



Civic Centre,  
Arnot Hill Park,  
Arnold,  
Nottinghamshire,  
NG5 6LU

# Agenda

## Planning Committee

Date: **Thursday 27 November 2014**

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Time: **6.00 pm**

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Place: **Council Chamber**

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For any further information please contact:

**Lyndsey Parnell**

Senior Elections & Members' Services Officer

0115 901 3910

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# Planning Committee

## Membership

**Chair**                      Councillor John Truscott

**Vice-Chair**                Councillor Barbara Miller

Councillor Pauline Allan  
Councillor Roy Allan  
Councillor Peter Barnes  
Councillor Chris Barnfather  
Councillor Denis Beeston MBE  
Councillor Alan Bexon  
Councillor John Boot  
Councillor Ged Clarke  
Councillor Bob Collis  
Councillor Andrew Ellwood  
Councillor Cheryl Hewlett  
Councillor Jenny Hollingsworth  
Councillor Mike Hope  
Councillor Meredith Lawrence  
Councillor Marje Paling  
Councillor Lynda Pearson  
Councillor Colin Powell  
Councillor Suzanne Prew-Smith

# **AGENDA**

**Page**

- 1 Apologies for Absence and Substitutions.**
- Planning Committee Protocol.**
- 2 Declaration of Interests**
- 3 Application No. 2014/0556- Barracks Farm, Forest Lane, Papplewick, Nottinghamshire 3 - 40**
- 4 Application No. 2014/0915- A612 Burton Road/B684 Mapperley Plains, Gedling/Arnold, Nottinghamshire. 41 - 150**
- 5 Any other items which the Chair considers urgent.**

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# Agenda Annex

## PLANNING COMMITTEE PROTOCOL

1. This protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
2. Planning Committee is a quasi-judicial body, empowered by the Borough Council to determine planning applications in accordance with its constitution. In making legally binding decisions therefore, it is important that the committee meeting is run in an ordered way, with Councillors, officers and members of the public understanding their role within the process.
3. In terms of Councillors' role at the Planning Committee, whilst Councillors have a special duty to their ward constituents, including those who did not vote for them, their over-riding duty is to the whole borough. Therefore, whilst it is acceptable to approach Councillors before the meeting, no opinion will be given, as this would compromise their ability to consider the application at the meeting itself. The role of Councillors at committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Borough. When voting on applications, Councillors may therefore decide to vote against the views expressed by their constituents. Members may also request that their votes are recorded.
4. Planning Committee meetings are in public and members of the public are welcome to attend and observe; however, they are not allowed to address the meeting unless they have an interest in a planning application and follow the correct procedure.
5. Speaking at Planning Committee is restricted to applicants for planning permission, residents and residents' associations who have made written comments to the Council about the application and these have been received before the committee report is published. Professional agents representing either applicants or residents are not allowed to speak on their behalf. A maximum of 3 minutes per speaker is allowed, so where more than 1 person wishes to address the meeting, all parties with a common interest should normally agree who should represent them. No additional material or photographs will be allowed to be presented to the committee.
6. Other than as detailed above, no person is permitted to address the Planning Committee and interruptions to the proceedings will not be tolerated. Should the meeting be interrupted, the Chairman will bring the meeting to order. In exceptional circumstances the Chairman can suspend the meeting, or clear the chamber and continue behind closed doors, or adjourn the meeting to a future date.
7. After Councillors have debated the application, a vote will be taken. If Councillors wish to take a decision contrary to Officer recommendation, a motion to do so will be moved, seconded and voted upon. Where the decision is to refuse permission contrary to Officer recommendation, the motion will include reasons for refusal which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged. The Chairman may wish to adjourn the meeting for a short time for Officers to assist in drafting the reasons for refusal. The Chairman may move that the vote be recorded.
8. Where members of the public wish to leave the chamber before the end of the meeting, they should do so in an orderly and respectful manner, refraining from talking until they have passed through the chamber doors, as talking within the foyer can disrupt the meeting.

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**Application Number:** 2014/0556  
**Location:** Barracks Farm, Forest Lane, Papplewick, Nottinghamshire.



**OTE:**  
This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site. Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright No. LA 078026  
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## **Report to Planning Committee**

<b>Application Number:</b>	2014/0556
<b>Location:</b>	Barracks Farm, Forest Lane, Papplewick, Nottinghamshire.
<b>Proposal:</b>	Erection of a 500kw wind turbine with a tip height up to 77m along with transformer station at base, access track from farm to turbine and access improvements at junction of farm access and Forest Lane.
<b>Applicant:</b>	Robert Marshall
<b>Agent:</b>	Mr Stephen Catney
<b>Case Officer:</b>	David Gray

### **1.0 The Proposed Development**

- 1.1 Full Planning is sought for the erection of a single 500kw wind turbine and associated infrastructure on agricultural land to the west of the farm buildings associated with Barracks Farm. The planning statement advises that the turbine would be operational for 25 years from the first generation of electricity on site, after which the turbine would be removed and the site restored.
- 1.2 The proposed wind turbine would be a 'EWT DirectWind 54\*500's. It would have:
  - Hub height: 50 metres;
  - Rotor diameter: 54 metres;
  - Maximum tip height: 77 metres;
  - Number of blades: 3;
  - Output rating: 500 kW.
- 1.3 Access to the site would be from Forest Lane (B6011) which is an existing tarmac road. The junction access from Forest Lane is proposed to be upgraded as part of the proposed development. The junction with the highway would be increased to provide a 20 metre radius for construction HGV's.
- 1.4 A new access track is proposed from the existing farm access track following the edge of the field in which the turbine is proposed and will run to the base of the turbine. The length of the new access track would be approximately 356 metres with a total area of 0.15 hectares.



- 1.5 An electricity substation is proposed to the north of the proposed wind turbine. Indicative plans and elevations have been submitted with the application for future approval reserved by condition. The parameters set by the plans submitted would be: 3.5 metres wide, 6.5 metres long, with a ridge height of 3 metres.
- 1.6 The wind turbine foundations would be constructed in concrete and depend on site geology. Site survey work would be undertaken to determine which type of foundation would be suitable. The tapering tower would have a footprint diameter of 3.6 metres at the base and 1.92 metres at the nacelle (a cover housing containing the generating components of the wind turbine).
- 1.7 To the north of the proposed wind turbine there would be a temporary 40 metre x 25 metre hardstanding area for construction vehicles and cranes.
- 1.8 The wind turbine would be assembled onsite and lifted into position by cranes. Once the turbine has been erected any damage or disturbance created by construction traffic, foundations or cabling would be repaired.
- 1.9 The turbine would produce 1,600 MWh of electricity per annum (assuming 95% availability). Using figures taken from Defra/DECC's GHC conversion factors for company reporting, published in August 2011 (0.5246 kg CO<sub>2</sub>/kWh), it is indicated that the turbine would achieve carbon savings of 839,360kg of CO<sub>2</sub> pa or a 20,984,000 kg of CO<sub>2</sub> over 25 years (minimum guaranteed lifetime of turbine).

## **2.0 The Site and its Surroundings**

- 2.1 The proposed wind turbine would be located in a rural location approximately 340 metres to the east of 'The Old Granary' building associated with Barracks Farm. The Ordnance Survey grid reference for the site is SK 55683 52016.
- 2.2 The application site is located on a working farm, Barracks Farm. It is situated within the designated Green Belt of Nottinghamshire. Barracks Farm has acreage of 648ha which is in arable rotation.
- 2.3 The site is located approximately 7km south of Mansfield, 2 km south of Ravenshead, 3.8km north of Bestwood Village and 1.5km north of Hucknall.
- 2.4 The proposed wind turbine location itself would be within the Parish of Papplewick and would be approximately 700 metres from the west boundary of the Conservation Area of Papplewick.
- 2.5 The wind turbine would be sited approximately 1.1km to the west of Mansfield Road (A60), approximately 640 metres to the east of Blidworth Way (B683) and approximately 1km to the north of Forest Lane (B6011).
- 2.6 The immediate surrounding area is defined by agricultural farmland with blocks of woodland areas. There is a mature native hedgerow that bounds the edges of the field in which the wind turbine would be located. The rotor

diameter of the proposed wind turbine would be located approximately 70 metres from the hedge row to the west and 65 metres from the hedgerow to the north.

- 2.7 The application site is in an elevated position to the surrounding undulating agricultural landscape.
- 2.8 The topography of the land rises to the north from Forest Lane towards the proposed wind turbine. The land continues to rise to the north east and then drops in level adjacent to Blidworth Way.
- 2.9 There is a National Trail (The Robin Hood Way) which runs along the edge of Papplewick village on a north / south axis. There are also a number of Public Rights of Way surrounding the site.
- 2.10 The registered park and garden of Newstead Abbey is to the north west of the application site which is set within mature mixed woodland. To the east is Papplewick Hall which is a Grade I listed building with a Grade II\* registered park and garden.
- 2.11 There are residential properties sited to the south of the proposal on the south side of Forest Lane (approx. 1 km away), to the south west within the village of Papplewick (approx. 1 km away), to the west on the west side of Blidworth Way (approx. 710 metres away), to the east on Mansfield Road (approx. 810 metres away).
- 2.12 The application site is located within Flood Zone 1 which means there is no requirement for a Flood Risk Assessment.

### **3.0 Application Publicity and Procedures**

- 3.1 The application has been advertised as a departure from the Local Plan. A Site Notice has also been displayed to indicate that the proposed development could have an adverse impact on the setting of listed buildings and Conservation Areas in the vicinity of the site. The required Press Notices have been advertised within the Nottingham Evening Post.
- 3.2 The 14 properties that adjoin Barracks Farm have been notified of the application.

Following the receipt of further information which suggested a wider impact, a further consultation was carried out extending the notification procedure to 214 properties located within the village of Papplewick, along Mansfield Road, and Blidworth Way. Any further comments received will be reported verbally at Committee.

### **3.3 Neighbour Notification and General Publicity Responses**

21 representations have been received objecting to the proposal and 4 representations have been submitted in support of the application. The

following issues raised in the letters of representation can be outlined as follows:

The proposed development would have a detrimental impact on the Green Belt;

The visual impact of the development on the local landscape, heritage and the conservation area;

Proximity to Papplewick Hall, Papplewick Hall Gardens, Papplewick Hall Mews, Newstead Abbey Park and the impact of the wind turbine on all the heritage assets;

The view east from Papplewick Hall would be seriously impacted;

The impact of the wind turbine would not preserve and enhance the quality of the environment;

Impact on highway safety and an accident black spot on Blidworth Way;

Reference is made to the Department of Transport's 'The Strategic Road Network and Delivery of Sustainable Development.' The wind turbine would be sited near to a sharp bend on Blidworth Way and would be contrary to the advice contained within this document;

Negative visual impact on public footpaths in the area;

The impact on wildlife and migrating birds given the proximity of woodland and ponds in the area;

The reduction in CO2 is not a special circumstance that would outweigh the harm to the Green Belt;

There is no indication of the volume of electricity that would be produced by the turbine compared with the requirements of the farm and whether a smaller wind turbine would be more suitable;

Alternative energy production sources have not been considered;

The proximity to neighbouring residential properties would result in undue shadow flicker and noise impact;

The financial benefits are all directed at the applicants and not the local residents;

An approval of the wind turbine would set a precedent for further applications of wind turbines;

Adverse impact on horses and ramblers who use the public footpaths in the area;

The wind turbine would generate harmful microwaves that would damage local wildlife;

The Borough Council's attention is brought to the National Grid initiative to bury power lines, given their detrimental impact on the landscape;

Wind turbines are inefficient;

The proposed development would damage the local economy and make Papplewick a less desirable area to live;

There would be emissions of harmful microwaves;

#### Other Considerations

Difficulties have been raised accessing the plans on the internet;  
There has only been limited consultation on the proposal.

No photomontage images have been provided with the application;

### Supporting Comments

The turbine would produce renewable energy.  
The location is well considered with minimal visual impact.

### **Statutory and Technical Bodies Consultation Responses**

- 3.4 Nottinghamshire County Council (Highway Authority) – From a Highway Authority point of view, the principle of the proposed development is acceptable. The preferred delivery route seems acceptable as the carriageway widths are 4.0 metres as required, together with the access to Barracks Farm having radius kerbs and hard surfaced. When the actual route is established it will be assessed in more detail.

There are no highway objections subject to a condition requiring an abnormal load routing assessment to be submitted to and approved by the Borough Council.

- 3.5 Nottinghamshire County Council (Arboricultural Officer) – The erection of the wind turbine should not affect trees of any significance.

- 3.6 Nottinghamshire Wildlife Trust – make the following comments, which are limited to consideration of ecological issues only:

- Local Wildlife Site

In relation to Local Wildlife Site Ref 2/360 Break Lane, it is noted that this site will not be affected by the proposal as a new access road to the north is proposed and we understand that LWS, a herb rich grassy track, will not be used for turbine construction access.

- Nesting Birds

If approved, it is recommended the following condition is used to protect nesting birds: All construction work associated to the installation shall be undertaken outside of the bird-breeding season (March – September inclusive). Should works be carried out during this time, a suitably qualified ecologist shall be on site to survey for nesting birds, with a copy of the survey undertaken at the site to be submitted to and approved in writing by the LPA prior to the commencement of development at the site.

- Special Protection Area for Sherwood

The ecological assessment has considered potential adverse impacts of the scheme on nightjar and woodlark. The implications of any future designation of a Special Protected Area for Sherwood should be considered in line with the Natural England's advice note on Sherwood, updated March 2014. Natural England advocates a 'risk based' approach to the assessment.

- Bats

It is noted that Natural England's recommendation in Technical Advice Note TIN051 in relation to 50 metre buffer around any features (trees, hedges) is met and that surveys of possible structures that may support roosts (trees and buildings) have been carried out.

It is usually expected to see bat activity survey carried out in order to inform applications for single large turbines to confirm the conclusions (which in this instance are not based on field survey but habitat assessment and desk study alone) and such surveys have been carried out to support numerous other similar sized turbine applications on arable land elsewhere in the County.

- In response to the additional report to potential harms of ecology

Should the application be approved it is recommended that a mechanism such as condition is used to secure mitigation /enhancements described in section 4.4 in relation to:

1. Bracken control within Break Lane Local Wildlife Site (described in full at Appendix 3). In summary this will involve 'three cuts a year, for the first three years, and annual cutting thereafter. By removing / controlling the bracken this way, greater levels of sunlight shall penetrate to ground level, allowing seeds of herbs and grasses to germinate, enhancing the botanical value of this Local Wildlife Site.
2. Replacement shrub / hedgerow planting (if vegetation is removed for turbine delivery) by species of a 'similar species-mix to the areas affected'.
3. Clearance of vegetation: 'should be undertaken outside of the main bird breeding season, which for most species extends between March and August inclusive. If this is not possible, a search for active nests shall be undertaken by a qualified ecologist, immediately beforehand, and any nests, if present, protected until the young have fledged'.

3.7 Natural England

- Statutory nature conservation sites

No objections:

This application is in close proximity to the Linby Quarries Site of Special Scientific Interest (SSSI)

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. It is therefore advised that this SSI does not represent a constraint in

determining this application. Should details of the application change Natural England notes Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring re-consultation.

- Consideration of the likely impacts from the development on breeding nightjar and woodlark within the Sherwood Forest Area

Due to the proximity of the development site to habitats considered important for breeding Nightjar and Woodlark populations in the Sherwood Forest area, it was requested that the application be supported by additional assessments of the likely impacts arising from the proposal on Nightjar and Woodlark, in line with the risk-based approach advocated by Natural England.

