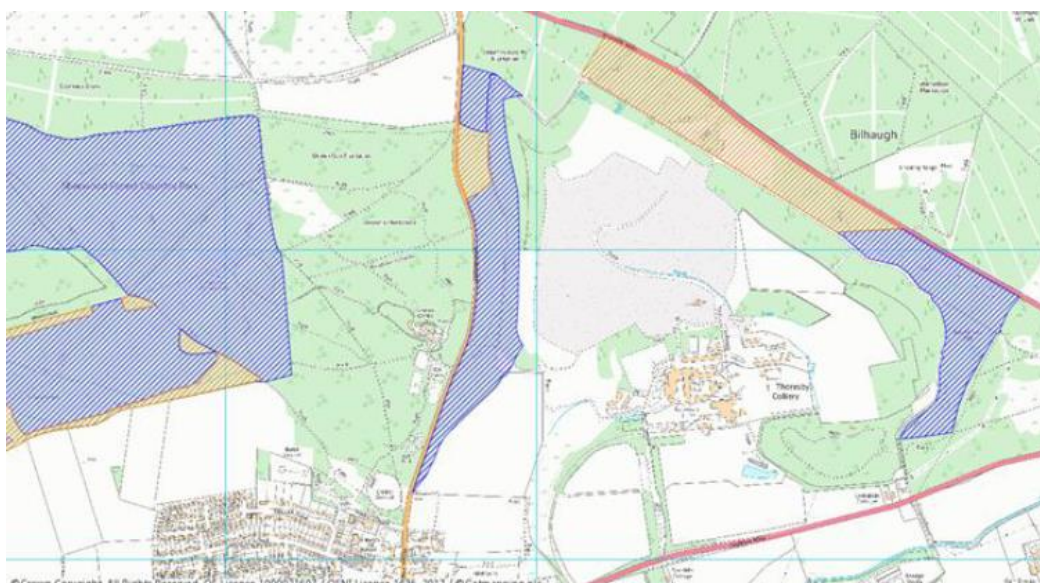
- A restrictive covenant on cat ownership by future residents would not be an appropriate part of the cat predation mitigation plan because it cannot be enforced effectively.
- The development proposals must include details of the any development on the former colliery site to help secure the long term financial costs of managing the habitats on the pit top.
- Landscaping schemes throughout the development and the open spaces should use only native species appropriate to the natural character of the site’s surroundings. Exotic species such as those currently proposed for the “industrial zone should be avoided.
- Details of how the development will integrate with its surroundings, including access routes between the built development, the pit top, Edwinstowe village, and the planned new
- Sherwood Forest Visitor Centre, should be included

For further details and rationale on some of these issues please refer back to our letter of 25 January 2017.

## Woodland Trust

21.02.17 Outlines the role of the Trust and definition of ancient woodland.

The proposed development of the former Thoresby colliery site has the potential to negatively impact on ancient woodland contained within the planning application boundaries. The applicant appears to have correctly identified the location of the Birklands and Bilhaugh SSSI and SAC and the western boundary of the proposed development follows the edge of this designation. However, what is of concern to the Trust is that the applicant has failed to identify that ancient woodland on the ancient woodland inventory (AWI) extends at least 50m beyond the edge of the SSSI/SAC designation and on to the development site itself. The location of ancient woodland on the AWI is publically available and the applicant should have checked for this habitat at the same time as reviewing the location of other habitat designations (such as SSSIs and SACs) in the area. The map below shows the location of the ancient woodland in relation to the colliery site.



The lack of information regarding this ancient woodland and the impacts of the proposed country park upon it has meant it has been very difficult to ascertain exactly how the woodland may be affected. However, the illustrative masterplan shows what appear to be either footpaths or an

area of heathland within the ancient woodland. Ancient woodland in turn appears to have been removed. As previously stated, ancient woodland is an irreplaceable habitat and therefore everything should be done to protect this finite resource. Turning it into heathland or constructing paths through it would cause irreparable loss. As a minimum, the Trust would expect to see this section of woodland buffered with additional native woodland planting to protect it from encroachment from the proposed country park.

The fact that none of the planning documents recognise the significance of this section of ancient woodland coupled with the lack of detailed information regarding the proposed features within it the Trust objects to the proposal in its current form.

### **Severn Trent Water**

With reference to the above planning application the Company's observations regarding sewerage are as follows.

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.

### **Environment Agency**

The previous use of the proposed development site as a colliery and coking works presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone 3 and is located upon Principal aquifer. The 'Phase 1 Desk Study' (dated 14th December 2016, ref P16-424) submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 121 of the National Planning Policy Framework

Without these conditions we would object to the proposal in line with paragraph 109 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

### **Condition**

Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors; and
  - potentially unacceptable risks arising from contamination at the site.
1. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the



remediation measures required and how they are to be undertaken.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

#### Reason

- To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework.

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

The previous use of the proposed development site as a coking works and colliery presents a high risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS) leading to pollution of controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone 3 and is located upon Principal aquifer.

In light of the above, we do not believe that the use of infiltration SuDS is appropriate in this location. We therefore request that the following planning condition is included in any permission granted. Without this condition we would object to the proposal in line with paragraph 109 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

#### Condition

No infiltration of surface water drainage into the ground in areas affected by contamination is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

#### Reasons

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

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

For areas where there may be regular HGV manoeuvring the following condition will apply:

#### Condition

The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

#### Reasons

To reduce the risk surface and groundwater pollution.

### Condition

The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

### Reasons

To reduce the risk of silt pollution during the initial development stage.

### INFORMATION:

Severn Trent Water Ltd should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

### Ramblers

We have studied the outline plans for this development and comment as follows:

We are neither supporting nor objecting but are concerned that the integrity of Edwinstowe Bridleways Nos. 16 & 24 may be affected at some later stage of development. We seek assurances that the availability of these rights of way will be maintained and not obstructed at any time.

**NCC Rights of Way** - This application may impact on Edwinstowe Parish Public Bridleways No 16 & 24, which run alongside the site as shown on the attached working copy of the definitive map. Whilst not an objection this Office would require that the availability of the above path(s) is not affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders. That we are consulted in any re surfacing or gating issues, also developers should be aware of potential path users in the area who should not be impeded or endangered in any way

### 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 housing 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 the overall proposal where all users, including disabled people, can equally use the development. As part of the developer's considerations of inclusive design to ensure that all places, spaces and buildings can be easily and comfortably accessed and used by everyone and to ensure that the development meets as many people's needs as possible, it is recommended that attention be additionally drawn to BS8300:2009 – Design of Building and their approaches to meet the needs of disabled people –

Code of practise which provides useful standards in this regard. . Everyone at some point will probably experience limited mobility – a parent with young children, an older person or an individual with injuries. It is important to identify barriers to inclusion as early as possible within the design process so that good design can overcome them. Inclusive design celebrates the diversity of people and should not impose disabling barriers. While the needs of wheelchair users and mobility impaired people are important it is also necessary to understand the barriers experienced by people with learning difficulties, mental ill health, visual impairments and hearing impairments.

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. Car parking is required to be considered where carefully laid out provision for disabled motorists, whether members the public, visitors or staff, should be incorporated as close as feasible to the principal entrances of buildings. Minimum proportion and number of designated spaces is detailed in BS 8300: 2009. Directional signs should be provided to direct disabled motorists to designated parking spaces. It is important that the disabled motorist parking spaces themselves are signed both at ground level as well as sign posted should road markings be obscured. They should be carefully laid out and marked with safety and access zones around the space and a safe vehicular-free access route provided to buildings. Spaces for disabled motorists should be as close as feasible to the principal entrances and should be clearly signed from car park entrances. Signs should be provided indicating the accessible route to the buildings. It is important to consider the accessibility and location of any car parking ticket dispensers and controls and BS8300 gives further guidance in this regard. Designated setting-down, picking-up points are also an important provision. 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. Fieldfare Trust's BT Countryside for all provides useful guidance in respect of countryside paths and trails etc.

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. It is recommended that the developer make separate enquiry regarding Building Regulations matters and also be mindful of the requirements of the Equality Act 2010.

#### **NSDC- Environmental Health Contamination:**

16.01.17 - Contaminated Land: I have now had the opportunity to review the Phase 1 Desk Study report submitted by Rodgers Leask Environmental in support of the above planning application. This document identifies several areas of particular concern in relation to contamination, namely the pit heads, coal stocking areas, railway sidings and coking works. The report recommends that an extensive scope of intrusive sampling and gas monitoring is carried out across the site as a result of the former uses. I generally concur with this initial assessment and shall await submission of the findings of this further works. In the meantime, I would recommend the use of our standard phased contamination condition.

Air Quality: An Air Quality Statement report has been submitted by Rodgers Leask. This document assesses the current status of air quality in the area of the development and concludes that the development will not have a negligible impact on air quality. However further work is proposed using air quality modelling, methodology for which has been agreed with the consultant (Redmore Environmental Ltd.) I shall await submission of this work prior to commenting further.

**02.03.17** - An Air Quality Assessment has been conducted by Redmore Environmental (ref: 1459r2) dated 17th February 2017 in support of this planning application.

This document provides a comprehensive assessment of the air quality issues surrounding the proposed development, identifies the potential impacts from both the construction phase and operational phase.

The construction stage assessment identifies varying levels (ranging from high to negligible) of dust risk from the demolition and construction works and suggests numerous mitigation measures in order to control this risk (Table 24). Providing these are adhered to, I can concur with the assessment that that the dust risk is not significant.

The operational phase assessment included air quality modelling and predicted that the impacts during operational phase were negligible at all receptors. I can agree with these findings however also welcome the range of additional mitigation measures that are proposed (including incorporation of electric vehicle charging points, secure cycle parking facilities, travel plans etc.).

In summary, providing that the proposed mitigation measures are incorporated during construction and operational phases of the development, I can concur with the findings of the AQ assessment.

## NSDC- Environmental Health

I have read the noise report which seems OK. It would be wise to require noise remediation measures for the properties near the main road, as suggested.

## NSDC (Strategic Housing)

**01.04.17** I have put together a draft table based on evidence from the 2014 Housing Needs Survey and our Housing Register. This required some further detailed work but can be used for guidance.

Type	Affordable Rent	Intermediate	Total
1 bed	30		30
2 bed	75	50	125
3 bed	35	46	81
4 bed	4		4
Total	44	96	240

In terms of type, Members will be seeking some bungalows.

## 09.05.17

- The total number of affordable housing units on the proposed site should be 240 out of a total of 800 dwellings representing 30% of the total scheme
- The Proposed tenure of the affordable housing should be agreed with the Council and should be based on 60% social or affordable rent and 40% shared ownership.
- The housing need in the area is for smaller homes. Demand for the Edwinstowe area is high and is led by one and 2 bed properties followed by 3 bed properties in the affordable sector. This information is derived from the DCA Housing Needs Study 2014 and covers the Sherwood area which includes other area such as Ollerton. In the absence of a parish housing needs survey; further evidence can be obtained from the District Council's Housing Register and the number of bids received by Newark and Sherwood Homes for properties in this location. 455 people in housing need have specified Edwinstowe at their preferred choice of area. 184 of those qualify for smaller homes, mainly one and two bedrooms and 225 are seeking supported housing. In terms of bids for properties, demand is high with 3 bed homes securing 20-30 bids, 1 and 2 bed homes receive 20+ bids and bungalows often attract over 40 bids.
- Registered Providers are stating a preference for 2 bedroom homes in favour of 1 bedroom set against the changes to the benefit system for tenants under the age of 35.
- I am also mindful that the District Council has recently completed 6 one and two bedroom homes for affordable rent in Edwinstowe and Newark and Sherwood Homes will also be completing a similar scheme in Edwinstowe.
- Taking the above into consideration, I note that there is demand for bungalows with 2 bedrooms and I would welcome a scheme that incorporated some units of this type. In the market sector there is demand for 2 bedrooms (335), 3 bedrooms (247) and 4 bedrooms (65).
- Overall until the Council has a full understanding of the viability issues on this proposed site then I refer to the Council's policy (CP1) for provision of affordable housing.

**Comments:**

I refer to the above pre-application enquiry and make the following observations on behalf of the Council’s Strategic Housing Service.

**Affordable Housing provision:-**

The Council’s Adopted (July 2013) Affordable Housing Supplementary Planning Document (Core Policy 1) sets the affordable housing targets for any suitable site at 30% and the qualifying thresholds for affordable housing provision are: 10 or more dwellings or sites of 0.4 ha irrespective of dwelling numbers for Newark and for the rest of Newark and Sherwood – all housing proposals of 5 or more dwellings or sites of 0.2 ha or above.

Therefore the following affordable housing requirements for the proposed site in Edwinstowe are 240 affordable homes out of a total of 800 dwellings. The applicant is offering 61% of the overall scheme on an affordable tenure.

**Preferred Tenure/Type:-**

Core Policy 1 further refers to the proposed tenure mix which is 60% social rented housing and 40% intermediate housing (Shared Ownership\*). Therefore the Council requires that 144 of the proposed units will be for social or affordable rent and 96 will be for intermediate housing (shared ownership). I propose the following tenure for discussion with the applicant:-

Type	Social/Aff Rent	Intermediate Housing (S/O)	Total
1 Bed House	10		10
2 bed (4p) house	60	40	100
2 Bed Bungalow	30	20	50
3 Bed house (5p)	44	36	80
<b>TOTAL</b>	<b>144</b>	<b>96</b>	<b>240</b>

**Demand for Affordable Housing/Housing Need**

The new Housing Market and Needs Assessment (Sub area report) 2014, details the following affordable housing shortfalls for the Sherwood sub area (of which Edwinstowe is a part of) the highest proportion of demand is for two bedroom homes. Existing households also require bungalows to move into but there is no demand for concealed households for this type of property:-

**Table 0-1 Social sector demand by bed size**

Question 21 and Question 33

Property size	Existing Households		Concealed Households		Total existing & concealed demand	
	% responses	N <sup>os</sup> . Implied	% responses	N <sup>os</sup> . Implied	% response	N <sup>os</sup> . Implied

	s					
1 bedroom	19.7	138	100.0	78	27.7	216
2 bedrooms	64.5	453	0.0	0	58.1	453
3 bedrooms	7.1	50	0.0	0	6.4	50
4 bedrooms	8.7	61	0.0	0	7.8	61
<b>Total</b>	<b>100.0</b>	<b>702</b>	<b>100.0</b>	<b>78</b>	<b>100.0</b>	<b>780</b>

Source: DCA Newark and Sherwood 2014 Housing Needs Survey

Source: DCA Newark and Sherwood 2014 Housing Needs Survey

**Table 0-2 Type of Property for households moving in the next three years**

Question 20 and Question 32

Type of property	Existing Households		Concealed Households	
	% responses	N <sup>os</sup> . Implied	% responses	N <sup>os</sup> . Implied
Detached house	28.2	319	16.5	39
Semi detached house	22.1	250	83.5	197
Terraced house	0.0	0	0.0	0
Bungalow	36.2	408	0.0	0
Flat / Maisonette	5.7	65	0.0	0
Bedsit	0.0	0	0.0	0
Supported housing	7.8	88	0.0	0
<b>Total</b>	<b>100.0</b>	<b>1,130</b>	<b>100.0</b>	<b>236</b>

Source: DCA Newark and Sherwood 2014 Housing Needs Survey

### Local Connection and Cascade Mechanism

The Council will seek to ensure that the first and subsequent occupancy of all new affordable housing with a S106 agreement is determined in accordance with a 'cascade' approach. This means that on the occasion of each vacancy, the individual dwellings are advertised through the Council's allocation scheme. The Council will require 100% nomination rights for subsequent re-lets. This allows Registered Providers to determine the allocation of a proportion of the properties in accordance with their own objectives and statutory requirements. However, in practice many Registered Providers locally continue to accept nominations from the Council on all future re-lets.

### Design and Layout

With regard to the space/design standards the Council encourages developers to refer to point 3.14 of the Council's Affordable Housing Supplementary Planning Document for further details with regard to ownership and management. It is expected that all developers will meet the Homes and Communities Agency's Design Standards for the affordable housing units, for reference a link to this document is below. The units should also not be distinguishable from the open market housing and dispersed (pepper potted) on the scheme (see 3.16 of the

Council's Supplementary Planning Document). It is noted that the proposal segregates the affordable housing from the market housing and will not therefore meet the 'tenure blind' aspirations of the Government.

[http://www.homesandcommunities.co.uk/sites/default/files/our-work/design\\_quality\\_standards.pdf](http://www.homesandcommunities.co.uk/sites/default/files/our-work/design_quality_standards.pdf)

### **Registered Providers**

The affordable housing on this site should be delivered by a Registered Provider (i.e. Registered with the Homes and Communities Agency). The Council currently works with several Registered Providers (see list below) and we recommend that the applicant contacts a Registered Provider to ensure that the proposed affordable housing meets their requirements. This should be undertaken prior to submission for planning consent.

- ☐ Nottingham Community Housing Association
- ☐ Derwent Living
- ☐ Waterloo Housing Association
- ☐ ASRA (Midlands) Housing
- ☐ Longhurst Housing Group
- ☐ Framework, (Specialist provider)
- ☐ Newark and Sherwood Homes (Management only)

Please refer to point 3.29 of the Council's Affordable Housing Supplementary Planning Document for further details with regard to ownership and management.

