

PLANNING COMMITTEE – 4 JUNE 2019

Application No:	18/00931/OUTM (MAJOR)	
Proposal:	Outline planning permission for up to 136 residential dwellings on the former Noble Foods egg factory site. The scheme would provide a mix of house types and sizes including detached properties, semi-detached properties and town houses and public open spaces.	
Location:	Noble Foods Ltd The Moor Bilsthorpe Nottinghamshire NG22 8TS	
Applicant:	Miss Cheetham	
Registered:	23.05.2018	Target Date: 22.08.2018
Extension of Time Agreed Until 07.06.2019		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Bilsthorpe Parish Council has objected to the application which differs to the professional officer recommendation.

The Site

The site comprises an area of approximately 5.48 hectares which is fairly irregular in shape. It is currently empty and consists of areas of hardstanding and grass with some mounds of rubble in relation to the previously demolished factory buildings which once occupied the site. There are areas of dense tree cover predominantly around the boundaries of the site but also along the previous access driveway.

The site is on the south eastern edge of the village of Bilsthorpe. The site is located within the built up area of Bilsthorpe as defined by the village envelope. The village envelope was extended to include the site upon adoption of the Allocations & Development Management Plan (2013). As a consequence the site forms part of a site allocation on the Bilsthorpe Proposals map with another allocation site immediately to the south (Bi/Ho/1).

There is one existing access point from the south via Kirklington Road. The site is bordered by agricultural fields to the east and north. To the west are residential dwellings and the residential area of Bilsthorpe Moor. To the south eastern site boundary are centres run by Wycar Ley, which provide care for adults with learning disabilities. Further to the east, approximately 350m in distance is another large factory and commercial site.

The site is within Flood Zone 1 in its entirety. The site falls within the buffer zone for the potential Special Protection Area for Nightjar and Woodlark in the Sherwood Forest area.

Relevant Planning History

12/01557/OUTM – Proposed residential development. This planning application for 50 dwellings was permitted in October 2013 as the site was allocated within the Allocations & Development Management DPD (2013) under the reference Housing Site 2 Policy Bi/Ho/2. The site relates to the eastern area of the land subject to the current application. This application has expired as no reserved matters submission has been received in the prescribed timeframe.

10/01575/OUTM – Residential development. This application also relates to land to the eastern area of the current site. The application was refused for two reasons as follows:

01

The application site lies outside the Village Envelope for Bilsthorpe and as such within the Countryside where development falls to be assessed against Spatial Policy 3 of the Newark and Sherwood Core Strategy DPD - Rural Areas. This Policy requires new development to be located in the main built up areas of settlements and consequently the development of the site as proposed, and in the absence of any requirement to meet housing need at the present time, would be contrary to this policy and would form an unjustified intrusion into the countryside.

02

Core Policy 1 of the Newark and Sherwood Core Strategy DPD sets out the requirements for affordable housing provision and the Developer Contributions Supplementary Planning Document sets out the requirement for other developer contributions. At the time of determination the application fails to make provision for neither affordable housing nor any other developer contributions and would therefore be contrary to both these documents.

08/01746/FULM - Demolition of existing factory and associated buildings and erection of 77 houses, associated roads and landscaping. This application was approved in October 2010 and forms broadly the middle of the site. Subsequently the factory was demolished.

09/00837/OUTM - Erection of a residential care home. This application was permitted in November 2010.

In addition to the above, the following application on the site adjacent (allocated as Bi/Ho/1) is considered relevant:

13/00988/FULM - Erection of 4 units comprising 8 Dwellings for multi-occupancy for people with learning difficulties for independent living. This application was approved in December 2013 but the LPA have no record that works have commenced on site and therefore the application will no longer be extant.

The Proposal

The application seeks outline planning permission for up to 136 residential dwellings with all matters reserved except for access. The new vehicular access would be set along the southern boundary of the site further westwards towards the junction with Meadow Grove. The application has been accompanied by an indicative site layout which demonstrates areas of open space

including those demonstrated as Local Equipped Areas for Play. The Design and Access Statement confirms that the development proposes a mix of terraced, semi-detached and detached dwellings ranging from 2 to 5 bedrooms each afforded an area of private amenity space.

The application submission has been accompanied by the following documents:

- Planning and Sustainability Statement;
- Design and Access Statement;
- Flood Risk Assessment;
- Transport and Travel Assessment;
- Phase 1 Geo environmental Desk Survey;
- Phase 1 Habitat Survey;
- Bird Risk Assessment;
- Statement of Community Involvement;
- Additional Statement in response to NCC Highways Comments with associated accident reports received 31st July 2018;
- Viability Assessment received 25th September 2018;

The application form has been updated during the life of the application to clarify the owners of the site (a subsidiary company of Noble Foods Ltd.).

The application has been considered on the basis of the following plans which have been revised during the life of the application:

- Site Location Plan – Dwg No. 1 received 15th May 2018;
- Existing Site Plan – 1430-002A received 15th May 2018;
- Drainage Strategy – C-50A received 15th May 2018;
- Proposed Site Section A – P-P02 received 15th May 2018;
- Proposed Site Sections – Sheet 2 – P-P03 received 15th May 2018;
- Revised Proposed Site Plan – 1751-(P)P01 Rev. G received 7th May 2019;

Departure/Public Advertisement Procedure

Occupiers of 100 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2019)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 6 – Infrastructure for Growth

Spatial Policy 7 – Sustainable Transport

Core Policy 1 – Affordable Housing Provision

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 – Sustainable Design

Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

Allocations & Development Management DPD

Policy Bi/Ho/2 – Bilsthorpe – Housing Site 2
Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2 – Development on Allocated Sites
Policy DM3 – Development Contributions and Planning Obligations
Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2019
Planning Practice Guidance
Developer Contributions SPD

Consultations

Bilsthorpe Parish Council - Meeting 9th July 2018

COMMENTS RE NOBLE FOODS DEVELOPMENT 18/00931/OUTM

Background

In January 2017 a development of 113 dwellings on Oldbridge Way, Bilsthorpe was approved by NSDC Planning. This would potentially increase traffic within the village with approximately 226 vehicles. The Parish Council raised concerns both in writing and verbally to the planning committee meeting regarding the impact the increased traffic would have on the roads within the village, particularly the one way system on the Crescent that accesses the development and the access road junctions into and out of the village where Mickledale Lane joins the A614 and Farnsfield Road joins the A617. These concerns were not acknowledged and outline planning was approved.

An outline planning application has been agreed for up to 52 dwellings on land off Maid Marian Ave, Bilsthorpe and a further 85 dwellings and retail development is planned for land off Eakring Road, Bilsthorpe potentially bringing an increase of 500 vehicles and associated delivery and business traffic.

Points to be raised

- The Mickledale Lane GP surgery has struggled in recruiting in the past and residents tell us that it is challenging to get an appointment at the surgery. Increasing the population of the village would significantly impact on this situation.
- The Village Hall is in need of complete refurbishment in terms of new electrics, heating system, toilets, kitchen, bar area, outside and inside redecoration. Currently not used to its full potential as unsightly and in need of repair.

- Kirklington Road, Bilsthorpe is a well-used road with commercial and heavy goods vehicles. The speed of traffic is a concern on this road. With a new development of housing this will increase the risks on this road. We would also ask that some consideration is given to footpaths due to residents walking by and from the proposed development. There are no street lights, and these must be added to provide visibility. The current entrance to the development on Kirklington Road is situated on a bend that would impact on the safety of residents using this junction. The current 30 mph speed restriction on Kirklington Road does not include the area where the development entrance sits. The Parish Council would like see the entrance to the development re sited to a safer position and that the 30 mph speed restriction extended past the development entrance down to Wycar Leys Care Home.
- For many years residents of Bilsthorpe have raised concerns with the risks involving the junctions that take traffic out of the village onto major trunk roads.
- The Mickledale Lane junction with the A614 has recently had “improvements” in the form of pedestrian islands, which in fact reduce visibility for road users, reduced speed limit to 50 mph and better lighting. Traffic from Mickledale Lane can go left, straight over or right with right turn lanes directly on the junction for traffic turning into Inkersall Lane/Limes Café or Bilsthorpe. At peak times queues form due to the volume of traffic, it being a direct route from the A1 to Nottingham, and the inadequacy of the junction.
- The Farnsfield Road junction with the A617 is a busy road that links the A1 with the M1 and is a major route for traffic from the A1 to Mansfield. It has poor visibility due to bends both left and right of the junction. Recently the speed limit has been reduced to 50mph which has helped however vehicles do tend to speed on that road.
- Residents say they feel land locked at peak times, feel extremely stressed when using these junctions and talk of experiencing and witnessing near misses on a regular basis.
- A petition of 1039 residents concerns regarding the major junctions is currently with NCC, NSDC and local MPs and County Councillors.
- The development of the Thoresby Colliery site, at Edwinstowe, with a potential for up to 800 houses is concerning for Bilsthorpe residents who feel the impact on the A614/ Mickledale Lane junction will worsen the risks and dangers experienced.
- Bilsthorpe Parish Council, while in principle welcomes development of the village, has major concerns regarding all the points raised in this document and ask that this is considered in any current or future planning applications and that these issues can be addressed as soon as possible. At the meeting on Monday 9th July 2018 the Parish Council voted to object to the application, along with the above comments

NCC Highways Authority – Additional comments received 29th April 2019:

Since our initial observations in June 2018, Highways have been working with the applicant’s consultant to agree the assessment parameters and then to achieve highway works to make the access acceptable.

The main obstacle in achieving a suitable access were the measured 85thile speeds as presented in the Transport Assessment of 53mph from the northwest and 54mph from the southeast.

The maximum available visibility splay across highway land/land within the control of the applicant is approximately 100 metres to the southeast and this, combined with the speeds from this direction resulted in asking for consideration of a roundabout junction. This met highway design requirements, but took a significant amount of development land, and with viability already being a potential issue, this junction type was likely to mean that development would not go ahead.

