

Application No:	17/01266/OUTM (MAJOR)
Proposal:	Outline planning application for the construction of up to 350 dwellings; formal and informal open space, structural green space, surface water drainage infrastructure and access from the B6326. All other matters to be reserved
Location:	Land At Fernwood Meadows South Great North Road Fernwood Newark
Applicant:	Mrs Hannah Guy – Larkfleet Homes
Registered:	19.07.2017
	Target Date: 08.11.2017 Extension of Time Agreed in Principle

The application is being referred to Planning Committee in acknowledgement of the scale and strategic nature of the development. In addition the Parish Council object to the application which differs to the professional officer recommendation.

Existing Site Context

The existing settlement of Fernwood lies south of Balderton and comprises approximately 1133 dwellings on the site of the former Balderton Hospital and its extensive grounds. Some of the dwellings, Dale Crescent (to the north-west) and those on Spring Drive were already in existence and were originally associated with the former hospital but the majority (c1,099) are modern, newly built dwellings designed and constructed as part of the new village that was conceived in the early 1990's and delivered over various phases since. The main spine round that loops around the estate has now been adopted by the County Council, albeit some of the estate to the north-east is not yet adopted.

There is an existing local centre within Fernwood village which is located centrally. This comprises a Village hall, Children's Day Nursery, 'One Stop' Convenience Store with some smaller retail units adjacent. There is also an Annexe of Chuter Ede Primary School (built in 2012) located to the north-eastern corner of the site which originally catered for 75 pupils and had 3 classrooms. This has been extended (known as Phase 2) and now has capacity for 210 pupils (single form entry). Balderton Hall, a former private banker's residence dated 1840 and now commercial offices remain on site as does the former water tower, a local landmark building which remains unconverted.

The development is set amongst areas of public open space, punctuated by mature trees (many of which are protected by preservation orders) and there is recreational space on site which includes a football pitch, 3 tennis courts and children's play areas.

The existing settlement is accessed off the B6326 Great North Road (which leads from the A1 Trunk Road towards Balderton) via two roundabouts. The existing settlement is bound to the east by Spring Lane, to the south by Hollowdyke Lane and to the west by the B6326 Great North Road. To the north there is an open field and beyond this is the A1.

To the west of the B6326 is a site identified as a high quality B1 Business Park. Development that has taken place so far includes some offices to the north-west, a public house (The Tawny Owl) and Lancaster Care Home.

The Application Site

The application site comprises approximately 22.61 hectares of agricultural land situated to the south of the existing village of Fernwood on the south eastern edge of the administrative boundary for District. The existing built form of Fernwood village is situated immediately adjacent to the northern boundary of the site separated by Hollowdyke Lane. Other nearby settlements include the village of Claypole to the south east of the site. The site forms part of the wider Fernwood allocation and as such land immediately to the south is subject to an application for further residential development as discussed at length below.

The site comprises two agricultural fields with a mix of arable crops. Boundaries are defined by the Shire Dyke to the east (which also forms the administrative boundary of Newark and Sherwood and South Kesteven District Councils, the latter of which falls under Lincolnshire County Council); the existing road network to the west (namely the B6326 Great North Road) and the aforementioned neighbouring land uses to the north and south.

The red line site location plan incorporates areas of the highway network to allow the development to apply appropriate mitigation measures. To the north western corner of the site there is an existing balancing pond which is excluded from the red line site location plan.

There are a number of constraints which affect the site including the existence of a gas pipeline which runs north to south towards the east of the site. The smaller field towards the east of the site falls within Flood Zone 3 according to the Environment Agency maps. There is also a small element of the site towards the eastern boundary which falls within Flood Zone 2. This is owing to the flood plain extremities of the River Witham which runs south to north further east of the site. The majority of the site is within Flood Zone 1. The topography of the site is relatively flat.

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

There are no public rights or way within the site itself. There is however a footpath on the south side of the Shire Dyke. There are belts of trees protected by Tree Preservation Orders in the existing village of Fernwood to the north of the site (but not within the site itself).

Relevant Planning History

The application site is primarily greenfield and therefore there is no formal planning history in relation to the application site in terms of individual planning applications other than the request for a scoping opinion which the LPA responded to in April 2017 (reference 17/SCO/00001). The application has also had pre-application discussions with the LPA.

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

14/00465/OUTM - Proposed residential development for up to 1050 dwellings and associated facilities (Education & Recreation) infrastructure and utilities; application for outline planning permission (including access) – *Application approved December 2017. Application by Barratts/David Wilson Homes (BDW) Reserved matters application currently pending consideration reference 18/00526/RMAM.*

16/00506/OUTM - Outline planning application for a phased residential development of up to 1,800 dwellings; a mixed use Local Centre of up to 0.75ha to include up to 535sqm of A1 food retail (not exceeding 420sqm) and non-food retail (not exceeding 115sqm), A3 food and drink uses (not exceeding 115sqm), D1 community uses (not exceeding 1,413sqm); sports pavilion up to 252sqm; primary school (2.2ha) with school expansion land (0.8ha); formal and informal open space including sports pitches, pocket parks, structural landscaping / greenspace and drainage infrastructure; principal means of access, internal roads and associated works. All other matters to be reserved. – *Application pending (Members were minded to approved the application at Committee in September 2016 however it is likely that the application will come before Members again on the basis of a revised viability position). Application by Persimmon Homes.*

Background

The land around Fernwood is identified as a strategic site (NAP 2C) as part of Newark’s Growth Point status which is set out in the Council’s Core Strategy. This strategic site has been identified for a mixed use development for in the region of 3,200 dwellings, a business park, local centre comprising retail, service, employment and community uses and associated green transport and other infrastructure.

In 2006 the Council secured Growth Point status, with Greater Fernwood (the expansion of the existing Fernwood including this application site), Land South of Newark, and Land East of Newark being allocated in the Core Strategy (2011) as Strategic Urban Extension (SUE) sites to accommodate the majority of Growth across Newark and Sherwood District. Each of the SUE sites remains critical to this Authority delivering on the housing numbers committed to (and the associated infrastructure).

The Proposal

Outline consent is sought for a residential scheme of up to 350 dwellings with associated areas of public open space; green and drainage infrastructure. The proposal would include a mix of open market and affordable dwellings. The application has been submitted on the basis of all matters except access being reserved. Access to the site would be by a new roundabout from the B6326. Despite the outline nature of the proposals, the Planning Statement has allowed for the following mix of land uses:

Land Use	Land Area (ha)
<i>Developable Housing Area (up to 350 units)</i>	9.67
<i>P.O.S</i>	2.95
<i>Infrastructure (Roads)</i>	3.68
<i>SUDS</i>	1.35
<i>Wild Flower Meadow</i>	2.9
<i>Allotments</i>	0.41
<i>Total Area</i>	20.99

The development is intended to be delivered over four phases in a west to east direction across the site.

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

- A suite of Parameters Plans:
 - Application Boundary
 - Land Use
 - Green Infrastructure
 - Access and Connectivity
 - Phasing
 - Masterplan
- Planning Statement;
- Design and Access Statement (D&AS);
- Transport Assessment;
- Residential Travel Plan;
- Statement of Community Involvement;
- Arboricultural Report;
- Phase 1 Habitat Survey;
- Built Heritage Assessment;
- Flood Risk Assessment;
- Air Quality Assessment; and
- Affordable Housing Statement.

Departure/Public Advertisement Procedure

Letters have been sent notifying of the application to all existing residents of Fernwood village as well as neighbouring properties in close proximity to the site. Site notices have been placed at varying locations around the site. An advert has also been placed in the local press.

Planning Policy Framework

The Development Plan

Fernwood Neighbourhood Plan (made October 2017)

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

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 5 Delivering Strategic Sites
- Spatial Policy 6 Infrastructure for Growth

- Spatial Policy 7 Sustainable Transport
- Spatial Policy 8 Protecting and Promoting Leisure and Community Facilities
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type, and Density
- Core Policy 6 Shaping our Employment Profile
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character
- Core Policy 14 Historic Environment
- Area Policy NAP 2C Land Around Fernwood

Allocations & Development Management DPD

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

Other Material Planning Considerations

- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions SPD (December 2013)
- Newark and Sherwood Landscape Character Assessment SPD (December 2013)
- National Planning Policy Framework 2012 and its Technical Guidance.
- National Planning Policy Guidance, March 2014.

Consultations

Fernwood Parish Council – Comments received 18th September 2017:

‘Object to the proposal (unanimously)

The current road infrastructure is not adequate to serve 350 extra houses (as well as the 2850 other houses planned for Fernwood - 1800 houses being built by Persimmon and 1050 by BDWH.) – adverse impact on B6326.

In line with Fernwood Parish Council’s strategy, we do not support this application with a residents’ management company.

The lack of amenities and retail units for this proposal is also a concern.’

Further comments received 22nd September 2017:

‘The Parish Council Resolved to Object to the above application at its meeting on 18th September 2017 for the following reasons:

1. Traffic

The current road infrastructure is not adequate to serve 350 extra houses (as well as the 2850 other houses planned for Fernwood – 1800 houses being built by Persimmon and 1050 by Barratts/David Wilson Homes). This will have an adverse impact on B6326. The Core Strategy acknowledges strategic highway infrastructure improvements will be required at various locations on the rural highway network within the District.

2. Community

The National Planning Policy Frameworks states ‘decisions should plan positively for the provision and use of shared space, community facilities.... Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. If each development in Fernwood has a different management company this will not give an integrated approach. In line with Fernwood Parish Council’s strategy, we do not support this application with a residents management company.

3. Amenities

The lack of amenities and retail units for this proposal is also a concern for the Parish Council.

Barnby Parish Council – No comments received.

Balderton Parish Council – No comments received.

Newark Town Council - No Objection was raised to this application at Newark Town Council's Planning Meeting held on 2nd August, 2017.

Hawton Parish Council - No comments received.

Farndon Parish Council - No comments received.

Cotham Parish Council - No comments received.

Coddington Parish Council – *Comments received 18th September 2017:*

‘Coddington Parish Council (CPC) supports the Proposal for Fernwood Meadows South and has studied with particular interest the various Transport or Highways documents which discuss Hollowdyke Lane. It is a matter of record that CPC has regularly raised concerns, since the 2010/11 Growth Point consultation, regarding the use of the C83 (Main Street/Coddington Road/Balderton Lane) as a “rat-run” between Balderton/Fernwood, via Coddington, and the A1, A17 and A46; CPC engaged its own consultants to study the issue. The use of Hollowdyke Lane, Fernwood, as an entry/exit point for the C83 was always a leading concern and CPC forwarded the applicant, as part of the Public Consultation, a letter summarising our responses to the two most recent Fernwood applications (14/00465/OUTM-Fernwood North/BDW) and 16/00506/OUTM-Fernwood South/PEMH). In those responses CPC had welcomed the provision to convert the northern end of Hollowdyke Lane to a ‘bus-only’ link-up to Coddington Road in Balderton, as part of the development’s sustainable transport package. This would allow only pedestrian, cyclist, public transport and, if required, agricultural vehicle access on to Hollowdyke Lane from the C83. The current application’s TA has no reference to this area of concern.

The applicant (Statement of Community Involvement pp 22-23 responses) stated that there would be no direct [vehicle] access to Hollowdyke Lane, *subject to future local authority requirements*. That caveat has already been broached in the Nottinghamshire County Council (NCC) letter (Mr Portman) dated 30 August 2017 where on page 4 (4th para) the requirement for greater intra-Fernwood north/south connectivity (in our view an essential need) will entail linkage to Hollowdyke Lane. Separately, and most reassuringly for CPC, NCC also wrote, on 5 September 2017, regarding 14/00465/OUTM(BDW) and Section 106 Agreement conditions, with Condition No 5 requiring, in essence, to restrict Hollowdyke Lane – Main Street access to buses and cycles only “*unless otherwise agreed in writing*” (CPC italics). Generally, CPC is wary of caveats and will continue to monitor, and challenge as necessary, in respect of Hollowdyke Lane. Coddington village has already experienced a substantial increase in traffic on its roads, arising from the C83 route and the growth of Fernwood hitherto. Sustained, growth-associated, open use of the Hollowdyke Lane/C83 junction, after completion of the BDW development, would exacerbate these conditions, damaging the living environment of residents, creating congestion for all road users, and causing danger, particularly to children and parents entering and leaving Coddington School.’

South Kesteven District Council – ‘The above proposal has been considered by this Authority and on the 23rd August it was resolved that this Council wishes to make the following comments:’

1. It is considered that having regard to the nature and scale of the proposed development and the development already agreed on adjacent sites South Kesteven District Council has no fundamental objection to the proposal.

However, as the site is adjacent to the district boundary we would request that NSDC carefully considered the following points:

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

Claypole Parish Council - No comments received.

Highways England – ‘Referring to the planning application referenced above, consultation dated 20 July 2017, regarding the outline planning application for the construction of up to 350 dwellings; formal and informal open space, structural green space, surface water drainage infrastructure and access from the B6326, located at Fernwood Meadows South, Great North Road, Fernwood, Newark, notice is hereby given that Highways England’s formal recommendation is that we:

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

Highways Act Section 175B is not relevant to this application.

This represents Highways England's formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2015, via transportplanning@dft.gsi.gov.uk.

HIGHWAYS ENGLAND ("we") has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard to planning application 17/01266/OUTM and has been prepared by Scarlett Griffiths.

The proposed site is located at land approximately 400m to the east of the A1 at Fernwood, Newark-on-Trent, and is situated immediately to the south of the Fernwood North site (14/00465/OUTM) and north of the Fernwood South site (16/00506/OUTM). All development traffic from these sites are expected to impact on the SRN at the A1 off-slip / Goldstraw Lane roundabout and the at-grade priority B6326 / A1 junction to the south of Fernwood, however we are content that the cumulative impacts from the wider allocation can be accommodated by the package of mitigation works previously agreed and conditioned to the Fernwood North and Fernwood South applications, detailed as follows:

The Fernwood North relevant condition states that:

- *No more than 100 dwellings of the proposed development hereby approved shall be occupied until improvements to the B6326 / Goldstraw Lane roundabout as shown in Waterman drawing Goldstraw Lane Roundabout dated 24/07/2015 are complete and open to traffic...*

The Fernwood South relevant conditions state that:

- *Prior to the occupation of 100 dwellings, improvements to the A1 / B6326 junction (as shown in Milestone drawing 14106/037) are complete and open to traffic...*
- *Prior to the occupation of 900 dwellings, improvements to the A1 / B6326 junction (as shown in Milestone drawing 14106/027 revision C) are complete and open to traffic...*

From review of the Transport Assessment (TA) submitted in support of this application, the impacts of the Fernwood Meadows South development at the southern A1 junction are acknowledged in Paragraph 8.7 where it is proposed that should occupation of 100 dwellings be reached prior to Fernwood South site reaching its 100 dwelling trigger for mitigation works, the Fernwood Meadows South development shall deliver these works. This is welcomed, however no reference is made to the impacts on the Goldstraw Lane roundabout which TA Figure 10 predicts will result in an increase of 240 two-way trips in the worst case AM peak.

The risk exists that should this development progress prior to the adjacent sites reaching their trigger point for delivering mitigation, resulting impacts on the A1 in terms of network capacity and safety concerns may not be addressed.

To address this risk, Highways England would wish to better understand the agreement between the developers through further discussion with the LPA to ensure the continued safe and effective operation of the SRN whilst best supporting the progress of the developments.