### **NSDC (Conservation)**

#### **Heritage assets affected**

The proposal site is 300m from Edwinstowe Conservation Area (CA), and within 400m of St Mary's Church, a Grade I listed building. Edwinstowe Hall (Grade II) sits to the north of the church and is prominent on approach to the CA from the north. Carr Brecks Farm (Grade II) sits to the southeast of the proposal site, and Ollerton Hall (Grade II\*) and Ollerton CA are within 1km to the east. Thoresby Park to the north is Grade I Registered, and Rufford Abbey Park to the southeast is Grade II Registered. There is a Grade II listed landscape monument (to a horse) on the Budby Road, north of the colliery site.

There is an area of archaeological interest in the southwest of the site identified on the Nottinghamshire Historic Environment Record (HER) as linear features, possibly a prehistoric trackway (ref L4143). There are nearby spot finds which include Roman and medieval coins. There are a number of Local Interest buildings within the wider landscape, notably Black Hills Farm to the south of the proposal site. In accordance with Annex 2 of the NPPF, Local Interest buildings and areas of archaeological interest are heritage assets, albeit non-designated. In addition, former colliery buildings and structures identifiable from the early 20th century could have a degree of industrial heritage interest, and may also be non-designated heritage assets.

### **Main issue(s)**

The main historic environment issue in this case are:

- i) Whether the proposal would preserve the setting of nearby listed buildings, including the parish landmark of the Church of St Mary, a Grade I listed building;



- ii) What impact the proposal would have on the setting of nearby conservation areas, including Edwinstowe and Ollerton Conservation Areas;
- iii) What impact the proposal would have on the significance of the wider landscape setting of Thoresby Park, a Grade I Registered Park and Garden and Rufford Abbey, a Grade II Registered Park and Garden; and
- iv) What impact the proposal would have on the significance of any non-designated heritage assets, including archaeological interest, Local Interest buildings and any industrial heritage remaining within the former colliery site.

### **Legal and Policy framework**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. Section 72 also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

Policies CP14 and DM9 of the Council's Local Development Framework (LDF) Development Planning Documents (DPD), amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice in Planning (notably Notes 2 and 3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the "main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new

work to dominate the original asset or its setting in either scale, material or as a result of its siting” (paragraph 41).

The decision-maker should be mindful of the need to give great weight to the conservation of designated heritage assets (para. 132). This is consistent with the LPA’s duty to consider the desirability of preserving listed buildings (and their setting), as well as conserving or enhancing the character and appearance of the conservation area. The Judicial Review concerning *The Forge Field Society vs Sevenoaks District Council* presents some timely reminders of the importance of giving considerable weight to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. Mr Justice Lindblom reminds us: “As the Court of Appeal has made absolutely clear in its recent decision in *Barnwell [Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council (2014)]*, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in *Barnwell* it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight. This does not mean that an authority’s assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in *Barnwell*, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering” (paras 48- 49).

In heritage conservation, therefore, there are two key legal requirements that apply to decisions concerning listed buildings and conservation areas. Simply put, these legal objectives require special regard to the desirability of preserving these types of designated heritage asset (sections 66 and 72 of the Act). The courts have said that these statutory requirements operate as a paramount consideration, ‘the first consideration for a decision maker’. Planning decisions require balanced judgement, but in that exercise, there must be a sense of the weight society, through parliament, wishes to place on an objective such as heritage asset conservation. The protection of listed buildings and conservation areas is regarded as highly important, and that should not be undervalued out of respect for both the law and democratic will.

### **Significance of heritage asset(s) affected**

Edwinstowe is an important medieval settlement associated with Sherwood Forest. The Conservation Area (CA) encompasses the historic core of the village. The CA was designated in 1994. St Mary’s Church is located on Church Street, and is a focal landmark building within Edwinstowe CA. The building was first designated in August 1961. The Church originates from the 12th century and has significant 13th, 14th, and 15th century phases. The listed building comprises a three stage west tower, with north and south aisles, adjoining mausoleum, nave, chancel, vestry and south porch. The distinctive octagonal broach spire was restored in 1680

and then in the 19th century. It was significantly re-roofed in 1892 and 1897. The main fabric includes coursed rubble, coursed squared rubble and ashlar, with ashlar dressings and lead roofs. Detailing includes crenellated parapets, coped gables and moulded eaves band.

The boundary wall and overthrow is separately listed.

Edwinstowe Hall is a polite Grade II listed Georgian house and was designated in August 1952. Although partially screened behind a brick boundary wall and tree cover, the former country house is a significant historic building complex at the entrance to the CA, and the adjacent fields contribute to its setting and significance. The building is three storeys in a square plan and comprises early and mid-18th century fabric, being rendered brick and colour washed with stone dressings and a plain tile hipped roof. Detailing includes a plinth, first and second floor string courses, moulded eaves with scroll brackets, a coped parapet and various tall chimney stacks.

Church Street and High Street form the central spine of the CA. There are a variety of historic buildings from the post-medieval period, notably 1-5 Church Street (Grade II). There are also a number of fine unlisted Victorian and Edwardian buildings. The colliery had a significant impact on the village, both socially and physically. The 1920s saw a planned village extension on the west side of the settlement (recognised on the HER as a good example of its type). The headstocks and industrial plant were also prominent features of the landscape on approach to the village from the east. Thoresby Colliery was opened on Outlying farms such as Carr Brecks Farm (Grade II listed) and Black Hills Farm (Local Interest) follow typical 18th and 19th century rural farmstead vernacular and provide reference to post enclosure patterns of development that typify the landscape setting of many historic villages in Nottinghamshire. Carr Brecks Farmhouse in particular, which is mid-19th century, forms an attractive grouping to the southeast of the proposal site. Ollerton was also significantly affected by colliery development, with a substantial planned settlement expansion from the early 20th century. The historic core however remains very legible on the western side of the settlement, and Ollerton Hall, which is Grade II\* listed and has 17th century origins, is prominent. The Ollerton CA was designated in 1977 and is focussed on this historic core.

To the north, the landscape is irrevocably associated with the Dukery estates, of which Thoresby Park is a fine example of 17th century parkland with 18th century alterations by Francis Richardson, Lancelot Brown and Humphrey Repton. In this context, the monument to a horse on the Worksop Road is a reference to this important landscape. The monument also serves as a milestone, dating to 1834.

To the south, Rufford Abbey is considered to be one of the best-preserved remains of a Cistercian abbey west cloister range in England, dating mainly from around 1170. The Abbey remains are incorporated into part of a 17th century and later mansion, all set within Rufford Country Park, a Grade II Registered Park and Garden.

### **Assessment of proposal**

Having reviewed the submitted plans and details, Conservation recognises that the development will have a significant impact on the wider landscape setting of heritage assets within Edwinstowe, Ollerton, Rufford Abbey and Thoresby Park. Given the landscape significance of Sherwood Forest and the Dukeries, the network of roads and paths which connect them provide significant opportunities to experience and appreciate these landscape

values. The proposal could also have a significant impact on the setting and experience of high grade listed buildings such as the Church of St Mary in Edwinstowe.

In accordance with Historic England Historic Environment Good Practice in Planning Advice Note 3 – the Setting of Heritage Assets, the best way to assess heritage assets and their setting is:

1. Identify which heritage assets are affected by the proposal, and what their setting is;
2. Assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset;
3. Assess the effects of the proposed development on that significance;
4. Explore ways in which to maximise enhancement and avoid or minimise harm.

In this context, Conservation has assessed the indicative development proposals against the significance and setting of heritage assets within the landscape.

The applicant indicates that impact on the setting of listed buildings will be negligible (as set out in the submitted Heritage Assessment). This argument appears to be based upon a lack of perceived intervisibility. However, this argument does not sit well in the case of St Mary's Church in Edwinstowe, noting that views to and from the church spire are important throughout this landscape, particularly on approach to the village from the north. In addition, the NPPG (para. 13 of the Conservation section) makes it clear that direct intervisibility is not the only consideration in considering impact on the setting of heritage assets: "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.

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. This will vary over time and according to circumstance."

Given the large scale of the development proposed, as expressed in the indicative submitted layout, appropriate consideration needs to be given to the experience of the landscape, particularly in any contribution made to the setting of heritage assets. In this case, the undulating Nottinghamshire landscape surrounding the proposal site is intrinsically linked to a number of landscape features, including Sherwood Forest, Thoresby Park and Rufford Abbey. In addition, the conservation areas in Ollerton and Edwinstowe encapsulate the medieval and post medieval historic cores of those settlements, and despite the impact of modern development, enjoy a positive relationship with their wider hinterlands. There are also individual heritage assets between these areas, including historic farmsteads, areas of archaeological interest, as well as significance attributable to the former colliery itself.

It is accepted that in general terms, there is no direct view of the proposal site from any listed building in the area other than from the church spire of St Mary. This is nevertheless a material consideration. The Church can also be seen from a multitude of material receptors within the landscape, and the experience of travelling towards or away from Edwinstowe on either the Ollerton Road (B6075) or Church Street, will be affected by the intensity of proposed

development. In the open rural area immediately before Edwinstowe on approach to the CA from the Budby direction for example, the development could have a dominating impact when seen in aspect with the CA entrance and the attractive views of the church spire to St Mary. The proposal site is also in close proximity to the CA boundary, being only a few hundred metres from its eastern edge. Conservation therefore considers that the development could have some moderate adverse impact on the setting of the Church of St Mary and Edwinstowe CA. In the absence of more precise plans and details, it is difficult to provide a forensic assessment of impact on these assets, but based upon the indicative details, we feel that this impact is at worst, less than substantial harm. It is possible that positive attention to the layout of the proposals, incorporating a balance of landscape improvements/reinforcement as well as opportunities to align views and vistas of the Church spire from within the development could reduce this impact. Limiting the heights of new buildings predominantly to two storeys would also help in this context.

Nevertheless, it is recognised that the industrial character of the former colliery was in itself a notably entity in this landscape, and although set well back from the roadways, the elevated position and appearance of the site could be seen as obtrusive in this medieval and postmedieval landscape. Furthermore, it is acknowledged that the indicative landscape strategy will likely improve many aspects of the industrial scars left by mining. Conversely, the industrial heritage of the site and its relationship with Edwinstowe village (in terms of the early 20th century village expansion) is an important element of interest in the landscape.

The Nottinghamshire estates of Clumber, Rufford (technically for a ducal seat), Thoresby, Welbeck and Worksop Manor formed the Dukeries, an intimate and varied collection of parkland, polite architecture and plantations in close proximity. The early 20th century landscape of the Dukeries was hugely affected by the expansion of the Nottinghamshire coalfield. The ducal economic and social fortunes were therefore intrinsic, and although a contrast to the polite architecture of the main estate buildings, the coal mining legacy remains an important chapter in the landscape evolution of this part of the district. Having reviewed the submitted details, the extent of historic building recording of the former colliery is unclear, and a commitment to ensuring that a comprehensive record is made available to the HER and other appropriate archives is advisable (in accordance with paragraph 141 of the NPPF). Conservation otherwise welcomes the proposed retention of the main entrance, the principal power house and a couple of workshops.

The submitted heritage and landscape assessments suggest that the development will be screened from Thoresby Park by the spoil heap (which is currently in the process of being landscaped in accordance with approval from the County authority). It is accepted that there is also substantial woodland enclosure on the south side of the Park which provides a buffer to the former colliery site. Nevertheless, the remnants of Chestnut Avenue which is aligned directly with the former colliery can be read and understood in the landscape as part of an early designed landscape. In accordance with paragraph 137 of the NPPF, the proposals should consider opportunities to better reveal this older planned landscape.

Conservation accepts that impact on Ollerton CA and designated heritage assets within it are not unduly affected by the proposal. This is significantly helped by the distance between receptors, as well as screening afforded by trees and topography. Moreover, the modern roundabout at the western end of the CA and modern adjoining development is such that the historic core of the CA is isolated from the fringes of Thoresby Park. Whilst the experience of travelling south provides a better appreciation of Rufford Park, the elevation railway cutting

provides further separation. The distance between Rufford Park and the proposal site, furthermore, as well as the tree screening of the sensitive aspects of the Abbey grounds and the visual barrier created by rising land along the southern side of the B6075 ensures that the development will have a limited impact, despite the visibility of the spoil heap in longer views (potential landscaping will improve this). In this context, it is felt that the proposed development will not harm Ollerton CA or Rufford Park (and the many important heritage assets within it). Carr Brecks Farm is visually separated from the proposal site by topography, and it is better understood from the Nottingham Road side. The historic farmstead does derive setting interest from the wider landscape, but it is felt that the proposed development will not encroach upon this or be unduly prominent.

The proposal will have a more noticeable impact on the Local Interest building range at Black Hills Farm due to its proximity, although we recognise that the farmstead is set back from the road and does enjoy some tree screening. Paragraph 135 of the NPPF requires a balanced judgement and in this case the proposal is not likely to cause any harm to the significance of the Local Interest building.

Conservation recognises that the development may deliver significant public benefits. The NPPG explains that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF (paragraph 7). Public benefits should otherwise flow from the proposed development, and should be of a nature or scale to be of benefit to the public at large (and not just a private benefit). However, such benefits do not have to be visible or accessible to the public in order to be genuine public benefits. Public benefits can be heritage related, including development proposals that sustain or enhance the significance of a heritage asset (and the contribution of its setting), or where the development reduces or removes risks to a heritage asset or where it secures the optimum viable use of a heritage asset in support of its long term conservation (see paragraph 20 of the NPPG (ref ID 18a-020-20140306)). We therefore consider that the retention of some of the former colliery structures on the site could be a public benefit in this case, helping to sustain some of the industrial heritage interest of the site for future generations (this will need to be legally binding and deliverable to qualify as a benefit).

### **Summary of opinion**

Overall, the proposed development will have some impact on the setting of designated heritage assets, notably St Mary's Church, a Grade I listed building, and on Edwinstowe CA.

This impact could be moderately adverse (less than substantial for NPPF purposes), but it is accepted that landscape mitigation, appropriate height restrictions, public benefits (in terms of colliery building retention) and opportunities to better reveal the significance of the Church and Thoresby Park (through layout) could reduce adverse impact to negligible (and therefore achieve preservation) .

If the scheme is amended or further clarified in light of the above observations, please reconsult us.

Following the submission of the addendum to the Heritage Statement Conservation is happy with the historic building record and deposit with Newark Museum (Presumably the Civil War Centre and our depositary on Brunel Drive).

## **NSDC (Parks and Amenities)**

As set out in the Council's Supplementary Planning Document on Developer Contributions and Planning Obligations this development of up to 800 dwellings will need to make provision for public open space in the form of provision for children and young people (18m<sup>2</sup> per dwelling), amenity green space (14.4m<sup>2</sup> per dwelling), outdoor sports facilities (52.8m<sup>2</sup> per dwelling), allotments and community gardens (12m<sup>2</sup> per dwelling) and Natural and Semi-Natural Green Space. In addition, as a development within a 5km radius of the Birklands and Bilhaugh SAC there is a requirement for the provision of Suitable Alternative Natural Green Space (SANGS).

### Provision for Children and Young People

Given the size of the development I would expect it to include a range of local and neighbourhood playing spaces equipped with play facilities for children and young people. The neighbourhood area(s) should include appropriate provision for young people such as skateparks and multi-use games areas. Chapter 3.8.2 of the Design and Access statement describes recreational areas, residential squares and playing fields where such facilities could be located but further details are required as to how this open space element will be provided.

### Amenity Green Space

The Green Infrastructure Strategy for the development shows residential areas and green corridors which should provide suitable amenity green space.

### Outdoor Sports Facilities

Chapter 3.8.2 of the Design and Access Statement shows an area of playing fields to the west of the site and an area of playing fields associated with the proposed primary school. However no formal sports pitches are shown nor any ancillary facilities such as changing pavilions or car parking. The wider site contains cycling and running trails which may be considered to count towards the outdoor sports facilities requirement however I believe that there is also justification for an off-site contribution towards the provision/improvement and maintenance of outdoor sports facilities in Edwinstowe.

### Allotments and Community Gardens

There is no obvious mention of these in the documentation and the applicant should be asked to demonstrate how this open space element will be provided.

### Natural and Semi-Natural Green Space/SANGS

The restoration of the former pit tips and the proposed country park will provide significant areas of natural and semi-natural green space and SANGS. However as outlined by both Nottinghamshire Wildlife Trust and RSPB in their comments on the application there is a balance to be struck between providing publically accessible green space and natural green space which will support rare and valuable wildlife communities. Given the sites proximity to extremely sensitive and highly protected conservation areas it is essential that this development does not put additional pressure on these areas and protects existing and future areas of high biodiversity value within the application site.

Following these comments additional information has been provided. At the time of writing we await a formal reply, albeit it has been verbally confirmed that the green space provision is satisfactory.

## **NSDC (Community Sports and Arts)**

When we met with the developers I was of the opinion that there was a clear willingness to integrate the new development into the existing infrastructure of Edwinstowe so as to achieve a level of cohesion and connectivity and to also avoid duplication of community resources which I hope can still be achieved.