The supplementary Nightjar and Woodlark Report (August 2014) is acknowledged. The results of the additional desk based study and bird survey work confirm that there is no evidence of Nightjar or Woodlark on the development site and the nearest record of Nightjar or Woodlark is approximately 2.75km and 9.5km respectively.

Therefore, based on the information provided Natural England considers there would be no significant impacts to nightjar or woodlark as a result of the development. It is considered that the information provided is sufficient for the Local Planning Authority to follow the risk-based approach when determining this application.

- Protected Species

The application has not been assessed for impacts on protected species.

The Local Authority is directed towards the Natural England Standing Advice on protected species. The Borough Council should apply Natural England Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response from Natural England following consultation.

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

- 3.8 Public Protection – Public Protection have reviewed the noise assessment submitted in support of the above application. The Noise Impact Assessment predicts that the noise levels will fall within the normal ETSU R -97 limits of 35dB<sub>A</sub> for daytime and 43dB<sub>A</sub> for night time at nearby dwellings, however this is exceeded with a level of 36.5dB<sub>A</sub> for Barracks Farm, which is a financially interested party. This higher level is considered acceptable for those properties that have a financial interest in the development.

As the levels fall within the acceptable levels for this type of development

there are unlikely to be any adverse environmental protection issues as a result of this development.

- 3.9 Civil Aviation Authority – There is an international civil aviation requirement for all structures of 300 feet (91.4 metres) or more to be charted on aeronautical charts. However, on behalf of other non-regulatory aviation stakeholders, in the interest of Aviation Safety, the CAA requests that any feature/structure 70 feet in height, or greater, above ground level is notified to the Defence Geographic, including the location(s), height(s)\* and lighting status of the feature/structure, the estimated and actual dates of construction and the maximum height of any construction equipment to be used, at least 6 weeks prior to the start of construction, to allow for the appropriate notification to the relevant aviation communities.

Any structure of 150 metres or more must be lit in accordance with the Air Navigation Order and should be appropriately marked. Although if an aviation stakeholder (including the MOD) made a request for lighting it is highly likely that the CAA would support such a request, particularly if the request falls under Section 47 of the Aviation Act.

Cumulative effects of turbines may lead to unacceptable impacts in certain geographic areas.

The Ministry of Defence will advise on all matters affecting military aviation.

- 3.10 NATS – The proposed development has been examined from a technical safeguarding criterion. Accordingly, NATS (En Route) Public Limited Company ('NERL') has no safeguarding objection to the proposal.
- 3.11 East Midlands Airport – The application does not conflict with the aerodrome safeguarding criteria. There are no safeguarding objection to the proposal subject to a condition being attached requiring the applicant to notify the local planning authority in consultation with East Midlands Airport within 1 month, of the turbine commencing operation.
- 3.12 Derbyshire/Leicester Air Ambulance – no comments received.
- 3.13 North Midland Helicopter Support – no comments received.
- 3.14 OFCOM – OFCOM policy is not to advise or get involved with any planning applications.
- 3.15 Nottinghamshire County Council (Policy / Strategic Planning) -

### **Strategic Planning Issues**

#### **Green Belt**

What constitutes acceptable development within the Green Belt is set out in the NPPF, wind turbines are considered to be unacceptable forms for

development within the Green Belt and as such the onus lies with the application to demonstrate that there are 'very special circumstances' to justify such inappropriate development in such a location.

The applicants have set out in their Planning Statement (Appendix 15) that they have demonstrated 'very special circumstances', which include the proposal being a community led project, that wind energy can only be harnessed where it is economically and technically viable and that the NPPF states that environmental impacts can be mitigated against, where possible.

It is considered that although the applicants have provided evidence of 'very special circumstances' it is a matter for Gedling Borough Council, as the determining authority to make this judgement.

#### Strategic Highways

Strategic Highways do not have any objections to the above proposal.

#### Developer Contributions

Should the applications proceed, Nottinghamshire County Council will seek developer contributions relating to the County Council's responsibilities in line with the Council's adopted Planning Contributions Strategy and the Developer Contributions Team will work with the applicant and Gedling Borough Council to ensure all requirements are met.

#### Minerals and Waste

There are no mineral safeguarding issues as it is a temporary development and no waste issues have been identified, as such the County Council raise no objections from a minerals and waste perspective to the proposed development.

#### Rights of Way

The nearest public right of way to this proposed development is Ravenshead Footpath No 2 as shown in Appendix 2, which is over 500 metres away. The development does not therefore appear to impact any existing public rights of way, but it is always possible that other public rights of way exist which have not yet been registered.

#### Overall Conclusions

The overall National Planning Policy context in relation to wind turbines, as outlined above, is strongly supportive of the principle of wind turbines and the wider benefits of deploying renewable energy technologies in tackling climate change, subject to a number of considerations. The responsibility for determining planning applications for wind turbines lies with district planning authorities.



Strategic Highways do not have any objections to the above proposal.

In terms of the Green Belt, the County Council consider that although the applicants have provided evidence of 'very special circumstances' it is a matter for Gedling Borough Council, as the determining authority to make this judgement.

The County Council raise no objections from a minerals and waste perspective to the proposed development.

### 3.16 Nottinghamshire County Council (Landscape and Reclamation Team) -

The existing site lies to the north-east of Papplewick, and on an east facing slope. The site sits within Greater Nottingham Landscape Character Assessment Area (GNLCA) SH03, Papplewick Wooded Estatelands, which has a landscape policy action of '*Conserve and Reinforce*'.

Actions for built features in that area are:

- Conserve the integrity and rural character of the landscape by concentrating new developments around the existing urban fringe of Ravenshead to the north and along transport corridors.
- Conserve the character and architectural style of Papplewick village
- Conserve the existing field pattern by locating new small scale development within the existing field boundaries
- Promote large-scale woodland planting to contain and soften urban fringe development
- Promote sensitive design and siting of new agricultural buildings
- Promote measures for reinforcing the traditional character of farm buildings using vernacular building styles.
- Create small scale woodland/tree planting to soften new development, preferably in advance of development.

The conclusion reached in the Landscape and Visual Impact Assessment (LVIA) is that there is a negligible impact on landscape character on completion. NCC disagrees. The actions given above demonstrate that the overall aim of '*conserve and reinforce*' is to build on the underlying framework of vernacular architecture, reinforcing field boundaries and screening unavoidable development with woodland planting. This turbine is so large it is impossible to screen and the openness of the landscape, with 'few detracting features' ensures it dominates the area bounded by the A60, Robin Hood's Way and B683 which has no existing features of this scale, height or verticality. It will have a significant impact on the aesthetics of the locality.

NCC's preliminary assessment is that there is a moderate adverse impact on landscape character in the immediate vicinity of the development site, although it is conceded that once outside this area, impact on landscape character is slight as the turbine is further away and

what can be seen of the turbine is viewed in conjunction with other elements.

### Visual Impact

The GNLCA Policy sheet SH03 Policy zone, within which the site lies, describes the area as 'visually unified' with 'few detracting features'; the introduction of such a large and incongruous structure will detract from the existing landscape. The key impact on visual amenity is felt by the users of roads and Public Rights of Way bounding the site to the north, south, east and west i.e. Robin Hood's way, Forest Lane, B683 and the A60. The land is open and slightly undulating; there are few features within this agricultural landscape and although the turbine sits in a slight valley, the turbines puncture the horizon and are highly noticeable, and the height and scale of the turbine dwarfs the plantation woodland and hedge lines where they appear in the same view. The visual impact is particularly incongruous at viewpoint 3 where there is a vista through a gap in woodlands to the horizon, and the turbine is now the main feature of the view. The LVIA notes that visual impact is moderate adverse from particular viewpoints and NCC agrees.

There is no mention in the LVIA of suitable mitigation ie. use of hedgerows/tree planting to provide screening at particular viewpoints, but given the landscape vocabulary of wide open spaces, long views and large scale fields, it is going to be difficult to provide screening without undermining the openness of that part of the landscape for people both using for recreation and/or driving through or living in it.

One PROW in the vicinity appears to have been omitted from the assessment; the bridleway from Abbey Fields farm to Newstead. The viewpoint from within Newstead also appears to be been selected to be just outside the visibility zone for the blade tip and hub. I would like to see evidence that of views from other viewpoints in the Newstead Abbey park before ruling out adverse impact on visual amenity from within the Newstead estate.

Overall the proposal is not supported by NCC's Landscape team.

3.17 Nottinghamshire County Council (Biological Records) – no comments received.

3.18 English Heritage -

- Summary

The proposal is for the erection of a 77m to tip single wind turbine, located on land at Barracks Farm. English Heritage was not previously consulted on a screening opinion for this single wind turbine though we note the contents of your authority's advice dated 26<sup>th</sup> February 2014, stating several significant heritage designations are identified as being near including Papplewick

Pumping Station to the east, Bottom and Top Cross to the southwest, Abbey Church to the northwest, Fountindale Moat to the north, Mounds at Skye Breck and Haywood Oaks Farm to the northeast and Newstead Abbey, Papplewick Hall, Annesley Hall registered parks and gardens. Considerations will be given to the impact of the proposal upon the heritage assets as part of any subsequent application. English Heritage Advice is given in line with the Principle Act Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, the Planning Practice Guidance, the PPS5 HEPPG and recent published guidance document The Setting of Heritage Assets, 2011.

- English Heritage Advice

As the application potentially affects scheduled monuments, listed buildings and conservation areas, the statutory requirement to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and the character and appearance of the conservation area (sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990, must be taken into account when making decisions. English Heritage refer to the potential cumulative impact of wind turbines on the significance of heritage assets, which is relevant on this application.

The importance attached to the setting is recognised by the Governments National Planning Policy Framework (NPPF) and in guidance, including The Planning Practice Guidance, the PPS5 Historic Environment Planning Practice Guidance (HEPPG) produced by English Heritage and endorsed by Government, Wind Energy and the Historic Environment (English Heritage) and the Setting of Heritage Assets (English Heritage). The publication of Planning Practice Guidance For Renewable Energy issued on 29<sup>th</sup> July 2013 by the DCLG contains the following statement (para 34): 'As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of wind turbines on such assets. Depending on their scale, design and prominence a wind turbine within the setting of a heritage asset may cause substantial harm to the significance of the asset.'

Significance can be harmed or lost through development within a heritage asset's setting and any harm or loss to significance 'should require clear and convincing justification' (Paragraph 132 NPPF, and also HEPPG paragraphs 8 and 85). The Authority should aim to achieve the objective of sustainable development which in this context means guiding development towards a solution that achieves economic, social, and environmental gains jointly and simultaneously (paragraph 8, NPPF). The environmental gains from wind energy are emphasised in Planning Practise Guidance for renewable energy and are likewise recognised in English Heritage guidance Wind Energy and the Historic Environment. A further environmental gain would be the continued conservation of heritage assets so that their heritage value and significance can be enjoyed by this and future generations – an overarching planning objective (paragraph 17, NPPF).

In this case there is potential impact on the setting of numerous designated heritage assets, some already identified by your authority in the screening opinion. The Grade I listed Papplewick Hall is approx. 850m from the proposed turbine. The Hall was built by Frederick Montagu between 1781 and 1787 on the site of an older house demolished in 1784. The designer of the Hall is unknown but is in the style of Robert Adam. The east entrance front of the Hall is designed of three bays with a central projecting rusticated porch with balustrade sill and paired pilasters flanking a pedimented window. It sits within the C18 landscape park and pleasure grounds, which are grade II\* on the National Register of Historic Parks and Gardens this landscape forms the setting for the house and the design of the parkland is understood to have been possibly influenced by the owner's friends. The SAM Papplewick Pumping Station is located 1.5 miles away and the site is considered more open on its western side with views of the pumping station chimney. Within a 5km radius there are 14 Grade I and II\* Heritage Assets, 8 SAMS, 5 registered parks and gardens and 5 conservation areas with the nationally important designated assets. These assets must be carefully considered.

The information provided in the application states that the turbine is not anticipated to harm the significance of any of the heritage assets apart from Papplewick Hall which is stated as less than significant and therefore acceptable in planning terms. The photomontage of Papplewick Hall clearly shows the turbine will be visible and would have a dominating presence within the appreciation of both the registers historic park and garden and the Grade I Listed Hall. In particular the wind turbine will be seen from the entrance front of Papplewick Hall and as a distraction to the east will diminish part of the designed experience on arriving at the Hall – a most pleasing and extensive view, as expressed by Throsby in the 1780's on his visit. It is believed the situation of the house was purposefully chosen with clear views out to the surrounding land. The relationship between the wider estate historically was both functional and aesthetic. Thus, part of the significance of Papplewick Hall is derived from its setting both within and beyond the registered park, as here the landscape was designed to address particular views out towards the wider landscape and as a pleasing arrival to the hall. It is known that in the 18<sup>th</sup> Century the owner Fredrick Montague planted several plantations (outside the registered park) in honour of naval battles and their admirals including the Duncan Plantation. Throsby described a ride through the wider estate as 'a ride of four miles carried through well cultivated fields, enriched with a variety of spreading trees', which took in 'the whole of what may truly be called a Farm Ornee' (Thorsby 1790). Within the setting of the registered park and Grade I listed Hall, this experience survives with plantations and agricultural land in the wider landscape. This survival provides a positive contribution to the heritage assets through helping to reveal and understand the historic and social relationship between the Hall and the agricultural land that supported it. The contribution of this setting is also expressed aesthetically through views and enjoyment of surrounding land.

It is the view of English Heritage that the heritage significance of Papplewick Hall and the registered park & garden would be diminished by the introduction of an alien and visually distracting presence of the proposed turbine. Whilst

electricity poles exist within this landscape, the static nature of these should not justify a moving turbine.

It is incorrect by the applicant to assume sensitivity is lessened because the Hall is privately owned – this should have no basis in determining whether or not the proposal is acceptable. It is disappointing that the submitted information does not adequately assess the impact on both registered parks of Papplewick and Newstead. For example the viewpoint from Newstead was taken close to the SAM and Grade I listed building, rather than a full visual assessment throughout the registered park – again the relationship between the park and its setting has not been properly considered. The local authority would need to judge if the significance of the heritage assets as a group is also derived from any relationship with the rural landscape in assessing if the turbine will cause any harm. There may be potential for impact on the inter-visibility and landscape rural setting between the registered parks, which requires further assessment. The NPPF defines the setting of a heritage asset as, ‘The surroundings in which a heritage 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 or may be neutral’ (Annex 2). Detailed guidance on assessing the impact of development on the setting of a heritage asset is set out within ‘The setting of Heritage Assets’ and the HEPPG, paragraphs 113 to 124. Setting is not confined to individual viewpoints and whilst it is clear that the turbine will be visible and in our opinion, a distracting presence.

Notwithstanding the need to robustly assess the impact of this planning application on all designated heritage assets within the submitted 5km radius, we therefore believe the proposed turbine will have a harmful impact on the significance of both Papplewick Hall and the registered park and garden. This impact is considered less than substantial. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 set out the legal duties to be applied in this case. The Barnwell Manor decision has confirmed that considerable importance and weight is to be given to the desirability of preserving the listed building or its setting to discharge these legal requirements. This applies irrespective if the harm is substantial or less than substantial. The NPPF assists in practical application with a requirement to conserve justification required for any harm caused. The optimum sustainable scheme being one that can clearly show it avoids or eliminates conflict between heritage conservation and any other public benefits it may deliver. In determining the planning application, the local authority should also seek further advice from your in house conservation advice, particularly in relation to impact on Grade II listed buildings and conservation areas, and take in account of the desirability of sustaining and enhancing the significance of heritage assets (paragraphs 131, NPPF).