We have therefore agreed a scheme which aims to reduce vehicle speeds in both directions by virtue of a gateway treatment to the southeast and a junction buildout to the northwest – currently the majority of vehicles travelling southeast along Kirklington Road vehicles are observed to turn left from Farnsfield Road, without braking and by preventing this, speeds will be subsequently influenced and reduced on approach to the site.

The buildout also serves to widen the inadequate footway width at the bend, ensuring that the development is well connected to the village centre and re-sites the existing bus stop further from the junction.

The Parish Council support the proposed removal of the brick-built bus shelter and have also requested a footway connecting the site to the bus stop to the south of Kirklington Road, which serves the more frequent bus route.

The junction form is a priority junction with a ghost island, which will protect right turning vehicles and also include a pedestrian refuge to mitigate against the increased crossing width for pedestrians crossing from the southwest to access the footway.

Please note that the visibility splay to the southeast is obstructed by the indicative internal layout, which will not be acceptable. Furthermore, this layout is within adopted Highway and we will not support extinguishing Highway here.

Furthermore, details of the layout have not been properly assessed.

Accordingly, we have no objections to the proposal, subject to the following conditions:

1. The development shall be limited to include up to 136 residential dwellings unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that traffic generated by the proposed development is commensurate with the ability for the adjacent highway infrastructure to safely accommodate the additional traffic, in the general interest of highway safety.

2. No dwellings shall be occupied until the highway works shown indicatively on drawing number 1936-F06 Revision E are provided.

Reason: In the interests of Highway Safety

3. No more than 50 dwellings shall be constructed until a 2 metre footway enabling a connection to bus stop NS0602 is provided on the east side of Farnsfield Road, in accordance with details to be first submitted and approved in writing by the Local Planning Authority.

Reason: In the general interests of Highway Safety and sustainability of the development.

4. The reserved matters for the layout for the development hereby permitted shall include detailed information including all key dimensions of road and footway widths, junction and forward visibility splays and shall be accompanied by swept path analyses of an 11.6m refuse vehicle throughout. The layout shall be in accordance with the Design Guide effective at that time. (For the avoidance of doubt the submitted Master Plan (P-P01) and Design & Access Statement shall be considered to be for indicative purposes only).

Reason: To ensure the development is designed to adoptable standards in the interests of Highway safety.

Additional comments received 2nd August 2018:

As clarified in the meeting, these are not 2 sets of observations from Highways. The one dated 26th June is from NCC Planning Policy and sets out various policy requirements. It specifies that comments from the Highway Authority are not included and conversely the comments from Policy cannot be addressed via Highways (as confirmed further on in this response).

The trip generation has been reduced by 28% in the am peak and 35% in the pm peak. This is a significant reduction.

Whilst doubtful in the majority of areas, such a reduction is considered very unlikely to have taken place in Bilsthorpe, a remote village with poor public transport links.

The trip rates are increased by 98% in the am peak and 74% in the pm peak which is not considered to be a slight increase.

The previous trip rates were used as a comparison. However, the count submitted for Meadow Grove demonstrates the following trip rates:

Time period	Trip Rate (Meadow Grove)	2-way Traffic Count (Kirklington Road)
07:00 – 08:00	0.9	151
07:15 – 08:15	0.75	170
07:30 – 08:30	0.8	182
07:45 – 08:45	0.75	185
08:00 – 09:00	0.65	182

The actual peak derived from the 2-way traffic count on Kirklington Road supplied is between the hours of 07:45 and 08:45 with a trip rate from a directly comparable site of 0.75. Therefore the previously approved trip rates from 2009 are now considered to be on the low side.

We need an assessment of ALL destinations, not just those with 10 or more trips as this methodology does not give a true representation. Please provide an assessment of this.

Trip rates still need to be agreed to establish the resultant impact.

To confirm, we do not yet accept that the development will not have a material impact on surrounding junctions. This is still subject to acceptable trip rates and traffic assignment.

The visibility splay to the northwest and southeast of the site is indicated on Drawing Number 1936-F01 rev B at 120 metres to the west and 90 metres to the east respectively. (Note that the splay to the southeast is measured to the centreline with no mitigation).

However, the speed surveys supplied indicate approach speeds of 53mph and 54mph accordingly and therefore these splays are not adequate, in particular the one to the southeast, where DMRB is the appropriate standard to use, requiring a visibility splay of over 160 metres.

Approximately 120 metres is available in both directions (see sketch below). This has been measured within highway land (see excerpt below – highway shown in the more vivid green. Through this exercise it has now been noted that some of the layout appears to be on highway land, which has been advised to the relevant parties).

This available visibility is one-step below desirable minimum but the speed is significantly in excess of what we would anticipate towards a residential development access. We therefore require provision of more substantial mitigating measures in both directions. Please note that a Vehicle Activated Sign is not considered appropriate due to their unreliability.

It was stated that we would consider offsetting the works against the required Planning Obligation Strategy monies. However, in order to make the development safe and sustainable (thereby acceptable) footway improvements are required to be provided as part of the development. A proposed scheme needs to be drawn up to enable us to make an assessment of the acceptability of the works and the discount allowable.

It was suggested during the meeting that there were no bus services, other than school bus services travelling along Kirklington Road, in which case a bus stop would probably not be required. We advise that Public Transport should be consulted, and if they agree, there would be no requirement for a bus stop adjacent to the development.

It should be determined if the development is within 400 metres of the nearest active bus stop for reasons of sustainability.

This is not the case. This is a requirement of Public Transport, as requested by NCC Planning Policy and still stands unless advised otherwise by Policy.

Original comments received 13th June 2018:

The above application reserves all matters other than access. We do not support the application for development as submitted, for the following reasons:

A Transport Assessment (TA) has been submitted alongside the application. We have issues with the findings of this, as follows:

- The trip rates for the residential development appear to be very low and the trip rates for the existing employment use appear inflated, which gives a distorted assessment of the impact of the development.
- In this location with a poor bus service residents will rely on car use and therefore we would anticipate a more robust trip rate, using the TRICS Good Practice guidance.

- It is not clear why the derived trip rates are relatively low for the residential and high for the employment use. It may be in part to do with sites in London and Ireland have been removed from the selections. This belies the TRICS Good Practice Guide which states:

“The TRICS Good Practice Guide provides guidance on the selection/deselection of sites by area and region. It is preferred that selection/deselection of sites is undertaken by considering various local factors, including location type, population levels, car ownership, etc, with the deselection of regions not taking place without these factors being considered. Research undertaken by TRICS investigated potential variations in trip generation by region, with the results suggesting that there were not any conclusive differences when picking out various regions and areas. Cross-region data inclusion should therefore be the norm rather than the exception, with the correct filtering of various data field criteria being of most importance.”

The TA refers to development previously consented, for 74 dwellings (08/01746/FULM). The TA supporting this application (by SBA) established trip rates/traffic generated for the existing use and the residential use. The table below compares the differing rates between this application and the current (by Croft):

USE		Trip rate			Numbers of trips		
		Arrivals	Departures	2-way total	Arrivals	Departures	2-way total vehicles
Existing employment SBA RATES	AM	0.201	0.049	0.25	50	12	62
	PM	0.039	0.173	0.212	10	43	53
Existing Employment CROFT RATES	AM	0.329	0.165	0.494	82	41	123 (+61)
	PM	0.097	0.273	0.37	23	68	92 (+39)
Previously Approved Residential 74 Dwellings SBA RATES	AM	0.169	0.472	0.641	13	35	48
	PM	0.448	0.247	0.695	33	18	53
Residential (74 Dwellings) CROFT RATES	AM	0.115	0.342	0.457	9	25	34 (-14)
	PM	0.302	0.155	0.457	22	12	34 (-19)
Previously Approved Residential SBA RATES for 136 Dwellings	AM	0.169	0.472	0.641	23	64	87
	PM	0.448	0.247	0.695	61	34	95
Proposed Residential 136 Dwellings CROFT RATES	AM	0.115	0.342	0.457	16	47	63 (-24)
	PM	0.302	0.155	0.457	41	21	62 (-33)

When considering what appear to be more realistic trip rates provided for the previously consented development, the following figures are given:

	AM	PM	Total
Existing use	62	53	115
Proposed 136 Residential	87	95	182
Impact of proposed development (vehicles generated in peak hours)	+25	+42	+67

With trip rates revised to something which we could consider acceptable, the development is likely to have an impact on highway which would require assessing.

- Please note that the use of crashmap accident data is not acceptable as it is out of date and frequently inaccurate. Once the area requiring assessment is identified (in conjunction with Highways), accident data for this should be acquired from Viaem (contactus@viaem.co.uk).

We have a number of concerns regarding the proposed access as follows:

- The proposed point of access almost forms a crossroads with Meadow Grove. This layout creates additional conflicts between turning streams and so the proposed access should be re-sited to form more of a stagger.
- The visibility at the development access has been shown as one appropriate for 30mph. However, in this location speeds have been demonstrated in the TA to be significantly higher. The existing 30mph speed limit should be extended further to the southeast to encourage lower speeds past the development. However, this alone is unlikely to achieve 30mph speeds and the visibility splay should be provided in accordance with the current 85th%ile speeds with suitable engineering measures incorporated to try to reduce speeds.
- The visibility splay passes through the proposed bus stop layby. When buses alight, they will obstruct visibility. The bus stop should be re-sited outside of the visibility splay.
- There is a footway on the north side of Kirklington Road only. This is narrow and not to current standards which is of concern, particularly in light of it being the only route into the wider village and the school from the development. This should be upgraded to 2 metres along the whole development frontage and as far as Farnsfield Road, maintaining an appropriate carriageway width, to support the residential development of this site. The cost of this could be offset against the required contribution under the Planning Obligation Strategy (which can be calculated once appropriate trip rates are agreed).
- A secondary access is not required for developments with less than 150 dwellings so the emergency access should be removed, due to difficulties in preventing normal vehicular access. 2 x 2 metre minimum visibility splays should be provided at the intersection of the footpath (/cycleway? – what does this link to?) and footway.