However, I am not sure there is sufficient detail available currently around the proposals for community facilities to base an objective view on and thereby providing a considered response. For example if there were to be a split of onsite provision and offsite contribution what would this look like. As an established and growing community Edwinstowe would welcome the opportunity to contribute to the discussion around shaping the future improvements to its community infrastructure to ensure the best possible return to the community that this exciting scheme potentially offers. Accordingly the Parish Council has requested a meeting with myself and Phil Beard to discuss options and to put forward some well-reasoned proposals that the developers can consider.

Furthermore I have been made aware of the anticipated values for community facilities which are welcomed but there is a lack of clarity about what is being proposed other than the suggestion that the main provision is likely to be on site, further details would therefore be appreciated. When we met with the developer there was a discussion about the retained workshops, if this is the community facilities focus, what is proposed as the master plan suggests that this area is within Zone 2 which is designated as industrial development area.

There was also a discussion about the engagement of CRT, is this still the plan and what will CRT offer by way of community facilities as I am not sure workshops fit the policy guidance as set out in the SPD. There is also reference to an outdoor sports facilities contribution of £600,000 approximately and no doubt Phil will provide a view on this but I would assume that this money would be made available to improve and enhance the existing outdoor sport and formal/informal recreation provision within the village rather than new provision on site although again the master plan does not identify any significant sports pitch provision other than a reference to the sports pitches at the proposed school but how accessible would they be in terms of local provision.

Following the submission of an additional statement from the applicant the following comments have been received:-

I have the read the response from Steve Lewis-Roberts dated 14th September and I can confirm that the proposed allocation of community facilities monies is to be welcomed as per the proposals, ie £1,107,256.00 of which £607,256.00 will be allocated to off-site projects to enable improvements in the Edwinstowe village with the remaining £500,000 made available for on-site community facilities as part of the development of the community hub proposals. This proposal will significantly improve the community connectivity and cohesion between the new development and the existing community. Prioritisation of appropriate schemes and projects will be developed in consultation with Edwinstowe Parish Council and the wider community to enable the best return on the investment for the community.

**38 individual representations (all of which raise objections and some of which include qualified support for elements of the proposals) were received in relation to the original consultation, which can be summarised as follows:**



## Principle

- Development too large for the area schools are already full and access to health centre difficult – requires more than one school
- Development would be intensive development, would be urban sprawl and a large scale extension of Edwinstowe towards Ollerton into the rural landscape which forms natural break between the 2 settlements
- Proposals will substantially change character and increase size of Edwinstowe
- A large part of the proposed housing development is on agricultural land and is not within the Brownfield footprint of the Thoresby Colliery site.
- Housing for local need has already been identified, permission has been granted for 102 houses with two more applications pending. Additional land has also been identified within the village envelope in the Strategic Housing Land Assessment.
- Development would never become part of Edwinstowe village community; it would be just a housing development between Edwinstowe and Ollerton.
- The development would completely change the character of the village
- The proposal doesn't accord with planning policies in terms of the need for these dwellings, employment, inappropriate development and not small scale, impact on landscape and infra structure, highways matters, loss of open space, impact on nature conservation assets

## **Health/Education**

- No provision for services (which are already over stretched) other than a school
- Before any houses are built could there be at least a new health centre as existing Medical centre cannot cope with existing residents
- Extra schools and health facilities in the village should not have to depend on new housing
- The proposed school would increase traffic
- The proposed school would not compensate for 800 houses that could produce double that number of children.
- The proposed school is primary but there is no secondary school provision – secondary schools are already full

## **Highways**

- Creation of further traffic hazard - Ollerton & Edwinstowe are already bottle necks,
- Increase in traffic which would further burden the road network which is already at overloaded capacity
- Impact on Ollerton Roundabout which is in urgent need of remodelling
- Impact on routes through Edwinstowe which are in need of improvement
- It would add to the congestion at the Ollerton Roundabout and the roads connecting Rufford Country Park, Sherwood Pines, Sherwood Forest and the whole Dukeries Area, these are the most popular tourist attractions in Nottinghamshire
- The village is already congested – additional traffic would bring it to a standstill
- There has been no joined up thinking regarding the access given the new RSPB visitor centre - the access is already extremely busy – plans should incorporate access to and egress from the RSPB parking from the same road as the Harworth development. It is then clear that one or two roundabouts would be required to facilitate traffic merging onto Ollerton Road. This must be preferable to jamming up the roads into and out of the main village and making Church Street/Swinecote Road

- The proposal would exacerbate existing parking issues in the village and would deter people for visiting the village for shopping etc.
- The traffic assessment fails to take into consideration the 500 homes built or pending construction, extra traffic on the A614 and A616 which are used as diversion routes and construction traffic.

### **Flood/Drainage**

- Impact on existing sewerage systems which already have issues creating flood risk

### **Amenity**

- The proposal would result in noise and air pollution

### **Ecology**

- Proposed works about SSI which would be harmed by noise and fumes during construction
- Development will produce large number of pets likely to kill/disturb wildlife
- Buffer zone required development and SSI
- Difficult to fully assess the impact on wildlife
- Site is adjacent to the Sherwood Forest Wildlife Site and is in close proximity to the Birklands and Bilhough Special Area of Conservation.
- Proposal makes a mockery of the policies that have been put into place to protect Sherwood Forest and the surrounding countryside in Local Development Framework, the Green Infrastructure Plan, and the plans for the Sherwood Forest Regional Park and the Sherwood Community Forest
- Proposal would fail to accord with vision on Sherwood Forest Regional Park and would have a detrimental impact on one of the most important sites in Nottinghamshire
- Detrimental visual impact on entrance of Sherwood Forest
- Publicity has been given to the SSI in the forest (hence the proposed closure of the current Visitors Centre) so why are planners contemplating the vast change of an area which is within site of the village and its environs?
- The spoil heaps should not be considered as part of the green spaces included within the application as the County Council are committed to landscaping them which leaves relatively little green space for a development of this size.

### **Other**

- The proposed retail element would detrimentally impact on shops in the village, causing shops to close
- This site could generate environmental, economic and social benefits of both local and national significance – there is golden opportunity to develop this site for visitor and local use, a destination for leisure, recreation and tourism, whilst conserving, enhancing and protecting the natural landscape and the Wildlife and Special Areas of Conservation.
- This is a rushed through application for a major lasting development, almost a new village.
- Notwithstanding extensive consultation no 3rd party comments appear to have been listened to
- It is noted that the local plan is currently being reviewed the application appears to be an under the wire approach – there is an opportunity to liaise with partners to create a centre of excellence.
- A reduction in housing numbers would reduce impact on the village of Edwinstowe
- Nearby commercial and retail units are not fully utilised
- Infrastructure should be a priority

- This would be a good time for the reopening of rail connection to Edwinstowe and Ollerton
- There is a lack of forward planning
- No cohesion between the new community which would not be joined to the older community with older housing stock which will become less attractive to buyers.
- The application was submitted on 23rd December which meant that the consultation period began during the Christmas break
- Local housing need has been identified as being 200 which is met by developments within the village
- The village is becoming more like a town in character
- The proposal would impact on the wellbeing of local residents
- Impact on tenants faring the agricultural land firming part of the application site
- The site should be returned to nature as promised.
- The application site has contaminated land given its former use
- The existing infrastructure is inadequate for such a large development
- Transport links to Newark Lincoln Doncaster and Sheffield are not good
- No data has been provided regarding the commercial viability of the leisure/commercial facilities
- Employment creation will be neutral

2no. representations of support have been received subject to Ollerton Roundabout improvements, the development not detracting from the main community centre of the village and the provision of additional health and education services.

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

#### 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 Regulations 1999 and 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 coming into force on 15<sup>th</sup> April 2015 which changes the threshold for developments constituting an EIA. For the avoidance of doubt the project would still constitute an EIA development.

The applicant submitted a scoping/screening application in August 2016. Having considered the details set out in the scoping report, the District council considered that the proposal was likely to have some complex and significant environmental affects and thus a formal Environmental Statement was required.

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:

- Non technical Summary
- Site Description

- Proposed Development and Alternatives Considered
- Summary Of Environmental Baseline And Assessment Of Effects
- Environmental Theme – Ecology and Nature Conservation
- Environmental Theme – Socio Economic
- Assessment Scope and Methodology
- Application site
- Proposed Development and Alternatives Considered
- Socio Economic Impacts
- Ecology and Nature Conservation

The ES considers the development in isolation but also in combination with a number of other assessment scenarios. These include the developments on allocated sites at Land North of Wellow Road Ollerton, Land adjacent to Hollie Close Ollerton, Land at the former Ollerton Miners Welfare, Land between Kirk Drive and Stepnal Heights and Hallam Road Ollerton, Boughton Industrial estate, Land at Rufford Avenue and Forest Road Ollerton, land to the east of Rufford Road and north of Mansfield Road Edwinstowe.

I am satisfied that ES provides sufficient information to enable a proper assessment of likely significant impacts, including cumulative impacts upon the environment. For the avoidance of doubt I have regard to the ES, its conclusions, and the required mitigation throughout my assessment below. I draw certain issues to Members attention in addressing each topic area.

#### *EIA 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. The ES addresses the alternatives in Chapter 4.

The main alternatives are consider to be

#### No Development Alternative

This refers to the option of leaving the application site in its current use and physical state. Without development the site would remain as a disused partly brownfield site in a locationally sustainable location in terms of proximity to Edwinstowe and given its remaining colliery infrastructure. Given that the Councils Local Plan Review seeks to allocate the site as a strategic site for mixed use development and push Edwinstowe higher up the settlement hierarchy; the need to meet strategic housing requirements; the need to maintain a five year housing land supply; the need to provide employment land in order to meet requirements; and the need to address a site which has large elements of brownfield land associated with it a 'no development' option is considered to be unrealistic and unsustainable.

If the proposed development does not come forward, it would be necessary for the Council to identify alternative locations to accommodate employment land and housing development in order to help meet its future employment and housing requirements. The Council could then face continued pressure for the release of housing and employment sites in less sustainable locations.

Given the current position with regards to the Local Plan Review it is my submission that the consideration of alternatives in this instance is most appropriately focused on the alternative land

use arrangements within the site. What this application therefore proposes to do is assess the appropriateness of overall quantum and disposition of uses within the site.

### Alternative Designs

The constraints and opportunities presented by the application site have been used to inform the design principles, which in turn have helped refine and structure the proposed development.

The main alternative design approaches considered have looked at alternative locations for the proposed primary school and playing pitches, and the inclusion of the visitors centre car park.

The masterplan is considered to represent a logical but more importantly deliverable solution to development within the site. Officers are satisfied that there are no other alternatives which would present the opportunity to deliver the development envisaged.

### The Principle of development

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

In this case the Adopted Development Plan for the District is the Core Strategy DPD (2011) and the Allocations and Development Management Policies DPD (2013). Neither of these documents identifies this site as allocated. Indeed, at the time of adoption the colliery closure had not taken place. I am therefore required, as a starting point, to explore the acceptability of this scheme in overall terms against the Council's current Plan. That said, there are clearly other material planning considerations to assess in this instance (as there are on all development proposals). As a matter of policy principle this includes that the Council is now well advanced in submitting to the Secretary of State an Amended Core Strategy, which does seek to allocate the site. I am also mindful that the Council's position with respect to 5 year housing land supply is material. Taking each matter in turn I offer comment as follows:

### 5 Year Housing Land Supply

Members will be fully aware of the Council's position with regards to its 5 year housing land supply. I will not rehearse the full details as these are set out in the Council's Statement of Five Year Housing Land Supply dated 1<sup>st</sup> April 2017. This concludes that the council can demonstrate a 5 year supply of housing land when assessed against the OAN figure of 454 dwellings per annum (dpa) with supply as at 31 March 2017 being shown to be 6.2 years. The LPA consider that the OAN (and the Council's required supply), undertaken via the Duty to Cooperate not only with our HMA colleagues but in association with all Nottinghamshire Authorities, is robust and defensible. It is noted that an Appeal decision in January 2016 disagreed with the Council's stance on attaching weight to an OAN of 454dpa. Since this time significant further work and qualification has been provided which has confirmed that the figure of 454dpa is both robust and appropriate. To this end all 3 of the HMA Authorities have now progressed their Development Plans to varying degrees, all incorporating the OAN figures agreed to make up the HMA requirement. As I detail elsewhere our proposed amended Core Strategy, which is underpinned in housing terms by the 454dpa figure, has now been submitted to the Secretary of State. An Inspector has been appointed and an Examination date is expected shortly. Furthermore, a recent Appeal Hearing decision (August 2017) has accepted that this Authority has a 5 year land supply against a 454 and

500dpa. Even at 550dpa that Inspector agreed that any shortfall in housing land supply would likely be made up.

For the purposes of planning decision making I must conclude that the Council has a robust housing target and deliverable supply against that target to such a degree that it has a 5 year housing land supply. Consequently, the Council's policies are not out-of-date for the purposes of decision making. That said, it is still open to this Council in an overall planning balance to consider schemes which significantly boost housing delivery, a key driver of the current Government. That is particularly the case in my submission when such sites are sustainable relative to the Council's settlement hierarchy; where there is no unacceptable planning harm, and where the proposals are supported and emerge via a plan-led, coherent, consulted-upon, comprehensive, and transparent approach to planning and delivering growth. In this case the site is fully supported by this Council (officers and Members alike) given its promotion through the Amended Core Strategy. It remains open to Officers and Members to attach weight to this emerging policy (see below) and to the ability of this site to delivery (again see below).

**The Plan Review remains ongoing with the Inspectorate considering the responses to Main Modifications. The Main Modifications do not relate to the proposed Thoresby allocation. In any event, this site forms part of the Council's 5 YLS.**

Existing Development Plan.

The sites former use as a working colliery clearly makes it a former employment site, the redevelopment of which under the current Development Plan would see its status protected by Core Strategy Policy 6 which provides that the economy of the District will be strengthened and broadened to provide a diverse range of employment opportunities by maintaining and enhancing the employment base of towns, The site is also partly previously developed in nature.

With respect to employment uses it is clear that the site is contaminated given its former use. Such levels of contamination make a full employment use challenging, as confirmed in the overall viability appraisal submitted and independently assessed as part of this application. That said, the Council has worked with the applicant (and a range of other stakeholders, as set out in the applicants community engagement submissions and chronology) since the inception of the scheme to ensure that significant and critically deliverable (based on market conditions) employment uses are provided for on-site. The jobs created as a result of this application are estimated to be c1000. In addition, housing, open space, community facility and school infrastructure is proposed in order to maximise the brownfield elements of the site.

In terms of brownfield land Members will be aware that the National Planning Policy Framework defines previously developed land as:

*"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time."*

In this case the proposals for the housing and employment uses (the developable areas) is focussed to the former pit head and the two fields between it and Ollerton Road (this is notably also in accordance with the emerging Policy ShAP4). The former spoil heap will be restored to a range of natural habitats and the provision of a Country Park covering an area of approximately 99 hectares.

The illustrative masterplan shows that the majority of proposed built form will be focused on the former pit yard. A plan has been requested and submitted to demonstrate the extent of brownfield land. This illustrates that 89% of the built development, as defined on the ES Parameters Plan in the accompanying ES, will be on previously developed land. The elements of the site which are greenfield are somewhat perversely to the front of the site, between the former pit head and the main road. If one accepts the principle of development on the brownfield elements of the site, I consider that the scope and function of this residual agricultural land is diminished to such a degree that their loss in an overall planning balance should not be fatal to the scheme. The land is not the most versatile and high quality and also forms part of the emerging allocation.

Members will be aware that Government policy (notably one of the 12 core planning principles in the NPPF) is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. This is repeated at paragraph 111 of the NPPF in the context of planning policies and decisions, which also advises LPAs to consider the case for a locally appropriate target for the use of the brownfield land. The chronology of the brownfield land debate and the central Government push for its appropriate redevelopment is helpfully summarised by the applicant in a letter to the Council during the lifetime of this application. I therefore quote from this to capture the position.

#### “Emerging Policy

As part of the consultation on proposed changes to the National Planning Policy Framework, the Government proposes:

*“to ensure that all possible opportunities for brownfield development are pursued, we proposed to make clearer in national policy that substantial weight should be given to the benefits of using brownfield land for housing (in effect, a form of “presumption” in favour of brownfield land). We proposed to make it clear that development proposals for housing on brownfield sites should be supported, unless overriding conflicts within the Local Plan or the National Planning Policy Framework can be demonstrated and cannot be mitigated.”*

The increasing weight to be afforded to housing proposals on brownfield land is also a key aspect of the Housing White Paper of February 2017. At paragraph 1.24 the Housing White Paper it states:

*“we must make as much use as possible of previously developed (“brown field”) land for homes – so that the resource is put to productive use, to support the regeneration of our cities, towns and villages, to support economic growth and to limit the pressure on the countryside.”*

Going further, paragraph 1.25 states:

*“the presumption should be that brownfield land is suitable for housing unless there are clear and specific reasons to the contrary (such as high flood risk).”*

This goes on to state that the Government will make clear that the Framework will be amended to give great weight to the value of using suitable brownfield land within settlements for homes.