In order to support the LPA in determining this outline application, unless further details are provided by the applicant to support alternative trigger points for delivery of the agreed mitigation, Highways England recommends the following planning conditions be attached to any grant of consent:-

1. No more than 100 dwellings of the proposed development hereby approved shall be occupied until improvements to the B6326 / Goldstraw Lane roundabout in broad accordance with that shown in Waterman drawing Goldstraw Lane Roundabout dated 24/07/2015 are submitted to and agreed by the Local Planning Authority in consultation with Nottinghamshire County Council (acting as Local Highway Authority) and Highways England, subject to Detailed Design and Road Safety Audit, and are complete and open to traffic.
2. No more than 100 dwellings of the proposed development hereby approved shall be occupied until improvements to the A1 / B6326 junction in broad accordance with that shown in Milestone drawing 14106/037 are submitted to and agreed by the Local Planning Authority in consultation with Nottinghamshire County Council (acting as Local Highway Authority) and Highways England, subject to Detailed Design and Road Safety Audit, and are complete and open to traffic.

Reason: To ensure that the A1 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, in the interests of road safety.

Nottinghamshire County Council Highways – Comments dated 13th September 2017:

‘The transport implications of the proposed Greater Fernwood development which includes this proposed development of 350 houses by Larkfleet Homes have been looked at in the recent past and modelled using the Newark Traffic Model. A package of highway mitigation measures was identified for the whole Greater Fernwood development proposals and trigger points set for developers to meet to deliver those improvements. Included in the measures is the improvement to the B6326 bridge over the A1 which will be delivered via the District Council using CIL contributions.

In respect of this planning application the applicant will be required to fund an improvement of the London Road/ B6326 Great North Road / A1 northbound slip road roundabout identified within the submitted Transport Assessment.

The developer will clearly be responsible for providing the site access roundabout, too, on to the B6326. The B6326 roundabout access is acceptable *in principle* but is still undergoing a design check. However, given that the site frontage is sufficient to allow any modifications to the design to take place, it is expected that an acceptable access arrangement can be agreed, particularly since pre-application advice has been acted upon.

The Planning Authority may wish to consider whether this requirement should be presented in more detail as part of this outline application where access is to be determined, or suitably conditioned given that the main access off the B6326 is acceptable in principle.

The access roundabout drawing submitted (TR-001-S2-P2) shows this roundabout tying in with an agreed proposal to narrow the B6326 Great North Road to 7.3m to allow the construction of a shared-use cycle/footway on its eastern side. This improvement was agreed as part of the Persimmon development to the south (App. 16/00506/OUTM). Should the development subject to this application come forward before the Persimmon development, then it is reasonable to expect Larkfleet Homes to carry out the same improvement between their site and the Dale Way junction to cater for pedestrian and cycle trips generated by their development.

Notwithstanding the submitted Masterplan (assumed to be indicative only) it is imperative that, subject to a specified trigger, full access (including that for motor vehicles) be provided off Hollowdyke Lane.

In addition, given the standard of Hollowdyke Lane as a single track lane (with possible passing places, subject to other permissions) it is reasonable to expect this Lane to be closed off to motor vehicle traffic once a new road link between Hollowdyke Lane and the B6326 Great North Road, through this development, is made available. Associated with this is the need to set a trigger for the delivery of this road link. Also, it will be necessary to impose a Traffic Regulation Order to prohibit motor vehicles using Hollowdyke Lane at its junction with B6326 Great North Road, or a similar scheme to be agreed with the Highway Authority. For the sake of clarity, such a restriction would need to be implemented at the discretion of the Highway Authority and will take account of the use of Hollowdyke Lane for construction vehicles associated with this or other development in the area, and the delivery of an alternative route through the development. The proposed introduction of a Traffic Regulation Order can only be made by the Highway Authority, Nottinghamshire County Council, and the legal and implementation costs associated with it need to be met by the developer under a Section 106 Agreement. This will include signs, bollards, minor kerb works, etc. to the satisfaction of the Highway Authority.

Full road/vehicular links should also be provided between this development and the adjacent, planning- approved Persimmon development to the south.

The Travel Plan is still being finalised for agreement. Meanwhile a condition may be applied for revised submissions to be made and agreed (*example below*).

Suggested Conditions:

No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

Reason: To promote sustainable travel.

No part of the development hereby permitted shall take place until details of the new development road layout have been submitted to and approved in writing by the Local Planning Authority including drainage and outfall proposals. The development shall be implemented in

accordance with these details to the satisfaction of the Local Planning Authority. Such details shall include for potential bus routes, and full access connections with Hollowdyke Lane and adjacent land to the south.

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

No more than 300 dwellings forming part of the development hereby approved shall be occupied unless and until a road link catering for vehicles and pedestrians is constructed in accordance with a scheme which shall be firstly submitted to an approved in writing by the LPA and made available for public use between Hollowdyke Lane and the B6326 Great North Road.

Reason: To provide connectivity and permeability between areas of development and promote sustainable travel.

No more than 100 dwellings forming part of the development hereby approved shall be occupied unless and until improvements to the B6326 Great North Road between the main access roundabout and the Dale Way junction have been made to reduce the carriageway to 7.3m, provide street lighting, and a cycle/footway on the east side of the B6326 in accordance with details to be first submitted to and agreed in writing by the LPA.

Reason: To promote sustainable travel.

No more than 300 dwellings forming part of the development hereby approved shall be occupied unless and until improvements to the B6326 Great North Road/London Road/A1 Slip Road have been made to improve capacity in accordance with details to be first submitted to and agreed in writing by the LPA, but shown *indicatively* on Waterman's drawing 210354-010.

Reason: In the interests of highway safety and capacity.

Prior to the occupation of 100 dwellings, improvements to the A1 / B6326 junction (*as shown in Milestone drawing 14106/037*) are complete and open to traffic, subject to Detailed Design and Road Safety Audit.

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

Notes to Applicant:

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

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. 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 with the Highway Authority.

NCC Highways Travel Plan - The residential travel plan for Fernwood Meadow, Newark has been reviewed and the comments are below:

The main concern is the statement in para 7.1 that this is a sustainable location: the TP seems to place great emphasis on the Persimmon Homes East Midlands (PHEM) development – Fernwood South, both in terms of walking and cycling connections, but also in terms of bus services. There is a para showing how bus services could serve the site without PHEM in terms of infrastructure, but not in terms of the actual buses serving the site. What is the likelihood of the PHEM development and how does the timing work? It could be that the Fernwood site comes first and has limited walking / cycle connections, and no bus service??

- Section 8.8 and 8.14 refers to the offer of Public Transport vouchers. These are not referred to within the 'incentives' section. For a site of its size, we would recommend that the offer of Public Transport taster tickets be explored (as have been secured in TPs securing other developments of similar size), particularly considering the PHEM plans to extend the public transport network.
- Any traffic counts should be undertaken in 'Neutral' months (i.e. March, April, May, September, October), and should be conducted in Years 1, 3 and 5 of the Travel Plan according to the SAM methodology.
- Whilst it is understood that a permanent Travel Plan Coordinator has not been appointed at this stage, details of an interim TPC should be included within the Travel Plan now and sent to NCC. This could be a representative of the developer or their agent. Once a permanent TPC is appointment, NCC should be informed of the change of details.

Nottinghamshire County Council Strategic Planning – 'Thank you for your letter dated 20 July 2017 requesting strategic planning observations on the above informal enquiry. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make. Please note that these are officer level comments awaiting committee chair approval and on approval being provided these comments will be updated to reflect this. (Confirmation received 13th November 2017 that the comments have been Chair approved).

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.

Minerals and Waste

The adopted Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy (adopted 10 December 2013) and the saved, non-replaced policies of the Waste Local Plan (adopted 2002), along with the saved policies of the Nottinghamshire Minerals Local Plan (adopted 2005), form part of the development plan for the area. As such, relevant policies in these plans need to be considered. In addition, Minerals Safeguarding and Consultation Areas have been identified in Nottinghamshire, in accordance with the NPPF, which should be taken into account where proposals for non-minerals development fall within them.

Waste

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10). As set out in Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.' In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

Minerals

The site is not located within a Minerals Safeguarding and Consultation Area. The application site is within close proximity to a Gypsum MSA/MCA; however there is no anticipated impact.

To the west of the application site, beyond the A1, Bantycok Quarry and Jericho Works are located. Both these facilities are at a distance from the proposed development whereby it would be unlikely that there would be any risk to the operation of these facilities.

Strategic Highways

Nottinghamshire County Council (NCC) advises that it has been working closely with NSDC and a number of prospective developers to establish the transport implications of the proposed Greater Fernwood development, which includes the proposed development of 350 houses by Larkfleet Homes (application 17/01266/OUTM). NCC advises that in strategic transport terms a package of highway mitigation measures are required to support the District Council's growth agenda at Balderton / Fernwood. This has been established following detailed traffic modelling using the VISUM traffic model of Newark and immediate surrounds. In order to share the cost of these highway improvements it has been suggested that individual developers are directly responsible for specific junction improvement works and cumulatively all developments will contribute to the NSDC CIL which will collectively, among other schemes, address the improvement of the B6326 bridge over the A1 which will need widening to cater for the future forecast traffic volumes. The CIL contributions will also be used to improve other highway junctions in Newark town centre, as listed on the NSDC CIL Regulation 123 list of schemes. In respect of this planning application the

applicant will be required to fund an improvement of the London Road/ Great North Road / A1 North Bound slip roads roundabout, in addition to the CIL contributions, and the cost of the formation of the proposed site access roundabout with the B6326. The timing of the off- site junction improvements are to be subject of further discussion with the applicant and the district council.

NCC also advises that the applicant will need to ensure that the development provides on-site highway infrastructure capable of accommodating public transport routing and provides vehicular connections to both Hollowdyke Lane to the north and the land to the south of the application site (Persimmon development). In this way, wider north-south connectivity and accessibility will be secured which will allow a proportion of the 'internal' trip making to be contained within the Greater Fernwood development without the need for unnecessary vehicle trips onto and off the B6326 Great North Road.

Public Transport

NCC has conducted an initial assessment of this site in the context of the local public transport network. Discussions regarding the public transport contribution required to support a substantial increase in the number of dwellings at a number of pre-existing development sites in the Fernwood area have been held between NCC and local bus operators.

At this time it is envisaged that NCC will wish to negotiate with the developer and Highway Development Control regarding the provision of appropriate bus service enhancements to serve the site.

Infrastructure

The plans should include provision for public transport vehicles to access the site. It is recommended that the developer considers how public transport links to the development will co-ordinate with public transport provision to the other proposed adjacent developments and other sites in the Fernwood area, including through the provision of 'bus only' access.

NCC requires new bus stop infrastructure to be installed close to or within the development through Section 38 and Section 278 agreements where appropriate. This includes the below standards at all relevant bus stops:

- Bus Stop Pole including Flag
- Bus Shelter
- Solar Lighting in Bus Shelter
- Raised Kerb
- Real Time Displays and Associated Electrical Connections
- Bus Stop Clearway
- Additional Hard Stand (if required)

It is noted that the site masterplan does denote the location of two bus stops. Transport & Travel Services request that the proposed new bus stop locations and accessibility isochrones meeting 6Cs design guidelines are marked on all relevant plans going forward.

The Council specification for bus stop facilities should be complemented by Automatic Vehicle Location (AVL) and Traffic Light Priority (TLP) where appropriate.

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

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

Transport & Travel Services will wish to negotiate with the developer and Highway Development Control regarding new bus stop infrastructure that will need to be installed throughout the development.

Current Infrastructure

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

NS0895 Collinson Lane - Bus Stop Pole including Flag

Infrastructure Improvements – New Stops on existing highway adjacent to the site

New Stop 1 Great North Road - Bus Shelter; Solar Lighting in Bus Shelter; Raised Kerb; Real Time Displays; and Associated Electrical Connections; Bus Stop Clearway; Additional Hard Stand (if required).

New Stop 2 Great North Road - Bus Shelter; Solar Lighting in Bus Shelter; Raised Kerb; Real Time Displays; and Associated Electrical Connections; Bus Stop Clearway; Additional Hard Stand (if required).

In addition to new bus stop infrastructure within the site, which will be subject to separate discussions, Transport & Travel Services would request that a planning condition be issued that states the below:

No part of the development hereby permitted shall be brought into use unless a pair of stops are installed on Great North Road to the satisfaction of the Local Planning Authority and shall include a bus stop pole and flag, a raised boarding kerb, polycarbonate bus shelter, additional hardstanding (if required), solar lighting, real time information display and associated electrical connections and an enforceable bus stop clearway.

Justification

The specified new bus stops are necessary to ensure accessible bus stop facilities are provided close to the development for bus services passing long the Great North Road. Therefore, the new stops are directly relevant to the development, and the specification is precise and reasonable in relation to the scale and location of the development (350 dwellings).

Nottinghamshire County Council, Transport and Travel Services request public transport funding contributions from the proposed development. The rationale for funding set out in this document represents the current position, and is based on a baseline costs and assumptions.

Further information can be supplied through developer contact with Transport & Travel Services.

Ecology

This application is accompanied by an EIA; this does not cover Ecology (which was scoped out). However, there is no form of ecological assessment evident (such as a Preliminary Ecological Appraisal) to support the application, which is required irrespective of whether Ecology is included in the EIA or not (given, for example, that protected species are known to be present in the wider area). Therefore NCC is unable to comment on the ecological implications of this application, or request that specific mitigation measures are put in place, until such a time that this has been submitted (which must be prior to the determination of the application, in accordance with paragraph 99 of Government Circular 06/2005).

It is also not possible to comment on the layout or landscaping, as it is not known what, if any, ecological mitigation is required. Nevertheless, it is pleasing to see that large areas of wildflower meadow and native tree and shrub planting form part of the landscaping proposals. NCC requests that a condition requires the submission of a detailed landscaping scheme, to include species mixes, establishment methods and maintenance regimes, and that another condition requires a Landscape and Habitat Management Plan to be produced, setting out how areas of retained and created habitat will be maintained.

Landscape and Visual Impact

These are the comments on Landscape and Visual Impact Issues only, and are prepared by Via East Midlands Ltd acting as consultant to Nottinghamshire County Council Planning. Because of resource constraint, the comments have been prepared on the basis of existing site knowledge and desk top information only, without a specific site visit.

The following information presented by the applicant has been considered: -

- Boundary Plan
- Phasing Plan
- Land use plan
- Masterplan and illustrative landscape masterplan
- Scoping report
- Design and Access Statement
- Environmental Assessment (missing relevant figures from chapter 7)
- GI Strategy

Existing site

The existing 20ha site is currently agricultural land immediately south of the existing Fernwood development on the site of the former Balderton hospital. It is bounded by hedge and mature trees to the north, with Hollowdyke Lane and beyond the well treed former parkland setting of the existing Fernwood development. To the east is Shire Dyke with agricultural fields beyond. To the

western boundary is a hedge which is intermittent in places beyond which is the old Great North Road.

Proposed Development

The site lies within the wider Strategic Sustainable Housing site as referenced in policy NAP2C of the Core Strategy; Land Around Fernwood. To the north east of the site there is an outline application of 1050 houses pending consideration and to the south a proposed development of 1800 houses to the south submitted in 2016.

The application seeks consent for the construction of 350 new dwellings, with associated open space and infrastructure including new access roundabout to the Great North Road. As stated in the Environmental Assessment, the impact of the proposed development on the wider area requires to be considered as part of the surrounding wider proposed development, the cumulative impact of which is considerable.

At the site level, the development comprises housing blocks surrounded by perimeter of existing hedge, augmented by buffer planting. Avenue planting of small to medium size street trees is proposed through the development on residential roads, interlinking 4 play areas. A substantial area of open space is proposed to the east of the site, to include allotments and suds ponds. The indicative layout shows the potential this eastern area offers to help integrate the development into the wider landscape and open countryside to the east, particularly when considered in tandem with the proposed open space within the development to the south. It offers the opportunity to create a parkland type area to emulate the parkland setting of the former hospital to the north. The rather scattered blocks of trees and lack of integration in terms landscape planting of the allotment site means that this potential is not fully realised in the masterplan provided.

Physical landscape Impact of proposals on site features

The majority of existing landscape features appear to be retained and enhanced. The landscape structure will be strengthened through proposed planting, albeit now containing an urban rather than agricultural land use.