The applicant may wish to note the following when considering the layout at a future stage:

- There are a number of cul-de-sacs proposed with 4.8 metre carriageways with no footways. This is not acceptable as it does not meet any standards. Please refer to the 6Cs Design Guide for appropriate standards. Please note that we do not support the use of shared surfaces in standard layouts (such as the one indicated).
- The road layout is not designed to keep speeds to 20mph. Please see Section DG5 of the 6Cs Design Guide.
- The drawing should identify which roads, if any are intended to be private.
- For private developments of six dwellings or more, we will normally serve a notice with an assessment of the cost of the proposed roadworks under the Advance Payment Code (APC), to protect frontagers' interests. The cost of this will reflect the cost of the proposed street works and you should construct the works to an appropriate standard.

- Private roads greater than 25 metres in length require a turning head and a bin store adjacent to Highway as refuse vehicles will not enter private drives.
- We require the drawings to be dimensioned and include visibility splays at junctions and around bends.

NCC Strategic Planning – Thank you for your letter dated 29th May 2018 requesting strategic planning observations on the above planning application. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make.

National Planning Context

In terms of the County Council's responsibilities the following elements of national planning policy and guidance are of particular relevance.

Waste

The National Planning Policy for Waste (NPPW) sets out the Government's ambition to work towards more sustainable and efficient resource management in line with the waste hierarchy. Positive planning is seen as key to delivering these waste ambitions through supporting sustainable development. This includes ensuring that waste management is considered alongside other spatial planning concerns and helping to secure the re-use and recovery of waste wherever possible.

Paragraph 8 of the NPPW states that:

'When determining planning applications, all planning authorities should ensure that:

- the likely impact of proposed non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development, and, in less developed areas, with the local landscape. This includes providing adequate waste storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.'*

In Nottinghamshire, relevant policies are set out in the Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1 – Waste Core Strategy (December 2013).

Minerals

Section 13 of the National Planning Policy Framework (NPPF) covers the sustainable use of minerals. Paragraph 142 points out that minerals are *'essential to support sustainable economic growth and our quality of life.'*

Paragraph 143 requires that, in preparing Local Plans, local planning authorities should:

- *'define Mineral Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-minerals development, whilst not creating a presumption that resources defined will be worked; and define Mineral Consultations Areas based on these Minerals Safeguarding Areas;*
- *set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place'.*

In Nottinghamshire, these areas are defined in the emerging Nottinghamshire Minerals Local Plan and supported by Policy DM13, which also covers prior extraction.

In terms of the role of local planning authorities in planning for minerals, paragraph 144 of the NPPF states that:

'When determining planning applications, local planning authorities should:

- *not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes'.*

The national Planning Practice Guidance provides further information on the role of district councils in this regard, stating that *'they have an important role in safeguarding minerals in 3 ways:*

- *having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District Councils should show Mineral Safeguarding Areas on their policy maps;*
- *in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and*
- *when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.'*

Transport

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all developments which generate significant amounts of movement to be supported by an appropriate Transport Assessment and a Travel Plan. It also states that it should be ensured that such developments are *'located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'.*

Education provision

Paragraph 72 states that:

'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and*
- work with schools promoters to identify and resolve key planning issues before applications are submitted.'*

County Planning Context

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.

Strategic Highways

The Transport Assessment supporting this planning application concludes that there is not judged to be any significant off site highway impact. However as has been communicated previously at the pre application stage some of the traffic generated by proposed development site is likely to pass through the A614 / Mickledale Lane junction which has a poor operational and safety record. This application for residential development in Bilsthorpe will, in combination with other proposed and committed development in the village and elsewhere in the district, likely lead to a severe detrimental impact at the A614 / Mickledale Lane junction. As a consequence the improvement to this junction is included on the NSDC CIL 123 schemes list of junctions to be improved and funded from CIL receipts.

This scheme is not however currently a priority for implementation and does not feature in any current construction programme of the highway authority. The district council should be reminded that there will be a detrimental highway impact arising from this planning application if approved and that the district council should consider whether to spend CIL receipts on improving the A614 / Mickledale Lane junction as a matter of priority.

Rights of Way

Appendix 1 sets out the working copy of the Definitive Map, indicating the recorded public rights of way in the vicinity of the proposed development site, for your reference. No public rights of way are recorded adjacent to or over the proposed development site. This does not preclude unrecorded public rights being proven to exist at a later date.

These comments have been provided by Via East Midlands Limited, on behalf of Nottinghamshire County Council, through Via's continuing role of providing operational services on behalf of the County Council.

Travel and Transport

General Observations

The planning application covers an area of land situated to the North of Kirklington Road in the village of Bilsthorpe, this application seeks permission for the development of up to 136 residential dwellings. The proposed access point appears to be from a new junction onto Kirklington Road. The closest current bus stops are approximately 400 metres from the centre of the site on Kirklington Road and Farnsfield Road.

It is noted that the plans include provision for a bus lay-by. Whilst Transport and Travel Services (TTS) welcome the option of a bus stop layby on Kirklington Road, the current level of service operating along that route would not warrant such an investment. TTS would request that a bus stop contribution would be better spent on improving the existing bus stop infrastructure on Farnsfield Road, close to the site, which is served by regular services.

Bus Service Support

Transport & Travel Services has conducted an initial assessment of this site in the context of the local public transport network. Two commercial services pass within close proximity to the site, operated by Stagecoach: Service 28b operates between Mansfield and Eakring whilst the Sherwood Arrow service links Bilsthorpe with Nottingham and Ollerton. This service also operates to Worksop and Retford on alternate hours.

At this time it is not envisaged that contributions towards local bus service provision will be sought.

Current Infrastructure

The current infrastructure observations from Transport & Travel Services photographic records are as follows:

- NS0018 Farnsfield Road- Both Ways Bus Stop Pole, Brick Bus Shelter and Raised Boarding Kerbs.
- NS0888 Farnsfield Road- No Infrastructure.
- NS0602 Farnsfield Road- Bus Stop Pole.
- NS0022 Farnsfield Road- Bus Stop Pole.

Transport & Travel Services would request a contribution via a Section 106 agreement for Bus Stop Improvements to the value of £17,000. This will be used towards improvements to the above bus stops to promote sustainable travel.

Justification

The current levels of facilities at the specified bus stops are not at the standard set out in the Council's Transport Statement for Funding. Improvements are necessary to achieve an acceptable standard to promote sustainable travel, and make the development acceptable in planning terms. The above contribution would improve the standard of bus stop infrastructure in the vicinity of the development and could be used for, but not limited to; Real Time Bus Stop Poles & Displays including Associated Electrical Connections, Extended Hardstands/Footways, Polycarbonate or Wooden Bus Shelters, Solar Lighting, Raised Boarding Kerbs, Lowered Access Kerbs and Enforceable Bus Stop Clearways.

The improvements would be at the nearest bus stops which are situated close to the site, so are directly related to the development, and are fairly and reasonably related in scale and kind to the development (136 dwellings).

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 or 0115 9939309) with any queries regarding developer contributions.

It is anticipated that details of any developer contributions sought by the County Council will be provided as soon as possible. Any developer contributions sought will be necessary in order for the proposed development to be considered acceptable and as such the County Council will wish to raise objections to this application unless these contributions will be secured.

Should any developer contributions be sought in relation to the County Council's responsibilities it is considered essential that the County Council is a signatory to any legal agreement arising as a result of the determination of this application.

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.

NCC Developer Contributions Practitioner -

The Education Act 1996 dictates that Nottinghamshire County Council has a duty to secure school places for all children of statutory school age who are resident in the county and whose parents

want them to be educated in a Nottinghamshire state-funded school. Subsequent Education Acts have built upon this but the obligation placed on local authorities has not changed.

Funding for the provision of additional school places is derived from two sources:

1. An allocation from DfE (Education Funding Agency) to meet demand from the families occupying existing housing stock. Increasing demand on places in this case is a direct result of either rising birth rates or a net inward migration.
2. Developer education contributions which are required to mitigate the impact of new housing developments on infrastructure.

Forecasting the demand for school places – the methodology

The methodology employed by the County Council for forecasting pupil numbers is the same as that used by most other local authorities.

The County Council groups primary schools across the county into 'primary planning areas'.

Population profile data is aggregated to postcode and age group, which enables the numbers of children in each cohort to be mapped against school catchment areas. In turn, this data is aggregated to the primary planning areas. This provides the number of young people living in each planning area organised by National Curriculum Year.

The statutory school census data for an individual school for each of the past 3 years is compared to the corresponding population profile data for the planning area the school is in. This results in a 3 year period percentage intake from the planning area. These 3 percentages are averaged; however, the average is weighted towards the more recent census year.

This percentage is then applied to the appropriate population profile data for the next 5 years to create a first admission and infant to junior prediction for the following 5 years.

There is always a degree of movement into and out of schools throughout the year and this is calculated to produce a 'cohort flux' – for example, losses or gains between one school year and the next. The average cohort flux for each year group over the past 3 years is calculated for the school which is then applied to each cohort projection to predict numbers for the following year. The same methodology is employed to forecast the demand for secondary school places.

Demographic changes

In line with the underlying national trend, Nottinghamshire has seen an increase in birth rates across the county since 2007. This is reflected in the overall school population but is particularly well illustrated in the numbers of primary age children (Figure 1).

The total primary number on roll (NOR) had seen a steady decline in numbers between 2001 and 2010 but subsequent years have seen a sharp increase in total numbers to the school year 2016/17.

The numbers of 4 year olds entering the school system show a sharper increase (Figure 2). Across the whole of the county, the number of 4 year olds began to increase around 2006.

Given the falling rolls of previous years, this sharp increase in numbers of 4 year olds did not impact on the county's overall ability to provide pupil places where they were needed. However, as smaller cohorts of older children are replaced by larger cohorts of young children, pressure on places inevitably increases. Figure 3 shows the cohort profile across the whole county in January 2017.