On 5 June 2014, the Government introduced new legislation designed to encourage investment in Britain's infrastructure and 'Get Britain Building'. The Infrastructure Bill amongst other things sought to make it easier to sell surplus and redundant public sector land and property to help build more homes on brownfield land.

This push to 'get Britain Building' was further noted in the Right Honourable George Osborne annual Mansion House Speech of June 2014. In his speech, George Osborne spoke about the economic performance of the UK over the past year and as part of this he noted a need to increase the supply of homes: *"Last week we saw permissions for new homes rising by 20% in a year. We've got the biggest programme of new social housing in a generation; we're regenerating the worst of our housing estates; and we've got the first garden city for almost a century underway in Ebbsfleet. Now we need to do more. Much more. We have beautiful landscapes, and they too are part of the inheritance of the next generation. To preserve them, we must make other compromises. If we want to limit development on important green spaces, **we have to remove all the obstacles that remain to development on brownfield sites. Today we do that with these radical steps. Councils will be required to put local development orders on over 90% of brownfield sites that are suitable for housing.**"* (My Emphasis Added).

In a Government Response to inappropriate development on the Green Belt (August 2014,) The Right Honourable Brandon Lewis MP said that *"Local plans are now at the heart of the planning system, so councils decide where development should go. There is enough brownfield land to deliver up to 200,000 new homes, and councils should be using their powers and the support that's available from the government to prioritise development on these sites, and defend our valuable countryside against urban sprawl."*

The Government published a Press Release on 6 October 2014 which underlined the Government's commitment to protecting the Green Belt from development. The guidance reaffirmed how Councils should use their Local Plan, under the protections of the NPPF, to safeguard their local area against Urban Sprawl and protect the green lungs around towns and cities. The Right Honourable Sir Eric Pickles commented that this *"Guidance will ensure councils can meet their housing needs by prioritising brownfield sites, and fortifying the green belt in their area"*.

On 28 January 2015, the then Housing and Planning Minister Brandon Lewis announced a multi-million pound fund to help provide 200,000 new homes on brownfield sites across the country. In his Press Release Brandon Lewis said *"Our efforts to get the country building again are working – housing starts are at their highest since 2007 and climbing. But we need to do more, delivering more homes while at the same time protecting our precious green belt. That's why today I'm taking steps that will help to make enough brownfield land available for 200,000 homes up and down the country, creating the homes and jobs communities want and need."*

Between 28 January and 11 March 2015, the Government consulted on proposals for 'Building more homes on brownfield land'. The consultation sought views on the Governments proposals to identify suitable brownfield land and share data openly and transparently. The consultation document was closely followed by a planning update from the Right Honourable Sir Eric Pickles (25.03.2015) in which he noted that *"We are clear that brownfield land that is suitable for housing*



*has a vital role to play in meeting the need for new homes and have challenged local authorities to have Local Development Orders in place on more than 90% of brownfield land suitable for new homes by 2020. We have agreed funding for those local authorities who successfully bid for funding to help deliver 200,000 new homes on brownfield sites across the country. These councils will deliver Local Development Orders for housing on brownfield land which will help to speed up the delivery of housing on these sites”.*

At the 2016 Conservative Party Conference held between 1 and 4 October in Birmingham, Sajid Javid announced £5bn of support for the housebuilding industry and highlighted the Government’s commitment to developing brownfield sites. In his speech he said that *“we will bring forward a package of measure to encourage urban regeneration and to build on brownfield land. **We want to radically increase brownfield development and bring back life to abandoned sites**”* (My emphasis added).

On 7 February 2017, The Department for Communities and Local Government published a Housing White Paper (HWP) ‘Fixing our broken Housing Market’ which set a clear intent by the Government to *“make as much use a possible of previously-development (“brownfield”) land for homes so that this resource is put to productive use, to support the regeneration of our cities, towns and villages, to support economic growth and limit pressure on the countryside”* (Para 1.24).

The Housing White Paper goes on to that that *“The presumption should be that brownfield land is suitable for housing unless there are clear and specific reasons to the contrary (such as high flood risk). To make this clear, we will amend the National Planning Policy Framework to indicate that great weight should be attached to the value of using suitable brownfield land within settlements for homes”* (Para 1.25).

The HWP highlights that *“authorities and applicants need to be ambitious about what sites can offer, especially in areas where demand is high and land is scarce, and where there are opportunities to make effective use of brownfield land”* (Para 1.52).

Building upon the recently published Housing White Paper, the Government have committed to speeding up house building and one approach which they have taken to meeting this target is the promotion of Brownfield sites for development. On the 3 April 2017, in a press release to the technical consultation on the implementation of the Housing and Planning Act, (chapters 2 and 3 on permission in principle and brownfield registers), The Right Honourable Gavin Barwell said; *“We need to build more homes in this country so making sure that we re-use brownfield land is crucial. **We want to bring life back to abandoned sites, create thousands more homes and protect our valued countryside.** These new registers will give local authorities and developers the tools to do this”* (My emphasis added).”

I do not need to rehearse further the support for the redevelopment of previously developed land. That remains the case in the NPPF (and its proposed revisions) and will be the case in both this and emerging Development Plan. Paragraph 215 of the NPPF advises that due weight should be given to emerging policies according to their degree of consistency with the Framework. As set out below the redevelopment of the former Thoresby Colliery site is consistent with the Framework and weight should be given to policy SHAP4 in the determination of this planning application. I attach significant weight to the schemes appropriate redevelopment of this site, subject to the site specific and environmental considerations which I shall deal with below.

Emerging revised Core Strategy DPD.

Thorseby is a proposed new SUE allocation in the Amended Core Strategy. The site has been part of the Council's Plan Review process since Preferred Approach - 'Strategy' Consultation (29th July - 23rd September 2016). The Council published a Draft DPD for a period seeking representations between 17 July and 1 September 2017. Following this, on the 29<sup>th</sup> September 2017 the Drafted Amended Core Strategy was submitted to the Secretary of State. At the time of writing there remains only one objection (from Nottinghamshire CPRE) to the principle of allocating the site.

Members will be aware that paragraph 216 of the NPPF allows weight to be attached to emerging policy subject to a set of tests (stage of preparation, extent of unresolved objection and degree of consistency with national policy). In terms of the stage of preparation a Drafted Amended Core Strategy is well advanced (with Examination and Inspectors report remaining). In submitting the Strategy Officers and Members have satisfied themselves that the proposals are NPPF compliant. It is true that an unresolved objection means that full weight cannot be attached to the emerging policy in determining principle in this instance. That does not mean, however, that it should attract no weight. Indeed, the policy remains at an advanced staged. When coupled with the ability of the site to significantly boost housing supply (in an otherwise sustainable location in terms of geography and infrastructure), the fact that this brings back into use brownfield land, the economic and social benefits of the proposals (which will counter to a degree the impact of the pit closure and the consequential impacts on the community and economy), and the sites acceptability in all other respects (as I rehearse below) I conclude that the principle of the development of the site for the range of uses proposes is acceptable in this instance.

**The Amended Core Strategy and evidence base documents have advanced since the application was presented to Planning Committee in 2017 and are currently under examination, with the hearings having been concluded in February 2018. The Inspector is now working towards the publishing of his report, which is anticipated in February 2019 (followed by Full Council in March 2019). There are no unresolved objections to the Thorseby allocation. The site remains acceptable in planning terms and approval will escalate the delivery of housing on a soon-to-be allocated site.**

#### Land use Character Areas, Appropriateness of Uses and Amount

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, Land Use distribution plan and the indicative phasing plan shown on p51 of the Design and Access Statement deposited with the application. This does allow a broad assessment of the character of the proposed land uses and expected phasing of development.

Residential development would be likely come forward in phases as outlined below:-

PHASING AREAS:	RESIDENTIAL NUMBERS:
1. 8.2 Hectares (20.28 Acres)	194 DWELLINGS
2. 10.15 Hectares (4.1 Acres)	94 + 17 DWELLINGS
3. 5.4 Hectares (13.36 Acres)	130 DWELLINGS
4. 5.0 Hectares (12.25 Acres)	120 DWELLINGS
5. 4.6 Hectares (11.33 Acres)	109 DWELLINGS
6. 1.8 Hectares (4.36 Acres)	65 DWELLINGS
7. 3.3 Hectares (8.10 Acres)	71 DWELLINGS
<b>TOTAL OF 800 DWELLINGS</b>	

The mix of housing types will be dealt with at reserved matters stage, although this is envisaged to include a mix of house types from 1-5 bed properties. Affordable housing is proposed, although the details of this would again be a matter dealt with at reserved matters stage and would be subject to viability and to controls to secure affordable units in some form in early phases in order to avoid back-loading and risk of non-delivery (a matter for the Section 106 Agreement).

Based on the developable area of the site for housing (circa 30.65 hectares) the maximum number of dwellings would represent an average density of c30 per hectare which would accord with policies NAP2 and CP3, which seek to achieve average densities of between 30-50ph. I am therefore satisfied that the quantum of development proposed is appropriate.

The employment development land of some 8.11 hectares is located to the south-eastern corner of the site. The Master Plan indicates that this would deliver circa 250,000 sq. ft of commercial space.

The 'Heart of the Community' comprises circa 1.74 hectares of land which includes a mix of leisure and community use together with circa 500 sq. feet of retail use and would be shown to form Phase 8 of the development. It is located towards the northern perimeter of the built form, between phases 5 and 7 of the residential element of the proposal and directly adjacent to the country park. Several existing buildings will be retained within this zone retaining reference to the historic mining legacy of the site and considered to form a social hub within the development.

An area of circa 1.3 hectares of land to the western edge of the site is shown make provision for a primary school building and associated playing fields.

To the north of the site is circa 99 hectares of former spoil heap which is currently undergoing a restoration scheme agreed with Nottinghamshire County Council and is shown on the Master Plan to form a new country park and will form the main areas of public open space.

The site benefits from existing green infrastructure. Primary and secondary green infrastructure is defined on the Master Plan as green corridors crossing through the site and an existing framework of vegetation within the site. The Green Infrastructure framework will have three distinct zones which will draw on the local landscape and industrial legacy of the site.

Play areas are proposed to serve the residential zones and playing field/pitches associated with the proposed school site are shown on the latest indicative layout.

In terms of scale, this is indicated as being a maximum of 10m for the residential zones (which equates to 2-2.5 storeys), a maximum 10m for the employment zone, a maximum of 9.5m for the proposed primary school and 12m for the 'Heart of the Community' 12m. Again these are indicative at this outline stage and will be set at reserved matters.

It is not considered that the disposition of the development proposed would in principle have an adverse impact upon the amenity of existing dwellings or land uses, subject to detailed siting considerations at Reserved Matters stage. Indeed, the uses in the form proposed have been tested via the submitted ES.

The broad disposition of land uses and indicative phasing is considered to be to be appropriate to accommodate the scale of development sought 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, unless otherwise agreed by the LPA in granting subsequent Reserved Matters approvals.

**The 2018 NPPF does not alter the above assessment.**

#### Infrastructure (excluding highways)

It is noted that many local residents have raised comments and concerns in relation to the impact of the proposal on existing infrastructure, not surprisingly in particular to impact on health facilities (which are already perceived to be deficient), the highway network and education facilities.

Members will be aware that it is not for this scheme to resolve existing problems. It is however necessary to ensure that the development does not make any situation worse. In this case, as one would expect, the Council has consulted with a range of infrastructure providers and relevant professionals to understand the level of mitigation for this scheme required.

The forecasted increases in population over a 10 year construction period has been calculated as being circa 36% which equates to some 1,856 people. It is acknowledged that such an increase, without any mitigation would put unacceptable pressure on existing services and facilities within the existing settlements.

In relation to health impacts, the ES acknowledges that the proposal will have a potential impact on health in terms of additional and increasing pressures on existing health care services in the local area. Appropriate developer contributions are proposed to improve health facilities in the area and as an integral part of the scheme a design approach has been taken to encourage a healthy and active lifestyle. The proposal is considered to have a *minor beneficial effect*.

In terms of education, although it is not possible to calculate the exact number of school age children the proposal will generate, there will clearly be an increase in numbers and thus there are implications for local schools. NCC has confirmed (based on accepted methodology for calculating pupil numbers generated by a development contained within the Council's SPD) that the proposal would yield 168 primary and 128 secondary places. Although there is sufficient capacity at the local secondary school at Ollerton (and in any event secondary education falls within the remit of CIL), these additional primary spaces cannot be accommodated in existing schools.

The applicants have provided for a school site of sufficient size to accommodate a one form entry school (210 pupils). This issue is that this is a school which is technically larger than that is required. The issue in this case is that this development will, based on agreed methodology, generate 168 pupil places. As Members will be aware schools sizes come forward in half form entries (105 pupils, which under the free schools agenda are very difficult to attract sponsors to), 1 form (210 pupils), 1.5 form (315 pupils), and 2 form (420 pupils) entries. One cannot build a % of a school and thus, whilst in S106 formula terms the applicant would normally provide for £1.92m of school contributions (the SPD formula requires the number of houses to be multiplied by a set amount to get the £1.92m) in this case the Council needs to secure the physical provision of a school. To do this the school must be of a one form size (210). This physical provision costs £3.6m.

Turning to other elements proposes I note and agree with conclusions within the socio economic impacts of the ES, which identifies the provision of housing and the generation of employment opportunities would have a beneficial effect through the provision of housing and to provide economic growth in the District. This is similarly the case with the provision of the 'heart of the community' by the creation of a range of recreational facilities with social hub for both residents and visitors.

The ES notes that the proposal would generate additional demands for public open space. The development proposes a new country park together with open space within the built development which the ES considers to have a *moderate beneficial impact*.

A range of mitigation measures are therefore being offered to counteract any negative socio economic impacts. The application will make significant contributions to local infrastructure such as the provision of land together with the new primary school, and developer contributions towards health facilities and sports and community facilities. All these matters are covered in more detail in the Developer Contributions section later in this report and would be secured at appropriate intervals in the development.

Overall the ES concludes that the proposal would provide for a new sustainable neighbourhood incorporating education, community and leisure facilities, alongside new housing and employment opportunities. As a result the socio-economic impacts are likely to be positive, with any potential negative impacts addressed through the provision of appropriate and necessary contributions as part of a section 106 agreement. I would concur with this assessment.

**The 2018 NPPF does not alter the above assessment.**

#### Impact on Highways Network

Spatial Policy 7 sets out the criteria for assessing whether a development encompasses a sustainable approach to transport and includes that development proposals should include safe, convenient and attractive access for all be appropriate for the highway network in terms of volume and nature of traffic generated. This is reflected within the emerging Spatial Policy 7.

One of the most significant and understandable concerns raised by local residents is that of impact of the proposal on the highway network given the scale and nature of the development. Clearly assessing such impacts are a well-established material planning consideration. In policy terms such a requirement is underpinned in the NPPF, NPPG and Development Plan Policies. Policy ShA4P of the Publication Amended Core Strategy states that development should have a provision to minimise the impact on the existing transport network.

The applicant has held extensive pre and post application meetings and discussions with both Highways England and NCC Highway Authority and the LPA has led and coordinated a number of meetings between the applicant (Harworth), their Highway Consultants ADC and NCC as Highways Authority. Baseline traffic flows have been identified together with proposed traffic generation for each of the proposed land uses and the applicants have provided a Transport Assessment dated December 2016. A further addendum was produced in April 2017, the details and conclusions of which are discussed further below.

It is important to also note that any highways mitigation sought must be necessary and attributable to the impacts of the development being promoted. It is not for a development to fix existing infrastructure issues albeit it is incumbent upon the LPA, in conjunction with the highway authority, to ensure that any existing deficiencies are not unacceptably worsened. Provision of infrastructure must also be viable (NPPF) and include an assessment of the quality and capacity of existing infrastructure for transport (NPPF).

**The 2018 NPPF does not alter the above assessment.**

### ***Construction Traffic Impacts and Mitigation***

The construction phase of the development will obviously give rise to traffic and transport impacts. It is acknowledged that the build period will span comprising several phases over circa 10 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.

The principal elements of construction traffic is likely to comprise; HGV traffic transporting materials and plant; the removal of surplus excavated material and waste; as well as staff and operatives transport.

The revised Master Plan shows 2 no. temporary construction access points from Ollerton Road either side of the existing access into the former colliery site. This will allow the existing access to be retained solely for use by works traffic clearing the former pit yard area during the early phases of development.

A condition is recommended should permission be granted requiring the submission and approval of details of a Construction Management plan 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.

### ***Impacts from Operational Development and Mitigation (including Cumulative Assessment)***

The ES and Transport Assessment seek to identify anticipated highway impacts and thus likely mitigation/intervention required to address the issue. The study area comprises:-

A616 Worksop Road/B6034 Swinecote Road T-junction  
A6075 Ollerton Road/ Church Street/High Street crossroads  
A6075 Mansfield Road/West Lane T-junction High Street/West Lane T-junction  
A6075/A614/A616 roundabout (known as Ollerton roundabout)  
A614 Old Rufford Road/B6034 T-junction  
B6034/B6030 crossroads

A1/A614/A57 interchange  
A1/B6387 Elkesley interchange.