#### Impact on buried archaeological remains

In determining this application consideration needs to be given to the recommendations of the County Archaeological Advisor with respect to the potential impact on, treatment of and mitigation of impact on any

undesigned archaeological remains on the development site.

### Recommendation

The information provided in support of the application does not in full respond to guidance in the NPPF at para 128. On the basis of what has been provided it appears possible to us that the turbine may have a harmful impact on the significance of other designated heritage assets and the lack of information to enable such analysis of impact must be addressed by your authority.

Notwithstanding this, on the basis of the information provided we are able to identify a harmful impact on the significance of Papplewick Hall and its Grade II\* registered park and garden, commensurate with less than substantial.

English Heritage does not believe the proposal will achieve sustainable development and therefore do not support the application.

3.19 British Horse Riding Society – no comments received.

### 3.20 Parish Councils

Papplewick Parish Council – In summary Papplewick Parish Council object to the proposed development for the following reasons:

The development would constitute inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

‘Very Special Circumstances’ have not been met to justify the proposal.

The size and expected power output of the wind turbine is well beyond that required to meet the needs of the agricultural holding in question.

The applicants have stated that the wind turbine would be removed after 25 years and therefore the effect would be temporary. Given the benefits of the wind turbine it is highly likely that it would be replaced with another.

The visual impact of the proposal on the Green Belt and the Conservation Area of Papplewick.

Ravenshead Parish Council - No comment has been made on the application as the area does not come under Ravenshead Parish Council jurisdiction.

Linby Parish Council – no comments or objections.

### 3.21 Local Authorities

Ashfield Borough Council – No comments received.

## 4.0 Planning History

4.1 A request for a screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 was made in February 2014 ref: 2014/0182EIA. The development by virtue of it being an ‘installation for the harnessing of wind power for energy production (wind

farms)' and the hub height exceeding 15 metres was considered to fall within Schedule 2 (3) (ii) of the EIA Regulations. From the information submitted the Borough Council considered the proposal against Schedule 3 criteria and concluded that the proposed development did not require the submission of an EIA.

## **5.0 Assessment of Application Planning Considerations**

- 5.1 The most relevant national planning policy guidance in the determination of this application are contained within the National Planning Policy Framework (NPPF) (March 2012) and additional information provided in the National Planning Practice Guidance (NPPG). Other material considerations taken into account include the National Policy Statements (NPS) for Energy (EN-1) and Renewable Energy (EN-3) and the Written Ministerial Statements on renewable energy published in June 2013 by the Secretaries of State for Energy and Climate Change and for Communities and Local Government in April 2014.
- 5.2 Gedling Borough adopted the Gedling Borough Aligned Core Strategy (GBACS) on 10<sup>th</sup> September 2014 and this now forms part of the Development Plan along with certain saved policies contained within the Gedling Borough Replacement Local Plan (GBRLP) referred to in Appendix E of the GBACS. The GBACS is subject to a legal challenge under Section 113 of the Planning and Compulsory Purchase Act 2004 to quash certain parts of the Gedling Borough ACS. The Claimant seeks an order quashing the GBACS so far as it relates to the quantum and distribution of new housing in the Council's area and so far as it provides for the review of Green Belt boundaries. The challenge is largely to Policy 2 (The Spatial Strategy which sets out housing targets and broad locations for new housing) and Policy 3 (The Green Belt). The challenge to the GBACS is a material consideration and must be taken into account. The decision maker should decide what weight is to be given to the GBACS. In this instance significant weight has been attached to the GBACS however, should the GBACS be quashed I do not consider that a different recommendation would be reached when considering the issues that have been presented. The policies covered in the GBACS are mirrored in the guidance contained within the National Planning Policy Framework.
- 5.3 The following paragraphs of the NPPF are of relevance to the principle of this application: -  
NPPF paragraphs 80 – 92 (Protecting Green Belts);  
NPPF paragraphs 93 – 108 (Meeting the challenge of climate change, flooding and coastal change);  
NPPF paragraphs 126 – 141 (Conserving and enhancing the historic environment)
- 5.4 The following policies of the Gedling Borough Aligned Core Strategy (September 2014) are relevant to this application: -  
Policy 1: Climate Change;  
Policy 3: The Green Belt;  
Policy 11: The Historic Environment.

- 5.5 The following saved policies of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) are also relevant: -  
Policy ENV5 (Renewable Energy);  
Policy ENV21 (Setting of Listed Buildings); and  
Policy ENV26 (Control over Development in the Green Belt).

As noted in the comments received from Planning Policy, in accordance with paragraphs 214 – 215 of the NPPF, due weight should be given to the policies of the Replacement Local Plan in accordance with their degree of consistency with the framework. In terms of this decision, ENV5 should be given limited weight while ENV26 should be given significant weight.

- 5.6 The main planning considerations in the determination of this application are: -

Renewable Energy

The appropriateness of the development and the impact on the openness of the Green Belt

The visual impact on the Local Landscape

Cultural Heritage: The impact on the setting of Listed Buildings and Registered Parks and Gardens and the impact on Conservation Areas

Nature Conservation

Local Residents (Visual Impact, Shadow Flicker and Noise)

Safety, in terms of fall over distance, power lines, air traffic safety, defence, radar and the strategic road network.

Transport and Communication

There are other considerations such as precedent and the impact on ramblers and horses.

## 6.0 Renewable Energy

- 6.1 One of the core principles of the NPPF is that planning should support the transition to a low carbon future and encourage the use of renewable energy (paragraph 17). Planning plays a key role in supporting the delivery of renewable and low carbon energy (paragraph 93) and there is a responsibility on all communities to contribute to energy generation from these sources (paragraph 97).

Paragraph 98 of the NPPF states when determining planning applications, local authorities should: -

‘not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions; and  
approve the application if its impacts are (or can be made) acceptable.’

- 6.2 While permission should not be refused for small scale schemes, the courts [(Court of Appeal, Maurice Kay L.J., Patten L.J., Sir Stanley Brunton, May 8, 2014) 2014 EWCA Civ 599] have ruled that the amount of energy that is produced by renewable energy proposal is a material consideration. The



amount of energy produced by renewable energy proposal should be identified to establish the extent of the benefit that would arise from the proposal and then compared to its impact.

6.3 In terms of impacts, the NPPF (paragraph 97) indicates that the approach taken in the National Policy Statement for Renewable Energy should be followed, while the NPPG also provides a number of issues that should be considered. Together they show that the following issues should be considered in regards to turbines:

- Biodiversity / Ecology and Geology;
- Historic Environment;
- Cumulative Landscape and Visual Impact;
- Noise and Vibration;
- Shadow Flicker and Reflected Light;
- Traffic and Transport;
- Electromagnetic Transmissions;
- Safety;
- Decommissioning.

Evidence regarding the impact of the proposal on each of these areas is considered within this report.

6.4 National targets for renewable energy are as follows:

National targets for renewable energy are as follows:

<b>Source</b>	<b>Target</b>
<i>UK Renewable Energy Strategy</i>	<i>15% of energy from renewable sources by 2020</i>
<i>Climate Change Act 2008</i>	<i>reduce UK 'carbon account' by 80% by 2050 from 1990 baseline</i>

6.5 The Energy Strategy Roadmap Update (November 2013) indicates that 9.7% of energy is generated from renewable sources. The Final Statement for the First Carbon Period (May 2014) indicates that emissions are around 23.6% lower than 1990. Weight would need to be given to the contribution the proposal makes to the energy generated from renewable sources and to the reduction in carbon emissions.

6.6 The Planning Statement (April 2014) submitted with this application states the turbine is forecast to produce 1,600 MWh of electricity per annum (assuming 95% availability). According to the average energy use figures published in the Energy Savings Trust report 'Powering the Nation' in June 2012 an average UK property consumes 3,638 kWh per annum, thus the turbine could provide enough electricity for 439 homes. Using figures taken from Defra/DECC's GHC conversion factors for company reporting, published in August 2011 [0.5246 kg CO<sub>2</sub>/kWh], the turbine would save 839,390kg of CO<sub>2</sub> pa or a 20,984,000 kg of CO<sub>2</sub> over 25 years. The model of wind turbine has manufacturer guarantee of

95% availability.

- 6.7 It should be noted that the Government places great weight on the need for renewable and low carbon energy. This drive for renewable energy production can be seen within the NPPF at paragraph 97.
- 6.8 The need for renewable energy is also set out within other Government documents including, The Energy Bill (Nov 2012), Electricity Market Reform: Policy Review (Nov 2012), Annual Energy Statement 2012, UK Renewable Roadmap Update (Dec 2012), and the National Planning Policy Statement for Renewable Energy Infrastructure.
- 6.9 As a consequence of the national Planning Policy weight should be attached to the contribution the proposal makes to the energy generated from renewable sources and to the reduction in carbon emissions.

## **7.0 Green Belt**

- 7.1 Consideration needs to be given to whether the proposed turbine will maintain the openness of the Green Belt. Openness relates to the perceived amount of built form within a particular setting. I note that the turbine would have a tip height of 77m, and that the County Council Landscape team has stated that the surrounding area is very open in character and that there are no features of this scale and verticality in the area. I am therefore of the opinion that this proposal would have an impact on the openness of the Green Belt at this location. However, due to the fact that the turbine would be a slim line feature I do not consider that the impact on the openness of the Green Belt at this location would be significant.
- 7.2 As there would be some impact on the openness of the Green Belt, the development in terms of the NPPF must be considered to be inappropriate development. Paragraphs 87 and 88 of the NPPF advise decision makers that:-
- ‘inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances.’
- ‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.’
- 7.3 Gedling Borough Council’s Replacement Local Plan Policy ENV26 provides a list of development that is considered to be appropriate development in the Green Belt. A wind turbine does not fall within this list and therefore has to be considered an inappropriate development for the purpose of the local plan. The sub text to Policy ENV26 indicates that there is a presumption against

inappropriate development unless there are very special circumstances; such circumstances may be where development is in the national interest.

7.4 With regard to the NPPF it is my opinion that the reference to any other harm within paragraph 88, relates to whether there are any conflicts with the purposes of including land within the Green Belt and any other harm that the turbine may cause to any other aspects of amenity. In the case of this wind turbine at Barracks Farm these would relate to the impact on the local landscape, cultural heritage, nature conservation, local residents, highway safety and communication. National Green Belt policy therefore requires assessment of whether there are any other considerations or benefits that would outweigh the harm to the green belt, the purposes of including land in green belt, and any other harm that can be identified.

7.5 There are five purposes for including land within the Green Belt, these are set out at paragraph 80 of the NPPF and are:-

- To check the unrestricted sprawl of large built areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns, and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.6 In my opinion the proposed development conflicts only with the purpose of assisting to safeguard the countryside from encroachment. Encroachment relates to how built up an area is perceived to be. County Landscapes have indicated that the surrounding area is very open, which is a view I concur with and I also consider that there is little development in the vicinity. The nature of the wind turbine in terms of it being a slender feature in my opinion means that whilst there would be some encroachment into the countryside as a result of this development it would not be significant.

7.7 With regard to any other harm that can be identified consideration needs to be given to other aspects of amenity that could be affected by the proposal. For the reasons set out in the section below (Sections 8 – 15) I do not consider that the proposal would cause any harm in relation to the landscape in terms of its visual impact and impact on character, nature conservation interests, local residents, transport, communication and safety. In relation to the likely impact on heritage assets, as set out in Section 9.0 below, decision makers have to consider what impact the development would have on the heritage asset and weigh this against the public benefits. My assessment of the impact on heritage assets is that it is less than substantial and that the benefits of the proposal from the energy generation from renewable sources and the reduction in carbon emissions would outweigh the less than substantial harm

to the heritage assets. I therefore do not consider that the proposal causes any significant undue other harm.

- 7.8 From a Green Belt perspective an assessment of the circumstances that the applicant has put forward to justify the proposal in the Green Belt is required in order to determine whether they would outweigh the harm to the green belt and any other harm and can therefore be considered to be very special circumstances.
- 7.9 The agent on behalf of the applicant has advanced the following matters for consideration:
1. The wider environmental benefits of the proposal
  2. The national reduction on the reliance of non-renewable energy sources
  3. The financial benefits to the farm
  4. The limited visual impact of the development
- 7.10 The Holder decision [(Court of Appeal Holder v Gedling Borough Council EWCA Civ 599 May 2014] indicates that decision makers should assess the benefit that would ensue from renewable energy schemes and that in evaluating their benefits the size, efficiency and ability to meet need are relevant considerations. The Holder decision also requires decision makers to query how replicable circumstances put forward are and whether the same circumstances could be claimed in relation to comparable sites (which does raise the issue of whether a precedent could be set). Another matter that the Holder decision raises for decision makers is consideration of alternative sites and forms of renewable energy schemes, and whether these are capable of producing reasonable amount of energy instead of the proposed turbine. The matters raised in relation to the Holder decision that should be taken into account when assessing applications for renewable energy are considered below.
- 7.11 The wider environmental benefits, such as large CO<sub>2</sub> saving surplus and the national reduction on the reliance of non-renewable energy sources are generic and in my view can be put forward for any renewable scheme. I consider that they can be given some weight but the weight to be given to them is limited.
- 7.12 The NPPF at paragraph 28 encourages planning policies to support economic growth in rural areas and to promote the development and diversification of agricultural and land based rural businesses.
- 7.13 The applicant has provided information that indicates that the Farm has a requirement for 200MWH of energy per year. I would therefore accept that a renewable energy scheme should make provision for at least this amount and

I also acknowledge that the provision of more energy than this would provide additional financial support to the Farm. The Farm also has a requirement to reduce its Carbon Emissions and has indicated that this factor is important in its ability to meet the requirements of wholesalers that they sell produce to. In my opinion considerable weight also needs to be given to the intention to reduce Carbon Emissions as a result of paragraph 17 of the NPPF which indicates that it is one of the planning systems core principles to support the transition to a low carbon future in a changing climate and encourage the use of renewable resources.

7.14 On the 2<sup>nd</sup> November 2014 the Applicant also advised that the turbine would support the Farming business in the following ways:

Production of renewable energy for business, including control of supply, control over one of the major costs of the business and additional power to support proposed expansion;

Profit smoothing, to level out income fluctuations as a result of changing markets and varying production levels.

Increased profits for re-investment in a high cost capital intensive business;

Large CO<sub>2</sub> saving surplus to make the business carbon neutral allowing further expansion;

7.15 With regard to alternative sites that could provide a renewable energy scheme given that Barracks Farm is located in the Green Belt I do not consider that there is a better alternative site outside of the Green Belt for the applicant. The lack of an alternative site outside the Green Belt in my view is a consideration that needs to be given some weight. The applicants have given consideration to alternative sites within the Farm; this consideration has indicated that the location of the turbine is the most efficient and least visually intrusive.

7.16 On the 29<sup>th</sup> October 2014 the agent provided further information on the potential for other alternative forms of renewable energy at the Farm. The information gave consideration to hydro power and renewable heat, which were not considered to be viable alternatives as a result of technical requirements of such installations and the type of energy produced. The applicants have also considered an anaerobic digester, which would require the Farm to change its working practices and could result in a greater number of vehicular movements. Roof mounted photovoltaics and ground mounted photovoltaic cells were also considered which would require an equivalent of 10 acres of land to produce a replicable energy return. I do not consider that these alternative forms of energy would be suited to an arable farm.