Impact of development on Landscape Character

As stated the completed development will have a 'further urbanising element into the local landscape' (Environmental Statement vol. 2 7.8.9), although as also stated offers the potential to characteristic features to be restored and enhanced including hedgerows, and characteristic ditches. I am in agreement with the conclusion reached by the applicant regarding scale of effect at construction and at a time point of 11 years at which point the new landscape elements will have had opportunity to mature to some extent.

The proposed landscape and green infrastructure structure is effective in achieving mitigation for the construction effects particularly in relation to impact on landscape character and views from the open countryside to the east. The success of the proposed mitigation will be reliant on effective high quality and robust landscape proposals being developed at detail design, with resourced and managed establishment and ongoing management of landscape elements. This will be considered through submission of reserved matters.

Visual impact of the proposals

The applicant states that feedback from Nottinghamshire County Council on proposed viewpoints was sought May 2017. Unfortunately lack of available resource prevented response at the time. Via Landscape (on behalf of NCC) is in agreement with the nature and magnitude of effect assessed for visual receptors so far as is possible to judge from the written elements of the assessment.

The applicant appears to have identified all the main receptors, and to have assessed potential effects during construction and operation using an appropriate methodology undertaken in line with the Guidelines for Landscape and Visual Impact Assessment' (GLVIA3).

Cumulative Landscape Effects

The applicant summarises how the proposed development site comprises part of wider mixed use strategic sites, primarily the 'land around Fernwood' and adjacent 'land south of Newark'. The proposed development will form approximately 10% of the Land around Fernwood strategic site.

These 2 sites lie wholly within the South Notts. Farmlands Character area, and will experience potential adverse effects as large areas of agricultural land are developed to become urban areas. The greatest cumulative effect will be on Policy zone SN08 Cotham Village Farmlands, which has been assessed as having moderate adverse effect on completion reducing to negligible /minor beneficial post establishment. The policy requirements for the strategic allocations in terms landscape character including retention hedges, trees and water features will be achieved by this particular development, if implemented as proposed.

Cumulative Visual Impact

As stated, development of the wider strategic site allocation for land around Fernwood will have a significant effect on views for higher ground to the east and A1, in close proximity to the site, as well as receptors on the rights of way network. However, the application site forms a relatively modest proportion of wider strategic site, and is largely contained within the proposed development. The 'exposed boundary with open countryside to the east is mitigated' by the proposed landscape treatment, particularly the eastern open space.

Summary

The proposed development is supported, subject to:

- Consideration of missing plan and figures relating to landscape and visual impact assessment and arboriculture assessment

Submission of detailed landscape proposals and management plan at reserved matters stage.

There has been discussion with NSDC staff who have confirmed that the development to the north (1800 units approx.) has been approved subject to agreement s106 and is going to committee 15th September. NSDC understood the issue flagged relating to the potential problems relating to the fact that the strategic site is being developed through 3 different but abutting applications in terms landscape elements, these being:

- Potential lack connectivity and coherence of the open spaces and landscape structure and access and circulation as a result of this split development responsibility.
- Potential inconsistency in future management and maintenance approaches.

This is particularly the case for the open space on eastern side of all 3 developments. This has the potential to create a coherent parkland landscape structure which interfaces with the countryside and could mitigate urbanising influence of the development on the wider landscape and also provide a valuable Green Infrastructure resource for the development residents.

Therefore I think it would be appropriate to add a requirement for provision of an integrated approach across all 3 developments address to landscape structure, landscape management and Green infrastructure/ access at the reserved matter stage.

Archaeology

NCC have had discussions with the applicant's archaeological consultant on the results of the geophysical survey and we have agreed that the necessary further archaeological works can be undertaken as a phased programme post consent. NCC suggests the following condition:

No development shall take place within any phase of the site until the applicant has secured the implementation of a programme of archaeological work for the relevant part in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The WSI shall include:

- the results of the geophysical survey
- the statement of significance and research objectives
- the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- the programme for further mitigation, post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

Public Health

The local health report found in Appendix 1 identifies that many of the health indicators are: *similar to but not better than the England average.*

The National Planning Policy Framework (NPPF) seeks to promote healthy communities. Paragraphs 69-78 of the NPPF sets out ways in which the planning system can play an important role in facilitating social interaction and create healthy inclusive environments. Planning policies should in turn aim to achieve places which promote:

- Safe and accessible environments
- High quality public spaces
- Recreational space/sports facilities
- Community facilities
- Public rights of way

The Nottinghamshire Joint Strategic Needs Assessment (JSNA) provides a picture of the current and future health needs of the local population:

<http://jsna.nottinghamcity.gov.uk/insight/Strategic-Framework/Nottinghamshire-JSNA.aspx>. This states the importance that the natural and build environment has on health.

The Nottinghamshire Health and Wellbeing Strategy sets out the ambitions and priorities for the Health and Wellbeing Board with the overall vision to improve the health and wellbeing of people in Nottinghamshire:

<http://www.nottinghamshire.gov.uk/caring/yourhealth/developing-health-services/health-and-wellbeing-board/strategy/>

The 'Spatial Planning for Health and Wellbeing of Nottinghamshire' document approved by the Nottinghamshire Health and Wellbeing Board in May 2016 identifies that local planning policies play a vital role in ensuring the health and wellbeing of the population and how planning matters impact on health and wellbeing locally. In addition a health checklist is included to be used when developing local plans and assessing planning applications:

<http://www.nottinghamshireinsight.org.uk/insight/news/item.aspx?itemId=44>. It is recommended that this checklist is completed to enable the potential positive and negative impacts of the pre application on health and wellbeing to be considered in a consistent, systematic and objective way, identifying opportunities for maximising potential health gains and minimizing harm and addressing inequalities taking account of the wider determinants of health.

Obesity is a major public health challenge for Nottinghamshire. Obesity in 10-11 year olds in this area is similar to not better than the England average Obesity levels for this It is recommended that the six themes recommended by the TCPA document 'Planning Health Weight Environments' – http://www.tcpa.org.uk/data/files/Health_and_planning/Health_2014/PHWE_Report_Final.pdf are considered to promote a healthy lifestyle as part of this application. The six themes are:

- Movement and access: Walking environment; cycling environment; local transport services.
- Open spaces, recreation and play: Open spaces; natural environment; leisure and recreational spaces; play spaces.
- Food: Food retail (including production, supply and diversity); food growing; access.
- Neighbourhood spaces: Community and social infrastructure; public spaces.
- Building design: Homes; other buildings.
- Local economy: Town centres and high streets; job opportunities and access.

Due to the size of the development it is recommended that planners discuss this development as part of the Mid Nottinghamshire Local Estates Forum and also consult with Newark and Sherwood Clinical Commissioning Group to consider any additional healthcare requirements e.g. S106 / CIL.

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.

Education Provision

A multiple site solution is being adopted to deliver education provision in Fernwood which needs to be master planned. A contribution will be required from this development and we are in discussions with education colleagues regarding the specific amount required.

Libraries Provision

In respect of libraries I can confirm that should this scheme come forward as a formal application the County Council may require library contributions and we will provide a response as to what this will be at this stage. The calculation of contributions will be based on the content of the County Council's Planning Obligations Strategy which can be viewed at <http://www.nottinghamshire.gov.uk/planning-and-environment/general-planning/planning-obligations-strategy> or any superseding document which may be prepared.

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.

Additional comments from NCC Landscape Team received 17th August 2017:

The consultant has now sent through the missing information, which is fine so please remove the 'proviso' in relation to my support of the application in my letter of the 9th August.

I have also talked to NSDC planning officer who confirms that the development to the north (1800 units approx.) has been approved subject to agreement s106 and to the north is going to committee 15th September. She understood the issue I had flagged relating to the potential problems relating to the fact that the strategic site is being developed through 3 different but abutting applications in terms landscape elements I

- Potential lack connectivity and coherence of the open spaces and landscape structure and access and circulation as a result of this split development responsibility
- Potential inconsistency in future management and maintenance approaches

This is particularly the case for the open space on eastern side of all 3 developments. This has the potential to create a coherent parkland landscape structure which interfaces with the countryside

and could mitigate urbanising influence of the development on the wider landscape and also provide a valuable Green Infrastructure resource for the development residents.

Therefore I think it would be appropriate to add a requirement for provision of an integrated approach across all 3 developments address to landscape structure, landscape management and Green infrastructure/ access at the reserved matter stage.

I am in support of the proposed development, subject to:

- Submission of detailed landscape proposals and management plan at reserved matters stage. This should show how access, landscape proposals and landscape management across the 3 adjacent developments will be addressed with the aim of maximising access, habitat and landscape interconnectivity, and ensuring uniformly high standard of future management.

Additional comments received from NCC Ecology 7th September 2017:

With regards to the Extended Phase 1 Survey Report – Hollowdyke Land, Fernwood – Area A (dated September 2016), I have the following comments:

- The application site is dominated by arable farmland of low ecological value; small areas of habitat of higher ecological value, including boundary hedgerows, semi-improved grassland and standing water are also present.
- No designated sites would be affected by the proposals, with the Local Wildlife Site which forms the eastern boundary of the site being incorporated into the open space.
- The report recommends further surveys for both great crested newts and reptiles (grass snake). Such surveys are seasonally constrained (great crested newt surveys now cannot be carried out until April 2018), and planning guidance (paragraph 99 of Government Circular 06/2005) indicates that they should not be conditioned, i.e. the results of such surveys would be required prior to the determination of the application.
- I believe that surveys were carried out of the wider Fernwood site in 2010 although I haven't got a copy of relevant reports; they are referred to, for example, in the Aspect Ecology Baseline Ecological Assessment dated February 2014. These surveys found no evidence of great crested newt (including in the pond on the current application site), but did record low numbers of reptiles (both grass snake and grass snake).
- Acknowledging that this survey data is rather out of date, I would nevertheless suggest that the applicant's ecologist review their recommendation for great crested newt surveys given the delay that requiring these will cause (although noting that such recommendations were made a year ago so sufficient time has been available to do them), and that they do this with reference to other ecological surveys which have been undertaken in and around the area relating to the Fernwood development.
- Furthermore, given the limited extent of suitable habitat for reptiles, and the likelihood that only a low population would be present, I suggest that the applicant's ecologist consider whether the development of reasonable avoidance measures/precautionary methods of working are more appropriate to avoid the accidental killing of reptiles, especially as the development will give rise to the creation of much more extensive areas of suitable habitat as part of the landscaping.

Please note that as per my previous comments (submitted via NCC's strategic planning team), I would request a condition requires the submission of a detailed landscaping scheme, to include species mixes (selected with reference to the relevant Landscape Character Area species list

available at:
<http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm>), establishment methods and maintenance regimes, and that another condition requires a Landscape and Habitat Management Plan to be produced, setting out how areas of retained and created habitat will be maintained.

In addition, a condition should be used to control vegetation clearance during the bird nesting season, which runs from March to August inclusive. I would also welcome a condition requiring the installation of integrated bird and bat boxes into the fabric of a proportion (at least 20%) of the new dwellings, or their garages.

Additional comments from NCC Developer Contributions 18th September 2017:

In terms of education contributions, the County Council would be seeking a financial contribution to provide primary provision to accommodate the additional pupils that would arise from this development. It should be noted that this will not be based on the formula contained within the Planning Obligations Strategy but the build cost which is subject to further confirmation and which will be related to that of the adjoining school site which is proposed.

It is considered that this development cannot proceed unless adequate provision of a new school is provided either within this site or, as currently envisaged as part of the Persimmon site to the south which incorporates a new school (2.2.ha) and expansion land (0.8ha) which takes account of the other sites which are proposed for development within the area.

In addition I can confirm that in the event that this scheme is granted permission, the County Council would wish to be a signatory to any legal agreement which may be prepared.

Additional comments received from NCC Ecology 10th October 2017:

Further to my comments dated 7 September 2017, an Ecological Summary document dated 21 September 2017 (incorporating Reptile Survey Report and a Great Crested Newt Survey Report) has now been supplied. This confirms that:

- A single grass snake, indicating a low population of this species, was recorded during reptile surveys. A condition should therefore require the production of, and compliance with, a Precautionary Method of Working for reptiles, based on paragraph 5.5. of the Reptile Survey Report, and adding that phased vegetation removal should progress from the centre of the site towards the retained boundaries
- No evidence of great crested newt was found at the site, although small populations of smooth newts were encountered. Mitigation is proposed in section 6 of the Great Crested Newt Survey Report, and the production of an Amphibian Mitigation Strategy, based on these recommendations, should be conditioned.

Additional comments from NCC Developer Contributions received 5th December 2017:

I am contacting you in response to your email below in which you sought clarification about whether a library contribution is being requested by the County Council as part of the above application. I have discussed this matter with my colleague and can confirm that based on the current stock level of Newark Library the County Council will not be seeking a library contribution from this development.

Nottinghamshire County Council Rights of Way – No comments received.

Lincolnshire County Council Rights of Way – No comments received.

Ramblers Association –

‘We have no problem with this development and welcome the green spaces at its eastern edge.

It appears that fields both to the north and south of this area are scheduled for development. It would be ideal if the west bank of Shire Dyke could be turned into a footpath. This would then extend southwards to Shire Lane (and even beyond) and northwards to link with rights of way going to the current Fernwood site and to Claypole.’

Lincolnshire County Council Planning – No comments received.

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

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

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

It is acknowledged that there is no requirement to identify where those CIL monies will be directed as part of the determination of any application. That said, Sport England would encourage the Council to consider the sporting needs arising from the development as well as the needs identified in its Infrastructure Delivery Plan (or similar) and direct those monies to deliver new and improved facilities for sport.

It is noted however that the councils S123 list does not include indoor or outdoor sports facilities in addition no such facilities are proposed for the site.

The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity offsite.

The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment. The applicants submission states that they are prepared to contribute to off-site community facilities we assume that this includes outdoor and indoor sports facilities.

The Councils Playing Pitch Strategy (currently under review) should be used to establish the outdoor formal sports needs arising from this development.

The population of the proposed development is estimated to be around 840 new residents. This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.

You may be aware that Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types.

The SFC indicates that a population of 840 in this local authority area will generate a demand for around 100 additional visits to sports facilities per week equating to a financial contribution of around £300,000 to new or improvements to existing facilities to cope with that demand. A copy of the SFC report is attached Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing.

The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. The applicants have used active design in the development of the site which is supported by Sport England

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

We can confirm therefore support the principle of a contribution to off-site indoor and out-door sports facilities. Sport England would be happy to comment further once the details of the contribution are known.

NSDC Community Sports and Arts – 'I would consider this site to be of strategic importance and therefore I would welcome the opportunity to discuss the proposed community infrastructure to ensure that it is complimentary to the other two development sites in the Fernwood Extension.'

Further comments received 6th December 2017:

The contribution would indeed be directed to projects which would link to the existing Fernwood although details are not absolute, when we responded to the Fernwood extension we suggested that an additional community hall would not be the most practical and cost effective solution and that investment in the existing facilities would be more practical, meaningful and complementary to the existing facilities. It is recognised that the existing Fernwood Village Hall is very well used and does not have the capacity to meet increasing demand generated through the proposed new strategic sites therefore it was suggested that enlargement of this community resource would be a preferred option. In addition it was suggested that further community facilities could be developed adjacent to the tennis courts, petanque terrain, sports pitch and children's play space to provide ancillary facilities to enhance the sporting and recreation offer that currently exists. The precise details have not been developed as they will need to be progressed in discussion with

the Parish Council and wider Fernwood community in order to get the right mix and quantum of provision that will serve the community in the future.

NSDC Emergency Planner – ‘I have noted the flood risk assessment and maps highlighting the proposed site being in a flood zone (full information as per the mapping section). Following the proposer’s consultation with the Environment Agency a number of mitigating/recommended measures have been highlighted and detailed in section 8 to prepare the development for a flooding eventuality. It would be prudent for those measures to meet the lifespan of the property taking cognisance of persons who may reside there at any time in the future and variables surrounding the RA (e.g. vulnerability/disability/age etc.)