Meeting expected demand resulting from proposed housing developments

The County Council's consideration of whether or not developer contributions towards education provision are required will be informed by the projected demand for places compared with the known capacity figures. *Seemingly 'spare' capacity at a school does not necessarily equate to there being sufficient capacity at that school as it is a DfE expectation that schools should not operate at more than 90-95% of their capacity and NCC officers consider recent trends in in-year applications to ensure that a school is able, wherever possible, to accommodate the normal movement of families around the area. This does NOT include new families moving into an area as a result of them occupying newly built houses.*

The projected demand for places, taking into account the proposed development, are calculated during the planning application process using the formulae described in the County's planning obligations strategy. This, in turn, is translated into a funding requirement which is again detailed in the strategy as a per pupil place cost. Any costs to be paid to the County Council will be index linked through the Section 106 agreement.

Where a new development is proposed in an area with sufficient projected capacity, no financial contribution will be required; however, where the proposed development would result in insufficient projected capacity, a contribution will be required. There may be a requirement, in some cases, for the provision of a completely new school. This is likely to be the case if the proposed development is in an area where all schools have already been expanded to reach their site capacity, or where the development is large enough to sustain its own school. Where a new school is required, the base level of contribution required will be an appropriate area of land for the required size of school plus the cost of building the school.

If there is insufficient capacity to accommodate the increase in pupils likely to be generated by a development and the development itself cannot enable the necessary provision the County Council will raise objections to the development.

Analysis of the impact of application 18/00931/OUTM - on the education infrastructure which will serve the development

The proposed development is situated within the primary catchment area of Bilsthorpe Flying High Academy and the secondary catchment area of The Dukeries Academy. Although there is no guarantee that all families in the proposed new housing would apply for places in these schools, it is very likely that this will be the case, especially if families are unable to travel far to a school. The mitigation required is based upon this assumption but this is moderated by an analysis of the availability of places at all schools within the planning area.

The charts below illustrate:

- the projected total demand for places in the **catchment** area
- the first admissions places allocated

- the projected demand for places in each cohort for the next 5 years

The total projected demand for places typically masks the pressure on first admissions places in the planning area resulting from the increased birth rates in recent years.

The above data clearly illustrates the pressure on school places in the Bilsthorpe Flying High catchment area. There is no capacity to accept more children.

Secondary

The proposed housing development is within the catchment of The Dukeries Academy for which any contributions would be covered under CIL regulations. However current projections show there are sufficient places available in the Dukeries Academy to accommodate the additional children covered in this education statement.

Conclusion

Nottinghamshire County Council therefore have no alternative but to request primary education contributions from any proposed housing development on Noble Foods The Moor Bilsthorpe.

A proposed development of 136 dwellings would yield an additional 29 primary and 22 secondary places.

We would therefore wish to seek an education contribution of £332,195 (29 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

Please note the cost per place may change if a number of developments come forward in an area which will require master planning and will result in an extension to an existing school or a complete new school build with land. For working purposes both secondary and primary contributions per pupil place would increase in those circumstances to c£20,000

The information above is given on the understanding that it is based on the best information available to Nottinghamshire County Council at the time. District Council colleagues are advised to contact the County Council again in the future if they require a 'project' to be named. None of the information above should be used to denote a project.

Comments received 10th July 2018 in respect to Library contributions:

1. Background

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

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

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

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

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

2. Potential The Moor, Bilsthorpe development

There is currently a proposal for a new development on land off The Moor, Bilsthorpe, this would comprise 136 new dwellings. At an average of 2.4 persons per dwelling this would add 326 to the existing libraries' catchment area population. The nearest existing libraries to the proposed development is Bilsthorpe Library.

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

We would not seek any costs towards increasing the size of the library to accommodate this population but for this development a contribution will be sought just for library stock. An increase in population of 326 would put more demand on the stock at this library and a developer contribution would be sought to help mitigate the impact of this development. The current library stock level is 14 items above the optimum stock level (see overleaf), this figure will be deducted from the 106 contribution (see calculations below).

We would seek a developer contribution for the additional stock that would be required to meet the needs of the 326 population that would be occupying the new dwellings. This is costed at $326 \text{ (population)} \times 1.532 \text{ (items)} - 14 \text{ (items above optimum stock level)} = 485$ $[499 - 14] \times £12.50 \text{ (cost per item)} = £6,062$

Library Optimum Stock Levels

LIBRARY	District	Catchment Popn Est (2017)	Total Lending Stock	Ref Stock	Reserve stock	Total Stock	Optimum Stock figure	Difference Optimum vs Actual stock
BILSTHORPE	Newark	3745	5677	71	3	5751	5737	+14

NSDC Parks and Amenities – No comments received.

NSDC Strategic Housing – I calculate 40 affordable on this site and would be seeking the following:-

	Rent	S/O	
1 bed	4*	-	4

2 bed	16	8	24
3 bed	4	8	12
4 bed plus			
	24	16	40

*2 beds acceptable should 1 beds not be suitable on the proposal.

The need (identified in the DCA Housing Needs Study 2014) in the social sector for this area (Sherwood sub area that includes Bilsthorpe) is for 1 and 2 beds (83 and 250 respectively) and no need for 3 beds. However, that said, the Council receives a good number of bids for three beds and on this basis I am happy to include some in the mix. In all the Council's sub areas in the study there is demand for bungalows and whilst the Council developed 25 in 2016 there is still a demand. I would be happy to see 2 or four included in this scheme.

The majority of the need in the market sector is for 2 beds (144) and 3 bed (111). There is also demand for larger properties (63 x 4 beds and 52 x 5 beds). There is a need overall for bungalows in the market sector and I would of course like to see some of these on this development for market sale as there is an undersupply of this type of dwelling.

NSDC Environmental Health (noise) – No comments received.

NSDC Environmental Health (contaminated land) - With reference to the above development, I have received a Phase 1 Geoenvironmental Desk Study report submitted by the consultant (Card Geotechnics Ltd) acting on behalf of the developer.

This document includes an environmental screening report, an assessment of potential contaminant sources, a history of the sites previous uses and a description of the site walkover.

The report then goes on to propose an appropriate preliminary conceptual site model. Due to the sites former use as an egg processing factory, several potential pollutant linkages have been identified. As a result the report recommends that a Phase 2 intrusive investigation (to include gas monitoring) is carried out.

I generally concur with the assessment and would therefore recommend the use of our full phased contamination condition.

NSDC Access and Equalities Officer – Observations in relation to Building Regulations.

NSDC Conservation - The application site is located at the edge of Bilsthorpe. There do not appear to be any heritage assets within the development site or in proximity. In the wider landscape, Bilsthorpe Conservation Area is located approximately 400m to the north.

We do not wish to make any formal observations in this case, but refer you to the special duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve the setting of listed buildings, as well as advice and guidance contained within CP14 and DM9 of the Council's LDF DPDs, and section 16 of the NPPF (revised 2018).

NSDC Archeology Advisor – *Additional comments received 8th August 2018:*

Many thanks for providing a copy of the archaeological Desk Based Assessment for my consideration.

This site is disturbed in part and has no known archaeology within its boundaries, which may be because of lack of survey on this site rather than an absence of archaeology.

The report demonstrates that there are archaeological remains in the area and it is possible that this archaeology extends into this site.

I would ordinarily request as geophysics survey as a non-intrusive way to identify any potential remains, but because this site has been previously developed this type of survey is not suitable.

Further information is required to inform any potential mitigation strategy but this could be provided post determination and secured by condition.

The recommended work will be for some trial trenches to be evaluated in advance of any work beginning on site, and a mitigation strategy should be produced to ensure the appropriate level of recording of any archaeology on site. This is more time /cost effective than a blanket monitoring condition across 168 houses.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would trial excavation which would result in an appropriate mitigation strategy which will then be used for any further appropriate archaeological work.

'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible.' Policy 199 National Planning Policy Framework (2018)'.

A brief will be produced by this department which will lay out the details above, and the specification for the work should be approved by this department prior to the commencement of works. Please ask the developer to contact this office for further details.

Original comments received 12th June 2018:

This application is for a large new development, there is not enough information supplied by the applicant regarding the potential impact on the Historic Environment. There is insufficient information regarding the proposal's impact on the setting, on the archaeological potential of the site, or of the proposed impact of the development. This information should be supplied in the form of a Heritage Statement, as detailed below.

This absence of information on the significance and proposed impact upon designated and non-designated heritage assets is not in accordance to the National Planning Policy Framework.

'In determining applications, 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.' National Planning Policy Framework Section 12, para 128.

The developer should expect, if this application continues, to undertake as a minimum nonintrusive archaeological surveys, and depending on results trial excavation prior to determination.

Natural England - Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Nottinghamshire Wildlife Trust - Thank you for consulting Nottinghamshire Wildlife Trust on the planning application detailed above. We have studied the Risk-based Assessment to Birds Protected under Annex 1 of the Birds Directive (Collins 2018) and have the following comments to make.

Section 4.4.2 Little Ringed Plover

The site was assessed for the potential to support Little Ringed Plover. The assessment concluded that the potential to support this Schedule 1 species was deemed very low, principally, it seems, due to water on site being seasonal. We agree that small shallow areas of water are an important habitat component for little ringed plover but we are of the opinion that the site could still provide nesting habitat. The breeding bird assessment was undertaken too early in the season to record little ringed plover and so we advise a cautionary approach. If it is necessary to carry out land forming work, rubble removal and site clearance works such as hedgerow or shrub removal during the bird breeding season, then a bird survey should be carried out by a qualified ecologist prior to works going ahead to ensure that no active nests will be affected. If active nests are found

then work will have to be delayed until all chicks have fledged. Schedule 1 bird species are afforded additional protection and cannot be intentionally or recklessly disturbed when nesting.

NCC Ecology – No comments received.

Cadent Gas - Should you be minded to approve this application please can the following notes be included as an informative note for the Applicant

Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

Environment Agency – I refer to the above application which was received on the 30 May 2018.

We have been provided with the following information to assess in relation to the potential risks to controlled waters:

- Card Geotechnics Ltd. Phase 1 Geoenvironmental Desk Study for The Moor, Bilsthorpe. Client: Noble Foods Ltd. Report No. CGL/04069 R0. Dated: March 2018.

From the information provided, the site is situated in a sensitive area in relation to controlled waters and is situated in a Groundwater Source Protection Zone 3 (SPZ 3).