7.17 Details of an alternative wind turbine have also been provided by the

applicant. The table below indicates that whilst the alternative turbine would be smaller and would meet the energy needs of the Farm, the turbine would not be as efficient as that proposed and it would take longer to pay back the cost of installing the smaller turbine than the larger turbine. The smaller turbine would also achieve lower carbon savings.

	EWT Directwind DW54	WTN 250kw
Height to hub	50m	46m
Blade Diameter	54m	30m
Height to tip	77m	61m
Energy produced (@ wind speed of 6.0m/s and 95% availability)	1,600MWh	424MWh
Income generated (@ £181 per MWh)	£289,600pa	£76,858
Cost of turbine	£1.3 million	£650,000
Time to pay back	4.5 years	8.5 years
Carbon Saving	839,630kg CO <sub>2</sub>	250,234 kg CO <sub>2</sub>

- 7.18 Although the smaller wind turbine would have less of an impact on the openness of the Green Belt I consider that the turbine would still have the same impact on the landscape in terms of its visual impact and impact on character, heritage assets and nature conservation interests, local residents, transport, communication and safety. In my view, balancing these latter impacts with the benefits of the larger wind turbine would have in relation to efficiency, payback time and carbon savings would mean that its installation would accrue more benefits and support the Farm in more ways, than the smaller wind turbine.
- 7.19 When looking at the smaller wind turbine it is noted that to produce a comparable CO<sub>2</sub> saving and income level would require 3 individual smaller turbines. Cumulatively 3 individual turbines would have more of an impact on the openness of the Green Belt, would lead to significant encroachment and would have adverse impacts on the landscape in relation to its visual amenity and character and also on the heritage assets in the area.
- 7.20 Given the above I consider that the wind turbine as proposed is acceptable and that its need and location has been justified. Whilst I consider that weight

should be given to the financial and carbon reduction support to the farming enterprise at Barracks Farm which are matters that national planning policy is required to assist I do consider that similar financial, energy and carbon saving arguments could be offered by other farming enterprises in support of renewable energy schemes at other sites.

- 7.21 In light of the above I consider that it has been established that there would be inherent harm to Green Belt by reason of the inappropriateness of the proposal and that the proposal would affect the openness of the Green Belt at this location. However, I do not consider that the impact on openness would be significant and I am of the opinion that there would be no other harm created by the proposal. In my view the financial, energy and carbon reduction support that the turbine would generate should be given weight (although I acknowledge that it is an argument that other Farming enterprises could put forward to support a renewable energy scheme), and I consider that appropriate justification has been provided for the single slim line wind turbine proposed. On balance therefore I consider that in this instance because of the site specific physical circumstances presented by the proposal in terms of its actual impact on the openness of the Green Belt and that it would not cause any other harm when considered with the justification put forward by the Applicant (in relation to the financial, energy and carbon reduction support), together amount to very special circumstances which outweigh the inherent harm to the Green Belt by reason of inappropriate development being proposed. I consider the development to be acceptable in Green Belt terms.

## **8.0 Visual impact and impact on the Landscape**

- 8.1 Policy ENV5 of the RLP advises that renewable energy schemes should not adversely affect the character of prominent ridge lines and should be designed, sited and landscaped so as to minimise any impact upon the character of the area. However, due to the wording of the policy and its inconsistency with the NPPF, little weight should be attached to it in relation to determining this application.
- 8.2 Policy 10 of the ACS requires all new development outside of settlements to be assessed with reference to the Greater Nottinghamshire Landscape Character Assessment.
- 8.3 The Planning Practice Guidance for Renewable and Low Carbon Energy provides guidance on the issues to be considered in relation to the landscape and visual impacts of turbines. The visual impacts are concerned with the degree to which proposed renewable energy will become a feature in particular views, or sequence of views, and the impact that this will have on people experiencing those views. The landscape impacts are the effects of the proposed development on the fabric, character and quality of the landscape and the degree to which the turbine will become a defining characteristic in the landscape.

- 8.4 The Landscape Character Assessment places the site within the Papplewick Wooded Estatelands SH03 which has the landscape policy action 'Conserve and Reinforce'
- 8.5 The County Landscape Team in their comments advise that the turbine would have a significant impact on the localised area. NCC's preliminary assessment is that there would be a moderate adverse impact on landscape character in the immediate vicinity, although once outside this area, impact on the landscape character is slight as the wind turbine is further away and what can be seen of the turbine is viewed in conjunction with other elements. I note that the County Landscape team do not support the scheme.
- 8.6 I accept that the wind turbine would have a significant impact on the landscape in the immediate vicinity; however, the impact remains local and does not extend to a wider landscape impact outside of the local area. I also consider that the development would be reversible.
- 8.7 In assessing the impact of the proposal on the localised landscape I would note that the wind turbine would be located centrally on an existing working arable farm at a distance of 500 metres to the nearest public right of way and vantage point. I also note that the most significant vantage points are located on Mansfield Road, Forest Lane, and Blidworth Way and would predominantly be viewed by road users.
- 8.8 The landscape is characterised by undulating arable agricultural fields which has a number of blocks of woodlands. Given the distances to the wind turbine from the significant vantage points (as noted above) I consider that whilst there would be an adverse impact on the local landscape it would be limited to less sensitive locations and in many areas would be part screened by blocks of woodland. I also note that there are modern additions in the local landscape including telephone lines and electricity pylons.
- 8.9 Whilst I accept that there would be a significant local impact in the immediate vicinity, given the considerations above, I consider there to be only a moderate impact on the wider landscape. This moderate impact needs to be balanced against the significant weight to be given to renewable schemes. It should be noted that landscapes do change over time and that whether development is considered to be 'bad' or 'good' affects the perception of whether the impact of the development is acceptable to those viewing it.
- 8.10 In light of the above considerations whilst there would be an impact on the landscape in visual terms and its character would change, the landscape would still be predominantly characterised by rolling agricultural fields with blocks of woodland, and it is my opinion that the change would not be unacceptable particularly given the need for renewable energy.

## **9.0 Cultural Heritage**

- 9.1 Legislation regarding buildings and areas of special architectural or historic



interest is contained in the Planning (Listed buildings and Conservation Areas) Act 1990, the NPPF and RLP Policy ENV21.

9.2 Paragraphs 132 and 133 of the National Planning Policy Framework advise that: -

‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important an asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens should be exceptional. Substantial harm to or loss of designated heritage, and World Heritage sites, should be wholly exceptional.

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that harm or loss.’

9.3 Section 66 of the 1990 Act requires that:

‘In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possess.

9.4 Paragraph 134 of the NPPF states:

‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use.’

9.5 The most significant heritage assets in proximity to the proposal are Papplewick Conservation Area including the views to the northeast of the Conservation Area on Blidworth Waye and on the Grade I listed Papplewick Hall and Grade II\* listed walled kitchen garden. Special regard will have to be had on the impact of the development on these heritage assets. Whilst I note that Newstead Abbey Park and Gardens are also close to the application site I consider that the impact on this heritage asset would be minimal given that Newstead Abbey is enclosed and screened by mature mixed woodland.

9.6 The most significant heritage asset affected by this proposal would be Papplewick Hall. The setting comprises the adjoining service ranges, lawns and car parking in the immediate vicinity. Beyond, to the west, lies parkland on falling ground providing views towards Linby and the parish church of St James. To the east of the hall is agricultural land rising towards the ridge top

above Barrack's Farm. The impact on this heritage asset would be limited to views to the east of the Hall. The boundary facing onto Blidworth Way of the Hall is defined by mature trees which act as a visual screen to the road and the agricultural fields beyond. The proposed wind turbine would be sited approximately 780 metres from this boundary. The construction of a wind turbine in the landscape, visible from the setting of the hall, introduces a modern feature in the landscape. This would adjoin other modern attributes in the landscape including electricity pylons and roads. Given the location of Grade II\* walled kitchen garden, the location of Top Farm and the distance to the proposed wind turbine, it is my opinion the proposal would not be significantly visible from this location. It is my opinion that given the significant distance to the wind turbine combined with substantial screening that the impact on the setting of this Listed Building would be less than substantial and would have to be weighed against the public benefits of the proposal.

- 9.7 Papplewick Conservation Area is experienced largely from within and from outward views to the north-east and south-west. The Zone of Visual Interest (ZVI) visualisations indicate that the turbine would be partly visible in the Conservation Area though it would be obscured locally by trees and buildings. It is my opinion that, given the distances to the turbine, the localised vegetation and screening and that the Conservation Area is mainly experienced from within the built form, the impact would be less than substantial and would have to be weighed against the public benefits of the proposal.
- 9.8 I note the comments from English Heritage which conclude that they are able to identify a harmful impact on Papplewick Hall and its Grade II\* registered garden, which they have concluded as less than substantial.
- 9.9 In accordance with the NPPF the less than substantial harm to the setting of the Listed Building and the Conservation Area needs to be weighed against the public benefits of the proposal. I consider that the weight to be given to the contribution that this proposal would make to reducing CO2 emissions, combatting climate change, to renewable energy targets, and to sustainable economic development to diversify the rural economy (as discussed in the Green Belt section above) would outweigh the less than substantial harm to the heritage assets discussed above.

## **11.0 Nature Conservation**

- 11.1 Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles, where significant impacts cannot be adequately mitigated then permission should be refused and if the proposal affects a Site of Special Scientific Interest or ancient woodland the benefits of the development would need to outweigh the harm to the nature conservation interest.
- 11.2 I note that an Ecological Walkover Survey Report was submitted with the application and whilst Natural England required further information the submission of additional information on Night Jars and Woodlarks was

sufficient to overcome their concerns.

- 11.3 I note the comments from the Wildlife Trust in relation to Natural England's recommendation in Technical Advice Note TIN051 in relation to 50 metre buffer around any features (trees and hedges) is met and that surveys of possible structures that may support roosts (trees and buildings) have been carried out. I note that the closest building to the application site is approximately 350 metres from the proposed wind turbine location; I also note that the hedges on the field boundaries are also approximately 65 - 70 metres from the swept path of proposed turbine. I am satisfied that there is a sufficient buffer of over 50 metres from the nearest feature that could support the foraging or roosting of bats.
- 11.4 Given that no objections have been received from the ecological bodies in relation to the potential impact of the proposed wind turbine on nature conservation interests in the area, I do not consider that there would be any significant adverse impacts. Any impacts that would be caused would be satisfactorily mitigated as proposed in Appendix 3 Supplementary Nightjar and Woodlark Report. I concur with the advice of Nottinghamshire Wildlife Trust and should the application be approved it is recommended that conditions be attached to secure the mitigation / enhancements described in section 4.4 of Appendix 3.

## **12.0 Local Residents (Visual impact, Shadow Flicker and Noise)**

- 12.1 The Planning Practice Guidance for Renewable and Low Carbon Energy (July 2013) provides guidance on how shadow flicker and noise should be assessed as part of an application.
- 12.2 With regard to shadow flicker paragraph 35 of the document advises that under certain combinations of geographical position and time of day, the sun may pass behind rotors of a wind turbine and cast shadow over neighbouring properties. When blades rotate, the shadow flickers on and off. Only properties within 130 degrees either side of north, relative to the turbine would be affected. The guidance goes on to advise that modern wind turbines can be controlled so as to avoid shadow flicker.
- 12.3 The Guidance states that the report The Assessment and Rating of Noise from Wind Farms (ETSU-R-97) should be used by local planning authorities when assessing and rating noise from wind energy developments.
- 12.4 The closest properties to the proposed turbine are along Mansfield Road and Forest Lane the closest being approximately 1km away and on Blidworth Waye at approximately 710 metres away.
- 12.5 For the properties closest to the wind turbine, the turbine is likely to be a significant and prominent feature on the landscape for the occupants of these properties. However; the proposed wind turbine would be screened for the majority of properties on Forest Lane by the block of woodland called the King Edwards Plantation. There is also a significant mature hedgerow that runs the

length of the Forest Lane on the opposite side to these properties which would help mitigate the prominence on the landscape. In relation to the visual impact of the proposed turbine on local residents, given the distances between the properties and the proposal, the various blocks of woodland in the landscape, and the undulating topography of the landscape, I do not consider that the proposed single wind turbine would be visually intrusive, prominent, or overbearing enough on these properties to be a reason for refusal in this instance.

- 12.6 I also consider that the introduction of a single wind turbine in the landscape would be preferable to cumulative impact of multiple smaller wind turbines that would produce the comparable CO<sub>2</sub> saving and energy production. Given the limitations of the site I consider that the single wind turbine within this established landscape of this height and scale would be acceptable in this instance.
- 12.7 I note that a shadow flicker assessment has been submitted at appendix 12 using windpro software on a worst case basis. This analysis shows that the impact on surrounding properties would be limited. The only properties which would be affected are The Old Granary and Barre Oaks which are limited to maximum potential impacts of between 24 and 28 hours each year. These properties are located on Barracks Farm and are beneficiaries of the scheme. It is concluded that no properties would be adversely impacted by shadow flicker. It is also noted that Public Protection have not raised any concerns with regards to shadow flicker.
- 12.8 The noise impact assessment submitted by the applicant has been reviewed by Public Protection. Public Protection concluded that the noise levels would fall within normal ETSU R-97 limits for daytime and night time at nearby dwellings not in the ownership of financially interested parties. As the levels are acceptable no objections are raised.
- 12.9 To ensure that noise levels do accord with ETSU-R-97 it is recommended that a condition be imposed on any planning consent.
- 12.10 Given the topography of the land, the siting of the proposed wind turbine, the height to tip, the blocks of woodland and the mature hedge lines I consider that the application is acceptable in terms of impact of the development on local residents.

### **13.0 Transport, Communication and Safety**

- 13.1 The Planning Practice Guidance for Renewable and Low Carbon Energy provides guidance on how safety is to be assessed in relation to wind turbines. The document requires consideration to be given to fall over distance, power lines, and impact on air traffic safety, defence, radar and the strategic road network.
- 13.2 I note that the Highway Authority have raised no objections to the proposed development in relation to the traffic that would be associated with the

construction, operational and decommissioning stages of the proposal. I do however note that they have suggested that a condition be attached to any approval requiring an abnormal load routing assessment to be submitted to and approved by the Borough Council.

- 13.3 I note that no objections have been received from local airport operators or MOD in relation to impact on of the development on air traffic. I also note that as part of preparing the application that the applicants also consulted various aviation bodies in respect to the proposal and no objections were received.
- 13.4 OFCOM was consulted as part of this application and this consultation resulted in no objections being received. When referring to the National Policy Statement for Renewable Energy other issues that need to be considered in regards to wind turbines include Electromagnetic Transmissions. It is my opinion that any potential mitigation works should complaints be received in relation to electro-magnetic interference can be suitably mitigated by condition. I note that the agent has agreed to the wording of this condition.
- 13.5 With regard to fall over distance, it is recommended that wind turbines are sited at a minimum distance of the height of the wind turbine from ground to tip plus 10% from any buildings. In relation to the proposed wind turbine this distance would be 84.7 metres, no properties are located within this distance from the turbine.
- 13.6 The closest National Grid power line lies within 524 metres of the proposed wind turbine. The National Grid buffer distance between wind turbines and power lines is three times the rotor distance, in this instance this would be 162 metres. The proposed turbine would therefore be at sufficient distance so as not to cause any potential safety implications in relation to the power lines.
- 13.8 As the proposed wind turbine is below 150 metres in height no lighting would be required in this instance.
- 13.9 I note the comments received with regards to the potential for there to be highway safety implications as a result of the development on Blidworth Way. However, I am satisfied that the distance to the proposed wind turbine would mitigate any undue distraction from the development and I note that the Highway Authority have not raised this as a concern.