I have not had sight of a specific emergency/evacuation plan for the proposed site. As per the National Planning Policy Framework (NPPF) I would draw attention to Section 3 highlighting emergency/evacuation plans; Developers are advised to have flood emergency plans in place for developments in flood risk areas to ensure that evacuation and flood response procedures for the development are documented and agreed. These plans should include:

- Aims and objectives of the plan
 - Maps showing development and flood risk areas, including depth and velocity of flooding
 - Evacuation or containment procedures, including evacuation routes
 - Flood warnings (EA Flood Warning Service) and identification of local flood warden.
 - Safe refuge information
 - Identification of vulnerable residents
 - Utility services
 - Procedures (including details of any stores containing flood defences e.g. sandbags)
 - Emergency contact information
- Media information e.g. local radio stations and warning processes for residents.

I would also highlight the following:

New developments in flood risk areas must not increase the burden on emergency services.

New developments must have access and egress routes that allow residents to safely exit their property during flood conditions. This includes vehicular access to allow the emergency services to safely reach the development during flood conditions’

NSDC Parks and Amenities – ‘I note from the Planning Statement and Green Infrastructure plan that this development of up to 350 dwellings will include a range of public open space types including children’s playing space, amenity open space, natural and semi-natural green space and allotments. There appear to be sufficient areas of all of these green spaces included to satisfy the requirements of the Council’s Supplementary Planning Document covering Developer Contributions and Planning Obligations.

I welcome the retention of existing trees and hedgerows and the inclusion of wildlife friendly open spaces across the development. The inclusion of small natural play spaces is also to be welcomed. However all of these areas will require sensitive and regular maintenance and this needs to be agreed as part of the planning process. The numerous SUDs features also have the potential to be areas of significant biodiversity but again their maintenance will need to be properly agreed and implemented.

There is no on-site provision of outdoor sports facilities as is required for a development of this size but I note that para 7.7 of the Planning Statement suggests that these will be met via an off-site contribution.'

NSDC Strategic Housing – No comments received.

NHS Newark and Sherwood CCG – No comments received.

National Planning Casework Unit - No comments received.

Historic England – 'Thank you for your letter of 20 July 2017 regarding the above application for planning permission. We refer you to the following published advice which you may find helpful in determining the application.

Historic Environment Good Practice Advice in Planning Note 2, page 11: paragraph 37, provides a model archaeological condition should your authority be minded to grant consent (unless the County Council Archaeological Officer has given bespoke advice).

<https://historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/>

We also suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. If you would like detailed advice from us, please contact us to explain your request.'

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

The proposal represents a large development on the southern side of Fernwood, which is in itself a large urban extension. Fernwood South is a strategic housing site identified in the Council's Core Strategy LDF DPD. The submitted scheme seeks outline permission for up to 350 dwellings with informal open space. Other than access, all matters are reserved. By virtue of its potential scale, form and layout, the proposal is capable of affecting the historic environment.

Heritage asset(s) affected

Annex 2 of the National Planning Policy Framework (NPPF) defines the 'historic environment' as comprising all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora. A 'heritage asset' is defined as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets such as listed buildings, conservation areas and scheduled monuments, as well as assets identified by the local planning authority, including local interest buildings and other non-designated heritage assets. Heritage assets with archaeological interest are so defined if they hold, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.

There are no designated heritage assets within the proposal site. There is an area of archaeological interest (non-designated) however. There are various heritage assets within the wider landscape.

Legal and policy considerations

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of heritage assets, furthermore, is expressed in section 12 of the NPPF. Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development within their setting (paragraph 137).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not (see paragraph 13 of the PPG for example (ref: 18a-013-20140306)). The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. In addition, please note that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the main issues to consider in proposals for additions to heritage assets, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting (paragraph 41).

The proposal site does not contain any designated heritage assets. There are a number of designated heritage assets within the wider area, however, including the important landmark Church of St Giles in Balderton (Grade I listed), the Church of St Mary Magdalene in Newark (Grade I), and the Church of St Peter at Claypole (also Grade I; within South Kesteven District). Impact on the setting and significance of such nationally significant landmark buildings is an important consideration. In accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'), special regard must be given to the desirability of preserving listed buildings, including their setting. In this context, the objective of preservation means to cause no harm, and is a matter of paramount concern in the decision-taking process.

Discussion

The indicative details submitted show a network of streets linked by a spine road running perpendicular to the Great North Road. The main access includes a new roundabout. Buildings would have a maximum height of 2 storeys.

Given the existing built form of Balderton and Fernwood, it is felt that the proposal is not likely to compromise designated heritage assets in Balderton or Newark, and I am satisfied that topography and relative distances between receptors and the proposal site ensure that impact in the wider landscape is not likely to result in any specific material harm to the setting or significance of the Church of St Giles in Balderton or Church of St Mary Magdalene in Newark. No harm is perceived, furthermore, to the setting of Balderton CA or non-designated heritage assets such as Fernwood Tower.

It is recognised that the Church of St Peter at the western edge of Claypole could be impacted by the proposal due to the open rural landscape between. Whilst I would defer to Conservation colleagues in South Kesteven for their view on this matter, I am satisfied that the indicative proposed layout of the scheme and the limitation of new dwellings to 2 storeys in height is likely to ensure that the setting of St Peter will not be harmed. There are also opportunities to help reinforce and improve green infrastructure at the eastern portion of the proposal site which would help mitigate impact on the wider setting of the church.

The development site contains archaeological interest. The County Historic Environment Record (HER) and National Monuments Record (NMR) identifies potential within the overall Fernwood NE site, including an undated cropmark enclosure (possibly prehistoric in origin), a ring ditch feature and various linear features identified on aerial photographs. The effect of the proposed development on the significance of any non-designated heritage assets should be taken into account in determining the application in accordance with paragraph 135 of the NPPF. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In addition, given the archaeological interest of these identified heritage assets, appropriate regard must be given to their potential for higher significance, noting that assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to the policies for designated heritage assets (as required under paragraph 139 of the NPPF). The submitted desk-based assessment recommends that a scheme of investigation and recording should be secured via a suitably worded condition. I would concur with this assessment.

We note the application for development on the adjoining site to the south (ref 16/00506/OUTM) which has not yet been decided. We have considered the impact of this proposal in conjunction with the submitted scheme and do not find any cumulative impact which might give rise to concerns.'

CBA - No comments received.

The Georgian Group - No comments received.

Victorian Society - No comments received.

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

Twentieth Century Society - No comments received.

NCC Archeology - No comments received.

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.

Having carefully studied the Extended Phase 1 Survey Report Hollowdyke Lane, Fernwood – Area A & Area B (Lockhart Garratt 2016) we draw your attention to the following recommendations by the applicant’s ecologist:

Further survey work in respect of reptiles is recommended due to the extent of suitable habitat on Site.

Further survey work in respect of great crested newts is recommended due to the extent of suitable habitat on Site and the number of ponds within the local area

Clearance and construction works should be scheduled outside of the main bird breeding season (March to August inclusive). If in the event works need to proceed within this period, then specialist advice from a suitably qualified ecologist should be sought.

Landscape planting should incorporate native species that are characteristic of the South Nottinghamshire Farmlands Landscape Character Area.

<http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/landscapeandbiodiversity/landscapecharacterassessment/6.%20South%20Notts.pdf>

I hope that you find our comments helpful. I would be grateful if you would keep me informed of any progress relating to this planning application.

RSPB - No comments received.

Sustrans - No comments received.

Network Rail – *Email dated 14th September 2017:*

‘Thank you for your letter of 4 September 2017 providing Network Rail with an opportunity to comment on the abovementioned application.

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

We note that whilst the Transport Assessment and Travel Plan mention rail travel, only the briefest consideration is given to the potential impact on Newark North Gate Station and we are disappointed to note that no mention appears to be made of Newark Castle Station. This station is a similar distance from the development and provides mainline services to Nottingham and Lincoln.

Given the size and proximity of the development in relation to the railway it is considered that there may be significant impacts on both Newark North Gate and Newark Castle Railway stations. It is therefore appropriate that a contribution is sought from the developer towards station facility improvements. This could include improvements to passenger information and waiting facilities, cycle parking, access improvements etc. We are happy to discuss possible improvements to the station with the council as part of any S106 package as the application is processed.

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

NSDC Environmental Health (Contaminated Land) – ‘The following comments relate to air quality and not contaminated land which we have been consulted on. There are no observations in relation to contaminated land. I have now had the opportunity to review the Air Quality Assessment report submitted by RPS dated 23rd May 2017.

This document provides a robust assessment of the potential impact on air quality as a result of the proposed development both during construction and operational phases.

The report goes on to determine that the modelled first year operational phase impact on air quality to be negligible.

In addition it is suggested that providing that the proposed mitigation measures are adhered to (Section 7 of the report) that the impact from dust during construction will be not significant. The report concludes that there are no restraints on the proposed development in terms of air quality.

I would generally concur with the findings of the assessment but would re-iterate my previous comments in relation to the scoping report that we would welcome the incorporation of electric vehicle charging points (EVC) throughout the development where possible.’

NSDC Environmental Health (Noise) – No concerns in respect to noise.

NSDC Emergency CCTV - No comments received.

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

It is recommended that disabled persons and wheelchair users' access to, into and around the dwellings on all floors be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposals. In particular, 'step-free' access to and into the dwellings is important with reference to the topography of the site and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible pedestrian pavement route is essential to and into the dwellings from facilities such as car parking and from the site boundary. External footpaths to and around the site should be incorporated and carefully designed to accepted standards to ensure that they provide an integrated network of 'traffic free' pedestrian pavements around the site without pedestrians being required to walk along roadways. It is recommended that inclusive step free access be considered to garden areas, open spaces, parks, amenity spaces and external features. Car parking provision for disabled motorists should be considered. BS8300 gives further information regarding design, layout and proportion. Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, suitably wide corridors etc. all carefully designed to facilitate easy access and manoeuvre on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwellings together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.'

DEFRA - No comments received.

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

National Grid – 'Thank you for your enquiry which was received on 26/07/2017.

Please note this response and any attached map(s) are valid for 28 days.

An assessment has been carried out with respect to Cadent Gas Ltd, National Grid Electricity Transmission plc's and National Grid Gas plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-before-you-dig>) or the enclosed documentation.

Are My Works Affected?

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.

Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

If the application is refused for any other reason than the presence of apparatus, we will not take any further action.

Please let us know whether Plant Protection can provide you with technical or other information that may be of assistance to you in the determination of the application.

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

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to Cadent Gas Ltd, National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG) and apparatus. This assessment does NOT include:

- Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.
- Gas service pipes and related apparatus
- Recently installed apparatus
- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is YOUR responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>).

This communication does not constitute any formal agreement or consent for any proposed development work; generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Ltd, NGG and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

Further letter dated 8th October 2017:

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

I have enclosed a location map to show the location of National Grid's Overhead Lines within the vicinity of your proposal and associated information below

Health and Safety Executive – Comments received 24th July 2017:

HSE is a statutory consultee on relevant developments within the consultation distance of a hazardous installation or a major accident hazard pipeline. Planning Authorities should use the HSE's Planning Advice Web App to consult HSE on such applications and produce a letter confirming HSE's advice. This service replaces PADHI+ HSE's on-line software decision support tool.

The Web App can be found here; <http://www.hsl.gov.uk/planningadvice>

All planning authorities were contacted prior to the launch of the Web App with log in details to set up an administrator. This administrator will be able to set up other users within the organisation. If you require details of the administrator for your organisation please contact us.

Planning Authorities should use the Web App to consult HSE on certain developments including any which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

- residential accommodation;
- more than 250m² of retail floor space;
- more than 500m² of office floor space;
- more than 750m² of floor space to be used for an industrial process;
- or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

Following completion of the above tool:

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

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

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

HSE's advice is based on the situation as currently exists; our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

British Gas PLC - No comments received.

The Environment Agency – ‘Thank you for referring the above application which was received on 20 July 2017.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment at Land South of Hollowdyke Lane Fernwood by Larkfleet Homes dated June 2017 for the proposed residential development of 350 units and the following mitigation measures detailed within the FRA:

1. The finished floor level shall be set as per the drawing titled “Provisional Foul and Surface Water Drainage Strategy Sheet 2 of 2” (Drawing Number MA10402/200-2).
2. All dwellings within flood zones 2 and 3 should be two storey dwellings.
3. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

We strongly recommend that emergency procedures are put in place in the event of a flood which is mentioned within the flood risk assessment as a flood evacuation plan. The NPPF places responsibilities on local authorities to consult their Emergency Planners and the Emergency Services with regard to specific emergency planning issues relating to new development.

It is not our role to comment on or approve the adequacy of these plans and we would expect local planning authorities, through their Emergency Planners, to formally consider the implication of this in making their decision.

Please note that the Local Planning Authority must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.

Nottinghamshire County Council Flood Team – Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Having considered the application the LLFA have no objection provided the surface water drainage system is in compliance with the Flood Risk Assessment dated June 2017 MA10402-FRA-R01 by Millward Consultants.

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

Condition

1. 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.
2. The development proposed should not be occupied until the need for public sewerage improvements has been identified and the necessary improvements to the public sewerage system have been fully implemented by Severn Trent Water.

Reason

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

Suggested Informative

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

Additional Drainage Requirements

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

- Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required.
- If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

Should you require any further information please contact us on the telephone number or email below.

Anglian Water – No comments received.

Trent Valley Internal Drainage Board – ‘The site is outside of the Board’s district and catchment. There are no Board maintained watercourses in close proximity to the site. Please note part of the site is located within the Upper Witham IDB and you may wish to invite them to comment on the application’

Upper Witham Drainage Board – ‘Thank you for the opportunity to comment on the above application. The site is partly within the Upper Witham Internal Drainage Board district. The Board maintained Balderton Fen Drain flows through the site and Shire Dyke is on the Eastern boundary.

The Board Objects to the proposed development in Zone 3 and Zone 2 on the Environment Agency flood maps. However it is up to Newark and Sherwood District Council as the planning Authority grant planning permission. It is noted that a Flood Risk Assessment is included in the Application that contains appropriate mitigation. Finished floor level are proposed to be 850mm above ground level in the lowest areas, all finished floor levels and critical infrastructure should be above the design flood levels in the Environment Agency system. Land raising would potentially remove the area from the Flood Zone.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. It is noted SUDS are proposed and the attenuated discharge for the site is 24 l/s.

Under the terms of the Board's Byelaws, the prior written consent of the Board is required for any proposed temporary or permanent works or structures in, under, over or within 6m of the top of the bank of a Board maintained watercourse. Balderton Fen Drain flows through the site a clear unobstructed 6m access is required BOTH sides, Shire Dyke on the Eastern boundary requires site a clear unobstructed 6m access. There appears to be proposed planting within this area that is unacceptable. Consent will be required for any outfalls, the foul sewer and any other works within the 6m byelaw distance.

Further consents may be required for other works within the Board’s district. Under the terms of the Land Drainage Act. 1991 the prior written consent of the Board is required for any proposed temporary or permanent works or structures within any watercourse including infilling or a diversion. A map is attached to show the Board’s boundary.

Police Architect - No comments received.

East Midlands Ambulance Service – No comments received.

Fire Brigade Headquarters - No comments received.

British Horse Society – No comments received.

Representations have been received from 11 local residents/interested parties which can be summarised as follows. For the avoidance of doubt this includes comments received through an additional round of re-consultation through a bespoke letter outlining the viability position demonstrated through the life of the application.