From available mapping no drift geology is shown to be present on the site. The solid geology comprises Tarporley Siltstone (a secondary B aquifer). A borehole has been identified within the site boundary which identified Mercia Mudstone/Tarporley (Secondary B aquifer) to approximately 22m, overlying Keuper Green Bed clays (4m thick) overlying Chester Pebble Beds (3.5m thick) and Sherwood Sandstone Group extending to 47mbgl.

A watercourse runs along the eastern boundary of the site which discharges to a pond to the East of the site.

The report indicates that the historic site use was a works, egg processing factory and that demolition has been undertaken on the site with stockpiles present. Potential sources of

contamination identified including fuel tanks, substations, generator, chemical stores, incinerator, effluent treatment works, poultry sheds and an underground water treatment system.

Site investigation and risk assessment has been recommended to be undertaken at the site in relation to controlled waters. We concur with the conclusion that the use of infiltration or soakaway for surface water drainage is unsuitable on the site.

Environment Agency position

Potential sources of contamination have been identified on the site and a Phase 2 Site Investigation and Generic Quantitative Risk Assessment has been recommended to be undertaken on the site. We recommend that controlled waters should be assessed as part of these works including groundwater/surface water sampling and analysis for the contaminants of concern being undertaken.

There will be a requirement to remove historic underground storage tanks and historic related infrastructure as part of the proposed redevelopment works. The existing drainage system may also need to be investigated and decommissioned as part of these works.

The report states that no groundwater was identified or encountered within the on-site borehole, however the log shows significant quantities of groundwater were abstracted from 1961-1965 and our records show an abstraction licence was in place on the site from 1966 to 1972. Investigations should be undertaken to confirm the location and status of the on-site abstraction borehole and it should be decommissioned in line with Environment Agency guidance and best practice by a specialist contractor. A decommissioning report should be provided and submitted as part of the site remediation strategy report and as part of the verification plan.

A site specific piling risk assessment will also be required to be undertaken ensure that no creation of preferential pathways occurs during the piling works.

We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

We note that the information submitted to-date satisfies the requirements of Condition 2 Part 1) requiring submission of a preliminary risk assessment.

Condition1

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. Therefore a piling risk assessment will be required to be submitted in relation to the proposed development.

Reason

Piling or any other foundation using penetrative methods can result in risks to potable supplies

from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

Where deep foundations are proposed we recommend the developer follows the guidance set out within our document 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination' which is available on our website at the following address:
<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>

Condition 2

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

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
potentially unacceptable risks arising from contamination at the site.

2) 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.

3) The results of the site investigation and 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.

4) 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 express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure the protection of controlled waters.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should

contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Condition 3

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason

To ensure the protection of controlled waters.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Condition 4

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure protection of controlled waters.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Informatives

The CL: AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at www.environment-agency.gov.uk for further guidance.
- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information.

Advice to LPA/applicant

New development is within 400m of an Noble Foods, Belle Eau Park Mill EPR/WP3534RW Installation site which *could result in the community at the proposed development being exposed to, odour and noise impacts*. The severity of these impacts will depend on *the prevailing weather conditions*. If the operator can demonstrate that they have taken all reasonable precautions to mitigate these impacts, the facility and community will co-exist, with some residual impacts. In some cases, these residual impacts may cause local residents concern, and there are limits to the mitigation the operator can apply. Only in very exceptional circumstances would we revoke the operators permit.

The Lead Local Flood Authority should be consulted regarding surface water disposal and whilst SUD's are welcomed parts of this site may not be suitable for infiltration on the basis that there

may be contamination present.

Please provide a copy of the subsequent decision notice.

Severn Trent Water – No comments received.

NCC Flood - Current preliminary comments: No objections subject to the following:

- 1.1 Drainage from the site should be via a sustainable drainage system that aligns with The CIRIA SUDS Manual and Non – statutory technical standards. Compliance with these standards may have an impact on the viability of the site layout so must be considered as a priority.
- 1.2 If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
- 1.3 For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change effects. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.
- 1.4 The site drainage system should cater for all rainfall events up to a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- 1.5 Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding. These flow paths must be detailed on a plan
- 1.6 Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.

Representations have been received from 11 local residents/interested parties which can be summarised as follows:

Principle of Development

- A fewer number of bungalows are more suited to this end of the village;
- Concern of losing the peaceful nature of this end of the village and attracting anti-social behavior;
- Object to affordable houses built on or close to boundaries with existing dwelling – should be more expensive types so not a possible loss in value of house;
- The number of properties has not been shown to be needed in Bilsthorpe;
- The type of properties has not been shown to be in the interest of the local community;

- There has been no assessment on the impact on the village composition by adding 136 properties;
- The housing suggested does not appear to accommodate for disability.

Impact on Infrastructure

- The village does not have the infrastructure to cope with this number of houses;
- There are no supermarkets or shopping facilities and only one doctors surgery;
- There are no facilities for children;
- The proposal will put pressure on the village school;
- Public transport is limited;
- The library only opens on a part time basis;
- Bilsthorpe relies on local residents to pick up litter constantly thrown out of passing vehicles;
- The nearest amenities are some distance away;
- Public transport is relatively poor and therefore residents will use vehicles;
- Bilsthorpe requires investment in business and infrastructure more than additional housing as there is a lack of job opportunities;
- There have been other significant residential development put forward within the village;
- The existing drains are insufficient.

Impact on Highways

- The road is very busy at times with vehicles travelling at speed;
- Heavy goods vehicles and movements would be a dangerous hazard to neighbours;
- Many vehicles enter the village at up to 50 mph despite the speed limit change;
- The development would generate an additional 300-400 vehicles entering Kirklington Road;
- The 30mph speed limit should be moved further east;
- It is a pity that the access road has not created a mini roundabout with Meadow Grove;
- There have been recent accidents with cars turning from Meadow Grove;
- It is often difficult to cross the road which is dangerous for children and infirm;
- The entrance so close to Meadow Grove will be a danger to road users – the access should be where the existing main entry / exit to Noble Foods is situated;
- The numbers for trip rate seems very low;
- The number of vehicles could be approx. 500;
- Old Bilsthorpe is already overcrowded with cars;
- The road will become even more congested and dangerous – especially on the section from the bus shelter at The Moor to the exits for the A617 toward Southwell and Newark;
- From Meadow Grove walking towards the village there is no pavement without crossing the road;
- There are no speed awareness signs;
- The location of the proposed site does not appear to meet the requirements for highways highlighting danger and challenges of the site and access;
- The vast majority of people exceed the 30mph speed limit;
- When there are accidents on the A617 / A614 the police divert all traffic on the road.

Impact on Character

- There would be a visual impact through the dismantling of the existing tree line.

Impact on Ecology

- There is suggestion that the proposal would impact on schedule one bird species;
- The development should be rejected until a comprehensive assessment has been carried out.

Impact on Amenity

- There are two pumping stations next to neighbouring properties – there are no details what impact these would have including in terms of noise.

Other Matters

- Land on the site is potentially contaminated with possible asbestos;
- Some residents were not consulted by the community engagement quoted.

Comments of the Business Manager

Principle of Development

The Core Strategy outlines the Spatial Strategy for the District setting a hierarchy for the preferential areas for further development. This essentially focuses the intention for further development within the Newark Urban Area (as a Sub-Regional Centre) in the first instance before cascading to Service Centres such as Ollerton and Boughton and then Principal Villages of which Bilsthorpe is acknowledged as being. It is appreciated that the comments received from neighbouring parties raise concern that Bilsthorpe does not have the facilities to support additional development, but for the avoidance of doubt, Officers consider Bilsthorpe to be a sustainable settlement. Clearly any additional pressure on existing facilities should be addressed by the necessary developer contributions which are discussed later in the report.

The implications of this are that the Allocations and Development and Management DPD includes policies specific to permit further growth within Bilsthorpe including through the allocation of sites on a Proposals Map.

Part of the site forms the housing allocation 'Bilsthorpe – Housing Site 2.' This policy envisages residential development of the site for around 55 dwellings subject to appropriate design to address the site's gateway location and managing the transition into the main built up area. The policy also outlines a need to consider the phasing of development in relation to the cessation of the employment use on the adjacent site. It is noted that this employment building/use has been demolished since the preparation of the policy. Whilst an application for outline development was approved on the site allocation in October 2013, this has since time expired in the absence of a subsequent reserved matters submission.

The remainder of the site is shown on the Proposals Map as a site with planning permission. Indeed as is outlined by the planning history above, this part of the site previously had permission for the erection of 77 dwellings following the demolition of the factory on the site. However the permission is no longer extant. Nevertheless, the fact that the site has previously obtained planning permission for residential development; is outlined on the Proposals Map as a Housing

Site; and moreover falls within the village envelope where development is acceptable in principle, means that the overall principle of development for residential delivery is acceptable.

It is noted that at the time of publication of the Allocations and Development Management DPD, the LPA envisaged that the site area subject to the current proposal would deliver around 132 dwellings. The marginal increase to up to 136 as outlined by the current scheme is not considered significant nor indeed fatal. The allocation process was not intended as a ceiling to development quantum so long as proposals meet the remainder of the Development Plan policies. As such an increase in residential delivery could be considered acceptable.

Housing Type and Density

Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average of 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the council's relevant development plan policies and the housing market at the time of delivery.

On the basis of a net developable area of 4.6 hectares, the delivery of 136 dwellings would equate to a residential density of almost 30 dwellings per hectare in compliance with Core Policy 3. The Planning Statement includes a table outlining a proposed housing mix as follows:

Table 1: Proposed Housing Mix

House Type	Number of Bedrooms	Number of Storeys	Quantity
A	2 bed, 4 person	2 Storey	42
B	3 bed, 5 person	2 Storey	58
C	4 bed, 6 person	2 Storey with Garage	6
D1	4 bed, 7 person	3 Storey with Garage	5
D2	4 bed, 7 person	3 Storey with Garage	19
E1	5 bed, 8 person	3 Storey with Garage	6
		Total	136

I note the currently indicative housing mix demonstrates a focus of 2 bed (31%) and 3 bed (43%) dwellings and dwelling heights up to 3 storeys. As is outlined by the comments of the Strategic Housing Officer (listed in full above) there is a need in the social sector for 1 and 2 beds and no need for 3 beds. There is also a demand for bungalows. Indeed the consultation comments received also reference a need for bungalows in this part of the village. It is however confirmed that the need in the market sector is for 2 and 3 beds and also a demand for larger properties. The above mix would therefore go some way to address market needs.