#### **14.0 Other Issues Raised**

- 14.1 I am satisfied that the distance of 500 metres to the nearest public right of way is sufficient to mitigate any undue impact on horses or ramblers using footpaths in the local area.
- 14.2 I note the comments received with regard to a precedent for development being set. During the processing of the application the agent has submitted site specific details on the need for the turbine that has been proposed. A business plan and financial projections have been provided, accounting for the carbon neutral future of the business along with further expansion to

secure the energy needs of the growing farm in the future. These factors, along with the factors referred to in The Planning Practice Guidance for Renewable and Low Carbon Energy need to be assessed on future applications. These include Biodiversity / Ecology and Geology; Historic Environment; Cumulative Landscape and Visual Impact; Noise and Vibration; Shadow Flicker and Reflected Light; Traffic and Transport; Electromagnetic Transmissions; Safety; Decommissioning. All these factors need to be considered with future application for wind turbines and would need to satisfy the tests on their own merit. Given the level of detail required, the mitigating factors to do with the specific location of future applications and potential cumulative impacts, applications for future wind turbines would be assessed on their individual merits against these factors.

- 14.2 I note the comments from Nottinghamshire County Council with regards to developer contributions. Nottinghamshire County Council have not requested any contributions and therefore I am satisfied that no developer contributions are required in relation to this proposal in accordance with the Statement of Community Involvement.
- 14.3 I note the comments with regards to the accessibility of plans and photomontages on the internet. The application and photomontages have been available to view on the website and in the Council Offices and as such have been available to view and inspect.
- 14.4 I note the comments received with regards to the limited consultation process. I can confirm that the application was advertised as a departure from the Local Plan and a Site Notice and Press Notice was posted to indicate that the proposed development would impact on the setting of a Listed Building. Further consultations were carried out extending the notification procedure during the processing of the application. I am satisfied that the correct notification and statutory consultation process has been followed in this instance.
- 14.5 I note the comments with regards to the damage to the local economy, given the impact on the Conservation Area and on heritage assets. The impact of the wind turbine on heritage assets has been considered in detail above. Given the less than substantial impact on the Conservation Area and on Heritage Assets (discussed above) I do not consider that the impact on the desirability of the village and on house prices would warrant a refusal of the application in this instance.

## **15.0 Conclusion**

- 15.1 At the heart of the NPPF is a presumption in favour of sustainable development, for decision making purposes this means approving development proposals that accord with the development plan, and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:

Any adverse impacts of doing so would significantly and demonstrably

outweigh the benefits, when assessed against the policies in this framework taken as a whole; or  
Specific policies in this framework indicate the development should be restricted.

15.2 In light of the considerations given above in relation to

Renewable Energy  
Green Belt  
Local Landscape  
Cultural Heritage  
Nature Conservation  
Local Residents (Shadow Flicker, Visual Impact, and Noise)  
Safety  
Transport, Communication and Safety

15.3 I consider, on balance, and taking into account the benefits that would be generated as a result of this proposal, that the proposed development would constitute sustainable development. In reaching this conclusion I have had regard to paragraph 98 of the NPPF which advises that when determining planning applications, local planning authorities should approve the application if its impacts are, or can be made acceptable. Given the considerations set out in sections 6.0 to 14.0, above, I consider that it has been demonstrated that on balance the impacts of the proposal are acceptable.

15.4 This application has been advertised as a departure; however, the application is only required to be referred to the Secretary of State if the development by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. Given the conclusions drawn in the Green Belt section of this report, I do not consider that this application should be referred to the Secretary of State.

**Recommendation:**

**GRANT PLANNING PERMISSION, subject to the following conditions;**

**Conditions**

1. The development hereby permitted shall begin not later than three years from the date of this decision. Written confirmation of the date when electricity is first exported to the grid from the wind turbine hereby permitted (First Export Date) shall be submitted to the Borough Council within one month of the date of this taking place.
2. This permission shall endure for a period of 25 years from the first export date (of electricity to the grid), after which the use shall cease, and the turbine, ancillary structures, crane erection and lay down areas shall be removed from

the site, and the land restored in accordance with details to be approved in writing under condition 18 below. The site shall be decommissioned in accordance with the details to be approved under condition 18.

3. The development hereby permitted shall be carried out in accordance with the following approved plans except insofar as may be otherwise required by other conditions of this planning permission: Site Layout Plan (L-MAR-064-SLPX); Site Layout Plan Proposed (L-MAR-064-SLPP); Wind Turbine Boundaries Plan (L-MAR-064-BP); Elevations (drawing no: 1000900); Ecological Walkover Survey Report (424.03643.00010 dated March 2014); Landscape and Visual Impact Assessment (dated December 2013); Noise Impact Assessment (Ref: 1632 Papplewick Wind Turbine); Shadow Flicker Assessment (Project L MAR 064); Technical and Operational Assessment (NAT ref: W(F) 18624); Volume 1 - The Planning Statement (dated April 2014); Planning Supporting Statement Addendum - Green Belt Special Circumstances Justification (August 2014); Supplementary Nightjar and Woodlark Report (SLR ref: 424.03643.00010 August 2014); and Further Detail with Respect to Very Special Circumstances (02.11.2014).
4. Before development hereby approved is first commenced, precise details and elevations of the proposed substation housing shall be submitted to and approved in writing by the Borough Council. The substation shall have the following parameters: No wider than 3.5 metres, no longer than 6.5 metres, and it shall have a ridge height no more than 3 metres. The development shall be implemented in accordance with the written approval.
5. Before the development hereby approved is commenced, and any associated materials transported to the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Borough Council. The Plan shall include the following: (i) A comprehensive study of the agreed delivery route to the application site including identification of the route where highway accommodation works will be required including the clearance of any vegetation and removal of street furniture; (ii) A schedule indicating the time for off peak construction deliveries; (iii) Details of measures to be taken to manage and control construction traffic on the agreed construction route and site access to include advance notification signage, abnormal load traffic warning signs and any temporary speed limits/traffic regulation orders; (iv) Details of measures to be taken to manage the proposed hedge and tree cutting including signage. (vi) details specifying how any damage caused by construction traffic to the highway along the agreed route shall be made good. The Construction Traffic Management Plan shall thereafter be implemented as approved prior to any construction works taking place on site and as required during the construction of the development.
6. Before the development hereby approved is commenced, and any associated materials transported to the site, precise details of the hardstanding for construction traffic and details of improvements to the access track for the turbine delivery vehicles shall be provided in accordance with the plans to be first submitted to and approved in writing by the Borough Council. The hardstanding and servicing areas as approved shall thereafter be retained for



the life of the development and decommissioned in accordance with details submitted under condition 19 of this approval.

7. Before the development hereby approved is commenced, a schedule of ecological site enhancement including hedgerow pruning works, shrub removal and bracken management shall be submitted to and approved in writing by the Borough Council (as indicated para 4.4 of the supplementary Nightjar and Woodlark Report SLR ref: 424.03643.00010). The schedule shall contain details of the works to be undertaken and a timescale for the works to be carried out. Ecological site enhancement works shall be completed in accordance with the approved schedule.
8. All construction work associated to the installation shall be undertaken outside of the bird-breeding season (March - September inclusive). Should works be carried out during this time, a suitably qualified ecologist shall be on site to survey for nesting birds, with a copy of the survey undertaken and any works required at the site to be submitted to and approved in writing by the Borough Council prior to the commencement of development at the site. Works shall be completed in accordance with the approved details.
9. Prior to the erection of the wind turbine, details of the colour finish of the turbine tower, nacelle and blades shall be submitted to and approved in writing by the Borough Council. Development shall thereafter be carried out in accordance with the approved details.
10. Prior to the erection of the substation, details of the colour and type of materials to be used for the external walls and roof shall be submitted to and approved in writing by the Borough Council. The size of the substation shall be in accordance with the parameters set out in condition 4 above. Development shall thereafter be carried out in accordance with the approved details.
11. Before development hereby approved is first commenced, precise details, including depths of the proposed wind turbine foundations to be constructed shall be submitted to and approved in writing by the Borough Council. The foundations as approved shall thereafter be retained for the life of the development and decommissioned in accordance with details submitted under condition 19 of this approval.
12. All cables within the development site from the turbine to the substation shall be set underground.
13. Prior to the first export date, a scheme providing a protocol for the investigation and alleviation of any electro-magnetic interference to terrestrial television caused by the operation of the wind turbine shall be submitted to and approved in writing by the Borough Council. The protocol shall also include full contact details of who to contact in relation to the development should the Borough Council receive a complaint from a local resident within 12 months of the first export date. The protocol shall provide for the investigation by a qualified independent television engineer of any complaint

of interference with television reception at a lawfully occupied dwelling (defined for the purposes of this condition as a building within Use Class C3 and C4 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission, where such complaint is notified to the developer by the Borough Council within 12 months of the first export date. Where impairment is determined by the qualified television engineer to be attributable to the development, mitigation works shall be carried out in accordance with the protocol which has been approved in writing by the Borough Council

14. The Applicant must notify East Midlands Airport in writing that the wind turbine is in operation. This shall be done within 1 month, of the turbine commencing operation and the Borough Council shall be sent a copy of the notification made to East Midlands Airport.
15. The rating level of noise from the wind turbine (including the application of any tonal penalty) when calculated in accordance with the method described in the guidance document 'ETSU-R-97: The Assessment and Rating of Noise from Wind Farms' shall not exceed 35dBa for daytime and 43dBA for night time at nearby dwellings. At Barracks Farm the upper level of 36.5dBa daytime shall not be exceeded.
16. Within 28 days from the receipt of a written request from the Borough Council, following a substantiated complaint to it, the wind turbine operator shall, at its expense, employ an independent consultant approved by the Borough Council to assess the level of noise generated by the wind turbine, following the method described in ETSU-R-97 referred to in condition 14. Within 60 days of appointing the independent consultant, unless agreed otherwise in writing with the LPA, the ETSU-R-97 noise assessment shall be completed and submitted to the Borough Council. Prior to the commencement of the noise measurement and assessment the monitoring locations shall be agreed in writing with the Borough Council. If wind turbine Noise levels are measured and found to exceed those levels set out in Condition 14 the necessary corrective action should taken within 30 days to reduce the levels to those set out in condition 14 and further noise assessment carried out to ensure compliance with condition 14. Copies of the results on noise assessments made after remedial action has been taken should also be submitted to the Borough Council. A complaint shall be considered 'substantiated' where the Borough Council has conducted a preliminary investigation and taken into consideration the data requested as per condition 11 and judged that the complaint warrants further investigation by the operator to demonstrate that the noise limits are not being breached.
17. The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1 (d) of ETSU-R-97. These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1 (e) to the Borough Council on its request, within 14 days of receipt in writing of such a request.

18. If the wind turbine hereby approved ceases to operate for a continuous period of 6 months unless otherwise approved in writing by the Borough Council, a scheme for the decommissioning and removal of the wind turbine and any other ancillary equipment, including a timetable for its removal, shall be submitted to and approved in writing by the Borough Council, within 3 months of the end of the 6 month cessation period. The approved scheme shall thereafter be implemented in accordance with the approved details.
19. Prior to the decommissioning of the site a scheme setting out a programme of works required to undertake decommissioning works, together with details of any access widening required, alteration to junctions, details of the abnormal load routes together with details of how any required off-site traffic management measures along the proposed route of decommissioning traffic, details of how the site shall be restored and landscaped once structures have been removed and a schedule of works required and timescales for undertaking the restoration shall be submitted to and approved in writing by the Borough Council. The site shall be decommissioned in accordance with the approved details.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. This is a temporary permission and condition 2 is attached for the avoidance of doubt.
3. For the avoidance of doubt.
4. For the avoidance of doubt.
5. In the interests of highway safety
6. For the avoidance of doubt.
7. To safeguard the appearance of the site
8. In order to safeguard the local bird population.
9. To ensure that the precise details of the turbine are defined in order for the Borough Council to control the nature of the development
10. To ensure that the precise details of the substation are defined in order for the Borough Council to control the nature of the development
11. To ensure that the precise details of the turbine are defined in order for the Borough Council to control the nature of the development
12. To safeguard the appearance of the site

13. To ensure that any adverse impacts on terrestrial television reception in the area is appropriately mitigated
14. To ensure that East Midlands Airport are advised that the turbine has commenced operation
15. In order to safeguard the aural amenity of the site and neighbouring residential properties.
16. In order to safeguard the aural amenity of the site and neighbouring residential properties.
17. To enable the Borough Council to monitor noise impacts and to monitor against condition 18.
18. To ensure that the site is decommissioned appropriately should the turbine cease to operate for a continuous period of 6 months.
19. To ensure that when the site ceases operation at the time stated within condition 2 above that decommissioning works take place in an appropriate manner and that the site is restored to a suitable condition.

### **Reasons for Decision**

Paragraph 98 of the NPPF advises that when determining planning applications for renewable energy schemes, local planning authorities should approve the application if its impacts are, or can be made acceptable. In the opinion of the Borough Council it has been demonstrated that the impacts of the proposal are acceptable.