Support

- Support new houses in principle but should be a greater proportion of affordable

Affordable Housing

- Larkfleet figure of 13% seems reasonable as it is a smaller developer
- The Prime Minister and local MP have explicitly voiced that affordable housing is at the forefront of social inclusion
- The Planning Committee has the political muscle to increase social housing not decrease

Character

- The application site is a breathing space for communities providing highly valued open space
- This is large scale Greenfield development outside the existing built up area

Highways and Parking

- If the A1 has traffic problems surrounding villages already come to a halt
- Road networks will not cope and neither will emergency services
- The road network should be improved to accommodate extra traffic before any build begins
- Decision makers have chosen to ignore the fact that all the homes will be using the B6326 which is basically the A1 slip road
- There is no other access to the site apart from Spring Lane which has been designated as a cycle track only

Impact on Wildlife

- The land is rich in local wildlife – major development is likely to encroach on this delicate habitat
- Tree and hedgerows to the south / south east of Fernwood are recognized for their wildlife quality
- The hedgerows provide a legitimate public interest because they border Hollowdyke Lane and Shire Lane and may in fact need to be maintained forever, given current legislation. I would refer you to the Enclosure Act 1765 which confirms that hedgerows should be protected and maintained forever.
- Hollowdyke Lane should be maintained as a country single track road

Facilities

- There is no provision for a convenience store which will put more pressure on existing Fernwood
- There is a lack of provision for suitable public amenity space
- There is no provision for young people or teenagers to expend energy at all
- No football, cricket, netball which will put pressure on existing facilities

Flood Issues and Drainage

- Existing residents have no reassurance that the building plans will not increase flood risk
- Much of the proposed development is low lying and the southern and eastern edge of the Parish either side of the Shire Dyke is in a flood zone

Management Company

- The old question of a Management Company has not been adequately answered – it should be made plain to new buyers

Comments relating to other planning applications on the Strategic site

- Existing communities are being overcrowded putting too much strain on road networks, schools, local enterprises and community management systems, emergency services and drainage infrastructure
- Existing properties were sold on the basis of being in an attractive rural environment

Other Matters

- The period of disruption for existing residents will be 10years +
- The council should enter into partnership with farmers and smaller builders to provide the houses

Comments of the Business Manager

The Principle

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Following public consultation and independent examination, at its council meeting on 10th October 2017 Newark and Sherwood District Council adopted the Fernwood Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Fernwood. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

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

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

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

The current application promotes a scheme of 350 units, split into 4 no. phases. Whilst phasing is not as envisaged in the Core Strategy this need not be fatal in itself. The rate at which a build out can be achieved is, of course, market driven. Further, overall quantum's of development, even when this site is considered alongside other land parcels (including the Barratt David Wilson (BDW) Homes and Persimmon Homes East Midlands (PHEM) schemes) do not significantly exceed those originally envisaged.

The issue of assessing likely cumulative impacts remains important in planning terms, but this is particularly true for the Fernwood allocation. Unlike the other strategic sites (which have/are being progressed by a single site promotor/developer), the Fernwood site has come forward in tranches, each promoted by different landowners/developers. This application is the third to be submitted on Land around Fernwood, noting the first was submitted by BDW Homes (approved subject to associated conditions and S106 agreement December 2017) and the second by PHEM (currently pending). The current application site is positioned between the existing village and the Persimmon site and thus presents an opportunity to consolidate the overall strategic site providing a comprehensive settlement as envisaged by Policy NAP2C.

The principle of residential development is established by the Strategic Site status, subject to detailed consideration regarding the various impacts of the development which are discussed in turn below in applying and overall planning balance.

5 Year Housing Land Supply

Members will be fully aware of the Council's position with regards to its 5 year housing land supply. I will not rehearse the full details as these are set out in the Council's Statement of Five Year Housing Land Supply dated 1st April 2017. This concludes that the council can demonstrate a 5 year supply of housing land when assessed against the OAN figure of 454 dwellings per annum with supply as at 31 March 2017 being shown to be 6.2 years. The LPA consider that the OAN (and the Council's required supply), undertaken via the Duty to Cooperate, is robust and defensible albeit it can only carry full weight following the outcome of the Examination of the Plan Review. The OAN of 454 dwellings per annum is currently the only available robust OAN figure against which to assess whether the Authority can achieve its 5 year land supply. Multiple recent appeals have accepted that the Council has a 5YLS. I am therefore confident that the plan can be considered up-to-date and that appropriate weight can be afforded to the Development Plan policies. Notwithstanding that the Council has a 5YLS the delivery of this site (and the wider Fernwood SUE) forms an important contribution to this Council being able to demonstrate its 5YLS position, a matter which carries significant weight in an overall planning balance.

Environmental Impact Assessment

The proposal constitutes an Urban Development Project with a site area in excess of 0.5 ha and therefore it falls within Schedule 2 Part 10(b) of the Environmental Impact Assessment (EIA) Regulations 1999. Due to the scale, nature and location of the development, in the context of Schedule 3 of the same regulations, it is considered to be EIA development. The EIA Regulations

were amended on 15th April 2015 to change the threshold for developments constituting an EIA. However for the avoidance of doubt the project would still constitute an EIA development given its size.

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

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

- Socio-Economic Factors
- Traffic and Transport
- Air Quality
- Landscape and Visual Impact
- Flood Risk and Surface Water Drainage
- Heritage
- Cumulative Effects
- Alternatives

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

It is noted that there are some drafting errors within the submitted ES (including reference to a Primary School and Local Centre to which it is assumed has been lifted from the ES at the Persimmon site given that the ES was undertaken by the same consultants) however I still consider that the ES (including its Addendums) provides sufficient information to enable a proper assessment of likely significant impacts, including cumulative impacts upon the environment.

Alternatives

The EIA regulations stipulate that the ES must include an outline of the main alternatives studied by the applicant and an indication of the main reasons for the choices, taking into account the environmental effects. Appropriate consideration of alternative sites is a material consideration in the determination of the application. The principle of development on the site has already undergone a rigorous testing and independent examination as part of the preparation of the Core Strategy. It is therefore agreed that the consideration of alternatives in this instance is most appropriately focused on the alternative land use arrangements within the site.

Chapter 11 of the ES deals addresses Alternatives and acknowledges that the land uses envisaged by the indicative layout are in part driven by the constraints of the site such as the positioning of the Flood Zone. It is acknowledged that access arrangements have evolved throughout the design prior to submission to ensure that wider connections to the adjacent developments and sustainable means of transport could be incorporated. The proposed roundabout has evolved from first iterations of a traffic light junction through discussions with the Highways Authority. It is also stated that the drainage solutions; planting areas; and allotment spaces proposed have been carefully considered to take account of the design objectives set out in Policy NP1 of the Fernwood Neighbourhood Plan (FNP). Indeed the first requirement of Policy NP1 refers to the need for

development to integrate with the village. The connections demonstrated by the indicative layout submitted are considered to achieve this.

The final masterplan submitted appears to represent a logical, but more importantly, deliverable solution to development within the site. Officers are satisfied that there are no other, more suitable, alternatives which would present the opportunity to deliver the development envisaged through the allocation of the strategic site.

Disposition and Appropriateness of Uses

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

The Phasing Plan demonstrates that the development would be split into 4 phases along a west to east trajectory from the roundabout. Each of the phases appears to include residential development but no specific figures are stated to confirm the split of residential delivery throughout the phases. (It is noted that the Planning Statement refers to three phases split equally but this is assumed to be an earlier iteration given that the Phasing Plan clearly demonstrates 4 phases). Each phase also includes areas of open space and play areas with the final phase including allotments and a wildflower meadow. Initial estimations suggest that the delivery would be through around 85 dwellings per phase.

The total area of housing would be within an area of 9.67 hectares which for a development of 350 dwellings equates to an average density of roughly 36 dwellings per hectare. This is compliant with the density requirements as set out in Policy NAP2C in line with CP3 of the Core Strategy. It is stated that the majority of the dwellings would be 2 storeys; up to 9m in height. The D&AS confirms that the development will have a mix of accommodation types including detached, semi-detached and terraced properties (albeit exact details are to be agreed through reserved matters).

The delivery of the phasing in a broadly west to east direction is considered the most logical route for development. It would be a nonsense to start development at the east of the site as this would mean that occupiers of the earlier phases would have to essentially pass through a construction site as later phases are built out. Given that there are no community or sporting facilities for delivery on this specific site (noting the intention to rely on the facilities within the existing Fernwood and those delivered through the larger developments within the strategic site) there is no requirement to ensure such facilities are delivered early in the build process. The delivery of areas of public open space within each Phase is considered to be a beneficial to the scheme.

In some respects the positioning of the land uses has been dictated by the constraints of the site in terms of the greater flood risk to the eastern side of the site in acknowledgement that uses such as areas of public open space are less vulnerable. In any case the incorporation of a wildflower meadow along the eastern boundary is considered beneficial in terms of mitigating the visual impacts of the development and forming an appropriate transition to the open countryside. The positioning of the wildflower meadow also assists in the creation of a 6m exclusion zone along the Shire Dyke to enable access for maintenance works as agreed with the Upper Witham Internal Drainage Board. It would also broadly align with the 'green corridor' which is intended to be delivered as part of the Persimmon scheme to the south.

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

Impact on Highways Network

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

As detailed above it remains a requirement of the planning system to have regard to cumulative impacts, including in the case of Fernwood given its location upon both the local and strategic highway network. It was clear to the Local Planning Authority early on in negotiations with both BDW and Persimmon that there was a need for not only a cumulative approach, but equally a collaborative one. Within this part of Newark Urban Area there are local highways offering access into Claypole and Balderton, the strategic access to and from the A1, and the access east that would follow upon completion of the Phase 1 of the Newark Southern Link Road connecting the A1 end with the A46.

Since late 2014 the LPA has led and coordinated transport discussions between the highway authorities (NCC and HE), the developers/land owners (Persimmon, BDW, and Strawsons/Knightwood Group), and unusually for a District Council like ourselves (bearing in mind that we are not the highway authority) our own highway consultants WYG Environment Planning Transport Ltd (WYG). Unusually the Council also has sole control and ability to use the Newark Highway Model (NHM), a strategic tool for allowing highway scenarios and impacts to be tested. Baseline traffic conditions on the highway network traffic flow data has been obtained from this model. A brief summary of the discussions and conclusions is contained within the WYG letter attached as Appendix 1 to this report. What is important to note in this instance is that the developers have been asked to design and mitigate for traffic flows which have been presented to them by the highways authorities and WYG. This is based on an absolute worst case scenario if all developments were to come forward at the very upper limits of quantum's that could be accommodated within the land area available.

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

Construction Traffic Impacts and Mitigation

The construction phase of the development will give rise to traffic and transport impacts. It is anticipated that a realistic expectation is for the development to be completed in 2027 (based on an annual build out of 40 dwellings per year). Taken in combination with the other applications within the strategic site there will undoubtedly be a major construction project in the local area potentially creating disturbance to the local community and other road users. Understandably this has been raised as a concern by during consultation on the application.

The ES, at Chapter 5 confirms the intentions for a 9 year build program with all construction traffic accessing the site via Great North Road. The ES uses broad assumptions (based on HGV movements per 10m² of residential development) concluding that there will be 7,000 HGV arrivals and departures which over the entire build out would equate to an average of 3 HGV vehicles arriving and departing each working day. When including light vehicles associated with these HGVs, the assumption is made that a total of 18 vehicles will be arriving and departing from the site per day. Para. 5.7.6 of the ES concludes that the maximum increase would be a 0.02% increase in traffic flows during construction.

In pragmatic terms it would not be desirable for the traffic to reach the site through existing residential development. Nevertheless it is confirmed that the HGV traffic would be routed via the A1 through a routing plan. No other mitigation measures are proposed.

I concur with the ES that the likely impacts of the construction traffic would be indiscernible. The difficulty is that this assessment is made purely in the context of the current application which as Members will be acutely aware will not be the reality noting that there is likely to be three significant housing developments being built out at the same time. I am mindful that it is not for the current application to mitigate the effects of other schemes in the overall strategic site but I nevertheless consider that it would be proportionate and reasonable to condition the preparation of a Construction Management Plan (CEMP) to ensure that all reasonable steps are taken to minimise and mitigate adverse effects from construction traffic. This will be required to include, details of vehicle routing as discussed; hours of construction; construction noise and dust management and details of proposed site compounds.

Impacts from Operational Development and Mitigation on Wider Strategic Network

Firstly, it is noted that the current application submission does not follow the structure of level of detail that officers have been presented with for the BDW and PHEM schemes. Notably, the Traffic Assessment (TA) does not discuss increases in % traffic flow at specific junctions. The extent of the study area is limited to Great North Road with the development considered to have a minor adverse impact.

The TA does however include details of vehicular trips generated from the proposed development. In this regard, it is estimated that the occupation of 350 dwellings could generate an additional 208 two-way trips in the morning peak and 197 two-way trips in the evening peak (not taking into account the effect of the Travel Plan). This equates to an average of four vehicle trips every minutes. Officers acknowledge that the current proposal for 350 dwellings is a significantly lesser quantum than the BDW (1050 dwellings) and PHEM (1800 dwellings) schemes and thus the evidence provided is considered proportionate to the level of development. Particularly when it is acknowledged that the current application site has always been factored in to the wider strategic highways implications.

Members have been presented with the wider highways works which are required to make the strategic site acceptable in highways impacts overall. For the avoidance of doubt the works agreed thus far are as follows:

Table of Works for BDW (14/00465/OUTM) in Isolation:

Highway Work	Proposed Mitigation	Drawing No./ Location	Trigger for Delivery
<p>Goldstraw Lane/B6326 Roundabout & between Goldstraw Roundabout and Dale Way Roundabout</p>	<p>Works involve:</p> <ul style="list-style-type: none"> • Increased flare length on Goldstraw Lane to extend the 2 lane entry; • Increased flare length on the B6326 southern arm to extend 2 lane exit; • Widening of the B6326 on the norther arm to provide a 2 lane exit; • Increase flare length on the A1 slip road with 40m taper to provide a 2 lane entry 	<p>Watermans; 210354/06/008/A03</p> <p><i>Appendix 1 of Barratt/DWH Transport Assessment (application submission 14/00465/OUTM)</i></p> <p>210354/06/016 <i>(Overall Network Improvements)</i></p> <p>Milestone: 14106/038</p> <p><i>Annex 2 of Technical Note from Milestone Transport 28.06.2016</i></p>	<p>Triggered on commencement of development for the Barratt/DWH scheme with completion required prior to first occupation of the 100th dwelling on the Barratt/DWH scheme</p>
<p>Hollowdyke Lane/B6326 Great North Road Junction</p>	<p>Improvements to visibility;</p> <ul style="list-style-type: none"> • Widening of HDL at its junction with the B6326 to 6m wide for a distance of approx.30m • Increasing the corner radii on HDL to 10m <p>Hollowdyke wider works including passing bays</p>	<p>Watermans: 210354/03/005.4 Rev E</p> <p><i>Appendix C of Barratt/DWH Transport Assessment (application submission 14/00465/OUTM)</i></p>	<p>Prior to occupation of 51 units.</p>

Table of Works for PHEM (16/00506/OUTM) in Isolation:

Highway Work	Proposed Mitigation	Drawing No. / Location	Trigger for Delivery
A1 South/B6326 Fernwood South	<p>Various works including</p> <ul style="list-style-type: none"> • Creation of left-slip from A1 (south) • Banning right turn from B6326 to A1 north • Roundabout to serve Phase 3 of the Persimmon development 	14106/027 C <i>Appendix 11 of Persimmon Transport Assessment</i>	1a) banning right turn out and extension of the right turn filter will be completed prior to first occupation of the 100 th dwelling on the Persimmon scheme; 1b) Creation of left slip road from A1 will be completed prior to occupation of the 900 th dwelling on the Persimmon scheme
B6326 Great North Road/Sylvan Way	Works proposed include improving existing footway and pedestrian crossing facilities around the bell-mouth of the junction and give way sign	14106/026 Rev A <i>Appendix 14 of Persimmon Transport Assessment</i>	Works to be completed prior to occupation of Phase 2 of Persimmon scheme
B6326 Great North Road/C421 Shire Lane junction	Change existing give way controlled junction to a new roundabout	14106/025 D <i>Appendix 16 of Persimmon Transport Assessment</i>	Works to be commenced on commencement of Phase 1 of Persimmon scheme and completion prior to first occupation of the 50 th dwelling on the Persimmon scheme
C421 Shire Lane Corridor improvements	<p>Reconstruction of carriageway between the roundabout junction with the GNR and the County boundary at the bridge at the Shire dyke giving;</p> <ul style="list-style-type: none"> • continuous carriageway of 6.75m wide • including the provision of a continuous shared 3m footway/cycleway on the northern side of the carriageway • including a 2m 	14106/018 rev E <i>Appendix 20 of Persimmon Transport Assessment</i> 14/106/025 Rev D <i>Appendix 16 of Persimmon Transport Assessment</i>	Works to be started on commencement of Phase 1 of Persimmon scheme and finished prior to completion of Phase 1 of Persimmon scheme

		footway on the southern side of the carriageway		
B6326 Great North Road Corridor Improvements (Shire Lane to Dale Way)		Narrowing of carriageway to facilitate construction of a 3m shared footway/cycleway	14106/016 Rev D <i>Appendix 19 of Persimmon Transport Assessment</i>	Works to be completed prior to first occupation of the 50 th dwelling of the Persimmon development

The detail of the above works has been the subject of lengthy previous discussions to ensure that the mitigation measures represent measures attributable, on a proportionate basis, to each developer within the overall strategic site. For the avoidance of doubt highway junctions between the Balderton roundabout and the A1 South can be attributed to each of the developments on the basis of a clear majority impact. This is not the case for the A1 over-bridge (which requires a 2 lane northbound solution) given that all developments have an impact on this part of the network. Members will be aware following the full Council resolution on 12 July 2016 that the A1 over-bridge is now on the CIL 123 List, with CIL receipts from Fernwood developments expecting to more than provide for the capital costs of works.