Notwithstanding the above, the design solution which is developed for submission as part of a future reserved matters application may well comprise a significantly different mix, type and density of dwellings on site to that outlined at this stage. The comments of the Strategic Housing Officer have been passed to the agent during the life of the application for future consideration. As such no firm conclusions can be reached at this outline stage regarding these matters; however the applicant would need to address the requirements of the development plan and to address local need at that time. These matters would be controlled through the reserved matters process where due consideration would be provided to the relevant planning policies and guidance to deliver a high quality housing scheme. Overall I am satisfied that the applicant has demonstrated that it would be possible to develop the site for 136 units whilst offering an appropriate mix and density.

Impact on Character

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

The District Council has undertaken a Landscape Character Assessment (LCA) to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognized a series of Policy Zones across the 5 Landscape Character types represented across the District.

The application site falls within the Mid Nottinghamshire Farmlands Policy Zone 27: Kirklington Village Farmlands. The zone is recognized as being a rolling and undulating landform with dry valleys. Land use is predominantly arable with boundaries generally being hawthorn hedges. It is recognised that further urban development, particularly in Bilsthorpe is one of the drivers for change in the area. Overall the landscape condition is considered to be very poor with a moderate landscape sensitivity. In respect of built features, one of the landscape actions is to create new areas of planting in order to minimize the impact of industry on the character of the Policy Zone.

I appreciate that the current application does not relate to an industrial use (and indeed would occupy a site historically used for industry) but the policy allocations which relate to part of the site refer to a need for, *'an appropriate design which addresses the site's gateway location and manages the transition into the main built up area'*. I interpret this to potentially include either the retention of, or creation of additional planting areas.

In this respect, the incorporation on the indicative site plan of what appears to be a relatively strong landscape buffer along the eastern boundary of the site is considered beneficial in terms of assimilating the built form of the development into the existing settlement on approach from the open countryside. Equally the areas of open space demonstrated throughout the site would aide in fragmenting the character impacts of built form from within the site.

There is no doubt that a scheme for residential development as proposed would alter the existing character of the site. The development would necessitate not only the built form of the dwellings, but also internal infrastructure such as the road network and boundary treatments between the dwellings and on the boundaries of the site itself. It is noted however that the scheme would also include features of a more rural characteristic such as the areas of open space. Moreover, the application must be considered in the context that it is a brownfield site which has historically accommodated the built form of the now demolished factories. In landscape terms, the comprehensive redevelopment of the site for a residential would not be materially worse than the historic uses of the site. The proposal is therefore considered compliant with Core Policy 13 of the Core Strategy and the associated LCA.

Design, Layout and Amenity

A minimum level of information is required in order to fully consider the implications of the proposals when outline applications are considered. In this particular case, the applicant has submitted a Design and Access Statement to present the potential design solutions for the site. In

addition to this an Indicative Masterplan has been presented to provide indicative details of how the site may be delivered. Although the scheme is in outline with only matters of access sought at this stage, it is relevant to consider the parameters of the development together with the Indicative Masterplan to gain a level of certainty that the quantum of development proposed can reasonably be accommodated on the site.

The overall acceptability of the layout will however depend upon the design solution proposed at a future reserved matters stage. The applicant will be expected to address detailed design issues in accordance with relevant development plan policies and the NPPF to ensure that a high quality scheme is achieved, which respects the characteristics of the surrounding area.

In respect of residential amenity, it is not possible to undertake a thorough assessment at outline stage. I note the comments of the Environment Agency in respect of the existing operation of the industrial site within 400m of the site which could have impacts in terms of odour and noise. In this context the 'Agent of Change' principle which has been introduced at paragraph 182 of the 2019 NPPF is considered of relevance. This paragraph states:

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

Whilst no formal assessments have been submitted to explore these impacts at this stage, I am satisfied that in the context of the intervening distance and indeed the already indicated landscaping buffer there would be appropriate mitigation measures such that the dwellings when occupied would not be subject to undue amenity impacts in this regard.

Overall the indicative layout appears to demonstrate that the site could accommodate the quantum of residential development proposed giving appropriate distances between existing neighbouring properties but also giving proposed occupiers adequate private amenity provision in accordance with Policy DM5.

Impact on Highways

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The application seeks to agree matters of access. The original application submission detailed that the access had been designed in the position of previously approved applications which have now time expired. The junction was proposed to be located to the south of the junction with Meadow Grove with a 5.5m road width and 2m wide footways. A suggestion of reducing the speed limit to extend to the eastern end of the site is made to assist in reducing the speed of vehicles along Kirklington Road in the vicinity of the site.

As part of the original scheme, a new lay-by and bus stop was to be provided but it is nevertheless confirmed that there is a convenience store and bus stop within an 800m walk of the site. It is

notable that the comments of Nottinghamshire County Council request that any approval be accompanied by a S106 agreement which secures a contribution of £17,000 towards existing Bus Stop improvements to promote sustainable travel.

The NCC comments also make reference to the impact of the proposal on the A614 / Mickledale Lane junction accepting that if approved, this development, in combination with other proposed and committed development in the village and elsewhere in the District, would likely lead to a severe detrimental impact on this junction. The LPA understand that this junction has been a cause for concern for some time as evidenced by the comments of the Parish Council for this application but also for other residential schemes previously considered (and approved) in the village. However, as is also clarified by the comments of NCC Planning Policy, this junction is listed on the CIL 123 list for improvements. It is fully appreciated that the junction is not currently a priority on the list and indeed the Parish Council have canvassed for this to be re-considered in the past. It would not fall for the determination of this application to address existing highways safety issues. Notwithstanding that this application, if approved, would compound the overall impact on this junction, it is not appropriate to debate and consider the order of the CIL 123 list through the current application. Given that the works are included on this list, it would be inappropriate to resist the application purely on these grounds (indeed also acknowledging that the principle of residential development within the site has been accepted in some respects by the sites allocation).

Moving then to the specifics of the current application, NCC Highways team has commented on the proposal as the Highways Authority with their original comments listed in full above. These comments identified a number of issues with the application both in respect to the submitted Transport Assessment but also the positioning of the proposed access. This has been subject to lengthy negotiations and discussions throughout the life of the application with the latest position set out within the comments received 29th April 2019 (subsequent confirmation has been sought that the latest plan received 7th May 2019 does not alter the crux of the comments and is thus appropriate to be referenced in the recommend conditions).

During the discussions the potential for a roundabout access was suggested. However, given the significant amount of land take and matters of viability (discussed further below) this approach was subsequently discounted. What is now presented for consideration is a scheme which aims to reduce vehicle speeds in both directions by virtue of a gateway treatment to the southeast and a junction buildout to the northwest. This also serves to widen the footway width at the bend to allow connectivity with the village and the re-siting of the existing bus stop further from the junction. The junction form at the site is a priority junction with a ghost island, which will protect right turning vehicles and also include a pedestrian refuge to mitigate against the increased crossing width for pedestrians crossing from the southwest to access the footway.

NCC Highways latest comments do make some reference to internal layout elements which are shown indicatively but acknowledge that these are not for full assessment at this stage. Overall, on the basis of the lengthy discussions which have taken place during the course of the application, NCC Highways have confirmed that they have no objections to the proposal as now submitted, subject to conditions including those to secure the footway and bus stop improvements presented.

Flood Risk and Drainage

The applicant has submitted a Flood Risk Assessment (FRA) as part of the submission in accordance with the requirements of NPPF and NPPG. The FRA indicates that the site is located entirely within Flood Zone 1 and as such is assessed as having less than 1 in 1,000 annual probability of river or sea flooding. The Sequential Test does not apply to residential development within flood zone 1 and as such the location of the proposed development is considered appropriate in terms of flood risk.

The report also considers development drainage stating that the existing drainage of the site currently drains to a watercourse to the east of the site. The intention is to retain this method of drainage but confirms that the proposed development will offer a 30% reduction to pre-development flows to ensure betterment to the existing drainage regime.

The application has been subject to consultation with NCC Flood Team as the Lead Local Flood Risk Authority. No objections have been raised subject to the consideration of drainage details which could be secured by condition.

Impact on Ecology

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment.

The site is located within the 5km buffer zone identified in Natural England's Indicative core area & RSPB's IBA boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total and that the Council must pay due attention to potential adverse effects on birds protected under Annex 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their guidance note dated March 2014.

The authority is required to carry out a Habitat Regulations Assessment (HRA) under Regulation 61 & 62 of the Conservation of Habitats and Species Regulations 2010 (Regulations).

The Regulations require *"a competent authority, before deciding to undertake, or give consent, permission of other authorisation for, a plan or project which:*

- a) Is likely to have a significant effect in a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*
- b) Is not directly connected with or necessary to the management of that site*

Must make an appropriate assessment of the implications for that site in view of that's site's conservation objectives."

An appropriate assessment requires the LPA to:

- Determine whether a plan or project may have a significant effect on a European site
- If required, undertake an appropriate assessment of the plan or project

- Decide whether there may be an adverse effect on the integrity of the European site in light of the appropriate assessment

The application has been accompanied by a Phase 1 Habitat Survey as well as a Risk Based Assessment to birds protected under Annex 1 of the Birds Directive. The latter document explicitly discusses the implications of the proposal on nightjar and woodlark. It is concluded that the habitat around the site is considered unsuitable for these species, being largely open arable fields with areas of housing associated with the village. Recommendations are made however in respect of avoiding vegetation clearance within the bird breeding season and ensuring that any additional lighting would be as far away from the boundary as possible as well as being carefully designed to direct light. These measures could be secured by condition should permission be forthcoming.