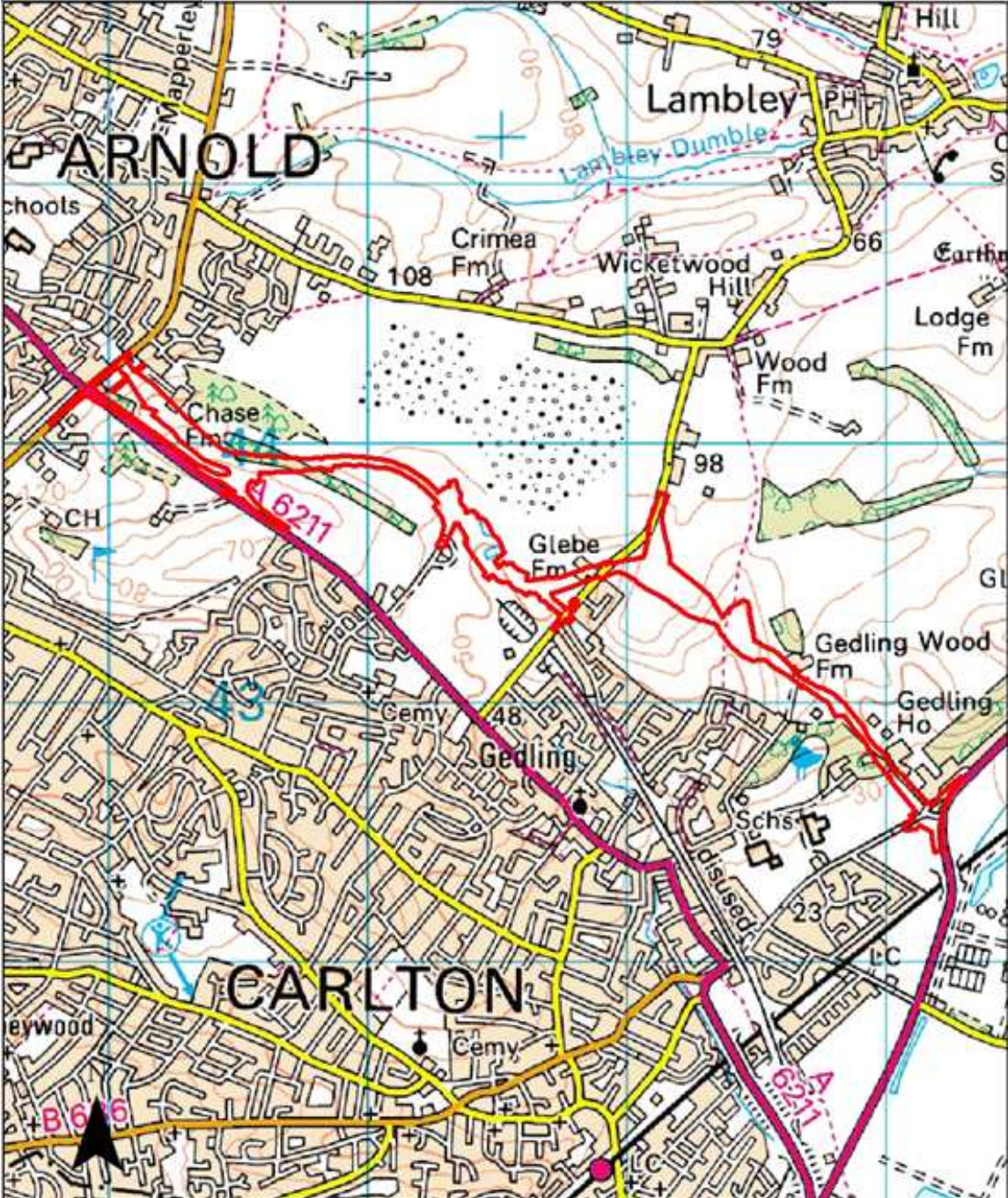
### **Notes to Applicant**

There is an international civil aviation requirement for all structures of 300 feet (91.4 metres) or more to be charted on aeronautical charts. In the interests of Aviation safety, the Civil Aviation Authority requests that any feature/structure 70 feet in height, or greater, above ground level is notified to the Defence Geographic, including location(s) height(s) and lighting status of the feature/structure, the estimated and actual dates of construction and the maximum height of any construction equipment to be used, at least 6 weeks prior to the start of construction to allow for the appropriate notification to the relevant aviation communities.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.



**Application Number:** 2014/0915  
**Location:** A612 Burton Road/B684 Mapperley Plains Gedling  
Arnold Nottingham



**NOTE:**  
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**Report to Planning Committee**

**Application Number:** 2014/0915

**Location:** A612 Burton Road/B684 Mapperley Plains Gedling Arnold Nottingham

**Proposal:** Construction of a 3.8km long road linking A612 Burton Road and B684 Mapperley Plains Road (Gedling Access Road).

**Applicant:** Homes & Communities Agency

**Agent:** Mr David Alderson

**Case Officer:** Bev Pearson and Nick Morley

**Site Description**

This application relates to the proposed Gedling Access Road (GAR), which would link the A612 Burton Road to the south with the B684 Mapperley Plains Road. The road would have a linear length of approximately 3.8 kilometres and covers a total area of approximately 37 hectares.

The proposed road would follow a southern route from a new junction with the B684 created at Mapperley Plains, running parallel with the A6211 Arnold Lane, through the centre of the former Gedling Colliery site, to the east of which is the Gedling Country Park. From the former colliery site, the GAR would cross a number of arable and pastoral fields, Glebe Farm and a section of the walled garden at Gedling House, which is a Grade II Listed Building, and a small section of the Carlton-le-Willows Academy grounds. The route would terminate at a new junction created with the A612 Burton Road, Burton Joyce.

The southern part of the route of the GAR is designated as Green Belt.

With the exception of the school grounds and to the south-east of the former colliery site, part of the route of the road falls within a Mature Landscape Area, as identified on the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) Proposals Map.

Gedling House Wood adjoins the site and is designated as a Local Nature Reserve, whilst the Gedling Colliery and Dismantled Railway is a Local Wildlife Site (a local, non-statutory designation).

The proposed route of the GAR cuts across Carlton Footpath No.2, which runs north from Almond Walk, Gedling to Spring Lane, Lambley.

The application site generally follows the route of the GAR as indicated on the Replacement Local Plan Proposals Map.

### Relevant Planning History

**In August 2008, an application for the construction of a 3.8 kilometre single carriageway road, linking the A612 and B684 Mapperley Plains, was submitted by the East Midlands Development Agency (EMDA) under application no: 2008/0459. This application has not proceeded to determination, following the abolition of EMDA in March 2012.**

### Proposed Development

The proposed GAR would be constructed to link the B684 Mapperley Plains Road with the A612 Burton Road also providing access to the former Gedling colliery site. It would comprise a new 7.8 metres wide single carriageway road, 3.8 kilometres in length with combined cycle and footway and lighting along its length and would be designed to have a maximum speed of 40 mph.

The construction of the GAR would be carried out in two phases:

#### Phase 1

The construction of a new 5 arm roundabout onto the A6211 Arnold Lane. This would be expected to commence early 2015 and would facilitate development of an initial stage of residential development on the former Gedling Colliery/Chase Farm site and would provide a by-pass route to ease traffic congestion through Gedling Village.

#### Phase 2

Completion of the GAR between the B684 Mapperley Plains Road to the north-west and the A612 Burton Road enabling the complete redevelopment of the Gedling Colliery/Chase Farm site.

At the north-western end, a new signal-controlled 'T' Junction would be created onto the B684 Plains Road. The new junction would include a signal-controlled pedestrian crossing on the eastern Plains Road and GAR and a central pedestrian refuge. The operation of the signal control at this new junction would be linked to the operation of the existing junctions, with both junctions effectively operating together as one large junction. The right turn from Plains Road into Arnold Lane would be prohibited and the lanes on this approach to the existing signal junction would be reallocated to provide one left-turn lane into Gedling Road and two ahead lanes on Plains Road eastbound. The prohibited right turn would be catered for at the new GAR junction onto Mapperley Plains Road.

At the south-eastern end of the GAR, a new signal-controlled junction onto the A612 Trent Valley Way at the location of the existing junction between Burton Road and the A612 Trent Valley Way would be created which would tie into Burton Road and Whitworth Drive, and incorporate signal-controlled pedestrian crossing facilities on the GAR and Burton Road arms of the junction.

Two new priority 'Ghost-Island' T-junctions would be constructed, providing links with the northern and southern sections of Lambley Lane.

A new 3-arm mini-roundabout would connect the southern section of Lambley Lane to the GAR, with the option of a fourth arm to serve potential development land immediately to the east of Lambley Lane.

A new private access with a simple priority junction onto the GAR would be constructed to allow future maintenance access to balancing ponds to the north of the GAR.

A new simple priority private access junction would be created onto the GAR to serve Gedling Wood Farm.

An existing footpath crossing the GAR would be diverted to cross it at an uncontrolled crossing point with a pedestrian refuge provided in the carriageway.

Pedestrian crossing facilities would be provided at the GAR junctions with the B684 Mapperley Plains Road and the A612 Trent Valley Way. A signal-controlled crossing would also be provided at the south-eastern arm of the new 4-arm roundabout to serve the future development on the Gedling Colliery/Chase Farm site.

Safe uncontrolled pedestrian crossing points would also be provided on the northern arm of the new 4-arm roundabout provided to serve future development on the Gedling Colliery/Chase Farm site, on the eastern GAR arm of the new 5-arm roundabout with the A6211 Arnold Lane; on the Lambley Lane arm of the 'Ghost-Island' junction with Lambley Lane south; on the GAR at the point where the diverted footpath crosses it; and between the 5-arm roundabout and the junction with the B684 Mapperley Plains Road.

From its southern junction with the A612, the GAR would climb on a shallow embankment, heading north-westwards, roughly parallel to Whitworth Drive and passing through land which is currently part of the grounds and playing fields of Carlton-le-Willows Academy, and land which forms part of the grounds of Gedling House, including a walled garden, designated as a Grade II Listed Building. The gradient of the road would rise steeply and been designed to include measures to permit overtaking on the incline.

The proposed route would cut through the south-eastern tip of the Gedling House Wood Nature Reserve through a cutting of approximately 2.0 metres depth and running immediately to the south of Gedling Wood Farm, before continuing north-west across open farm land. Immediately to the south of Lambley Lane, the alignment of the road would bend to the west through Glebe Farm, a building of Local Interest, which would be demolished, before bending back to the north-west, and passing through the former Gedling Colliery site and continuing on to join the B684 Mapperley Plains Road at its northern end.

The GAR would be constructed in several cuttings along its length. Cuttings will vary in depth from approximately 2.0 metres to 14.5 metres. In addition to the cuttings



along the course of the road, there would also be an embankment at the northern end measuring up to 14 metres in height, the highest part of which passes close to Chase Farm and residential properties on Clementine Drive. At its nearest, the foot of the embankment at this point would be approximately 44 metres from the side and rear boundaries of residential properties on Clementine Drive, with the nearest metalled section of the road being some 50 metres away.

The scheme has been designed to achieve an earthwork 'cut/fill' balance across the whole of the road construction, with the earth removal required to create the cuttings on the southern section being reused to create the embankments required for the northern section. This would minimise the need to import/export large quantities of material, thereby achieving cost effective construction and helping to minimise construction traffic impacts.

The application is accompanied by an Environmental Statement, together with indicative landscape drawings, a Design and Access Statement, Planning Statement, Statement of Community Engagement, Flood Risk Assessment and Drainage Strategy, Transport Statement and Assessment, Noise Survey and Assessment, Air Quality Assessment, Tree Survey and Topographical Survey.

#### Additional Details & Information

The following additional details and information have been submitted during processing of the application, some of which relate to specific issues of a technical nature:

Chapter 9 of the Environmental Statement, relating to Ecology, together with a Phase 1 Habitat Survey and Protected Species Surveys.

A 'Very Special Circumstances' Statement.

Cross-sections through the GAR and their locations.

An amended Air Quality Assessment & Chapter 6 Air Quality of the Environmental Statement.

Response to issues raised by residents following public consultation (see below).

Response to issues raised by the County Council's Built Historic Environment, Landscape and Nature Conservation sections (see below).

Draft Arboricultural Report

Draft Tree Constraints Plan

#### Comments from the Agent

The applicant's agent has made the following observations in response to the comments made by Richard Max and Co, on behalf of Carlton-le-Willows Academy:

*The GAR came about in its present form from the emerging GBRLP for a major redevelopment scheme involving the former Gedling Colliery and adjoining land. Several roads were identified as being near capacity and the additional traffic generated by the redevelopment would have resulted in congestion and an increased likelihood of accidents. These proposals have been carried forward into the recently adopted NACS. Carlton Le Willows Academy (previously Carlton Le Willows School and Technology College) has been aware of the proposals prior to its allocation in the RLP 2005, making representations against its construction as part of the examination of the Local plan in 2003 and to the previous application in 2008. As part of these representations, the school raised similar concerns relating to road safety, noise, and air pollution and loss of land/playing fields. The Inspector in 2004 provided an overarching response, which covered the issues raised by the school and confirmed that the road system in this part of the Borough had reached and exceeded its safe capacity and that there was no evidence to prove that the GAR would cause a significant worsening in local traffic conditions.*

*The objections prepared by Richard Max and Co on behalf of the Academy states that the applicant has never approached them to discuss the proposals or the impacts on the school.*

*Although there is no statutory requirement for applicants to undertake pre application consultations, a letter was sent to the Academy dated 11<sup>th</sup> February 2014 advising of the intention to refresh the previous 2008 application for submission in July 2014 and informing them of a public consultation exercise to be undertaken in April/May 2104. The applicant was never contacted by the Academy.*

*An extensive leaflet distribution exercise was undertaken in the NG4 area advertising the public exhibitions in the area. If the Academy did not directly receive one then in all probability parents, pupils or governors living in the area would have.*

*The statutory planning notice was served on the Academy which was acknowledged in the Academy's objection letter. A meeting has also been arranged with the Academy and their solicitors to address the objections in more detail and agree a way forward in addressing these issues.*

#### *Loss of Sports Pitches*

*The applicant is liaising with the Borough Council and Sport England to explore options for reconfiguration of the existing playing fields to avoid any losses of the sports pitch to overcome the main concerns.*

#### *Traffic and pedestrian Safety*

*The applicants Transport Engineers have coordinated a response to these concerns which have been discussed and agreed with the County Council.*

#### *Academy Student Travel Patterns*

*The Transport Assessment (TA) submitted with the application demonstrates that the provision of GAR is forecast to reduce traffic flows on the A6112 corridor (including*

Shearing Hill). In addition the operation of existing junctions on the A6112 corridor would also benefit from the general reduction in traffic with fewer delays and queues experienced in peak hours.

#### *Traffic Pedestrian Safety*

The TA included an analysis of the accident history for a 5 year timetable up to September 2013. There are a number of locations where small clusters of accidents have occurred but no common factors have been identified. The main area of concern surrounds the number of young school age children involved in accidents soon after the end of the school day.

However, when the GAR is constructed traffic flows are forecast to reduce on the existing A6112, equating to a reduction of approximately 5-7 vehicles per minute as through traffic makes use of the new road. It is therefore considered that the GAR should have a beneficial effect on road safety in the vicinity of the Academy which would include pedestrians finding it easier to cross the road with fewer potential conflicts, cyclists benefiting from the reduced traffic flows making shared use of the carriageway generally safer, reduced conflict from right turning movements to and from the A6112 and improved junction performance, with reduced potential for delays and queues.

In addition the existing A6211 would be reclassified as a C road. A package of complimentary measures would be developed to integrate the road scheme and redevelopment proposals into the existing transport network and encourage the use of the GAR. These would include road safety initiatives where appropriate. This would allow existing roads to better be able to perform a local access function.

#### *Overtaking on the GAR as it passes the Academy.*

The additional lane is to prevent slower moving vehicles delaying traffic as they ascend the gradient on the southern section of the GAR. Overtaking lanes are routinely provided on positive gradients in such instances. The proposed layout has been designed in accordance with Design Manual for Roads and Bridges and the entire length of the GAR would have a 40mph speed limit, including the overtaking lane. Direct pedestrian access between the Academy and the GAR would be prevented by boundary fencing.

#### *Inadequate pedestrian Crossing Facilities outside or near the Academy*

The GAR is forecast to reduce traffic flows and is expected to have a beneficial effect on road safety as outlined above. The junction of the GAR with the A612 has been designed as a signal controlled junction incorporating signal controlled pedestrian crossings on Gedling road and Burton Road, replacing the existing junction. This would provide a safe crossing facility for students walking from the north and northeast. Whitworth Drive would remain priority controlled.