Again acknowledging the much lower quantum of the current application, it is only proportionate that the current applicant will be attributed a lower quantum of works. The TA accepts that it falls to Larkfleet Homes to implement the improvement scheme at the A1/B6326 London Road roundabout. This involves a scheme for minor improvements to the London Road north approach to the roundabout (the TA includes plans demonstrating such works).

Rightly so, relevant consultees have raised the issue of what would happen if the other development do not come forward as envisaged and therefore their associated highways works are not triggered. There is an acceptance within the TA that the current application cannot necessarily rely on the mitigation measures secured by third parties in respect of the other developments. Specifically, in the event that the current proposal is built out to 100 units occupation before the other developers are on site, then the first phase of the A1/B6326 junction would fall to Larkfleet Homes. In the unlikely event that this occurs, conditions could be imposed on the current application to ensure that the highways implications of this development alone remain acceptable.

I note the comments of Highways England in respect to the need for a similar fall back condition for the works agreed to the Goldstraw Lane roundabout given that the current development would result in an increase of 240 two-way trips in the worst case AM peak. This is deemed to be a reasonable approach and indeed appears to be accepted by the applicant as demonstrated through the costings in the viability assessment (discussed in detail below).

The mitigation measures attributed to the applicant would be secured through conditions and an accompanying S106 agreement. This will ensure that any off site mitigation measures are implemented at the appropriate trigger points subsequently ensuring that any potential adverse effects of the additional traffic arising from the development are addressed and that any cumulative impacts are not unacceptable.

Internal Highways Network

The proposed development would be accessed by a new roundabout from the Great North Road. This has been the subject of pre-application discussions with NCC Highways and has reached the level of design that has allowed NCC to conclude that the roundabout is acceptable in principle and that the site frontage is sufficient to allow any modifications to the design to take place. I note the comment that the LPA should consider whether or not the final design should be formally agreed as part of the outline proposals. The agent has confirmed that the design presented is as proposed and there are no further intentions to revise this. This has been subject to further discussions with NCC Highways who have since confirmed that the reference to the final design in their comments was in respect to the technical design process which would follow any planning approval and thus there is no objection to the design of the roundabout as currently presented.

The proposed roundabout would consequently tie in to the agreed proposal to narrow the B6326 Great North Road to 7.3m to allow the construction of a shared-use cycle/footway on its eastern side. This improvement was agreed as part of the Persimmon development to the south (App. 16/00506/OUTM). Should the development subject to this application come forward before the Persimmon development, then it is reasonable to expect Larkfleet Homes to carry out the same improvement between their site and the Dale Way junction to cater for pedestrian and cycle trips generated by their development.

The exact internal road layout would be the subject of the final design at reserved matters stage. Nevertheless, the indicative layout demonstrates the principle of diverting Hollowdyke Lane as requested by NCC. However, it is understood that BDW Homes are proposing to use Hollowdyke Lane for construction vehicle access for their proposed residential development to the northeast of the site the subject of this report. As a result, any re-routing of Hollowdyke Lane will not be accepted by the applicant until such activity is complete. Officers consider this to be a reasonable stance and would seek to secure the appropriate arrangements through a condition as suggested by NCC Highways.

Sustainable Movement including Public Transport

One of the core planning principles outlined by paragraph 17 of the NPPF states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

The TA confirms that connections will be incorporated into the proposed development for pedestrians and cyclists to both existing and committed infrastructure. This includes connections to both the existing Fernwood village as well as allowances for connections to the Fernwood South development (and its associated infrastructure). This is considered to represent a major benefit of the proposal in that it will allow integration of the overall strategic site.

I note the comments of NCC Highways (Travel Plan team) in respect of the emphasis which the TA places on the public transport provision agreed through the PHEM scheme. Indeed paragraph 4.11 details the bus services intended through the PHEM development with the subsequent paragraph going on to state that the proposed services would pass the current development site via the B6326. However, the TA does go on to confirm that the masterplan has been designed such that the buses could route through the proposed development before connecting through to Fernwood South. It is fully acknowledged that there is no guarantee of these services coming

forward. However, in any case there are bus stops proposed in the vicinity of the access roundabout such that any bus routes servicing the north of the site within existing Fernwood could extend their route and U-turn at the access roundabout. Despite the legitimate concerns of NCC Highways, I consider this to be a proportionate approach to public transport provision based on the quantum of development to which the current application relates.

The application has been accompanied by a Residential Travel Plan with the overall objective to minimize the number of new car trips generated by residents and visitors. There is the opportunity to control the sustainable movement patterns associated with the development through conditions. For example, an approach taken in previous developments has been for other measures such as free four week bus season tickets and a commitment to provide every household with a Travel Information Pack to increase the likelihood of public transport usage. The commitment to this is already alluded to through the content of the Residential Travel Plan.

Impact on Trees, Ecology and Nature Conservation

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

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

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

Trees

The application has been accompanied by an Arboricultural Report and Impact Assessment dated January 2017. The tree survey revealed 19 items of woody vegetation, comprised of 10 individual trees and 9 groups of trees or hedge groups. Of the surveyed trees: 1 tree is retention category 'U'; 4 hedge groups are retention category 'B'; and the remaining 14 trees and hedge groups are retention category 'C'. The survey confirms that the significant woody vegetation forms the boundaries of the site with the central area of the site not featuring any tree specimens. It is considered that the species diversity within the site is relatively poor with the dominant species being Hawthorn with several Sycamore and occasional Ash and Elder.

Whilst no trees or hedgerows will require removal to facilitate the new development, it is likely that small sections of two of the hedge groups (G12 and G15) will require removal to allow for new access routes. I appreciate that hedgerow loss has been raised as a concern during the consultation process but it is noted that the hedges already have gaps and small missing sections and thus the impact of this visually is not considered to be significant. In any case, the provision of the access is an evitable consequence of the development and therefore the small loss of hedgerow is considered to be reasonable to the overall delivery of the development. I would also concur with the stance of the Arboricultural Report in that the proposed development offers the opportunity for additional tree planting as part of the overall landscaping delivery of the site.

Subject to conditions in respect to further landscaping details and the protection of trees indicated for retention, the development is not considered to amount to a harmful impact in respect of trees.

Ecology

The application submission includes an Extended Phase 1 Survey Report undertaken by Lockhart Garratt and dated September 2016. A further ecological summary was submitted during the life of the application dated 21st September 2017. A desktop study was undertaken for existing ecological data regarding both statutory and non-statutory protected species, designated sites and habitats of nature conservation interest. There are no statutory designations within 2km of the Site and 10 non-statutory designations, the closest being the Shire Dyke, Balderton Local Wildlife Site (LWS) located adjacent to the Site to the east. A range of protected mammal and bird species were identified within 2km of the Site by the desk study.

Original field surveys were undertaken in August 2016. The survey has been assessed in detail by relevant consultees, notably NCC Ecology and Nottinghamshire Wildlife Trust (NWT) with their full comments listed above. Both parties recognise that the original surveys recommended further works in respect of both great crested newts and reptiles. It is on this basis that the additional survey works were submitted.

Protected Species Impacts

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

Badgers

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

Bats

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

The current Site lacks bat roosting potential in the majority of the trees on Site but there is potential for bats to be utilising the Site for foraging and commuting. There is opportunity to erect bat boxes on some of the trees to be retained to offer bat roosting.

Measures such as controlled lighting and construction practices are suggested which can be addressed through conditions.

Amphibians

There is standing water adjacent to the Site and suitable habitat in the form of semi-improved grassland and ditches on Site. An assessment was completed for the standing water adjacent to the Site, with an average suitability score for great crested newts. Following further survey works

no evidence of great crested newt was found at the site, although small populations of smooth newts were encountered. Mitigation is proposed in section 6 of the Great Crested Newt Survey Report, and the production of an Amphibian Mitigation Strategy.

Reptiles

The original survey report acknowledged the potential for reptiles to be utilising the semi-improved grassland and ditches on site thus recommending further surveys which have been submitted during the life of the application.

A single grass snake, indicating a low population of this species, was recorded during reptile surveys. A condition should therefore require the production of, and compliance with, a Precautionary Method of Working for reptiles, based on paragraph 5.5. of the Reptile Survey Report, and, in line with the comments of NCC Ecology, adding that phased vegetation removal should progress from the centre of the site towards the retained boundaries.

Nesting Birds

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

There is potential for birds to be using the intact hedgerows and scattered trees for foraging and commuting. Despite the retention of the majority of existing trees and hedgerows, it is considered reasonable to attach a condition in respect to works affecting these habitats to take place outside of the bird breeding season.

Biodiversity Enhancements

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

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

The nature of the existing site being intensively managed arable land provides a significant opportunity to provide enhancement. It is considered that the habitat creation and enhancement opportunities presented by the indicative masterplan would be appropriate to compensate for very minor loss of habitat necessitated by the development.

Subject to consideration further landscaping details and other mitigation measures secured by condition, the proposal is considered compliant with the relevant ecological paragraphs of the NPPF, as well as Policies CP12, DM5 and DM7.

Soils and Agricultural Land Quality

Unlike the other applications with the overall Strategic site, Natural England have not provided specific comments in respect of soil and land quality. Equally unlike the other applications previously considered, the current application has not been accompanied by an Agricultural Land Classification survey. Based on the results of surveys at the adjacent site, it is considered likely that there may be some land considered as being Grade 3a and thus defined as being the 'best and most versatile' agricultural land (Grades 1, 2, and 3a land in the Agricultural Land Classification system).

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

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

It is accepted that all agricultural land within the site would be lost. This would undoubtedly negatively impact upon the existing land use. Whilst this must be weighed in the overall balance it is considered that the LPA have applied the duty required by the NPPF in allocating the site through thorough consideration of the economic and other benefits associated by the allocation of a strategic site of this scale. It is therefore not considered reasonable to resist the proposal purely on the basis of the loss of agricultural land.

Visual and Landscape Impact

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

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

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

The ES deals with matters of Landscape and Visual Amenity with Chapter 7 forming the LVIA to the application. The purpose of the LVIA is to assess the landscape character and visual amenity of the

site and the resulting landscape and visual effects of the Development. The LVIA has followed the relevant guidelines in preparation ('Guidelines for Landscape and Visual Impact Assessment' GLVIA3) and has been assessed by both officers and relevant landscape expertise at NCC.

The assessment includes viewpoints located up to 3.5km from the site boundary using a combination of quantitative and qualitative information. 24 viewpoints have been selected and grouped into three categories; near distance constituting 500m or less; middle distance at 500m to 1.5km; and long distance at greater than 1.5km from the site boundary. Each viewpoint is assessed in respect to their principal receptors and sensitivity.

Detailed assessment begins with the construction phase before moving to assessment of the operational effects of the development. It is acknowledged that the site is visually contained by the existing village of Fernwood to the north; the topography and vegetation along the A1 to the west and the railway embankment to the north east. It is equally acknowledged that the site forms part of a wider housing allocation such that the intention is for the land to the south to also bound the site with residential development.

The majority of effects attributable to the operational phase of the development are identified as negligible or minor adverse. Some moderate adverse effects are however recognized in respect to the permanent change in the land use and the immaturity of the planting at Year 1 of the development. The LVIA goes on to contend that in respect of Landscape Effects the development will incorporate a high level of planting and open space which in the longer term will have a significant beneficial effect on vegetation cover.

The most significant visual effects of the development are identified to occur close to the site along Hollowdyke Lane; the public right of way FP4 to the west of the site; and to residents of Collinson Lane, on the southern edge of the existing Fernwood. Effects will decrease from significant adverse to being insignificant by Year 11. Clearly this will be heavily dependent on the efficient delivery of the mitigation proposed; a point raised through the comments of NCC Landscape Team:

'The success of the proposed mitigation will be reliant on effective high quality and robust landscape proposals being developed at detail design, with resourced and managed establishment and ongoing management of landscape elements.'

The overall comments of NCC are noted in respect to the discussions on the wider strategic allocation and the need for careful consideration of a strategic landscape delivery despite the involvement of numerous land owners. It remains for the LPA to consider the exact details of landscape delivery (for all sites within the allocation) at reserved matters stage. Clearly officers will need to be mindful of potential connectivity and coherences of all proposed open spaces and landscape structures. The proposal has taken lead from the requirements of Policy NAP 2C in terms of allowance for a landscape buffer along the eastern boundary of the site. In allocating the site for a mixed use residential development of this scale, it has already been implicitly accepted that there will be landscape impacts arising from the proposal. Nevertheless, the outline scheme as presented is considered appropriate in maximizing the opportunities to appropriately screen the development where possible. The identification of adverse impacts summarised above are noted, and indeed will be weighed in the overall balance of the proposal.

Archaeology and Cultural Heritage

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

Heritage is addressed through Chapter 9 of the ES confirming that there are no designated heritage assets within the site. The assessment does however identify one possible focus of archaeological activity within the site and more widespread evidence of former strip cultivation of the site.

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

Given the existing built form of Balderton and Fernwood, it is felt that the proposal is not likely to compromise designated heritage assets in Balderton or Newark, and I am satisfied that topography and relative distances between receptors and the proposal site ensure that impact in the wider landscape is not likely to result in any specific material harm to the setting or significance of the Church of St Giles in Balderton or Church of St Mary Magdalene in Newark. No harm is perceived, furthermore, to the setting of Balderton CA or non-designated heritage assets such as Fernwood Tower.

It is recognised that the Church of St Peter at the western edge of Claypole could be impacted by the proposal due to the open rural landscape between. Whilst I would defer to Conservation colleagues in South Kesteven for their view on this matter, I am satisfied that the indicative proposed layout of the scheme and the limitation of new dwellings to 2 storeys in height is likely to ensure that the setting of St Peter will not be harmed. There are also opportunities to help reinforce and improve green infrastructure at the eastern portion of the proposal site which would help mitigate impact on the wider setting of the church.