It remains for the Council, as Competent Authority, to satisfy ourselves that the planning application contains sufficient objective information to ensure that all potential impacts on the breeding Nightjar and Woodlark populations have been adequately avoided or minimised as far as is possible using appropriate measures and safeguards. I consider that the significant level of Public Open Space anticipated within the development will encourage residents to use recreational space adjacent to their homes.

In my opinion the proposals will not result in a direct impact on the pSPA and any impact would be indirect from recreational pressure, albeit not directly to the site itself noting its brownfield nature. I consider that on balance the mitigation measures set out above will mean that any potential indirect impact on the Sherwood pSPA is likely to be minimal. Given this conclusion, it is considered the requirement to complete an appropriate assessment has not been triggered and the development is in compliance with the provisions of the Regulations.

The overall ecological survey confirms that there are a range of dense habitat features on the site which offer opportunities for nesting birds as well as supporting a large rabbit colony. The report goes on to suggest mitigation strategies for various species which could be secured by condition should permission be forthcoming.

Both Natural England and Nottinghamshire Wildlife Trust have provided comment on the application. The latter comments make reference to Section 4.4.2 of the Risk Based Assessment for Birds related to Little Ringer Plover. It is confirmed that Schedule 1 bird species are afforded additional protection and cannot be intentionally or recklessly disturbed when nesting. I have taken the opportunity to clarify with NWT that they are satisfied that any risk could be adequately addressed through appropriate conditions (for example avoiding works within bird breeding season). A response has been received stating that this would be appropriate but also raising the point that, given the outline nature of the submission (and indeed that the ecological surveys are already dated over a year ago) it may be the case that the habitat could change significantly before the development is built. On this basis I consider that it would be reasonable to attach an additional condition requiring the submission of an updated ecological survey with any reserved matters submission.

On balance, I am satisfied that the proposals will not unduly impact on the biodiversity of the area and opportunities to conserve and enhance biodiversity can be secured through conditions. The proposals therefore comply with the aims of Core Policy 12, Policy DM7 and the guidance in the NPPF.

Impact on Heritage

Core Strategy Core Policy 14 relates to the historic environment and states that the District has a rich and distinctive historic environment and that the Council seeks, *“the continued preservation and enhancement of the character, appearance and setting of the Districts heritage assets and historic environment....including archaeological sites...(and) Conservation Areas...”* Paragraph 5.71 states that the Council will ensure that any proposals concerning these heritage assets will secure their continued protection and enhancement, contributing to the wider vitality, viability, regeneration of an area, reinforcing a strong sense of place.

Matters of archeology were not assessed through the original application submission but on the basis of comments received during the consultation process, a Heritage Statement was submitted during the life of the application received on 30th July 2018.

The assessment found a total of 37 Nottinghamshire Historic Environment Record records within a 1km search radius from the site. The assessment concludes an indication of low to moderate potential for archaeological remains dating from the prehistoric and Roman periods, and negligible to low potential for Saxon, medieval and post-medieval settlement remains. Moreover, the previous land use of the site (notably the construction and subsequent demolition of the factory) may have significantly impacted upon any potential archaeological remains.

Both NSDC Conservation and the Councils Archaeological Advisor at Lincolnshire County Council have assessed the application. The comments of the latter acknowledge the disturbance of the site which in this case is deemed appropriate justification to not insist upon a geophysics survey pre-determination. The comments go on to recommend that the additional work should be in the form of trial trenches and a mitigation strategy albeit it is accepted that this could be secured by condition in the event of a forthcoming approval. NSDC Conservation do not make any formal observations that would contradict this conclusion. I am therefore satisfied that the applicant has met the requirements of the NPPF through the Heritage Impact Assessment submission and that subject to conditions, the development would be appropriate in the context of Core Policy 14 and Policy DM9.

Impact on Contaminated Land

Paragraph 170 of the NPPF confirms that planning decisions should contribute to and enhance the natural and local environment including in the context of remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The application has been accompanied by a Phase 1 Geo-environmental Desk Survey which has been assessed by colleagues in Environmental Health and the Environment Agency. The report identifies that several pollutant linkages have been identified on the site owing to the previous use as an egg processing factory. Potential sources of contamination identified include fuel tanks, substations, generator, chemical stores, incinerator, effluent treatment works, poultry sheds and an underground water treatment system. It goes on to recommend a Phase 2 intrusive investigation is carried out and on this basis the EH Officer has requested a full phased contamination land condition be attached to any approval.

The comments of the Environment Agency focus on the presence of the site within a sensitive area in relation to controlled waters being in a Groundwater Source Protection Zone 3. As a consequence the comments of the EA request that the Phase 2 investigation recommended

should include an assessment of controlled waters including groundwater and surface water sampling and analysis for the contaminants of concern. Overall no objection to the residential development of the site is raised albeit a number of conditions are recommended to be imposed should permission be forthcoming.

I am satisfied that the developer has appropriately considered the previous land uses of the site and subject to the mitigation measures secured through conditions the site could be considered appropriate for residential use. I note one of the neighbouring consultation responses received referred to the potential for the site to feature asbestos but I have seen no evidence to support this and consider that the overall contamination condition would cover any potential risk in respect to this.

Developer Contributions and Viability Position

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). The SPD is a useful starting point for the applicant in setting out the approach to resolving negotiable elements not dealt with by the CIL and of the site specific impacts to make a future development proposal acceptable in planning terms.

The following section sets out the policy requirements in respect to contributions for a development of this size:

Affordable Housing

Core Policy 1 outlines an expectation for 30% affordable housing on site. Based upon the maximum number of units as detailed on the Indicative Masterplan, this would deliver 41 affordable units.

Community Facilities

As defined by the Developer Contributions and Planning Obligations SPD, community facilities include (but are not limited to), Community Halls; Village Halls and Indoor areas for sport. In the interest of comprehensive development, the District Council will seek the collective provision of new infrastructure (where necessary). Based on 2016 indexing, for a development of 136 dwellings this would equate to a financial contribution of **£188,233.52**.

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.

The comments of Local Education Authority suggest that the development would yield an additional 29 primary and 22 seconding places. A contribution of **£332,195.29** (29 x £11,455) has therefore been sought. It is noted that this amount actually exceeds the latest figures from the

Developer Contributions SPD but it is equally noted that no 2016 indexing figures have been formally provided and thus presumably this amount has taken the latest indexing into account.

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 amounts to **£133,636.32** for the entire 136 units.

Despite a lack of specific comment from the health bodies as to exactly where the monies would be spent towards, it is notable that a lack of healthcare facilities in the village has been raised as a concern through the consultation process. Officers therefore maintain that the health contribution should be secured in full.

Libraries

The Council's SPD allows for contributions towards library stock at a cost of £47.54 (based on 2016 indexation) per dwelling. Nottinghamshire County Council have requested a contribution of **£6,062** in respect to Library stock.

Open Space

A development of up to 136 dwellings is required to make a contribution towards open space in the form of provision for Children and Young People; Amenity Green Space; Natural and Semi-Natural Green Space and Outdoor Sports Facilities. The indicative site layout incorporates on site provision in the form of areas of open space at 1,875m² and an area for Local Equipped Area for Play at 575m².

It is noted that the actual figures may differ slightly given the changes made to the indicative layout throughout the life of the application but there is the opportunity to secure these figures as minimum quantum through any associated legal agreement.

The requirements of open space provision are outlined by the SPD. The requirement of the SPD for Children and Young People and Amenity Green Space on site amounts to 4,406m² in total for on-site provision (thus even with the demonstrated provision the scheme would fall short by 1,956m²).

It is appreciated that it is unlikely that outdoor sports facilities would be provided on site and therefore an off-site contribution would be more appropriate in this respect. This would amount to **£100,329.92** based on 2016 indexing of the SPD figures.

Highways

NCC as the Highways Authority have made a specific request that the current development would warrant a contribution of £17,000 towards existing bus stop provision within the vicinity of the site.

In addition to this, NCC Highways have referenced that a Planning Obligation Strategy payment would be due on the basis of the trips generated from the development. It is requested that this

would attract a payment of £44,800. No evidence has been provided to neither justify this nor confirm where the monies would be spent towards and this is therefore not considered to reasonable.

The suggested informatives relating to separate legal agreements to be entered into by the applicant with the Highway Authority can be attached to any consent.

CIL

The Council's adopted Community Infrastructure Levy confirms that for residential development, Bilsthorpe is rated zero.

Viability Case

Clearly the starting point for any application is that the proposed development would deliver the full suite of contributions considered necessarily attributed to the development. In the case of outline applications, some contributions cannot be fixed until overall numbers are known. The S106 would therefore need to set out, where relevant, a series of formulas to be applied to each separate obligation dependent on details submitted in the reserved matters stage.

Although not referenced in the original application submission, the applicant has advanced a viability case during the life of the development. Paragraph 57 of the NPPF confirms that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. However, both the NPPF and the NPPG makes clear that where the viability of a development is in question, 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.

The original viability report received was dated 18th September 2018. The report detailed a number of appraisal scenarios including a full suite of contributions and 30% affordable housing; a full suite of contributions and 10% affordable housing; a full suite of contributions and 0% affordable housing; and no contributions and 0% affordable housing. These are based on a benchmark profit level of 20% on GDV. The report concludes that even without any contributions or S106 costs the viability of the site still calculates a negative land value. This statement is notably also made without the inclusion of abnormal costs which would reduce the figures further.

As with previous instances where we have been presented with a viability case, Officers have negotiated an independent review of the appraisal at the cost of the applicant. The response received from Gerald Eve dated 16th October 2018 raised issues with the submitted viability assessment including that there is no benchmark land value and therefore the appraisal does not comply with RICS guidance. The independent review justifies a site value of £170,400. It is also considered that the overall build cost attributed by the applicant are too high and therefore a rebased slightly lower figure is used in the independent review. The original response of Gerald Eve stated that the scheme would be capable of providing a Section 106 payment of £451,473 when their adjustments are accounted for. However this is caveated on the basis that the further clarification would be required with regards to the adopted site value thus seeking further information from the applicant.