In accordance with the Institute of Environmental Assessments Guidelines increases in traffic flow below 10% are generally considered to be insignificant. It is important to note that such assessments are based on percentage changes in traffic flows. There needs then to be an additional assessment as to whether the highway network/particular junction/roundabout is still acceptable (either with or without mitigation) with this additional level of flow.

The TA identifies a number of locations where it is predicted there would be significant increases in traffic flow as a result of the development, even with mitigation. Significant increases in traffic do not in-themselves dictate that a scheme is unacceptable. The key test is whether any increases cannot be safely accommodated within the constraints (with and without mitigation) of the highway network. The results show that there would be significant increases in traffic at the following locations:

- The A6075 Ollerton Road/Church Street/High Street
- The 5 arm Ollerton roundabout (interchange between the A614, the A616 a
- South of Edwinstowe, the A614 Old Rufford Road/B6034 Rufford Road junction

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. For the development when fully operational, the following mitigation measures are required in order to bring any impacts to an acceptable level.

- The A6075 Ollerton Road/Church Street/High Street junction - it is proposed to upgrade the control system of this junction, together with improvements to the neighbouring A6075 Mansfield Road/West Lane junction, to MOVA to mitigate the development impact.
- The Ollerton roundabout - Nottinghamshire County Council have designed an improvement scheme, which would be capable of handling the development traffic. Harworth will contribute to the delivery of that scheme based on traffic flows through the roundabout which are directly attributable to this development. NCC, as highway authority, accept that it is for them, in consultation with other stakeholders (which includes NSDC and the applicants) to deliver the full roundabout scheme. Members will note that NSDC have submitted a bid for grant funding to unlock this infrastructure with the full support of NCC and applicant via the Housing Infrastructure Fund. A decision is expected by the end of this calendar year. NCC have suggested a trigger that would restrict build out and occupation of this scheme until Ollerton Roundabout works are implemented. The trigger currently stands at 150 residential units and ¼ of the employment occupation, albeit NCC as highway authority have accepted that further negotiation on this could take place at a later date.
- South of Edwinstowe, the A614 Old Rufford Road/B6034 Rufford Road junction would operate over capacity in 2026 with the development in place. However, improvements to the Ollerton roundabout would eliminate some of the rat-running through this junction

that would improve its performance and therefore no mitigation is proposed. At the A1, traffic increases would be unaltered.

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 and Sustainable Travel***

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. Policy ShAP4 of the Publication Amended Core Strategy provides that development should maximise opportunities for sustainable travel and increasing non car use, achieve suitable access to local facilities and will include improvement to passenger transport links to nearby communities together with safe, convenient pedestrian and cycle routes within and adjoining the development. **This stance is carried through by Chapter 9 (Promoting sustainable transport) of the NPPF 2018.**

A Framework Travel Plan (TP) for both the residential and employment elements of the proposal has been prepared and accompanies this application which sets out the long-term management strategy for the site to deliver its sustainable transport objectives.

The submissions make clear that the scheme has sought to encourage travel by sustainable modes.

There are good opportunities for pedestrian and cycle travel to and from the site, with employment, health, education and retail facilities within walking distance, and appropriate infrastructure provided along the desire lines, including footways and traffic-free public footpaths and bridleways. There are opportunities for bus travel, with regular bus services running along the A6075 Ollerton Road. To facilitate sustainable travel, footways would be provided throughout the development, and pedestrian/cycle connections would be made onto the existing public rights of way surrounding the site. The existing bus stops on Ollerton Road will be within walking distance of all residents and employees

Substantial sustainable travel infrastructure, including new footways, new cycleways, and improved and new bus stops will thus be provided as part of the development.

The proposed development would generate 103 pedestrian journeys, 13 cycle journeys, and 41 public transport journeys during a peak hour. These additional trips can be accommodated by the existing infrastructure and the proposed measures.

There are regular bus services running along the A6075 Ollerton Road. In terms of existing infrastructure the nearest operational bus stops to the proposed site are located on the A6075 Ollerton Road at the existing site access junction within 400m m of the majority of the application site. There are other bus stops regularly spaced along the A6075 Ollerton Road. These serve the Sherwood Arrow, 14, 15 and 15A services, all of which are run by Stagecoach. All of these services



run on an hourly basis throughout the day, apart from the 15A service which runs hourly on evenings between 18.48 and 22.48, but only from Monday-Saturday.

Other measures are also offered to influence sustainable travel patterns. They include the distribution of travel packs to new occupiers (providing useful information to help residents make informed choices on transport)) and the provision of incentives such as free bus passes to new householders for 3 months (or 1 free bus pass per dwelling for 6 months) in an attempt to influence travel patterns.

A Travel Plan Coordinator will be appointed by the applicant to co-ordinate the implementation and monitoring of the residential Travel Plan across the different phases of residential development, which will be constructed by different developers. The role will commence when the construction of the first residential dwelling begins until five years after 50% occupation

The applicant will also require each individual developer to appoint a Travel Plan Manager to work with the Coordinator. The Coordinator and managers main role would be to maintain Travel Plan promotion and awareness raising.

It is noted that provision is being made towards aspects of public transport in the form of the access design, the existing bus stops being modified to remove the layby and the provision of a new section of footway on the southern side of the carriageway along with a new bus shelter. A traffic signal controlled pedestrian crossing would also be provided to improve the opportunity and safety for pedestrians accessing the bus stops.

As part of the new eastern access junction design, bus stops with timetable information and shelters would be provided to the east of the junction.

Within the site itself the design philosophy for the masterplan has been to maximise the potential of the existing infrastructure within the site, and its connections to the existing external infrastructure. Accordingly, the existing railway cutting on the site will be altered to provide an off-carriageway pedestrian and cycling route through the site, linking with the A6075 Ollerton Road to the southwest, internal roads at various locations, external bridleways and providing sustainable connectivity with the new Local Centre and Country Park.

To the west of the site a pedestrian/cycle route will be secured and delivered by the development, to link the site with the proposed Sherwood Forest visitor centre development, providing a further route into the centre of Edwinstowe.

As part of the scheme, it is proposed that the western access road will be designed as a boulevard style route, providing a gateway to the development with excellent pedestrian and cycling facilities on both sides of the carriageway, including crossings where appropriate. The eastern access will also be designed to cater for pedestrians and cyclists with a three metres wide shared footway/cycleway on one side and a two metres wide footway on the other.

Away from the main accesses, to encourage pedestrian travel, two metres wide footways would be provided on both sides of all internal roads. Footways and shared space environments would be provided in accordance with Manual for Streets.

Two new bus stops would be provided east of the eastern access with a pedestrian refuge island to assist with crossing the A6075 Ollerton Road.

The construction of the development is anticipated to begin with the residential and employment zones closest to the A6075 Ollerton Road, and bus users will use the bus stops on the A6075, which are within walking distance. However, as site is built out further, it is proposed to bring one or more bus routes through the site, making use of the loop design. Bus stops would be located so that the entire site is within 400 metres of a bus stop, and to ensure that the proposed Primary School would be effectively served along with the Local Centre and country park.

The comments of the NCC Rights of Way and the Ramblers are noted with regards potential obstruction of footpaths 16 and 24. This can be controlled by condition should Members be minded to grant permission.

### **The 2018 NPPF does not alter the above assessment**

#### Impact on 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, promotes the appropriate management of features of major importance for wild flower and fauna, provides suitable SANGs to reduce visitor pressure on the Districts ecological, biological and geological assets (particularly for 5kms around the Birklands and Bilhaugh SAC) and which supports the development of green infrastructure.

This aim of this is reflected in the emerging Core Policy 12 of the Amended Core Strategy. Policy DM7 of the DPD also seeks to protect, promote and enhance green infrastructure in line Core Policy 12 whilst policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

Furthermore emerging Policy ShAP3 – Land at Thoresby Colliery of the amended Core Strategy requires that the nature of conservation aspects must be addressed given the sites location close to designated conservation sites and that development should not put additional strain on the Sac or NNR. The provision of SANGS will also be required to serve day to day recreation needs.

The NPPF incorporates measures to conserve and enhance the natural and local environment and requires 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.**

#### Impact on hedgerows

Policy ShAP3 of the publication amended core strategy identifies the need for the maintenance and reinstatement of former field hedge boundaries to mitigate the impact of the proposal. There are existing lengths of mature hedgerow of varying condition to the boundaries of the site with a section dividing the southwestern corner into two parcels and a shorter section dividing the eastern parcel of agricultural land from the wider area. The ES confirms that the proposal would result in the loss of some 266m of hedgerow which is anticipated would result in a moderate

negative impact. However, It is noted that as outlined in the ES that the proposed landscape scheme will incorporate the retention and enhancements of existing hedgerow and the creation of linear features and green corridors within the development which would mitigate any losses and which would connect habitats and wildlife corridors resulting in a beneficial residual effect on hedgerows. This can be secured by condition.

### Impact on Trees and Woodland

The landscape strategy proposed by the applicant provides watercourses and tree and shrub planting which would provide habitat connectivity from east to west across the application site, creating wildlife corridors through the proposed development and linking surrounding ecological sites to the new Country Park.

It is noted that the indicative landscaping proposal comprises the use of 'Forest', 'Heathland' and 'Industrial' character zones within the development which is generally welcomed. However, it has been suggested by NE, NCC and NWT that further tree planting details are deposited at Reserved Matters stage to ensure that appropriate species are used and that there is no negative impact on the SSIs and SAC.

Precise details of landscaping will be submitted as part of any Reserved Matters application and further consultation will be undertaken at that time. For the avoidance of any doubt, particularly with respect to tree and woodland loss (picking up on comments from the Woodland Trust) it is recommended that a planning condition be attached to any consent requiring that any tree and hedgerow is identified and justified as part of the reserved matters approval process.

### Ecology

The ES is accompanied by an extended Phase 1 Habitat Survey together with a number of field surveys undertaken between June and September 2016 and a protected species risk assessment.

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 radii were established at between 2 and 3km. This revealed the following statutory sites;-

Special Area of Conservation (SAC) Site of Scientific Interest (SSI) - Birklands & Bilhaugh

SSI - Thoresby Lake

SSI - Birklands West & Ollerton Corner

National Nature Reserve (NNR) - Sherwood Forest

Local Nature Reserve (LNR) - Cockglode & Rotary Wood

LNR - Sherwood Heath

LNR – Rufford Country Park

Indicative Core Area (ICA) / Important Bird Area (IBA) – Sherwood ppSPA (potential special protected area)

The survey revealed 7 non designated sites, the closest being Local Wildlife Site) (LWS Birklands & Bilhaugh although all were within 2m of the site.

The scope of the ecological survey also takes into account the previous surveys undertaken to inform the application for the spoil heap restoration scheme.

Both Natural England (NE) and Nottinghamshire Wildlife Trust (NWT) have provided detailed comments on the application, as noted in the consultation section of this report.

### SANGS

The ES states that SANGS are to be provided as part of the development which is of a quality and type suitable to be used as natural green spaces by residents and visitors as an alternative to the Birklands and Bilhaugh Special Area of Conservation (SAC) located to the west of the site. It is intended to provide alternative green space to divert visitors from visiting the SAC and to provide mitigation for the potential impact of residential development by preventing an increase in visitor pressure on the SAC. 107ha of SANGS is proposed for the development.

The provision of SANGS and a minimum of at least 400 metres between the built development and the nearest SSSI/SAC are positively welcomed by Natural England who also supports in principle the provision of the proposed green space as part of this development for both recreation and nature conservation. Natural England considers that the proposal will not have significant adverse impacts on these designated sites.

NWT concurs with NE with regards to the separation between the proposed development and the Special Area of Conservation (SAC) and acknowledges the good works being undertaken in relation to the current pit top restoration scheme and the proposed green infrastructure. Initially concerns were raised by the Trust with regards to the proposal that the entire pit tops and proposed green infra structure should be considered as SANGS as this was thought to be incongruous with aims and objectives of the restoration scheme and that it would undermine the value of habitats for rare ground nesting birds. It is noted that details of fencing and barriers to zone levels of activity and a visitor management strategy were requested by the Trust which were to be agreed at outline stage given that the level of activity and disturbance the proposal would create would be likely to be greater than that originally anticipated under the terms of the restoration scheme. However the Trust has subsequently advised that this would be more appropriately dealt with at reserved matters stage.

It is noted that the NCC Ecologist also raises the matter of SANGS and the inclusion of the pit tip restoration and recommends that details of how recreation will be controlled and managed are required to be secured by conditions.

The RSPB comments reflect those of the NE, NWT and NCC in terms of the SANGS. It is noted that minor concerns are raised with regards to the SANGS proposal to include the pit tip restoration scheme and access to the SANGS. Again their recommendations can be secured via condition should members be minded to grant outline permission.

The Phase 1 Habitat Survey deposited with the application refers to a number of proposed mitigation measures in relation to the SANGS such as footpaths within the site being located so as to keep walkers and dogs away from sensitive areas, an area being designated to allow dogs to run freely away from sensitive areas together the introduction or enhancement of water features located so as to deter cats from entering sensitive areas.

Taking the above into account it is considered that the conditions suggested within the consultee responses to safeguard the SANGS and to secure how the use of these will be controlled and managed, together with measures mitigate impacts on sensitive areas are wholly necessary and reasonable.

### Protected Species Impacts

The ES and Extended Phase 1 Habitat Survey deposited with the application is considered to be thorough and comprehensive. Standing advice (Natural England) has been used to assess the impacts upon protected species. NWT has advised that they are generally satisfied with the methodologies used and the conclusions reached. RSPB are also satisfied with the breeding and wintering birds survey that has been deposited with the ES.

### Badgers

Survey work indicated that although there were no badger setts within the site there were signs that they foraged in the peripheral habitats and that they would be likely to use features such as the disused railway line to move onto the site. Due to underlying substrates and that the industrial land provides very poor habitat it is unlikely that the site is an important resource for local badger population. It is noted that mitigation measures are proposed as noted within the Ecology Survey which include a badger survey to be undertaken prior to the commencement of any development on the site and an increase in foraging habitat for badgers and hedgehogs.

The County Ecologist has also recommended that the LPA secures by condition a Badger Method Statement (outlining precautionary methods of working necessary to avoid adverse effects on badgers during construction).

### 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.

The ES concluded that trees within the site did not have any roosting opportunities for bats. The woodlands, plantation woodlands, scrub, semi-improved grasslands and hedgerows were found to have the potential to provide foraging habitat and flyways for local bats. The buildings to be demolished were assessed as not having any potential for roosting bats. Bat transects surveys found low levels of bat activity across the site.

The spoil heap and the application site comprise mostly buildings and bare sediment (inferior coal and spoil) and these areas are largely unsuitable for bats.

I note that the wildlife experts have raised no objections. It is also worthwhile pointing out habitat creation including woodland planting is proposed and the provision of bat tubes, bricks and boxes would be expected secured by condition on a phased basis together with an appropriate bat sensitive lighting scheme design.

### Reptiles

The reptile survey findings recorded a small presence of common lizard. No other reptile species were recorded.

The County Ecologist has recommended that a Reptile Method Statement outlining precautionary methods of working necessary to avoid adverse effects reptiles during construction be secured by condition.

### Amphibians

Common toads are recorded in the area but there are no records of protected species such as great crested newts in the local area. Ponds to the north east and to the north west of the site surveyed were found to be ephemeral in nature and are not suitable to support a population of great crested newts. Some of the ditches within the site hold pools of water and although they could be used by breeding frogs or toads but were considered sub optimal for great crested newts.

Mitigation measures are proposed in the form of the restoration of a pond to the north west of the site to provide suitable breeding habitats for amphibians and invertebrates discussed below. These can be secured by condition

### Invertebrates

The surveys found that the pools and ditches near to the sub station building to the west of the site provides habitat for freshwater invertebrates and the soils storage area to the south of the site together with the birch/pine areas around the periphery of the site provide a good habitat for invertebrates. The large area of bare ground within the pit yard is largely unsuitable to support terrestrial invertebrates.

Mitigation measures include the restoration of ponds and the increase in acid grass land and heath will increase suitable habitats.

### Fungi

The surveys found that fungi was predominantly associated with the peripheral tracks and paths and peripheral wooded areas.

Fungi were mostly associated with the peripheral tracks and paths through the wooded fringe. The peripheral birch-oak-pine areas appear to support a good range of mycorrhizal taxa and some notable species.

### Birds

A breeding bird survey, winter bird and nightjar surveys were undertaken as part of the Phase 1 Habitat Survey

### Breeding Birds

NE note that the proposed development is located in the Sherwood Forest Area in close proximity to habitats that have been identified as important for breeding nightjar and woodlark populations and support the approach that the Survey has undertaken in considering the potential impacts on these species and their habitats.

The ecology survey recorded a number of species of birds during breeding season. Mitigation measures include the provision of suitable and safeguarded habitat and measures incorporated into the design at both construction and operational times. Precise details of these measures can be secured by condition.