The development site contains archaeological interest. The County Historic Environment Record (HER) and National Monuments Record (NMR) identifies potential within the overall Fernwood NE site, including an undated cropmark enclosure (possibly prehistoric in origin), a ring ditch feature and various linear features identified on aerial photographs. The effect of the proposed development on the significance of any non-designated heritage assets should be taken into account in determining the application in accordance with paragraph 135 of the NPPF. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In addition, given the archaeological interest of these identified heritage assets, appropriate regard must be given to their potential for higher significance, noting that assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to the policies for designated heritage assets (as required under paragraph 139

of the NPPF). The submitted desk-based assessment recommends that a scheme of investigation and recording should be secured via a suitably worded condition. I would concur with this assessment.

The proximity of the site to the Grade I listed Church of St Peter is acknowledged and the comments of South Kesteven District Council are noted in this regard. The comments direct assessment towards NSDC and in this respect I would concur with the above conclusion that the indicative proposed layout is unlikely to harm the setting of the Church. I am conscious that any specific impacts, such as those arising from the built form within the site, will be a matter for assessment at reserved matters stage when the full details of the scheme are before Members for consideration. On this basis no conflict with the aspirations of CP14 and DM9 have been identified in respect of designated heritage assets.

In addition to the aforementioned designated heritage assets, regard must also be had to non-designated assets present within the site, notably the identification of archaeological potential. It is fully acknowledged that the primary impact of construction works will be from the ground work associated with the development directly impacting upon the archaeological resource. Equally it is acknowledged that the impact is likely to result in substantial or total destruction of any archaeological remains. As a consequence, subject to an appropriately worded condition requiring a suitable scheme of mitigation and programme of archaeological work the importance of the archaeological remains identified thus far is not considered sufficient to prevent development on the site.

Impacts on Environment

Flooding

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

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

Chapter 8 of the ES and the accompanying Flood Risk Assessment (FRA) deals with matters of Flood Risk and Surface Water Drainage (the latter discussed separately in the following section). The application has also been accompanied by a standalone Flood Risk Assessment undertaken by millward and dated June 2017.

In the context of the proposed development, the two most important watercourses in the area are the Shire Dyke and the River Whitham. The former is located approximately 0.3km east of the site and there is a field ditch to the eastern boundary cutting through the site and a further drainage ditch to the northern boundary running parallel to Hollowdyke Lane. Areas to the east of the site are recognized as being within Flood Zones 2 and 3 (estimated within the ES as being 2.3ha and

6ha respectively) for fluvial flooding with the remainder (and indeed the majority of the site) within Flood Zone 1.

The ES confirms that the areas within Flood Zone 3 will not feature residential dwellings with the residential development proposed restricted to Flood Zone 1 and a small proportion of Flood Zone 2. The basis of the FRA is on the latest depth mapping for flooding in the area which takes into account the flood defences on the River Whitham. It is accepted that these details supersede the Strategic Flood Risk Assessment Level 1 report published by NSDC in July 2009.

Members will note that the NPPF does not require the application of the sequential test given that the site has been allocated for development of the nature proposed. However, it is equally noted that Policy NAP2C only accepts the potential for residential development in Flood Zone 2 on the basis that it incorporates appropriate flood mitigation measures in line with national policy. This conforms with the requirement of national policy for the decision taker to apply the exception test in the case where the sequential test has been passed.

The proposal has been assessed by the relevant consultees including NCC Flood Team as the Lead Local Flood Risk Authority and the Environment Agency. Both comments are outlined in full above, neither raising an objection to the application. Both parties have suggested that the development should be conditioned in line with the submitted FRA including in respect to finished floor levels.

The wider sustainability benefits of the proposal are acknowledged (and indeed afforded the appropriate weight in the overall balance undertaken below) and thus it remains for the authority to be satisfied that the development will be safe for its lifetime and not increase flood risk elsewhere. Given the outline nature of the proposal, exact mitigation measures such as raising floor levels for the eastern portion of the residential development and incorporating flood resilient construction technique cannot be considered in detail at this stage. Nevertheless, I am confident that these could be agreed through a suitably worded condition such as that recommended by the EA. On this basis the proposal would be compliant with the relevant elements of Policy NAP2C and the NPPF.

Surface Water Drainage

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

As has already been acknowledged, the development will impose a fundamental change to the character of the site introducing built form to existing agricultural land. This will undoubtedly lead to an increase in surface water runoff in correlation to the increase in impermeable surfaces. Given the proximity to surrounding watercourses there is potential for this to lead to increased instances of flooding if not addressed. Surface Water Drainage has been addressed in the application submission through Chapter 8 of the ES and the associated FRA.

It is acknowledged that there is an existing field drain to the northern boundary of the site which serves the highway drainage from Hollowdyke Lane. However, given the site contours it is confirmed that there is little field run off expected to currently drain into the existing drain. The existing scenario for drainage is partial infiltration to the existing topsoil before generally following the topography west to east towards the existing drainage ditch to the east of the site and ultimately outfalling into the Shire Dyke.

The FRA confirms that the volume of attenuation which is estimated to be required to accommodate the development is between 6,000m³ and 7,963m³. The indicative site layout demonstrates three separate SUDs ponds throughout the site which are capable of accommodating circa 6,600m³. The discrepancy between this and maximum figure of 7,963m³ (i.e. 1,363m³) is expected to be accommodated in the under-drained swale areas and permeable paving. Given the outline nature of the proposal the actual final attenuation requirements will be confirmed as part of the detailed design of the scheme. The FRA states that drainage provisions are intended to be adopted and maintained by a private management company which will be funded through the residents of the development through their deeds.

Relevant consultees have assessed the development as proposed. Specifically NCC Flood Team has commented as the Lead Flood Authority and have raised no objection provided that the surface water drainage system is carried out in compliance with that submitted through the FRA. Provided that this is secured by condition I am satisfied that the proposal as submitted accords with the requirements of NAP2C.

The comments of the Upper Whitham Drainage Board are listed in full above. These confirm that the Board maintained Balderton Fen Drain flows through the site and the Shire Dyke is on the eastern boundary. The comments raise an objection to the development in Flood Zones 2 and 3 but go on to acknowledge that it falls for the LPA to assess the acceptability of the development principle (as has been done in the above discussion on matters of flooding). The Board confirm that their prior written consent would be required for any works within 6m of the top of the bank and raises concern that the current indicative layout appears to show planting within that area which would be potentially unacceptable. Given the outline nature of the proposal which will require exact details of landscaping to be submitted at reserved matters stage, I do not consider this to be a fundamental issue which would affect the determination of the outline proposals presented.

The site is located very close to the operational boundaries of Anglian Water and Severn Trent Water and thus both have been consulted on the proposed development (noting that the applicant has also undertaken pre-development consultations with both parties). Comments have been received from Severn Trent confirming that no objections to the development subject to the imposition of conditions. However, officers have concerns in respect to the condition suggested as drafted:

The development proposed should not be occupied until the need for public sewerage improvements has been identified and the necessary improvements to the public sewerage system have been fully implemented by Severn Trent Water.

The consequence could be that the development is delayed on the basis of implementation of sewerage improvements which would be beyond the control of the applicant. On this basis, the condition is not considered to meet the 6 tests outlined by the NPPF in that it would not be reasonable. Severn Trent Water are not a statutory consultee to the planning process and any comments made to applications are advisory. Moreover, Severn Trent have a duty to accommodate flows from new development. This is a matter which has previously been debated by this LPA; notably a scheme at Ash Farm in Farnsfield where a legal opinion confirmed that it was not possible for the developer to be prevented from making a connection to Severn Trent's sewers on the basis of inadequacy in their capacity. So much was made clear in the Supreme Court decision in *Barratt Homes Ltd v Dwr Cymru Cyfyngedig (Welsh Water)*. On this basis officers do not consider it reasonable to attach the second condition as suggested by Severn Trent Water.

Water Quality

Impacts on the natural environment including water quality are addressed through paragraph 109 of the NPPF and the associated online guidance of the NPPG. This is addressed within Chapter 8 of the ES. It is acknowledged that there is the potential for the development to result in water pollution from silt laden runoff if it is allowed to drain to the surrounding watercourse untreated. There is also potential from spillages and leaks from plant and machinery during the construction phase.

The site is in close proximity to the Shire Dyke which is recorded as having a moderate ecological status and good chemical status. Any effects arising from the construction of the development would be short term, non-permanent impacts which would more importantly be reversible. I therefore do not consider that the potential impacts on water quality identified above would be significant enough to warrant a resistance of the proposal.

Air Quality

Chapter 6 of the ES and its associated Appendix has assessed matters of air quality based on findings of the existing air quality conditions, potential air quality impacts during the construction phase of the development and the predicted impacts on local air quality resulting from road source emissions generated by the development once it is fully operational.

For the construction stage, the most important consideration is dust which without appropriate mitigation could cause temporary soiling of surfaces such as windows and cars. The ES acknowledges that the LPA may require 'desirable' mitigation measures including a Dust Management Plan and monitoring. Other measures such as imposing maximum speed limits for construction vehicles are referenced. I am satisfied that any potential air quality impacts arising from the construction phase of the development could be agreed through the discharge of a Construction Environmental Management Plan (CEMP) condition.

For the operational stage, the most important consideration is the changes in road vehicle emissions arising from the arrivals and departures from the proposed development. The assessment identifies the key pollutants associated with the development traffic as being Nitrogen Dioxide and Particulate Matter. A number of receptors have been assessed including nearby existing residential properties and surrounding land uses such as the Lancaster Grange Care Home. Overall, the impact on the surrounding area is considered to be 'negligible.'

The assessment then moves to the operational phase in the context of the future occupiers of the proposed development. Relevant objectives from the National Air Quality Strategy (AQS) are likely to be met at the facades of the Development and on that basis, future occupants of the Development will be exposed to acceptable air quality effects. On the basis of the outcomes of assessment, no further mitigation measures are considered necessary. This stance is supported by the comments of Environmental Health colleagues with their comments stating a general concurrence with the findings of the assessment.

Noise and Vibration

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

It is noted that, unlike the PHEM site to the south, the current application site is not boarded by the A1 or existing industrial uses. On this basis, officers accepted at scoping stage that matters of noise and vibration need not be covered through the submitted ES. As a general stance, the site is not considered to be subject to potential levels of noise pollution that would be unusual to any other greenfield site. However, it is noted that the site forms part of a wider strategic allocation which could amount to cumulative impacts particularly at the constructions stage which would be ongoing for a number of years.

There would undoubtedly be noise impacts to existing properties and early occupiers during the general earthworks, construction and fit out phases of the development. Whilst this is an undesirable impact of the proposal it is unfortunately one considered difficult to overcome. It can, of course, be minimized as far as possible by ensuring that site compounds on each phase(s) are sited as far as practicable from any existing and early receptors and by controlling this, working practices, and hours of operation via a Construction and Environmental Management Plan (CEMP).

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

Land Contamination

Paragraph 120 of the NPPF requires the LPA in their decision making to ensure that new development is appropriate for its location to prevent unacceptable risks from pollution and land instability. It is noted that the site comprises an agricultural land use and as such no significant contaminative land uses are considered to be present within the site. The Council's EHO has raised no concerns in respect to matters of land contamination. Aforementioned conditions for a CEMP would be appropriate to mitigate any potential adverse impacts arising from construction and could be readily mitigated by appropriate planning and design.

Utilities and Services

Residential development of the scale proposed will implicitly have implications on service infrastructure and utilities. Paragraph 162 of the NPPF relates to infrastructure confirming that LPA's should work with other authorities and providers to assess the quality and capacity of local infrastructure services. Policy NAP2C follows this stance by requiring the provision of necessary infrastructure in relation to the progression of the development.

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

Given the existence of the High or Intermediate pressure (above 2 bar) gas pipeline within the site, the development requires the undertaking of a PADHI+ assessment. The comments of the Health and Safety Executive (HSE) are listed in full in the above consultation section. The comments confirm no objection on safety grounds.

The ES confirms that there is no capacity within Claypole treatment works to take the foul flows from the development of 350 dwellings. The ES goes on to contend that Anglian Water are

obligated to provide storage for any development with the benefit of a planning permission and that Balderton sewerage treatment works does have the capacity. Unfortunately no comments have been received from Anglian Water to confirm whether or not this is the case. Notwithstanding the lack of comment received, the same judgement as referred to above would apply in that it does not fall for the developer to address existing capacity issues.

Details of any potentially required diversionary works for the existing services which cross the site will be provided at detailed design stage with the intention for works to be undertaken as part of the development. No objections have been raised by statutory consultees and I am therefore satisfied that the necessary infrastructure can be provided in accordance with the requirements of Policy NAP2C.

Developer Contributions

Core Strategy Spatial Policy 6, Policy DM3 of the Allocations & Development Management DPD and the Developer Contributions and Planning Obligations Supplementary Planning Document present the policy framework for securing developer contributions and planning obligations.

In the case of outline applications, some contributions cannot be fixed until overall numbers are known. The S106 will therefore be set out, where relevant, as a series of formulas to be applied to each separate obligation dependent on details submitted in the reserved matters stage. The following discussion provides the requirements of the SPD and consultee responses for a scheme of up to 350 dwellings (which has also been summarised by the table at Appendix 2). For each potential contribution I have set out the policy position, the developers offer and our position/commentary on each.

To clarify the applicant has presented a viability case during the life of the application (received on December 22nd 2017). This case presents that the application cannot be fully policy compliant specifically in respect of affordable housing. For the avoidance of doubt, all other requested contributions and the relevant CIL contributions have been factored into the viability case in full.

The National Planning Policy Framework says that plans should be deliverable and that the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. The NPPG makes clear that this policy on viability also applies for decision taking and makes clear that decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth. Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible. It is further noted that the Government has specifically sought comments on a separate Viability document as part of the ongoing draft NPPF which demonstrates the direction of travel from a national perspective (albeit is solely in draft form and cannot be afforded weight at the current time).

In line with the approach taken in the determination of the adjacent scheme submitted by BDW (reference 14/00465/OUTM) the Council has commissioned an independent review to critically appraise the applicant's submission and to provide independent advice to the Council in respect of viability. Given that the viability case presented rests on the premise that the only contribution which would not be policy compliant is affordable housing, the conclusions of viability discussions are incorporated within the following section.

Affordable Housing

Core Policy 1 requires that 30% on-site affordable housing is provided which should reflect local housing need and viability on individual sites, overall reflecting a mix of 60% social rent and 40% intermediate. For 350 dwellings this equates to 105 dwellings.

The position presented by report dated 20th December 2017 was that the proposed development does not show sufficient financial viability to allow for the provision of full target policy Affordable Housing and S106 contributions. This is presented on the basis of a 17.5% developer return when expressed as a percentage profit against the gross development value of the scheme. The offer as at December 2017 was that the development would deliver an 'optimum blend' regarding policy aspirations and developer assumptions by providing 13% on site affordable housing (at a 52% intermediate and 48% affordable rent) and be policy compliant in all other respects. In order to achieve this, contingency has been reduced to an 'optimistic' 2.5% and finance costs have been omitted on the intention that the applicant is hopeful of funding the project from cash reserves. It is stated that this would demonstrate a marginal negative viability of -£3,362 (acknowledged as being effectively de minimis).

It is fully understood that the split referenced above has been previously accepted by the LPA in the consideration of the Persimmon Homes application (16/00506/OUTM) in September 2016 and the BDW application (14/00465/OUTM) in September 2017. In respect of the latter application, this was in the context of a non-policy compliant scheme (i.e. 11.5% affordable housing delivery on site). Given that the LPA have accepted this approach as broadly reflecting the tenure needs of the Authority in terms of split, it is considered unreasonable to dispute this split in the determination of the current application (particularly noting that due to S106 discussions the BDW application was not determined until the end of December 2017). As with previous approvals, it would follow that the Section 106 would need to incorporate a reappraisal mechanism to allow flexibility in the event that circumstances change during the life of the build out. This does not diminish the importance of the delivery of affordable housing but is intended to give both the developer and the LPA comfort that the right housing is being delivered at the right time to meet potentially changing needs.