After some negotiation, the application has produced an updated viability report dated 18th December 2018. The revised document incorporates £1.3million of abnormal costs as follows:

Abnormal	Cost
Highways	£340,000
Site Testing	£11,000
Ecology	£7,500
Contamination (provisional estimate)	£20,000
Drainage	£500,000
Site Clearance	£450,000
Archaeology	£8,000
Total	£1,336,500

The report goes on to dispute the land values used by Gerald Eve stating that a higher value should be adopted considering the sites previous industrial use. In their latest response, Gerald Eve point out that no evidence has been provided to justify an uplifted value in this context. Neither were the abnormal costs listed above been supported by a cost report, as recommended by RICS guidance. However, Gerald Eve have run the appraisal with all abnormal costs except for highways and accepted that in this context the scheme would generate a negative land value of circa £330,000. The overall concluding paragraph states:

GE has undertaken a detailed analysis of the Advisor's revised FVA submission. In summary we note the following issues within the FVA:

- *The Advisor has not provided a compliant BLV for the scheme; and*
- *The Advisor has not provided evidenced abnormal costs, contrary to RICS guidance.*

We are of the opinion that the revised FVA is not compliant with PPG and RICS guidance and further evidence should be provided in relation to the above issues. However given that the development generates a negative benchmark land value after undertaking sensitivity testing reducing the abnormal costs/and the BLV substantially we consider that the site is unable to provide any Section 106 obligations and affordable housing whilst remaining financially viable.

Given the uncertainty, the Council could consider a Viability Review Mechanism (VRM) to ensure that the actual costs and values are assessed mid-way through the development.

The applicant has submitted additional evidence since this response (received 9th May 2019) in the form of some commentry in relation to the aforementioned abnormal costs including estimates from the relevant expertise. Given that it does not alter the figures presented above and therefore would not ultimately change the financial conclusions of the latest independent review, Officers have not put the applicant to the additional expenditure of a further independent review.

Clearly there remains some uncertainty to the actual figures associated with the viability review but the position of the independent consultant is clear, the site is unviable to deliver the full

required suite of developer contributions and 30% on site affordable housing.

Notwithstanding the above, Officers are conscious that paragraph 64 of the NPPF states that:

Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the 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. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely for Build to Rent homes;*
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);*
- c) is proposed to be developed by people who wish to build or commission their own homes;*
- or*
- d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.*

The 10% figure has also been reinforced by the latest national CIL consultation. This has been presented to the applicant as an absolute minimum requirement for the proposal.

The agent acting on behalf of the applicant has confirmed by email dated 9th May 2019 that, despite the preceding viability discussions, they would accept a legal agreement securing 10% affordable housing rather than the refusal of the application on this basis. The context of the agreement is very much a reluctant one partially on the basis that a house builder has not yet been identified for the site and thus there is no guarantee that a developer would come forward to buy the site knowing they would have to deliver 10% affordable housing on site. It is worthy to note at this stage that Officers do not recommend that the legal agreement has a review mechanism built into it as this could diminish the 10% secured in the future on the basis of the viability evidence already presented.

Even with the negotiated 10% affordable housing and areas of on-site open space (contrary to the advice of our Independent Viability Consultant as to what the scheme can afford); there would still be a *significant* shortfall in overall contributions. This shortfall is not to be taken lightly when the impact in real terms is considered. The development would undoubtedly put pressure on the existing services within the village including the education and health system with no monetary mitigation secured whatsoever. This will clearly hold significant negative weight in the overall planning balance undertaken below.

Overall Conclusions and Planning Balance

The application site is within a sustainable village and forms a site allocation albeit not in a conventional sense given that part of the application site was shown as a site with planning permission which has since lapsed. There is no doubt however, that the envisaged residential delivery of the site has contributed towards the calculations which now form the Councils five year housing land supply consolidated in the recent adoption of the revised Core Strategy.

The Parish Council comments articulate the local viewpoint and make great emphasis on the current road network which serves the village with its existing associated issues. However,

Members will be aware that it does not fall to the current application to solve existing highways issues but rather to ensure that the development could be safe in its own right. This has been subject to lengthy discussions and negotiations throughout the life of the application with the County Council (as the Highways Authority) now being in a position to accept the access arrangements presented (the only matter for formal consideration).

The outline nature of the proposal does not allow the ability to appraise the detail of the scheme at this stage. However, it is relevant at outline stage to agree the legalities of the associated contributions which would be secured for any development which would progress to reserved matters stage. Unfortunately, the applicant has presented a viability case throughout the life of the application which states that the development can afford no contributions whatsoever. This has equally been agreed by the Council's Independent Viability Advisor. Clearly this causes a significant concern in the determination of the application. In line with paragraph 64 of the NPPF, Officers have been able to secure agreement from the applicant that if approved, the proposal would be accompanied by a legal agreement to secure 10% on site affordable housing.

It is not lost on Officers that this would still amount to a significant shortfall in comparison to the overall contribution package which would be expected for a development of this size. However, the difficulty in refusing an application purely on this basis (noting that all other material considerations are now found to be acceptable subject to conditions) is that Independent Viability Advice confirms that the scheme cannot afford any contributions. In the context of an allocated site the risk is that this brownfield site would be left undeveloped. This would clearly have consequences for the Districts housing delivery and in a worst case scenario could put pressure on other greenfield sites not necessarily within sustainable settlements to deliver the required housing need.

Whilst noting the heavy compromises in respect to contributions as evidenced by the viability case, Officers are minded to attach significant positive weight to the allocated and brownfield nature of the site and its potential housing delivery which this site presents in line with the Strategic Plan for the District. On this basis the recommendation before Members is a finely balanced approval subject to the conditions outlined below and the securing of a legal agreement for the aforementioned 10% on site affordable housing as well as a minimum quantum of on-site open space.

RECOMMENDATION

That outline planning permission is granted subject to the conditions outlined below and the signing of an associated Section 106 agreement.

Conditions

01

Applications for approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

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

02

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

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

03

Any details submitted in relation to reserved matters for landscaping shall include a schedule (including planting plans and written specifications, cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and shall include details of a management plan. It is recommended that both the boundary hedgerows are gapped up with native species such as hawthorn, blackthorn, hazel, guelder rose (*Viburnum opulus*), dogwood (*Cornus sanguinea*), crab apple (*Malus sylvestris*) and holly. The hedgerows, once re-established, should be sensitively managed on a two or three-year rotational basis to create a dense foliage and help boost the berry crop.

Reason: In order to ensure the landscaping of the site promotes biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

04

The development hereby permitted authorises the erection of no more than 136 dwellings.

Reason: To define the planning permission in line with the technical studies submitted to accompany the application. To ensure that traffic generated by the proposed development is commensurate with the ability for the adjacent highway infrastructure to safely accommodate the additional traffic, in the general interest of highway safety.

05

No development shall be commenced until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings (respectively) have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

06

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.

07

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any located nests must then be identified and left undisturbed until the young have left the nest.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

08

No dwellings shall be occupied until the highway works shown indicatively on drawing number 1936-F06 Revision G are provided.

Reason: In the interests of Highway Safety

09

No more than 50 dwellings shall be occupied until a 2 metre footway enabling a connection to bus stop NS0602 is provided on the east side of Farnsfield Road, in accordance with details to be first submitted and approved in writing by the Local Planning Authority.

Reason: In the general interests of Highway Safety and sustainability of the development.

10

The reserved matters for the layout for the development hereby permitted shall include detailed information including all key dimensions of road and footway widths, junction and forward visibility splays and shall be accompanied by swept path analyses of an 11.6m refuse vehicle throughout. The layout shall be in accordance with the Design Guide effective at that time. (For the avoidance of doubt the submitted Master Plan (P-P01) and Design & Access Statement shall be considered to be for indicative purposes only).

Reason: To ensure the development is designed to adoptable standards in the interests of Highway safety.

11

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after

development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the

remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12

Development shall not commence within the application site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that any features of archaeological interest are protected or recorded.

13

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. Therefore a piling risk assessment will be required to be submitted in relation to the proposed development.

Reason: Piling or any other foundation using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

14

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local

planning authority:

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
potentially unacceptable risks arising from contamination at the site.

2) 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.

3) The results of the site investigation and 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.

4) 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 express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure the protection of controlled waters.

15

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure the protection of controlled waters.

16

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure protection of controlled waters.

17

Any subsequent reserved matters application shall be accompanied by an updated ecological survey carried out by a qualified ecologist within the relevant appropriate timeframes outlining the ecological potential of the site at that time. The development hereby approved shall thereafter be carried out in accordance with any recommended mitigation measures incorporated within the results of such survey.

Reason: To ensure the protection of the ecological value of the site.

18

Notwithstanding the requirements of condition 17 above, the development hereby approved shall be carried out in accordance with the requirements of Section 6.2 of the Phase 1 Habitat Survey dated April 2017 undertaken by BJ Collins including in respect to the landscape recommendations (already referenced in condition 03 above); a bat and bird sensitive lighting scheme; and the collection of any species found during works.

Reason: To ensure the protection of the ecological value of the site.

Informatives

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

The Advanced Payments Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

04

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

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.

05

Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

06

The Environment Agency wish for the following advice to be noted:

The CL: AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at www.environment-agency.gov.uk for further guidance.
- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information.

New development is within 400m of an Noble Foods, Belle Eau Park Mill EPR/WP3534RW Installation site which *could result in the community at the proposed development being exposed to, odour and noise impacts*. The severity of these impacts will depend on *the prevailing weather conditions*. If the operator can demonstrate that they have taken all reasonable precautions to mitigate these impacts, the facility and community will co-exist, with some residual impacts. In some cases, these residual impacts may cause local residents concern, and there are limits to the mitigation the operator can apply. Only in very exceptional circumstances would we revoke the operators permit.

The Lead Local Flood Authority should be consulted regarding surface water disposal and whilst SUD's are welcomed parts of this site may not be suitable for infiltration on the basis that there may be contamination present.

BACKGROUND PAPERS

Application case file.

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

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

Matt Lamb
Director Growth and Regeneration