### Nesting Birds

All nesting birds are protected under the Wildlife and Countryside Act, 1981 (as amended). Given that hedgerow and some trees on site are to be removed there is potential for this to provide habitat for nesting birds. It is therefore recommended that ground clearance works are undertaken outside of the bird nesting season (in this instance March to September) unless otherwise agreed (such that a qualified ecologist undertakes a thorough search before works commence). These precautionary measures would be secured via an appropriately worded condition. Whilst new nesting opportunities will be secured through the new habitat creation, these will take time to mature and therefore more immediate enhancements will be secured through requiring nest boxes on trees and boxes and/or bricks on new buildings. This is matter that should be controlled by condition. Similarly the provision of bird nesting boxes and artificial nest together with the provision of an artificial Sand Martin bank, adjacent to one of the proposed waterbodies within the development site (to mitigate against the loss of existing Sand Martin nesting sites within the development) can be secured by condition as suggested by the NCC ecologist.

### Biodiversity Enhancements

The ES concludes that the scheme represents opportunities for biodiversity and ecological enhancements, which is also required by CP12 and the NPPF. Ecological enhancements, some of which are noted above, would include restoration of woodland and the provision of new habitats, a restoration and provision of ponds (including the SUDs attenuation ponds) provision of ditches and liner watercourses and scrub planting to provide habitat connectivity across the site, wildflower grasslands providing opportunities for wildlife particularly for reptiles and amphibians.

I consider that the proposed ecological enhancements together with those suggested by NWT, NE and RSPB should be secured through condition on a phase by phase basis.

### Air Quality and Ecological Impacts

The initial Air Quality Assessment (AQA) deposited with the application in December 2016 considered impact on the local air quality environment. Potential causes of air quality impacts were identified as being as a result of dust emissions during demolition/construction and from road traffic exhaust emissions as a result of vehicular traffic during operation. Dispersion modelling was undertaken to predict pollutant concentrations at sensitive human and ecological receptors both with and without development.

Air quality impacts on humans is considered later within the Air Quality section of this report.

Due to the presence of the ecologically valuable sites around the proposed development site additional analysis has been undertaken of the effect of the pollutants on these habitats.

With regards to ecological impacts the initial (AQA) was considered by NE, NWT and RSPB as having insufficient information to allow a full assessment of the air quality impact on the ecology and on sensitive habitats, in particular the nearby SACs and SSIs. The main concerns centred around the key pollutant of nitrogen disposition and oxides of nitrogen (NO<sub>x</sub>) concentrations and to the methodology of the Assessment.

Following the receipt of the comments by the afore mentioned bodies a series of meetings and detailed discussions were held between NE, the LPA and the applicant and subsequently a

number of addendums to the Assessment have been submitted to address the concerns raised taking the advice of NE.

The latest AQA in the form of an In Combination Assessment dated 7th June 2017 has been deposited. This concludes that:-

‘Following submission of the original Air Quality Assessment<sup>14</sup> and subsequent Technical Note<sup>15</sup> in support of the Planning Application for the development, a consultation response was received from NE<sup>16</sup>. This indicated concerns regarding potential cumulative impacts on sensitive ecological designations as a result of atmospheric emissions from the proposals and other local sources. An In-Combination Assessment was therefore undertaken to address these comments by quantifying effects in the vicinity of the site.

Potential NO<sub>x</sub> and NH<sub>3</sub> releases were defined from a number of sources based on information obtained from the relevant Planning or Environmental Permit applications. These were represented within dispersion models produced using ADMS-5 and ADMS-Roads. Impacts at sensitive receptor locations were quantified, the results compared with the relevant EQSs and the significance assessed in accordance with the relevant criteria.

Predicted annual mean NO<sub>x</sub> concentrations and nitrogen deposition rates were below the relevant criteria at all receptors. As such, predicted impacts are considered to be insignificant, in accordance with the relevant guidance.’

NE concur that based on the information deposited the proposal will not harm the Birklands West and Ollerton SSSI or the Birklands and Bilaugh SSSI and SAC and therefore has no objection. Similarly the NWT now raises no objections subject to long term monitoring being secured which can be conditioned. The RSPB have now withdrawn their objection.

Taking this into account I am satisfied that the proposal would not result in a detrimental impact on air quality to such an extent as to harm nearby designated ecological sites.

### Ecology Conclusions

A number of birds, mammals and invertebrates have been considered by the ES. NE, NWT and the County Ecologist overall raise no objection to the scheme subject to the suggested conditions. I therefore consider that subject to these suitably worded conditions to control the mitigation and enhancements identified and to safeguard the ecological value of the site and the nearby designated sites the proposal accords with the requirements of Policies and CP12 and DM7.

**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**

### 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. This again is reflected in the wording of the emerging Core Policy 13 of the Amended Core Strategy. The adopted Landscape Character Assessment (SPD) is a district level assessment of landscape character (that sits hand in hand with Core Policy 13) and is a useful tool in assessing local landscape character in relation to specific sites. Policy ShAP3 of the Draft Amended Core Strategy recommends the development retains and potentially enhances of some existing landscape elements, maintains and reinstates former field hedge



boundaries and that there is substantial buffering of existing and proposed restored semi natural landscapes.

A Landscape and Visual Impact Assessment (LVIA) was submitted with the application.

The application site falls within two Landscape Character Areas (LCA) of the Sherwood region as identified within the Landscape Character Assessment SPD, namely Wooded Estatesland and Estate Farmlands. Landscape analysis has determined the Wooded Estateslands' LCA to be of medium to high value and medium to high susceptibility. Therefore, the LCA within the study area is considered to be of medium to high sensitivity in landscape terms. Turning the landscape analysis of the 'Estate farmlands' LCA this is considered to be of medium to high value and medium to high susceptibility. Therefore, the LCA within the study area is considered to be of medium to high sensitivity in landscape terms.

At the specific site level the site falls within the Birklands Wooded Estateslands regional character area (S PZ 25), as identified in the Landscape Character Assessment SPD.

The topography in this area is undulating with geometric pattern medium to large arable fields, trimmed Hawthorne hedges, large coniferous plantations, scrubby semi natural woodland and heaths and a strong health character. There are frequent views of wood skylines within this area. Landscape condition here is defined as good and there is a moderate sensitivity to change.

This is a large area which has a generally coherent pattern of elements with some detracting features. Thoresby Colliery and its associated spoil heaps are located to the east of the area.

There are several SINCs within the area as noted within this report.

The Landscape Actions within this area are to conserve and reinforce.

The LVIA identifies the key constraints and opportunities present in the site and surrounding landscape, and also the nature of the likely impacts that may arise from the proposed development. The LVIA has analysed the baseline information in the context of the proposed development and has informed the proposals for landscape mitigation. This concludes that the landscape impacts result from direct changes, limited to the site area, and associated with the change from the former colliery workings, spoil heaps and existing agricultural enclosures. The physical impacts of the proposal are considered in both negative and positive terms as, whilst the proposed residential and employment development will result in the loss of agricultural areas will be perceived as a negative influence on landscape character, the restoration of the spoil heaps and former workings (including removal of buildings) will remove a longstanding detracting feature from the landscape, which is positive. Furthermore, the proposed development retains key green infrastructure corridors and open spaces so as to retain (and enhance) the majority of vegetation across the site.

The assessment of impacts on landscape character has determined that the significance of effect on the 'Wooded Estateslands' and 'Estate Farmlands' LCAs will be 'negligible to minor beneficial'.

At a local landscape level the assessment concludes that the proposed development will result in a 'minor beneficial' effect.

In terms of visual impact, the LIVA has assessed the proposal from a number of receptors. Overall the significance of effect on visual receptors is considered to be limited and, from locations where the existing colliery buildings are prominent, there are also likely to be some beneficial effects. In

other locations further from the site the LIVA notes that the contribution of existing screening reduces the potential visual impacts and generally the significance of such effects is limited overall. Furthermore, for the majority of views, the inherent mitigation for the scheme, incorporating green infrastructure and open space (along with strategic landscape planting) is successful in mitigating impacts in the longer term (once this is established).

The LIVA concludes that on balance, the proposed development and likely landscape and visual effects are considered to be acceptable in landscape and visual terms.

NNC Environmental Management and Design has reviewed and appraised the proposal and the LIVA. It is noted that again it is considered that the provision of the country park should not be considered as landscape mitigation of the development as it forms part of the tip restoration for the colliery agreed with NCC and which is currently underway. A significant proportion of the proposed additional landscape elements are retained existing vegetation rather than new planting which are proposed to be used to accommodate SUDs which are not considered to be typical of the wider landscape character. It is also noted that for this reason the NCC disagree with the conclusion of the LIVA that in terms of Character Area scale the impact will be negligible to minor beneficial and at a local level will be minor beneficial.

Taking the above into account I would concur with NCC that the proposed development will by its scale and nature result in significant change from a landscape of agricultural and semi-natural habitat to an urban development albeit within a landscape structure containing some retained elements (hedgerows, colliery access avenue etc.) and with adjacent establishing semi natural habitat on the restored tip. The comments of the NCC are acknowledged and it is therefore recommended that should Members be minded to grant outline permission that further robust detail with regards to visual and landscape impacts are submitted at Reserved Matters stage to ensure that a reduction in any perceived negative impacts is secured.

**The 2018 NPPF does not alter the above assessment.**

### Archaeology and Cultural Heritage

By virtue of its scale, form and potential layout, the proposal is capable of affecting the historic environment. An important objective in decision-making on proposals resulting in change to historic buildings and places, including those which are protected by the designation system, is to conserve heritage assets for the enjoyment of this and future generations.

The NPPF sets out the Government's planning policies for complying with the legislation (set out under The Town and Country Planning Acts and relevant regulations) and how they are expected to be applied. Its central theme is the "presumption in favour of sustainable development", set out in 12 core land-use planning principles to underpin both plan-making and decision-taking. The historic environment is covered 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 and assets identified by the local planning authority (including local listing). 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 associated PPG includes particular 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. GPA are the result of collaborative working with the heritage and property sectors in the Historic Environment Forum and have been prepared following public consultation. GPA2 – Managing Significance in Decision-Taking in the Historic Environment and GPA3 – Setting and Views are relevant in this case (please note that GPA3 replaces the English Heritage 'Setting' guidance of 2011).

Development proposals that affect the historic environment are much more likely to gain the necessary permissions and create successful places if they are designed with the knowledge and understanding of the significance of the heritage assets they may affect. In accordance with paragraph 128 of the NPPF, the first step for all applicants is to understand the significance of any affected heritage asset and, if relevant, the contribution of its setting to its significance. In determining applications, therefore, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

This requirement is consistent with objectives contained within the Development Plan. Core Policy 14 (Historic Environment), for example, promotes the 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) seeks to deliver preservation and enhancement by ensuring that proposals 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.

Core Policy 14 of the Draft Amended Core Strategy reflects this guidance. Policy ShAP3 of this document requires that a proper assessment and recording of the historic value of the buildings on the site is carried out and identifies some nearby heritage assets advising that these will need to be considered as part of any application submission.

In addition to complying with the Development Plan, special regard must be given to the desirability of preserving listed buildings, including their setting, as set out under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). 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, it should be noted 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 applicant has provided a Heritage Assessment which in terms of designated heritage assets concludes that:

*'None of the designated heritage assets in the study area (including those within the Edwinstowe and Ollerton Conservation Areas) share any intervisibility with the site, nor any historic landscape association (Pls 25-6). There will be no aesthetic change within views of the wider setting of the designated assets. The current landscaping programme of the coal tip can only enhance the setting of these assets enabling it to blend in with the agricultural character of the surrounding landscape. The building development to the south of the coal tip and the colliery buildings will be well screened from Edwinstowe Conservation Area by trees so long as any new build is low-rise.'*

The applicant has provided a Heritage Assessment. This together with indicative plans and details of the proposed scheme have been fully assessed by both Historic England, NCC Archaeology and internal colleagues in conservation with their comments listed in full in the above consultation section of the report.

### Impact on Heritage Assets

The main issues to consider are:-

- whether the proposal would preserve the setting of nearby listed buildings, including the parish landmark of the Church of St Mary, a Grade I listed building;
- the impact the proposal would have on the setting of nearby conservation areas, including Edwinstowe and Ollerton Conservation Areas;

- the impact the proposal would have on the significance of the wider landscape setting of Thoresby Park and Rufford Abbey; and
- the impact on the significance of any non-designated heritage assets, including archaeological interest, Local Interest buildings and any industrial heritage remaining within the former colliery site.

Although the application site does not contain any designated heritage assets it is within 300m from Edwinstowe Conservation Area and within 400m of St Mary's Church, a Grade I listed building. There are also a number of other designated heritage assets within the wider area, namely Edwinstowe Hall (Grade II) to the north of the church which is prominent on approach to the CA from the north. Carr Brecks Farm (Grade II) to the southeast of the proposal site, and Ollerton Hall (Grade II\*) and Ollerton CA within 1km to the east. Thoresby Park to the north is Grade I Registered, and Rufford Abbey Park to the southeast is Grade II Registered. There is also a Grade II listed landscape monument (to a horse) on the Budby Road, north of the colliery site. An area of archaeological interest lies to the southwest

In weighing the application a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset and to the archaeological interest.

The submitted Heritage Assessment concludes that: \_

*'None of the designated heritage assets in the study area (including those within the Edwinstowe and Ollerton Conservation Areas) share any intervisibility with the site, nor any historic landscape association (Pls 25-6). There will be no aesthetic change within views of the wider setting of the designated assets. The current landscaping programme of the coal tip can only enhance the setting of these assets enabling it to blend in with the agricultural character of the surrounding landscape. The building development to the south of the coal tip and the colliery buildings will be well screened from Edwinstowe Conservation Area by trees so long as any new build is low-rise.'*

It is noted that the Conservation Officer disagrees with the comments within the Heritage Assessment which considers the impact of the proposal on the setting of Listed Buildings to be negligible given a lack of perceived intervisibility. However, direct intervisibility is not the only consideration when taking account impact. The Conservation Officer considers views to and from the church spire is important particularly on approach to the village from the north.

It is accepted however, that generally, there is no direct view of the proposal site from any listed building in the area other than from the church spire of St Mary but that the church can be seen from a number of receptor points within the area and therefore the proposal could have a dominating impact when seen in aspect with the entrance to the Conservation Area and the views of the church spire. Taking this into account and that the application site is in close proximity to the eastern edge of the conservation boundary the Conservation Officer considers that the proposed development would have some moderate adverse impact on the setting of the Church of St Mary and Edwinstowe CA, although based on the indicative details submitted this would be considered less than substantial harm. It is considered however that improvement to the layout and landscaping together with limiting heights of buildings would assist in reducing this impact.

Although scale parameters can be set in the determination of this outline application this together with landscaping details would be a consideration of the detailed reserved matters application.

The industrial heritage of the site and its relationship with Edwinstowe is also an important consideration. It is noted that the main entrance, the principal power house and some workshops are to be retained and incorporated into the site. Following concerns raised by Conservation with regards to historic building recording an additional desk based Heritage Assessment has been deposited which comprises a map regression exercise and documentary search to provide background information about the history of the Site. Conservation is now satisfied with the historic building record which will be deposited at Civil War Centre and the Councils depository on Brunel Drive.

Given topography, separation distances and existing screening it is considered that the proposal would not have undue or significant impact on other nearby heritage assets such as Ollerton CA, Rufford Abbey, Carr Breks Farm.

However it must be noted that any impact is by definition harm and this has to be balanced in the planning judgement. It is accepted that the proposal would bring significant public benefit in terms of bringing the former colliery site back to a viable use with housing, employment, recreational and community facilities to serve both the future occupiers of the development and the population of nearby settlements. In heritage terms it would also include the retention of the former colliery buildings and structures which would retain the industrial heritage of the site and the local area for future generations.

Taking the above comments into account I would concur with the Conservation Officer that, although the proposal will have some moderate adverse impact (which is less than substantial in terms of the NPPF) on the setting of designated heritage assets, notably St Mary's Church and on Edwinstowe CA, landscape mitigation, appropriate restrictions in the scale of the development, public benefits (in terms of retaining some colliery structures) and opportunities to better reveal the significance of the nearby heritage assets noted above would sufficiently reduce the adverse impact to negligible and thus achieve preservation. Such matters would form part of the future reserved matters application.

### Archaeological Impacts

It is noted that Heritage Assessment comments that the geophysical survey has indicated limited evidence of archaeological features but that these are of unknown date and extent and has hinted that a small number of linear anomalies are present in the eastern most field. Being mindful of the comments of the NCC Archaeology it is considered necessary and reasonable to attach a condition, should Members be minded to grant outline permission, requiring the submission written approval of a written programme of archaeological mitigation prior to any development commencing on site to safeguard any archaeological assets.

**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 in the knowledge of this case law in any event.**

### Flooding/Drainage

The NPPF indicates that in determining applications Local Planning Authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment, it is demonstrated that

vulnerable development is located in the areas of lowest flood risk and development is appropriately flood resilient and that residual risk can be safely managed.

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

Core Policy 9 of the Core Strategy requires that all new development through its design proactively manages surface water including, where feasible the use of Sustainable Drainage Systems.

Core Policy 10 'Climate Change' requires that development be located to avoid both present and future flood risk and details that in considering site allocation and determining proposals the District Council will, led by the SFRA, adopt a sequential approach to future development and work alongside partners to secure strategic flood mitigation measures.