The requirements of such a review would need to reflect the scale of the current application in respect of timescales (i.e. the Larkfleet application is for a significantly lesser number of dwellings than the Persimmon and BDW applications).

The independent viability review report confirms that, on the whole, the assumptions made the applicants appraisal are fair. There are however a number of differences identified through the independent review. These are:

- *Land Value: The approach in principle is acceptable. The BLV as stated is above usual benchmark and above recent viability assessments carried out in Newark. In terms of consistency of approach and reasonableness testing the BLV basis should equate to £100,000 per gross acre.*
- *The average unit size is considered relatively small once factored to an average density per acre.*
- *Shared ownership values are potentially too low at 49% the usual benchmark capital value attributed to the tenure type is c67%-70%, as is affordable rent at 30% of OMV.*

It is accepted that the applicants submissions are mathematically sound and more crucially that a 30% Policy Compliant scheme would not be viable. The Councils Independent Consultant has applied further sensitivity to ascertain the level at which affordable housing could be considered viable. A model demonstrating 15% affordable housing has been found to be viable but only if larger units are assumed. It is therefore considered more reasonable that the scheme could deliver **14% affordable housing** as a compromise to the extent of increasing unit sizes. This is based on a developer profit of 18%. The applicant has accepted this position albeit the actual site delivery could potentially increase to 15% as explored in further detail in the Transport section below depending on whether some infrastructure will be delivered by others, as its envisaged as likely to be the case.

Officers are satisfied that the Independent assessment demonstrates a robust review which should be afforded appropriate weight. Whilst it is undesirable to accept less than 30% affordable housing on site delivery, in the context of the NPPF's requirement for a pragmatic approach to viability it is considered that it would be unreasonable to resist the application purely on this basis, especially in the context of securing part of this SUE site and all other contributions, including CIL.

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). It is noted that the current application would be delivered in alliance with the remainder of the wider site allocation which includes the provision of new community facilities (including a local centre on the adjacent Persimmon site). On this basis it is considered appropriate that the current application does not include on site provision of community facilities but would instead rely on an off-site financial contribution. Based on 2016 indexing, for a development of 350 dwellings this would equate to a financial contribution of **£484,424,50**.

Discussions have been ongoing with relevant parties regarding where it would be appropriate for these monies to be spent and indeed whether they are necessary given the wider context of intended delivery on the other sites within the allocation. The following additional comments have been received from NSDC Communities and Arts Manager:

It is recognised that the existing Fernwood Village Hall is very well used and does not have the capacity to meet increasing demand generated through the proposed new strategic sites therefore it was suggested that enlargement of this community resource would be a preferred option (in the context of the BDW scheme). In addition it was suggested that further community facilities could be developed adjacent to the tennis courts, petanque terrain, sports pitch and children's play space to provide ancillary facilities to enhance the sporting and recreational offer that currently exists.

Officers consider that the contribution towards facilities in existing Fernwood Village would be appropriate on the basis that the Larkfleet development would have a much shorter build out time than the adjacent Persimmon scheme (with its associated facilities). Therefore assuming that the developments commence on site at similar times, the pressure on community facilities for the majority of the Larkfleet occupation would be predominantly towards the existing facilities.

Health

Policy NAP2C states a requirement for a three GP facility for the whole allocation for the Land around Fernwood (circa 3,200 dwellings). At this stage, discussions are still ongoing as to where the proposed health facilities will be delivered. The S106 for the Persimmon scheme (16/00506/OUTM) is currently drafted to allow flexibility and the ability for a healthcare review throughout the life of the development to ensure that the contributions sought are appropriate to the evolving needs of the health providers and ultimately the local community.

For a development of 350 dwellings the off-site contribution would total **£343,917**. It is considered reasonable to take a similar approach to that in the Persimmon S106 in that the off-site contributions would be capped at this amount pending the conclusion of the healthcare review which would confirm where the contribution would be spent.

Education

There is no dispute that a development for 350 dwellings would put a strain on the existing education provision. Indeed education provision within an urban extension is a key component of sustainability. In this respect, Policy NAP2C requires the Greater Fernwood allocation to deliver a new primary school. Both the BDW and Persimmon proposals incorporate primary schools of sufficient size to 'wash the face' of their quantum's of development. In the case of the latter Officers have also negotiated the provision of 'school expansion land' such that the remaining developers in Fernwood SUE can build an extension on any site in due course.

When one is looking to extend a school (as oppose to build a new one) the starting point is the Councils Developer Contributions SPD. This seeks commuted payment for such provision off-site following an adopted formula. For 350 units this would provide for a maximum contribution of £842,100 which rises to £948,500 current indexation levels (a matter agreed by the applicant in their viability calculations). Members will note the comments of County Council suggesting that the appropriate calculation in this case would instead be based on relevant build costs (the SPD calculations are based on delivery of pupil places), which they estimate for a half from entry school extension as £1,250,000. There is, however, an acknowledgment that Larkfleet would be making a proportionate financial contribution to such provision which has been calculated by NCC as follows:

- Cost per pupil place: £11,905 (£1,250,000 divided by 105)
- Cost per dwelling: £2,501 (£11,905 divided by 4.76 number of dwellings per pupil place)

If Larkfleet built the 350 dwellings which they are proposing their contribution would be £875,350 (£2,501 x 350). This approach does not apply indexation.

Having discussed with NCC it is clear that whether one takes a SPD formula or capital cost approach that the overall value of contribution is similar. On this basis, and with the applicants agreement a maximum contribution of **£948,500** will be sought.

Officers, as with the highways matters, are required to carefully consider what would happen if the 'school expansion land' did not come forward, essentially if the Persimmon proposals did not take place. In this circumstance NCC Education state that there are no other school sites in the area that could accommodate a primary expansion of sufficient size to accommodate pupils from

this development (notwithstanding that the applicant are still agreeing to pay a sufficient commuted payment to cover the cost of any school extension). Moreover, they say a solution would not be appropriate or feasible. What NCC are essentially stating is that if the Persimmon scheme and 'school expansion land' does not come forward that this, or any other development should not come forward either. That includes even if this developer were to build a half form entry on their own site to accommodate school children.

The proposal for a stand-alone half-form entry school is clearly unviable and non-sensical, one of the few matters upon which NSDC and NCC education agree. It equally cannot be the case that one cannot determine or must resist this application for housing, at a time of a national housing crisis, on a SUE site which makes a significant contribution to this Council's 5YHLS, until such time as the 'school expansion land' comes forward via another development. NCC have known of this site and the various landowners involved for many years. What is required in this case is for Members and this Council to carefully consider whether the likely impacts of the development upon education numbers has been adequately considered in the unlikely event that the Persimmon proposals do not come forward. Officers are of the opinion that securing the requested contribution in full, early on in each phase of development (and with longer than normal pay back periods), will allow sufficient funds to assist county in meeting their education challenge for Fernwood and Newark as a whole. It is not considered, in an overall planning balance, that securing such monies for NCC to access would be an unreasonable or unacceptable approach. NCC education will be entitled to draw down any education monies as soon as they are received as part of such an approach.

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

Libraries

The Council's SPD allows for contributions towards library stock at a cost £47.54 (based on 2016 indexation). This would equate to **£16,639** based on a development of 350 dwellings. However, as is outlined by the revised comments of NCC Developer Contributions, there is no requirement for contributions in this respect.

Public Open Space

Allotments and Community Gardens

The Council's SPD provides that 12m² should be provided per dwelling. Based on 350 dwellings this would amount to 4,200m² (0.42ha). The D&AS confirms the delivery of 0.41ha of allotments to be delivered towards the east of the site. The very slight shortfall from policy aspirations is considered negligible in the context of the whole development. As such the proposal is deemed appropriate in this respect. Delivery of the allotments would be secured by the S106.

Amenity Green Space and Provision for Children and Young People

The SPD requires provision of 14.4m² per dwelling for amenity green space and 18m² per dwelling for provision for children and young people. The indicative site plan demonstrates numerous areas of public open space and play areas with the D&AS confirming the total area for public open space would be **2.95ha**. The application has therefore demonstrated the ability to far exceed the policy requirements. These facilities will be secured through the Section 106 Agreement.

Natural and semi-natural Green Space

The SPD suggests that 10ha per 1000 population should be provided (which would be 8.4ha) but recognises that due to difficulties in achieving this residents should live within 300m of an area of natural and semi-natural green space. It is noted that it would be somewhat unrealistic for a site of circa 22ha to deliver 8.4ha of natural and semi-natural green space (and be able to achieve the residential development proposed). The proposal includes extensive areas of natural and semi-natural green space totaling **2.9ha**. This is considered commensurate to the development proposed and there is therefore no requirement for off-site contributions in this respect.

Outdoor Sports Facilities

Noting that on-site provision for sports facilities are not incorporated within the development, the fallback position of the SPD would be to seek off-site contributions where necessary. As per the calculations of the SPD, a scheme for 350 dwellings would warrant a maximum request of **£258,202**. Noting that the level of provision intended for delivery through the delivery of the wider strategic site, officers have sought further confirmation as to where the off-site contributions could be reasonably directed towards. This would need to be carefully considered and factored into the wording of any associated legal agreement.

Other on-site provision

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

Maintenance of Public Open Space

The District Council has confirmed that it would not take on the maintenance of the POS. The POS amounts to a total of approximately 2.95 hectares with the proposed Allotments covering an additional 0.41 hectares and includes a range of facilities including, equipped areas of play, allotments and attenuation ponds which would require an able and sophisticated maintenance regime.

It is understood that the management of public open space is a contentious issue and one that has caused concern in the past on the existing Fernwood development.

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

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

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

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

It is anticipated that Larkfleet Homes will carry out the implementation of the Management Strategy by establishing a site wide ManCo. This will be funded by annual service charge secured by way of a covenant on their title.

These charges should be made readily available to prospective purchasers in an upfront and transparent manner. The brochure for prospective purchasers outlining associated charges could be secured by a suitably worded condition.

During stakeholder engagement, Fernwood Parish Council has expressed an interest in taking over management responsibilities of infrastructure and facilities. Whilst the applicant remains of the view that the ManCo framework is the most effective way to implement the management of the development, opportunities for management responsibilities of targeted infrastructure and facilities to be transferred to the Parish could be considered. It is envisaged that this would be in the later stages of the development once the infrastructure has been delivered and management arrangements are established and sustainable.

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

Transport

The highways mitigation works discussed above in the Highways Impact section of the report (and incorporated within Appendix 1) would be secured through conditions and the associated S106 agreement. However, the case presented by the attributable tables above (i.e. what would fall solely to each developer) is clearly in the scenario that all developments as intended come forward in a timely manner. Officers acknowledge that this is somewhat an 'ideal world' position and that in reality, unknown factors may intervene which prevent this from happening. That said there is more certainty that all sites are now promoted by national housebuilders with a track record, with BDW in for reserved matters and Permission due to be presented to Planning Committee in the coming months. Officers have carefully considered the potential that, if Larkfleet were to be approved, it would be beyond their control as to when and if BDW and Persimmon (again subject to approval) build out as intended. The highways mitigation measures requiring delivery have clearly been considered in the overall cumulative context of the site allocation. There is a potential scenario that if neither of the other developers were to come forward, Larkfleet would hit highways triggers requiring them to do additional works. As is already referenced, this has been factored into the wording of the conditions.

In the context of the discussion of Developer Contributions (and indeed the viability position presented) the delivery of transport infrastructure could have wider implications. This has been discussed with Larkfleet and it has been confirmed that they have already considered the risk of having to deliver wider highways improvements through obtaining quotes for the highways works from a civil engineering company. Costs have been split between highways costs attributable to the applicant irrespective of whether BDW and Persimmon come forward but also in the 'worst case' scenario that they are not delivered as envisaged. It is stated that if the savings of other developers delivering the highways works are added to the viability case, the affordable housing would increase (in their submission) from 13% to 14%. In line with the above discussion in the Affordable Housing section, Officers have already negotiated an increase to 14% (49 units) on site delivery. It is considered reasonable that subject to a clause within the S106 to review the highways infrastructure costs actually required at time of delivery, this offer could rise to 15% (52 units). This position has been agreed by the applicant.

As previously discussed within the relevant sections, the intentions of the Travel Plan would be secured through condition.

The applicant has demonstrated an intention to deliver two additional bus stops on Great North Road which would serve the connectivity of the development. This is advocated by NCC with the suggestion of a condition to secure the appropriate delivery of these bus stops. The applicant has requested that the trigger for the delivery of these bus stops be after the occupation of the 20th unit. Officers consider this to be a reasonable request which has been factored into the wording of the conditions.

In addition to the above, Members attention is drawn to the comments of Network Rail which are listed in full in the above consultation section of the report. The initial response sought contributions towards station facility improvements suggesting works such as improvements to passenger information; waiting facilities; cycle parking etc. These requests have been subject to further negotiations during the life of the application in order to ascertain a more specific request which could be considered CIL compliant.

No further comments have been received from Network Rail since the request at the end of November and given the viability position presented during the life of the application, Officers consider that, in this instance, it would not be reasonable to require the applicant to make the original contribution requested by Network Rail. As such this has not been incorporated within the S106. Members may recall that unfortunately this was also an approach which was adopted through the determination of other proposals within the wider site allocation including the Persimmon scheme.

Other Matters

Amenity

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

development will lead to detrimental amenity impacts which would warrant a resistance of the proposal.

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

Cumulative Matters

EIA regulations require the submitted ES to examine possible cumulative impacts arising for development. In the case of the current submission, this is dealt with both through chapters on specific matters and through Chapter 10 which deals solely with Cumulative Effects presented in the tabulated form in relation to the following sites:

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

The ES identifies that; whilst there may be some short term impacts (principally due to overlapping construction periods) overall the combined impacts of all developments are unlikely to give rise to significant adverse impacts. When taken in the context of the level of mitigation proposed by this application, and indeed the mitigation which will be secured by other applications, officers consider this to be an appropriate conclusion in respect of cumulative impacts.

Overall Planning Balance and Conclusions

This planning application represents an opportunity to deliver part (over 10%) of one of the Council's allocated Strategic Urban Extension sites. The delivery of housing, in this case promoted by a regional housebuilder is a material planning consideration which must be afforded significant positive weight. That said it is equally necessary to ensure that an acceptable form of development takes place, including required mitigation. A development of this scale will inevitably have impacts and will undoubtedly change the existing character of the location. This includes through the loss of agricultural land and the irreversible change to the landscape character through the introduction of residential built form of this scale. However, it does not follow that a significant change must equate to unacceptable harm.

It is notable that the applicant (indeed in line with other developers on the overall strategic site) has presented a viability case during the life of the application which confirms that the development would not be able to make a full 30% affordable housing on site delivery. The negotiated offer, as assisted by independent advice, is that the proposal would deliver 14% affordable housing on site (albeit with a potential for this to increase to around 15% pending the delivery of highways infrastructure required). Whilst this shortfall is undesirable, given the content of the NPPF in this regard, and through assurances from independent advice that 30% would not

be viable, it is considered unreasonable to resist the application solely on this basis.

Following extensive negotiations the Local Planning Authority is satisfied that subject to conditions and an appropriate S106 Agreement, appropriate mitigation can be secured which makes the development acceptable in overall terms. I am satisfied that the suite of parameter and framework documents submitted can be conditioned to govern any future reserved matters submissions, which in themselves will require more detail and supporting information. On the basis of all matters detailed above approval is recommended.

RECOMMENDATION

That outline planning permission is approved subject to the conditions appended at Appendix 3; the completion of an associated Section 106 agreement; and the finalization of conditions in substantive accordance with those Appended above (this can include conditions being moved into the Section 106 subject to legal advice).

Background Papers

Application case file.

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

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

Matt Lamb

Business Manager – Growth & Regeneration

Committee Plan - 17/01266/OUTM