#### *No provision for Safety for Users of the Academy Playing Fields.*

As outlined above there would be no direct pedestrian access between the Academy

*and the GAR and appropriate fencing would be provided along the GAR. Safety of the users of the playing fields will be no different to the current situation.*

#### *Safety during Construction*

*It would be a conditional requirement of any planning permission that detailed construction traffic management proposal shall be provided and agreed with County Council prior to works starting.*

#### *Other issues*

*Representations of highway or transport consultants would be reviewed and taken into consideration by the Council when the application is determined.*

#### *Noise impact*

*The noise assessment demonstrates that the school buildings are generally predicted to experience a negligible increase or decrease in noise levels. Although noise levels from the GAR are predicted to increase at some locations, the change in noise levels would be imperceptible at most locations. At locations experiencing the greatest increase, the predicted levels would be within the relevant BB93 criteria and are not expected to have an adverse impact on the teaching environment. Construction noise was assessed at a number of receptors close to the GAR and predicted noise levels are within the thresholds of relevant guidance.*

#### *Air Quality*

*The Air Quality Assessment includes a number of receptors close to the Academy site and results are well below the mean Air Quality objectives for vehicle related emissions. The increase in the concentrations of nitrogen dioxide and particular matter in the area surrounding the GAR is determined to be negligible. It is therefore concluded that the Academy and its pupils would not be adversely affected in air quality terms.*

#### *Flood risk*

*The Flood Risk assessment deposited with the application clearly demonstrates that the GAR would not exacerbate existing flooding issues following the provision of the proposed drainage system.*

*It is concluded that the technical work undertaken as part of the application is robust and accurate and demonstrates that the proposed GAR would not have any harmful impacts or health implications upon any of the surrounding population, including the Academy.*

The applicant's agent has made the following observations in response to the comments made by Nottinghamshire County Council with regards to the following:

#### *Built Historic Environment*

*With regards to the comment raised that there is a lack of appreciation and assessment of the impact of the road cutting and junction with Burton Road and the landscape setting of Gedling House, it is noted that the listed status of the building gives it a high value. Nevertheless, the fragmentary nature of the parkland providing the setting should be taken into account. It is not of Major Sensitivity due to previous impacts and it is not included on the Register of Historic Parks and Gardens.*

*Seen from the Colwick Loop Road, there is a definite issue with views towards the house which sits on the hilltop, framed by trees and which dominates the landscape as it falls away to the north. There is also the potential for lighting and signage to create a cluster of tall elements around the junction which would be visible during the day and illuminated at night.*

*During construction, the effects on the setting would be moderate negative, as it would have a substantial effect on the listed building and adversely affect its context. The unmitigated significance of effect will be major adverse. However, the nature of the effect will be indirect and temporary during the construction phase. Effects can be mitigated by control of dust and noise by restrictions on the hours of working.*

*In the operational phase the effects, without mitigation, of the magnitude of impact would be substantial negative. The unmitigated significance of the effect will therefore be major adverse and will be direct and permanent.*

*From the more distant flood embankment, Gedling House is a much less prominent element within the landscape, although it can still be identified with the surrounding woodland. There is no obvious sense extant parkland setting for the house [sic]. Nevertheless the high value of the house and the potential for visual intrusion, particularly at night, means the magnitude of the impact will be substantial negative. The unmitigated significance of defect will therefore be intermediate adverse. The nature of the effect will be direct and permanent.*

#### Mitigation of Effect

*At both sites, mitigation of effects on the setting of Gedling House during the construction phase can be achieved by control of noise, dust and by restrictions on hours of working.*

*During the operational phase, the visual effects of the junction may be mitigated by design. This may be achieved by planting to disrupt the mass of signage and upwards thrust of lighting poles when viewed from the house and its surrounds. This would reduce the impact of effect during daylight to Moderate. Planting also has the potential to reduce the effect of illuminated signs and lighting at night. In addition, the type and design of lighting has the potential to limit overspill, reducing effect again to Moderate. Mitigation of this sort would serve to reduce the magnitude of impact from Substantial Negative to Intermediate effect.*

#### Landscape

*The concerns of the County Council relating to the impact of the GAR upon*

landscape character and the view from the top of the Country Park looking east, which is a key attraction of the park, are noted. The 'proposed paths and fencing phase 1 works' plan has been used during the LVIA process to select a representative viewpoint within the Park and a viewpoint which was not interrupted by vegetation. It is understood that beyond the top footpath a solar park is being constructed on the summit of a former spoil heap and therefore there is no public access to this summit of the former pit. As stated in the LVIA, the GAR would be seen on the lower ground on the southern edge of the Park.

Woodland planting to the eastern side of the spoil heap is establishing well and the top footpath runs immediately adjacent to this woodland. This was considered during analysis of the views and a judgement made that the woodland planting would provide some screening of views from the Country Park to the east, in the direction of the proposed road cutting, with the most direct views available from the park in a general southerly direction. It is accepted that where there is a break in the woodland planting on the eastern side of the park, the GAR would be visible where it runs towards Gedling Wood Farm and the change in topography associated with the cutting to the east of Lambley Lane would be noticeable. This change would be softened over time by the proposed planting along the GAR.

The photograph taken from viewpoint 15 (the Country Park) shows the existing view to the south-east. The properties on the lower ground by Lambley Lane and Jessop's Lane are visible. The view further east is obscured where the woodland planting starts on the eastern side of the former spoil tip and by Glebe Farm. The second photograph shows the extent of woodland planting on the eastern side of the former spoil tip within the Country Park.

Regarding comments in relation to planting proposals, the landscaping scheme submitted were part of the previous application submitted in 2008 and are therefore purely indicative for the purposes of the latest application. These would be updated and approved during the discharge of condition process and would therefore be fully considered at a later stage in consultation with both the County Council and Borough Council.

### Nature Conservation

#### *Impact on the Gedling Colliery & Dismantled Railway LWS*

A detailed schedule regarding the siting and method of translocation of pioneer communities associated with Open Mosaic Habitat on Previously Developed land (OMH) has been requested to support the application.

The donor site for the pioneer community would include land around the proposed new SUDS, which would be created to the east and west of the two existing former colliery lagoons. Consultation would take place with stakeholders to agree appropriate integration and maintenance of the OMH within the site and on adjacent land outside the development. Its integration with other habitat, such as scrub and bare ground, and wider habitat connectivity will be essential to maintain its ecological value.

*It should also be noted that in the absence of disturbance/management, OMH that may support notable species are highly susceptible to vegetative succession leading to the loss of habitat suitability and associated species over time.*

*The timing and methods of translocation, orientation/character of resulting habitats and specific measures relating to notable species would be the subject of a detailed Ecological Management Plan (EMP). This could be secured through condition.*

*It is noted that this habitat also exists within the footprint of the proposed Anaerobic Digester (AD), which is immediately adjacent to the site. At this stage, the proposed anaerobic digester remains under consideration and is yet to receive planning permission. However, it is acknowledged that if approved, the GAR and AD would have a combined impact upon the OMH on Previously Developed Land. The applicant would be happy to work with stakeholders to agree an integrated approach to the translocation and creation of new OMH within the Country Park.*

*Consultation regarding the translocation and continued favourable management of the OHM, to an appropriate location within Gedling Country Park, is ongoing with the Borough Council, and could be secured through a Grampian condition.*

#### *Impact on Amphibians*

*A plan showing the proposed location of amphibian exclusion fencing and the location and design of hibernacula has been requested.*

*These can be provided as part of a detailed Ecological Management Plan. Mitigation measures such as amphibian tunnels and fencing would be included as part of the road design. As highlighted in the response, there is also, the timing of the mitigation to be agreed within the EMP, which would need to be included within the phasing plan for Phase 2. This could be secured through condition.*

#### *Badgers*

*A plan showing the exact location of an artificial sett proposed as mitigation has been requested.*

*No main setts would be lost to the development footprint and badgers are highly mobile animals, with their use of other sett types (e.g. outlier, subsidiary and annex) varying considerably over time. The intention is to install the artificial sett within around 150 metres of the existing sett, subject to the necessary agreements.*

#### *Update*

*surveys would be conducted prior to construction to inform the EMP, licensing and specific details around artificial sett creation relevant to conditions at that time. This could be secured through condition.*

*Further information was requested as to whether badger fencing will be erected along the section east of Lambley Lane or whether additional badger tunnels would be required between the two roundabouts and at each badger path that crosses the road.*

*There is considered to be little benefit in adding further tunnels near the roundabouts, given that housing is proposed on the majority of the land to the south. However, it can be confirmed that badger proof fencing would be established to deter badgers from crossing over the road, except by safe use of badger tunnels. This can be secured through condition.*

#### *Bats*

*Further detail has been requested on the reinforcement of Mapperley Tunnel to support the GAR which will pass over it; however, mitigation measures have been provided to enable bats to continue to roost within the tunnel in relevant potential development scenarios.*

*It is also suggested that a bat barn could be created as an alternative to the bat boxes proposed, as mitigation for the loss of the bat roost at Glebe farm and the 8 trees with bat roost potential. It is considered that bat boxes are appropriate and sufficient in this context and it is noted that Natural England advises against over-mitigation. As suggested, further opportunity to install bat boxes within Gedling Country Park and Gedling House Wood LNR would be sought prior to the commencement of Phase 2 of the development.*

*Additional information has also been requested relating to the location of trees with bat roost potential. This is provided within the Phase 1 Habitat Report in the Environmental Statement (ES). It is noted that none of the trees fall within the footprint of the Phase 1 development stage (the western most roundabout). Tree roosts are often highly transient in nature and potential impacts upon these trees would not likely occur within the appropriate shelf-life of any surveys conducted to inform this application. A suite of activity surveys have been conducted to identify bat activity across the site and further surveys would be conducted to provide updated survey information at an appropriate scale to inform more detailed development/mitigation planning at a later stage, as appropriate. More detail regarding the appropriate location of bat boxes may also be more appropriately confirmed at that point.*

*Whilst it has been recommended that a Reasoned Statement is provided, it is considered that this information has already been sufficiently provided through the ES and bat reports to demonstrate why the road is required, how unsatisfactory alternatives have been investigated (e.g. design/layout) and that appropriate mitigation measures have been proposed to ensure that a favourable conservation status of bats would be maintained in the area [specific details of these have been provided, which it is considered could be secured through planning conditions].*

#### *Breeding birds*

*Assurance has been sought that the erection of barn owl boxes in the area is deliverable and that appropriate mitigation would need to be included within the EMP for both breeding birds and barn owls.*

*Appropriate principles for the delivery of the above have been included within the ES*



*and the realisation of these could be secured through planning conditions.*

#### *Dingy Skipper*

*Further details have been requested around the translocation measures, although it has been noted that a detailed methodology would need to be produced at a later stage, for inclusion within the EMP.*

*Where practically possible as much birdfoot-trefoil with eggs or larval tents would be translocated to the donor site along with the sowing of collected seed to optimise the establishment of their main larval food plant.*

*As outlined in Section 2, the timing and methods of translocation, orientation/character of resulting habitats and specific measures relating to notable species would be the subject of a detailed EMP. This could be secured through condition.*

*It is also noted that in the absence of disturbance/management, OMH that may support notable species (such as dingy skipper) are highly susceptible to vegetative succession leading to the loss of habitat suitability and associated species over time.*

#### *Landscaping*

*A number of suggestions have been made for review in relation to the landscaping plan.*

*The indicative landscape proposals would be reviewed and developed in accordance with detailed development planning and the creation of the EMP documents. These comments would be considered as part of that process in consultation with the County Council and Borough Council in order to agree a species mix within the CEMP.*

#### *Conclusion*

*The above information seeks to clarify further the findings of the ES that appropriate avoidance, mitigation and compensation measures could be delivered to ensure that the proposed development would not result in significant harm to biodiversity and further provides opportunities for ecological enhancement, where possible and appropriate.*

#### *Letter from Nottinghamshire Wildlife Trust (NWT)*

*Overall the main objection raised by the NWT relates to cumulative effects including those associated with the proposed aerobic digestive plant, which was not within the planning process for consideration at the time of this application.*

The applicant's agent requested copies of residents letters. These were provided through an Environmental Information Regulations but personal information was redacted. The applicants agent has made the following observations in response to the comments made by residents with regards to the following:

### *Improvement/widening of Arnold Lane*

*The GAR would provide a 'bypass' around Gedling to help ease traffic congestion on local roads. The A6211 Arnold Lane is to be reclassified as a 'C' road. The GAR would become the strategic route designation 'A' road. Complimentary measures would be developed to effectively integrate the road scheme and development proposals into the existing transport network and to encourage use of the GAR for through movements, thereby helping to relieve local roads. By re-classifying the A6211 and encouraging through traffic to use the GAR in this manner, existing roads would be better able to perform a local access function. These benefits would not be realised if all traffic continued to use the existing Arnold Lane and it would not be possible to widen/improve the existing road through Gedling, due to the urban physical constraints.*

### *Requirement to run the GAR parallel with Arnold Lane*

*Options to improve the existing B684 Mapperley Plains Road have been considered, but due to physical constraints at the junction it would not be possible to deliver an improved junction layout capable of accommodating forecast traffic flows. For this reason, two junctions are proposed onto Mapperley Plains Road: an improved Arnold Lane/Mapperley Plains Road junction and the new GAR/Mapperley Plains Road junction.*

*The operation of the signal control at the new junction would be linked to the operation of the existing B684 Mapperley Plains/A6211 Arnold Lane/Gedling Road junction, with both junctions effectively operating together as one large junction. The right turn from Mapperley Plains Road into Arnold Lane would be banned and the lanes on this approach to the existing signal junction would be reallocated to provide one left-turn lane into Gedling Road and two ahead lanes on Mapperley Plains Road eastbound. The banned right turn would be catered for at the new GAR junction onto Mapperley Plains Road.*

*Splitting the traffic flows and turning movements in this manner means the forecast flows can be satisfactorily accommodated. This junction arrangement necessitates the parallel section of highway at the northern end of the scheme.*

### *Additional queuing, congestion and road safety impacts along Mapperley Plains*

*The Transport Assessment (TA) submitted in support of the application identifies that the GAR is forecast to reduce traffic flows on local roads, in particular on the A6211 corridor as traffic re-assigns to make use of the new route. However, it is clear that there would be some adverse traffic impacts which would need to be monitored and reported and there would need to be some complimentary traffic management measures to ensure that traffic is directed onto the new road in preference to less suitable routes through Gedling village and other residential areas.*

*As a result, the County Council has requested that a condition be imposed, requiring the applicant to be responsible for the monitoring of traffic conditions post-implementation. The results of this monitoring would help to identify a range of*

*complementary traffic management measures to effectively integrate the road scheme and redevelopment proposals into the exiting transport network.*

*With regard to traffic impacts on the B684 Mapperley Plains Road, evidence summited in the TA forecasts showed reduced daily traffic flows, as some traffic is forecast to reroute to take advantage of improved travel times by using the GAR. NCC have requested a condition being imposed to secure the monitoring and reporting process.*

#### *Increased traffic through Burton Joyce*

*The TA identifies that provision of the GAR is forecast to reduce traffic flows on local roads, in particular on the A6211 corridor as traffic reassigns to make use of the new route. However, it is evident that there would be some adverse traffic impacts that would need to be monitored and reported and there would need to be some complementary measures to ensure that traffic is directed into using the new road in preference to less suitable routes through Gedling village and other residential areas.*

*As a result, the County Council has requested that a condition be imposed, requiring the applicant to be responsible for the monitoring of traffic conditions post-implementation. The results of this monitoring would help to identify a range of complementary traffic management measures to effectively integrate the road scheme and redevelopment proposals into the exiting transport network.*

*With regard to traffic impacts on the A612 through Burton Joyce, the forecast impacts show a minor reduction in daily traffic flows at 2019 (effectively no change) and a minor increase at 2034 due to the proposed scheme.*

#### *Positioning of bus stops along Mapperley Plains Road*

*The final locations of these bus stops would be reviewed and determined as part of the detailed highway design process in consultation with the County Council and local bus operators.*

#### *Visual Impact Landscape Impact/Increase of ground level by up to 14 metres*

*A development of this scale would inevitably have significant impacts upon the landscape character and visual appearance of the surrounding area. Chapter 7 of the Environmental Statement (ES) contains a comprehensive landscape and visual impact assessment for the proposals, and models the zone of theoretical visibility around the proposed GAR. Overall, the model demonstrates that there is only one very small area where 50-75% of the GAR would be visible. Less than 25% of the road would be visible to the majority of the surrounding area.*

*Regarding the impact on the visual amenity of residents of Clementine Drive, the Landscape and Visual Impact Assessment identifies that a large magnitude of change will occur at viewpoint 10, having a major adverse impact.*

*From viewpoint 10, the northern stretch of the access road would be viewed in the*

foreground as it travels south from Mapperley Plains and past Chase Farm. It is then likely that the road would be screened from view, as it passes behind the woodland on the southern boundary of the former colliery site. The visible stretch of the proposed road would be built up (by up to 14 metres) with embankments on the sloping lower ground adjacent to Clementine Drive.