Core Policies 9 and 10 of the Draft Amended Core Strategy reflect the aims of these existing Core policies.

The application has been accompanied by a Flood Risk Assessment and Outline Drainage Strategy.

Drainage is a matter that would be dealt with in detail at reserved matters but the outline application provides an overarching preliminary drainage scheme. The general principle of the surface water drainage strategy for this site is to collect the runoff from and convey this to attenuation ponds located within the site, which are connected by way of swales/ditches, for which the captured water is then managed and controlled out of the site.

The attenuation ponds are proposed to be located in the centre and to the east of the site. The central pond will collect and manage the surface water runoff from the areas north of the pond as well as the land and cut off drains from the country park area.

The central pond will connect to a pond located in the south east corner of the development, which will be achieved by way of an open swale/ditch. The pond to the east, will collect and manage the development south of the central pond. The connecting swale/ditch will in part connect the 2 ponds, but will also run up the east side of the development to catch overland flow.

All captured surface water will be drained via gravity sewers in the main, with the exception of a pumped sewer into the south east pond.

The flow will be managed and controlled out of the south eastern attenuation pond into the outlet pipe from the site.

To manage overland flow, a swale/ditch is located on the southern boundary of the site to prevent discharge onto the road.

It is considered that the first phase of delivery of the plots, will be from south west area of the site, which will result in an outfall rate of 193.55 l/ or less. Once this rate is achieved, then the attenuation pond will the south east corner of the site will be constructed for the final managed solution.

With regards to foul water management a new foul water system to serve the development will connect into the foul sewer on Ollerton Road.

The FRA identifies flood risk management measures in line with discussions with and agreement from the Lead Local Flood Authority (LLFA). the discharge rate from the positive and overland

drainage will be restricted to greenfield runoff rates and attenuated on the wider development site before being discharged through the existing connection into the River Maun.

The proposed discharge rate will be restricted to that of greenfield runoff at 193.55 l/s.

Finished site levels will be engineered to provide positive drainage where required and prevent ponding.

The accumulation of standing water would therefore not occur and thus not pose a risk.

Gradients of the hardstanding areas, where possible, will be designed to fall away from buildings such that any overland flow resulting from extreme events would be channelled away from entrances.

As the site and surrounding areas are located within Flood Zone 1, it is considered that access and egress should not be affected during flooding, although further support will be given through the installation of the open ditch/swale located on the southern boundary of the site, which is positively drained.

In terms of offsite impacts the FRA concludes that due to preventative measures on the wider development, it is not expected that there will be any off-site impacts from the surface water drainage measures used on the proposed development.

With regards to residual risks the FRA identifies that the development and its drainage system will be designed to cope with the intense storm events up to and included the 100 year return period rainfall event with an allowance for climate change (40%).

If an extreme rainfall event exceeds the design criteria for the drainage network it is likely that there will be some overland flows which must be directed away from buildings and will follow their natural flow paths.

These are proposed to be captured by the centrally located attenuation pond if the flow is being conveyed north of this pond, or by the open swale/ditch if the flow is from south of the centrally located attenuation pond.

It is acknowledged that The LLFA has raised no objections to the proposal subject to a condition being attached requiring the submission and approval of a detailed surface water design and management proposal prior to any construction works commencing. The submitted Flood Risk Assessment should be used as foundations for any future detailed submissions.

I note that the Environment Agency have advised that the use of infiltration SuDs is inappropriate given the historic use of the site and that they have requested conditions be attached should permission be granted which ensure that no infiltration SuDs are used in ground areas affected by contamination and that details are to be submitted and approved in wiring with regards to the installation of oil and petrol separators together with a scheme of treating and removing suspended solids.

During construction in order to address potential pollution or water quality incidents the applicants will be required by condition to submit a Construction Environmental Management Plan which will cover avoidance measures such as provision of wheel washing facility before exiting the site, efforts to keep highways clear of mud deposits, road sweeping etc. Subject to mitigation/avoidance, it is considered that the environmental impact would be very low.



The NCC Lead Flood Authority have advised that a detailed surface water design and management proposal is approved by the LPA prior to any construction works commencing using the Flood Risk Assessment as foundations for any future detailed submissions. This can be secured by condition.

Severn Trent Water (STW) have advised that conditions requiring drainage plans for surface water and foul sewage a comprehensive drainage strategy should be attached to any permission, which reflects the advice of the Flood Authority

Overall the FRA concludes that the proposed development will not significantly impact upon the surrounding development in terms of flood risk and drainage. I have no reason to disagree with these findings and consider that the proposal accords with CP10 (Climate Change) and the NPPF.

**The 2018 NPPF does not alter the above assessment.**

### Air Quality – Human Receptors

As outlined above an Air Quality Statement has been deposited with the application. Subsequent reports in the form of an Air Quality Report and Air Quality assessment and an additional Air Quality technical note have been submitted in response to issues raised in relation to ecological impacts by NE, NWT, NCC Ecology and the RSPB which are discussed in detail within the ecological section of this report.

The initial assessment looked at matters of air quality based on findings of the existing and proposed traffic flows and existing air quality conditions the predicted impacts on local air quality resulting from road source emissions generated by the development once it is fully operational. The assessment was broadly in line with the 'Screening Method' process advocated in the Design Manual for Roads and Bridges (The Highways Agency, 2007) using nine receptors as noted in the table below, comparing figures for no development and estimated figure for with development. The table below shows the screening model results.

The results showed that the pollutants levels change very little between no development and with development and fall within standards.

This assessment therefore concluded that the local air quality within the vicinity of the site was closed as generally good and being within the national guidelines. This was further confirmed by the site not being identified as within an air quality management area. The effects noted from the proposed development were considered negligible and the local air quality would remain unaffected and within national standards. It was therefore considered that no further work was required to ascertain the effect of development associated vehicular traffic upon air quality with regard to human health.

In conclusion in terms of operational air quality impacts from road traffic emissions, these are within acceptable limits in that there will inevitably be impacts but acceptable ones, albeit measures to mitigate operational phase impacts have been incorporated into the Travel Plan through the provision of cycle and bus links which are all designed with sustainability in mind and reducing the reliance on the private car.

Our EHO agrees with the findings of the Air Quality Assessment and raises no objections in this regard. In summary I consider that the applicant has adequately demonstrated that air quality in

relation to the development would be acceptable and in line with the NPPF and best practice guidance, which are material planning considerations.

However further work was ongoing at that time to assess the effect of the proposed development upon the Special Area of Conservation (SAC) and Sites of Special Scientific Interest (SSSI's) and this is discussed in details within the Ecology section of this report.

**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.

A Noise Assessment has been deposited with the application. Officers have assessed the Noise Assessment. There are two broad noise issues to address, one for the construction phase(s) and one for residential amenity when development is complete.

In terms of the construction phase the applicant has fully assessed the implications of the development through a noise and vibration assessment discussed within chapter 6 of the Noise assessment document. To prevent noise and vibration nuisance during construction plant and machinery will be operated to strict guidelines and best practice methods including noise attenuation methods and appropriate hours of working in line with BS standards. These will be managed through the CEMP and are not anticipated to generate significant adverse effects.

With regards to the development itself, the noise Assessment identifies the local highway network as being the greatest source of noise. The site is located between three roads, and there is a mainline network to the south, although this is a freight line rather than a passenger line and the closure of the colliery has led to a reduction in freight movements.

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.

The survey compared traffic flow and noise levels from 4 survey locations on the A614, two positions at the A6075 Ollerton Road and one at B6034 Swinecote Road and at 3 distinct time periods comparing the before and after development scenarios and the scenario of an active colliery, compared to the proposed development.

The standards for ambient noise levels range from 35-40 dbLAEQ during the day and 30 dbLAEQ at night.

The assessment estimated that highest noise levels would be experienced by dwellings close to the south-eastern boundary of the site adjacent to the A6075 (63-64dbAEQ). However noise levels are reduced by 15dbAEQ through glazing with openings and by 35dbAQE by non-openable glazing. Therefore the excess noise levels can be mitigated by location of dwellings and the positioning of windows.

The Noise Assessment concludes that it has been found that through the use of careful design and suitable measures within the building (such as trickle ventilation to enable windows to remain closed) that adequate internal noise levels can be easily achieved.

The internal Environmental Health officer has fully assessed the Noise Assessment document and is satisfied with its content subject a requirement for noise remediation measures for the properties near the main road, as suggested.

Subject to the imposition of suitable conditions, I therefore consider that the proposal can adequately deal with noise and vibration in line with the requirements of DM5 (criterion 3; amenity) and the NPPF.

**This stance is carried forward to the 2018 NPPF at paragraph 180.**

### Geo-environmental and Land Contamination

Para 120 of the NPPF advises that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. Para 121 goes on to add that –

*‘Planning decisions should also ensure that:-*

*the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation; and after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and adequate site investigation information, prepared by a competent person, is presented.’*

A Phase 1 Desk Top Study has been undertaken and deposited with the application. The previous land uses on the site are noted as being historically agricultural fields prior to the opening of the colliery which opened with the sinking of the No1 and No2 shafts. Subsequently the site has undergone significant expansion and development to include:

A mineral railway and sidings;

Coking works;

A coal preparation plant;

Coal storage area south of the pithead; and

Spoil tip areas to the west, north and east of the pithead.

The study also notes that the spoil heaps to the west, north and east of the site are in the process of being landscaped and redeveloped to woodland and acid grassland.

Given the past use of the site, the following have been identified as potential contamination issues that require further investigation and may require remediation prior to the commencement of the proposed development:

### *Ground Contamination*

The area of the former coking works and there is no information available on the demolition and clearance of these works,

Localised pockets of organic contamination may exist in the area of the former pithead buildings

Made ground across the pithead area may also be contaminated with eg. asbestos, heavy metals

Colliery spoil materials may also possess elevated calorific value which may present a risk of heating and combustion.

The fields to the south of the pithead area are in agricultural use, although the risk of contamination in this area is considered to be low.

The study notes that the above potential sources of ground contamination may present a risk to controlled waters.

### *Ground Gassing*

The Study identifies that the risk of ground gassing impacting the site would be considered moderate in the former pithead, railway siding and coking works areas, and very low for the remainder of the site occupied by agricultural fields.

Gas monitoring is therefore considered necessary in order to quantify the gassing regime of the site and in order to assess the requirement for gas protection measures for the proposed development.

### *Foundation Design*

The Study recommends intrusive works will be required in order to identify ground conditions and provide foundation recommendations for the site.

A tree survey shall be required which extends beyond the site boundaries for use in foundation design.

### *Mining Issues*

Two mine shafts are present on site to c.900m depth. The Coal Authority has confirmed any movement in the ground due to coal mining activity should have stopped.

The Study confirms that any risk that could affect future development is considered very low given the Coal Authority have indicated any future ground movement should have stopped.

The two large diameter deep mineshafts will need to be either retained or treated. Any future development proposals shall need to take the presence of the mineshafts into consideration.

The indicative Masterplan shows existing infrastructure around the shafts to be retained. Methane is currently extracted from the shafts. Consideration therefore needs to be given to risk of gas emission on cessation of methane utilisation. It may be necessary to retain ventilation of the shafts.

## *Flood Risk*

The Study considers that the overall risk of flooding on site is very low. Flood risk is covered in detail within the Flood section of this report .

The conclusion of the Study recommends that further remedial works involving removal of substructures, earthworks, assessment of the contamination status of the site through investigation, and undertaking of remedial works shall be required prior to development. It also confirms that it is the intention of the Client that these works shall be undertaken to facilitate the proposed development.

The Phase 1 Desk Top Study has been assessed by colleagues in Environmental Health and they have raised no objections subject to the inclusion of a phased contamination condition. On this basis I am confident that the approval of outline residential consent would be appropriate and that any adverse impacts arising from geo-environmental and land contamination factors could be readily mitigated by appropriate planning and design.

**This stance is carried forward to the 2018 NPPF at paragraph 180.**

## Developer Contributions and Viability

Spatial Policy 6 'Infrastructure for Growth' and Policy DM3 'Developer Contributions and Planning Obligations' set out the approach for delivering the infrastructure necessary to support growth. The 'Developer Contributions and Planning Obligations' Supplementary Planning Document provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). It must be noted that the application site falls within CIL zone 6 (Sherwood) where there is no CIL levy for development. However, the SPD is the starting point in setting out the approach to resolving elements not dealt with by the CIL and of the site-specific impacts to make a future development acceptable in planning terms.

**The 2018 NPPF does not alter the above assessment. Paragraph 34 of the revised document sets out that plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.**

Members will be aware that this part of the District is zero CIL rated given that scheme are often more marginal than elsewhere in the District. Even with a zero CIL rating evidence gathered as part of the Plan Review processes past and present has confirmed that viability may be an issue to such a degree that the Council must accept a lower provision of affordable housing.

In this case Officers have been clear with the applicant from the outset that in addition to general contributions issues surrounding Ollerton Roundabout and the physical provision of a new school were important matters to address. The Ollerton Roundabout costs were originally to be £700,000 based on contributing a percentage based on traffic flows to the overall scheme costs. During the lifetime of the application NCC have updated costs for the Ollerton Roundabout scheme. Costs have increased to such a degree that based on this percentage a contribution of £1.198m from this development is now required. Given the level of contributions in this case the applicant has submitted a viability appraisal. This has been independently assessed by a relevant expert on

behalf of the LPA. This independent assessment has confirmed that the scheme is only viable subject to a lesser provision of affordable housing. Members will be offered a briefing on this detail prior to the Committee.

I comment on this further below but for now offer guidance on the level of other contributions that will be expected. Members may find the Appendix at the back of the report helpful in summarising the overall position.

#### Developer contributions by type.

### **Community Facilities**

For developments of 10 or more dwellings a contribution towards community facilities can be sought which is based upon £1,384.07 per dwelling (indexed as of 2016), equating to £1,107,256 for the entire 800 units. This requirement has been factored into the viability appraisal and would be met in full. Following discussions with Officers it has been agreed that £500,000 of this figure can be utilized to support on-site provision. The remainder will be used within the wider Parish. The scheme is policy compliant in this regard.

**The 2018 NPPF does not alter the above assessment.**

### **Health**

For developments over 65 dwellings (or where a development places an extra demand upon local health care) a contribution of £982.62 per dwelling (figure includes indexation to 2016) towards health can also be sought through the planning application as set out in our SPD. This equates to £78,6096. It is not proposed to provide any health care facility on site but to provide off site contributions. At this stage it has not been confirmed as to where the contributions would be allocated. However, the S106 will be worded to allow flexibility and the ability for a healthcare review to ensure that the contributions sought are appropriate to the evolving needs of the health providers and ultimately the local community. This contribution requirement has been factored into the viability appraisal and would be met in full.

**The 2018 NPPF does not alter the above assessment.**

### **Education**

The Council's SPD on 'Developer Contributions and Planning Obligations' provides that contributions towards primary school education can be sought from planning applications for 10 or more dwellings.

As has been detailed above this site generates 168 pupils. If one were to use the SPD formula for a straight commuted payment the developer would be providing £1.92m. However, as has been rehearsed above there is no capacity in existing schools and consequently new physical provision is required in this instance. A single form entry would be too small to a very significant degree. A two form entry is larger than it needs to be for simply this development. A 210 one form entry school will cost £3.6m. Whilst I maintain that you can build 168/210<sup>th</sup> of a school it is clear that this proposal does over-provide from a strict policy position.

**The 2018 NPPF does not alter the above assessment.**

## **Libraries**

Similarly, the Council's SPD allows for contributions towards library stock at a cost of £47.54 (based on 2016 indexation) per dwelling. The maximum contribution based on 800 dwellings would be £38, 032. This requirement has been factored into the viability appraisal and would be met in full.

**The 2018 NPPF does not alter the above assessment.**

**Green Infrastructure/Public Open Space** (minimum quantum to be secured via the S106 Agreement) including:

- Amenity green space is triggered at 30+ dwellings and our SPD indicates provision should be 14.4m<sup>2</sup> per dwelling. Each reserved matters phase will secure such space but in addition monies are required for enhancements elsewhere. This has been negotiated on the formula within the SPD as up to £226,352 (based on 800 dwellings).
- Natural and semi-natural green space. Our SPG suggests that 10ha per 1000 population should be provided but recognises that due to difficulties in achieving this a more realistic measure is that residents should live within 300m of an area of natural and semi-natural green space. Overall the applicants are providing 8.7 ha green space and 2.21 ha green corridor. That is in addition to the County Park (the provision of which is already a requirement via an NCC agreement, albeit I do accept that this scheme does offer some enhancement and visitor management).
- Outdoor sport facilities are triggered at 100+ dwellings with 52.8m<sup>2</sup> expected per dwelling thus giving a maximum provision of 0.4 hectares. This would equate to 4.2 ha. Whilst an outdoor playing field is provided in association with the school this will clearly not have full and open community use. On this basis the applicant has agreed to cover the full costs of the SPD to enhance or provide for additional provision off-site.
- Public open space for children and young people is required, based on 7.5m<sup>2</sup> per person and based on 2.4 persons per dwelling. As Members will be aware this is normally provided for via LEAPs and NEAPs, together with incidental areas of open space provision. Following negotiation with officers it is recommended that the S106 Agreement secures the minimum provision of 1 no. NEAP and 2 no. LEAPs. In addition Officers have negotiated a contribution for off-site provision of £741,808.
- Allotments and Community Gardens. This would ordinarily be sought in the first instance based on the SPD if a need is established. In this case the Parish Council have confirmed that there are sufficient good quality allotments in the parish and therefore this contribution should not be sought. The scheme is therefore policy compliant in this regard.

**The 2018 NPPF does not alter the above assessment.**

## **POS Maintenance**

Maintenance of the public open space is to be via a Management Company given that the District Council has confirmed that it would not take on the maintenance of the POS without significant commuted payments from the applicants.

**The 2018 NPPF does not alter the above assessment.**

## **Affordable Housing**

CP1 requires that 30% (in numbers terms) 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.

However as set out above both the developer and our own assessor has now confirmed that due to viability issues they are unable to offer preferred tenure split and quantum for affordable housing.

Essentially the Viability work undertaken benchmarks a value against which one can understand whether the scheme can be viable. The benchmark used, based on advice and industry standards is £106,676 per acre (gross land price with planning permission).

A scenario (no. 1) has been tested which will offer full 30% affordables and all S106 payments. This would achieve a residual land value per gross acre of £16,140, significantly below the accepted benchmark. A second scenario (no.2) would yield a residual land value per gross acre of £83,694. Whilst this still fails to achieve the required benchmark the applicants have accepted that in this case they would still proceed.

<b>Scenario</b>	<b>Residual Land Value (£)</b>	<b>Residual Land Value per Gross Acre (£)</b>	<b>Comments</b>
Scenario 1 – 30% Affordable / Compliant 106	£2.07m	£16,140	
Scenario 2 – 7.5% Affordable / Compliant 106	£10.74m	£83,694	
Threshold Land Value	£13.69m	£106,676	Rate per acre excludes the country park land

Table 7.3 – Summary of Results with the Threshold Land Value Comparison

Officers have asked for a third scenario to be tested which would look at all of the affordable provision being for Discounted Open Market Value (DOMV) product (discounted by 25%). The applicant has confirmed that they would be prepared to offer 20% affordables on this basis. At the time of writing Officers have not agreed to the 20% provision and an update will be provided at Committee. That said, it is clear that Scenario 3 will currently be a scheme of not less than 20% DOMV.

The applicants have not made clear a particular preference in this instance given that both schemes could work from a viability perspective. From an officer perspective whilst Option 1 delivers, as a matter of fact, more guaranteed numbers of affordable housing it does not reflect the current tenure needs of the Authority. This is more closely related to the split in Option 2, which of course would deliver less units. In attaching weight to the tenure type needed Officers submit that a preference is, on balance, Option 2.

Officers are satisfied that the Viability Submission has been through a robust nationally defined process with professional consultants advising us and that the findings are sound.



Whilst our viability consultant has not advised that a review mechanism is required I consider in this case that such a review is important. I say this given firstly the passage of time for the delivery of the scheme over approximately 10 years. The market may well change over this period, and if there were to be a change for the better (in that viability is more buoyant) it is only right that the scheme provide the opportunity to read the developers risk and the policy shortfall. Secondly, we do not yet know the final make-up of each phase of the development. It may be that a particular phase includes for more open space on-site in which case any off-site contribution could reduce. Any reduction should be diverted back towards affordable housing provision. Officers have agreed with the applicant that a first review should take place at 400 housing occupations. The review will follow the methodology followed to date, as captured in the S106 Agreement. Subject to this, Officers are satisfied that the scheme is acceptable.

The 2018 NPPF has changed since the report presented on 19<sup>th</sup> October 2017 in respect to matters of Viability. The processes for the consideration of viability have been rewritten in order to encourage that such assessments are *'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.

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 at 7.5% below the 10% requirement of paragraph 64 of the revised NPPF with the offer agreed representing what is reasonably viable taking account that the scheme would contribute to the Ollerton Roundabout and in accordance with the conclusions of the Council's independent viability expert.

In this case, unlike others, the proposals will provide (and over-provide in the case of education) for infrastructure that will benefit not only this development but the wider region in terms of a contribution to Ollerton Roundabout. This contribution is vital as a private sector contribution to the wider A614 Non Strategic Road Network (NSRN) funding secured by NCC in 2018 to upgrade Ollerton Roundabout. The Council and its advisors remain of the opinion that this soon-to-be

**strategic site cannot be delivered without a 7.5% affordable contribution. To offer Members ongoing comfort the Viability Review mechanism originally reported will remain and will be triggered prior to the occupation of more than 400 dwellings. Any monies beyond the profit margin will then be recycled back to affordable housing.**

### Retail

Policy CP8 of the Core strategy sets out the retail hierarchy within the district, and seeks to protect the vitality and viability of existing centres and also provide for new centres within strategic sites across the district. It also states that retail development in out of centre locations will be strictly controlled and that proposals would need to demonstrate their suitability through a sequential site approach and provide a robust assessment of the impact on nearby centres. The NPPF at para 27 states that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors, it should be refused.

The indicative master plan shows a 'Local Centre', to the northern edge of the built form. This comprises a retail element of up to 500 sq. m of retail space.. This is expected to comprise a convenience store with limited comparison goods sales, although this is not detailed at outline application stage and other and service uses could be accommodated, subject to market demand, within the overall 500 sq. m.

Whilst it is noted that the floor area of the proposed retail unit at 500 sq. m falls below the threshold of 2500 sq. m contained within policy DM11 of the Allocations and Development Management DPD (and nationally within the NPPF and NPPG) in relation to out of centre retail development and the requirement for sequential and impact tests but it is above the emerging local threshold of 350 sq. m contained in Core Policy 8 in the Submission Amended Core Strategy.

Para 5 of Policy ShAP3 within the emerging Amended Core Strategy also states that new retail and Main Town Centre uses included as part of the Thoresby Colliery development should not undermine the vitality and viability of existing centres, and be restricted to a scale and function necessary to meet the day-to-day needs of the development. This is followed up with content in the new ShAP4 which in Section B point 5 outlines that the new mixed use community centre should not compete in function and scale with the nearby district centres of Edwinstowe and Ollerton and, should again be restricted to that which is necessary to meet the day to day needs of the development. Para. 10 v. of the policy requires the submission of a Retail Impact Assessment.

The Amended Core Strategy has now been submitted to the Secretary of State, and applying the tests set out at paragraph 216 of the NPPF (stage of preparation, extent of unresolved objection and degree of consistency with national policy) it is considered that the emerging policy content satisfies the tests to the extent that due weight can be attached to it in the development management process. Furthermore, there are no unresolved objection to the local threshold as part of the plan review process.

In line with this policy a Retail Planning Statement (RPS) has been deposited which considers the retail policy implications and assesses the impact of the retail element of the proposal on the vitality and viability of nearby district centre. The submission does not consider the existence of sequentially preferable sites.

The RPS has been independently reviewed by Retail Consultants on behalf of the District Council. Although no sequential test has been undertaken through the RPS, in reviewing the document the

consultant has identified other sites that could have been considered but which would fail a sequential test in this instance. In any respect, although the 'community centre' would not benefit from status as a defined centre within the 'Hierarchy of Centres' detailed in Core Policy 8, as amended, the site is nonetheless a location where an appropriate scale and form of retail development is supported through the emerging site allocation policy ShAP4. Consequently I am content that the site is sequentially appropriate.

Turning to impact, in the absence of an identified end user the RPS has made reasoned assumptions about the net retail sales area, the mix of convenience and comparison goods and the turnover of the proposed store. The net retail sales area could vary between 50% and 70% of the gross floor area and, for a local convenience store, 80% to 90% could be devoted to food and convenience goods.

Assumptions have also been made in respect of turnover, leading to what is suggested as a 'high-end estimate of the potential convenience goods turnover of the proposed store of £3.15m (£10,000 per sq. m), being generated from a net sales area of 350 sq. m (70% of the gross floor area) and with 315 sq. m of this devoted to convenience goods (90% of the net sales area)'.

Consumer expenditure would be generated by both the residential development (£3.5m) and the employment development (£0.25 to £0.5m) and the RPS considers that this will exceed that which could be accommodated by the proposed local centre. Given this the market share of the proposed community centre would be equivalent to only 8.5% of the wider catchment area in Edwinstowe and Ollerton.

As such the RPS concludes that it is not considered that there will be significant adverse impact from the proposal on the established centres of Edwinstowe and Ollerton, both of which will benefit from the additional trade and expenditure generated by the proposed development.

The review of the RPS considers the assumptions made in relation to turnover to be reasonable. Similarly the base line data used is agreed. Though it is noted that the RPS doesn't assess impact on a like for like basis in respect of this particular as advised by the NPPG guidance, and draws heavily on the recommendations of the Town Centres & Retail Study" (2016) (TC&RS). Despite this the Planning Practice Guidance outlines that the impact test should be undertaken in a proportionate and locally appropriate way. This is also reflected in the wording of Core Policy 8 as amended which requires impact tests exceeding the local threshold to be proportionate to the scale and type of retail floorspace proposed. Accordingly it is considered that sufficient information is available to come to a robust view over the likely impact of the proposal.

Having appraised the proposal the review of the RPS concludes that given the distance to Ollerton the proposal is unlikely to significantly impact on this District Centre. With regards to Edwinstowe, the retail consultant is satisfied that in all but the unlikely worst case scenario the impact upon the vitality of viability of this district centre will be within acceptable limits

Notwithstanding this concern has been raised that existing Coop Group stores in Edwinstowe or Clipstone may close and then relocate to the application site in which case the impact would be considered to be significant adverse. This could however controlled by condition which prevents occupation of the new retail unit by any retailer who at the date of occupation or 6 months prior, occupied floor space within neighbouring District Centres. This is recommended by the Council's retail consultant, who has directed officers to a similar condition in the case of R (*on the Application of Skelmersdale Limited Partnership ["SLP"] v West Lancashire Borough Council, St*

*Mowden Developments (Skelmersdale) Ltd* ["SMD"] [2016] EWCA Civ 1260. Subject to such a condition, I consider that any impacts can be adequately controlled and mitigated.

Taking account of the above I am therefore satisfied that the proposed retail within the 'Local Centre' would not be significant adverse on the vitality and viability of relevant centres, and so justify refusal on these grounds alone. The Planning Practice Guidance advises that if impact is unlikely to be significant adverse then the positive and negative effects should be considered alongside all other material considerations. Through the review of the RPS the positive and negative elements of the retail unit proposal and how they sit within the planning balance were considered, this is picked up later in this report. The positive impacts are considered to be reclamation, regeneration, employment, housing and new leisure / visitor attractions to complement existing attractions in the area. Significant weight can be attached to these benefits that are consistent with the aims and objectives of the emerging development plan. The proposal will also result in a second foodstore in Edwinstowe although the potential impacts on the district centre have to be weighed against other benefits. There might also be positive impacts in terms of reduced CO2 emissions as residents of North Nottinghamshire will have access to employment and leisure opportunities closer to home.

Turning to negative impacts, these are considered to be potential impact on the vitality and viability of Edwinstowe and the ecological impact of the wider proposal.

Taking the above into account the review of the RPS concludes that based on the supporting information the adverse impacts do not 'significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

**The 2018 NPPF does not alter the above assessment.**

#### Other matters

##### *Design*

Given that this is an outline application this will be a matter for reserved matters approval to address. Members will note that the principles of the applicants Design and Access Statement, together with various parameter and density plans, are subject to recommended conditions.

**The 2018 NPPF does not alter the above assessment.**

##### *Residential Amenity*

Environmental impacts arising from the development upon residential dwellings has been properly assessed through the ES in the chapters such as Air Quality, Noise and Vibration etc. Subject to the use of appropriate conditions to control construction and other mitigation identified as required, I am satisfied that the proposal should not cause significant impacts. Specific impacts have been considered in each section of this report where relevant. Other impacts on residential amenity such as privacy will be considered at reserved matters stage.

**The 2018 NPPF does not alter the above assessment.**

## Delivery

In this case it is noted that an established master developer is promoting the scheme. Harworth Group plc is one of the largest property and regeneration companies across the North of England and the Midlands, owning and managing 22,000 acres across 150 sites.

The Company has a track record in the implementation of residential, mixed use, industrial and low-carbon schemes.

The applicant has made clear a commitment to the early delivery of this strategic site which will significantly bolster the supply of housing in Newark and Sherwood. The table below sets out the timeline for the commencement of development and projected completions of new housing. It is worth noting that the Harworth Group have drawn officers attention to a former surface and deep mine site on the edge of Rotherham. This scheme also expressed a commitment to early deliver, a commitment that was ultimately provided quickly after receiving planning permission (there were 11 months between the reserved matters approval and first dwelling occupied). On average that site is delivering 120 – 150 dwellings per annum across three different housebuilders.

October 2015	Demolition commenced to provide a safe site and a development platform
October 2017	Construction of new electrical sub-station – completion in December 2017
October 2017	Consideration of planning application at Committee
December 2017	Demolition and Site Preparation will be completed
December 2017	Outline planning permission granted
Quarter 4 2017	First housebuilder to be selected
Quarter 1 2018	Submission of RM for Phase 1
Quarter 2 2018	Approval of RM for Phase 1
Quarter 3 2018	Discharge of Pre-Commencement Conditions
Quarter 3 2018	Commencement of Development
Quarter 4 2018	First occupation
2019/2020 onwards	75 completions per annum (two housebuilders on site) – through to completion in 2028/29

I am satisfied that weight can be attached to not only the quantum of housing that will contribute to the Council's overall land supply in future years (including within the next 5 years) but also to the fact that such quantum is likely to be genuinely deliverable in this case.

**It should be noted that given the passage of time since the application was presented to planning committee in October 2017 these timescales have subsequently passed. The applicant has suggested that the submission of the first Reserved Matters for the provision of the initial infrastructure is expected during February 2019.**

## Planning Balance and Conclusions

A development of this scale will inevitably have impacts and will inevitably change the existing character of the location, albeit this can be balanced against the existing vacant appearance of the site and brownfield nature of the land. It does not, however, follow that a significant change must equate to unacceptable harm in planning terms.

This planning application represents an opportunity to deliver a substantial amount of dwellings, employment, and associated infrastructure. The delivery of housing, in this case promoted by a master developer with experience in the North and Midlands Regions, is a significant material planning consideration given the governments drive to encourage the delivery of new housing in the right places. On this latter point the site comprises large areas of vacant brownfield land, it contains significant existing infrastructure (which to remove also raises sustainability questions) and it is locationally well located with respect to Edwinstowe. The site is supported for adoption by this Council's Draft Revised Core Strategy, which is now in the latter stages of preparation having been submitted to the Secretary of State for Examination. The scheme is in accordance with the proposed site allocation.

The scheme will deliver a number of additional benefits to be weighed in an overall planning balance. The site will also contribute to boosting the Council's 5 year housing land supply and beyond. The redevelopment of the site will deliver more than 1,000 new jobs, new housing and thorough and careful restoration of the spoil heap to provide leisure and recreation opportunities. Whilst it is always disappointing when full affordable housing provision is not secured I am mindful of government guidance in this regard, albeit I consider that a review mechanism is appropriate in this case. I have assessed above all other technical matters and concluded that there are no issues, subject to conditions and mitigation that would warrant refusal of the application. On this basis I recommend that planning permission be granted.

### **RECOMMENDATION: that**

#### **Outline planning permission be granted subject to:**

- (a) The conditions which will be subject to a separate Appendix to follow;  
**(The draft decision notice is attached at Appendix 2 of this report)**
- (b) the completion of a S106 Agreement to control the matters outlined in this report and as summarised in Appendix 1; and
- (c) Officers also seek delegated authority to modify these conditions/S106 obligations in order to achieve the same objectives prior to the issuing of the decision notice as advised by legal representatives;

### BACKGROUND PAPERS

Application case file.

For further information, please contact Bev Pearson on Ext 5840

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**  
**Business Manager Growth and Regeneration**

**Appendix 1**

<b>CONTRIBUTION</b>	<b>POLICY REQUIREMENT CURRENT CALCULATION TO INCLUDE INDEXATION AT 2016</b>	<b>PROPOSED</b>
Affordable Housing (affordable rental and shared ownership)	30%	Either;- 7.5% 20% discounted market value dwellings (2 and 3 bedroom)
Community Facilities	£1384.07 per dwelling £1107256	Agreed.
Education Provision	£1.92m based on formula within SPD	£3.6m based on capital cost of physically building a new school.
Health	£982.62per dwelling £786096	Agreed
Libraries (Stock)	£47.54 per dwelling £38032	Agreed
Amenity Green Space	£282.94 per dwelling £226352	Agreed
Open Space for Children and Young People	£927.26 per dwelling £741808	Agreed
Outdoor Sports Facilities	£737.72 per dwelling £590176	Agreed
		<b>£7,089,720</b>
Ollerton Roundabout contribution	% of Ollerton Roundabout cost. <b>£1.198m</b>	Agreed
	<b>TOTAL</b>	<b>£8,287720</b>

Committee Plan - 16/02173/OUTM