Proposed mitigation measures have been carefully considered in some detail in this location to soften the appearance of the new road and minimize the visual impact upon residential properties in this area. This would be in the form of dense tree and shrub planting on the road embankments, where the GAR runs adjacent to the properties on Clementine Drive. As the planting matures, it would provide filtering or screening of views of the road. A noise fence is also proposed along a stretch of this section of the road, which would provide screening of direct views onto the carriageway. The screening benefit of the planting would be incremental, improving as the planting matures. More mature planting could be considered to accelerate the positive effects of this mitigation.

Photomontage 2 in the ES, shows views from the Chase Farm access by Clementine Drive and illustrates how the proposed road would be viewed on completion of road construction and at year 15, when the woodland planting is maturing and the access road would barely be visible.

### 3rd Woodthorpe (St Marks) Scout Group

Discussions have been ongoing between HCA, the County Council and the Scout Group since the early stages in the preparation of the application. A land exchange has been agreed to replace that which is taken as a result of the GAR alignment with land along Arnold Lane.

The Scout Group has requested that hedges and trees removed along the lower part of their site be replaced. The indicative landscaping plan shows that the landscaping for the Scout Groups site includes dense tree and shrub planting and grass seed. However, these plans are only indicative and would be updated and approved during the process of discharging conditions of a planning permission. It is also proposed to replace the camp fire circle following the grant of a planning permission for the GAR.

### *Inaccurate/outdated plans*

Drawing numbers GAR02 and GAR02-1 submitted with the planning application clearly show Clementine Drive. Drawing number GAR16 does not show Clementine Drive, as it is a copy of the Borough Councils' Replacement Local Plan Proposals Map, formulated in 2005, prior to Clementine Drive being built. It is considered that the residents of Clementine Drive have not been disadvantaged, as they have received the statutory notification of the planning application from the Borough Council and have had the opportunity to make their representations known.

### *Pre-application Consultation Exercise*

A Statement of Community Involvement was submitted with the application detailing

*measures to engage the local community and other interested parties with the proposal and the planning process and to provide them with an opportunity to view and comment on the proposals. Three public exhibitions were held and extensive leaflet distribution organised, targeting some 10,000 households in the area. The events were also advertised in the Nottingham Post. Every effort has been made to ensure that as many people as possible were made aware of the Public Consultation exhibitions. The applicant has not sought to conceal its proposals and has actively encouraged discussion and involvement from the public throughout the process.*

The applicant's agent has deposited further information with regards to the comments of County Council Landscape:-

### Chase Farm

#### *Landscape character*

*The LIVA concurs with NCCs comments in relation to Chase Farm and recognises the sensitivity of this character area and the degree of change mainly associated with the proposed road embankments. In mitigation the proposed embankments are to be landscaped with woodland planting which when established will help integrate the new landform at the northern end of the site. The mature landscaping at the adjacent Mapperley Tunnel is cited as an example.*

#### *Visual Amenity*

*With regards to the visual amenity of the residents on Clementine Drive directly overlooking the site, attention is drawn to Table 7-11 and paragraphs 7.6.26 of the LIVA.*

### Gedling House

#### *Landscape Character*

*Concerns are noted with regards to the area by Gedling house and the adjacent locally designated ridge line. Assessment of these areas is included within then Dumbles Rolling Farmland Policy Zone (para.7.5.51). The high sensitivity of the ridgeline, Gedling House, Gedling House Wood and Gedling House Meadow Local Nature reserves is acknowledged as is the transition nature of the landscape adjoining this policy zone. The LIVA acknowledges the adverse change to the landscape in this transitional area. In mitigation, landscaping adjacent to the carriageway would reduce the extent of the channel created by the GAR, although it is acknowledged that a gap would be created in the woodland along the ridgeline and lighting would be a noticeable feature. Woodland planting is also proposed to the road by Gedling House which would contribute to softening the interface between the GAR, the listed building and the walled garden.*

#### *Visual amenity*

*The visual effects of the Gar on Gedling house is considered in para. 7.6.27 of the LIVA. Regarding the comment in relation to the views from the users of Gedling*

*House Woods and adjoining Gedling House Meadow Local Nature Reserves, it was noted that a number of footpaths run through the area including a path situated towards the northern end of the Woods and close to the GAR. This information is included in para. 7.6.20 of the LIVA.*

*The applicant's agent has also deposited further information with regards to the comments of County Council Ecology:-*

#### *Impact On Gedling Colliery And Dismantled Railway*

*The habitat is relative easy to translocate/recreate. It is proposed to translocate the habitat onto adjacent land within the Country Park, the amount of which will depend on the amount of land that can be secured within the Country Park which is subject to negotiations with the Borough Council as part of the Landscaped Management Plan for the Park. Ideally the translocation would produce a net neutral impact. As an agreement would be required with a third party landowner, it is suggested that this could be dealt with by a Grampian condition.*

#### *Impact on Amphibians*

*It is not possible to provide more information on the design and location of amphibian exclusion fencing as this would be approved as part of the detailed design of the road.*

#### *Badgers*

*It is likely that an agreement can be secured with a landowner adjacent to the GAR as none of the landowners are farmers and would not therefore have any objection to badgers on their land.*

*This could also be dealt with by way of a Grampian condition.*

#### *Bats*

*It is not possible to provide additional detail relation to trees with bat roost potential. Further assessment will be undertaken as part of the discharge of conditions, as confirmed within the NCC Forestry Managers comments. Once completed the result of the survey can be incorporated into the CEMP/EMP.*

*With regards to the impact of lighting on bat activity, NCC has confirmed that discussions will continue as the detailed design progresses. It is hoped that with careful design and account taken of NCCs recommendations a scheme can be agreed which is more favourable to the bats and foraging routes.*

#### *Barn Owls*

*The provision of replacement roosting/nest boxes will require an agreement with a third party land owner. This could also be dealt with by a Grampian condition.*

*In conclusion, a large quantity of technical work has been carried out but it is not possible to provide the level of detail requested at this stage and a large number of*

*conditions will therefore be required. It is considered that appropriate mechanisms are available which can be put in place to resolve the concerns and requirements of the NCC through further negotiation, the detailed design process and the preparation of the CEMP/EMP. These would be underpinned by conditions and Grampian conditions.*

A Technical Briefing by the applicant and agents was held for members of the Planning Committee on 14<sup>th</sup> November 2014.

## **Consultations**

Local Residents, Landowners & Businesses - have been notified by letter, site notices have been posted and the application has been publicised in the local press.

I have received 106 emails and letters of representation, which raise objections, concerns or issues on various grounds to the proposed development in response to consultation on the proposals. These representations have been made direct or via Members of the Borough Council and are summarised as follows:-

### *Landscaping & Visual Impacts*

The proposed road would result in loss of green fields and farm land have a detrimental visual impact on the area;

The proposal would result in loss of visual amenity in the area;

The increase in the height of the ground would result in the road being clearly visible. Sinking the road would reduce the visual impact;

The proposed road would have a detrimental impact on the character of the Green Belt;

The planting of young specimens along the embankment will provide insufficient short term screening. It is suggested that the planting on the slopes should be of mature specimens to soften the visual impact of the development;

It is noted that the Nottinghamshire County Landscape Architect has stated in an email to a local resident that the proposal raises serious concerns about the impact on new properties on Clementine Drive;

### *Highway Issues*

It is considered that the proposed relief road is not required;

The proposed road does not warrant the disruption it would cause in the area and the logic of and justification for a road parallel to the existing Arnold Lane is questioned;

The widening of the existing Arnold Lane and junction should be considered;

There is no evidence provided that the Council has researched the suitability of the proposed road as a solution to traffic flow problems and there are no details of how the increased traffic would be managed or dissipated when it reaches Mapperley Plains;

The proposed two sets of traffic lights in close proximity to each other would affect traffic flow and there is no evidence submitted with the application that these would reduce congestion.

The proposal would lead to additional congestion on Mapperley Plains which is inadequate for the current volume of traffic and will have an adverse impact on this existing poorly maintained highway [photographs have been submitted in respect of these points];

There are existing access issues with regards to the access to properties bordering Mapperley Plains which the proposal would further exacerbate resulting in increased accidents and highway safety issues for both vehicles and pedestrians;

The proposal merely eases traffic problems in Gedling but will cause greater problems on Mapperley Plains;

The increased traffic will impact on pedestrian safety, encouraging school journeys by car, which will further exacerbate volumes of traffic and congestion;

The extra traffic generated will adversely impact on the local schools and will raise highway safety issues for local residents accessing local facilities;

The cars parking on Mapperley Plains to drop off the users of the Scouts facility would further impact on congestion along this highway;

The proposed road will not relieve but will increase traffic volumes on surrounding residential streets

The traffic models deposited with the application are out of date being taken before the Sainsbury's and Lime Tree Avenue developments off Mapperley Plains were carried out;

Issues are raised with the repositioning of bus stops on Mapperley Plains;

Issues are raised with regards to the lack of traffic management signs and the potential speed of vehicles

Access to the Country Park over the relief road raises highway safety issues;

The impact of the proposed road needs to be assessed for its entire length;

Questions are raised with regards to measures to prevent vehicles continuing to use Arnold Lane through Gedling and how the new road would relieve the level of



HGVs serving local shops;

Given the level of development at Gedling Colliery site, the proposed road may need to be replaced by a newer relief road in the future;

HGV traffic servicing the new recycling plant should be routed out to Burton Joyce away from the heavy residential properties and the busy Mapperley Plains;

### *Environmental Issues*

The levels of and types of traffic generated would lead to noise and air pollution.

The proposal would result in light pollution by virtue of vehicle lights and lighting;

The levels of pollution need to be assessed at peak traffic times;

The increased levels of traffic and the stopping and starting of cars at the additional road junctions would result in a detrimental environmental impact on the area;

The proposed relief road would result in a detrimental impact on the amenity of Burton Joyce village.

### *Residential Amenity*

The proximity of the road to residential properties would have a significantly detrimental impact on the residential amenity and quality of life for local residents in terms of loss of privacy, outlook and light and would result in the loss of amenity in private gardens;

The proposal would have a detrimental impact on health of local residents;

The proposal would lead to unacceptable noise and vibration levels;

Noise assessments deposited with the application are not considered reliable given that they were carried at night;

Further noise attenuation measures for nearby properties should be considered;

Noise protection measures should be considered for residents along Plains Road;

Some properties have been purchased with gardens overlooking green fields and wildlife without the knowledge of the proposed relief road. This would have a detrimental impact on outlook and views;

The increased road level on the embankment will result in the road and vehicles being in line with the first and second floor levels of properties on Clementine Drive;

Minimal effort has been made to mitigate the effect of the northern section of the road on nearby residents given that the acoustic fencing proposed to the northern

section does not extend beyond Chase Farm;

It is suggested that alternative routes or the widening of the existing road should be considered and would minimise the impact on the amenity of local residents;

Any proposed road signage could be detrimental to local residents amenity;

The proposed road would result in the loss of views.

### *Infrastructure Issues*

The existing infrastructure struggles with current traffic levels. The proposed road and the future Gedling Colliery development will further exacerbate this;

The proposed road is required because of the extra traffic generated as a result of additional 900 houses but there are insufficient secondary school places to serve the new residential development.

### *Ecological Issues*

The proposal would have a significantly adverse and negative impact on local wildlife and ecology;

It is suggested that alternative routes or the widening of the existing road should be considered and would minimise the impact on wildlife;

### *Consultation Issues*

There has been a lack of consultation on the application. Residents on Clementine Drive were not consulted prior to the application being made and due processes have not been followed. Only a few letters have been received by residents on Clementine Drive and there have been no posters on lampposts;

The lack of pre application consultation has prevented local residents having an opportunity to work with applicant and influence the design and route of the proposed road;

Consultation letters were not personally addressed to residents and the consultation deadlines pressurised residents for a response. Insufficient consultation time has been allowed for residents who wish to commission the services of a consultant to allow an independent assessment of the proposal;

The notification in the local press was small and inconspicuous and contained no detail;

No representatives from the Council have visited the local residents as requested and issues have been experienced with assistance at the Council offices when viewing the application;

### *Land Severance*

Langridge Homes own part of the land affected by the road and have raised concerns with the applicant's agent regarding access to their retained farmland to the north of Gedling.

The proposed new junction of Lambley Lane and the GAR to the north will sever two fields and leave two areas of land with no means of access for the landowner. An alternative arrangement is proposed, which would reduce the land take and reduce the cutting into the field and so reduce the land compensation payable. It may also be possible to amend the design of the proposed junction with the southern part of Lambley Lane and the GAR.

### *Other Issues*

The plans deposited with the application are out of date and do not show Clementine Drive properties;

It is understood that there is an alternative plan for the widening of the existing Gedling Road/ Arnold Lane. Alternative and less disruptive routes should be considered;

The proposal would lead to the devaluation of local properties;

The previous proposals deposited in 2008 would not result in such an impact;

It is questioned as to why the piece of land across the road from the new junction with Mapperley Plains is not included in the proposal.

The proposal is for the sole intention of meeting the Gedling housing quota;

The need for the number of new homes on the Gedling Colliery site is questioned;

The proposed road would have an impact on the local economy;

The road will have a significant adverse impact on Gedling Country Park and will discourage visitors to the Park;

Issues are raised with timing of the supporting documents and surveys that have been undertaken and deposited with the application;

Priority appears to have been given to the Scout Facility over the impact on local residents. The Scout facility could be relocated if the proposed road was rerouted;

It is unclear where the slip road shown close to the Mapperley Plains junction is intended to go;

The proposal would have a detrimental impact on the Listed Building and walled garden;

Additionally it has been requested that:

Council representatives and members visit Clementine Drive to assess the impact of the proposal on the residents;

The route of the road should be marked out in the field adjacent to Clementine Drive to assess the impact of the proposal;

If permission is granted, then road markings should be provided at the junction with Plains Road and Chartwell Grove.

An extension of time should be granted to allow further comments to be made.

It has also been noted that:

At the residents meeting held with the developer, the principle of relocating the proposed road further away from properties on Whitworth Drive/Nottingham Road and retaining bushes and trees along Whitworth Drive was discussed.

Carlton-le-Willows Academy - Richard Max and Co, on behalf of Carlton-le-Willows Academy has commented, in summary, as follows:

#### *Consultation*

The developer has not approached the Academy with regards to the proposal, land acquisition of land and the impact of the proposal on the Academy prior to the receipt of the landowners notice in August 2014. This lack of consultation by the applicant has not allowed the impacts to have been understood and addressed in the application and the Academy has now had to discern the impacts from inadequate application materials and draw these to the attention of the Council;

#### *Loss of part of the Academy's Site*

The proposal would result in the loss of one full sized pitch, the change of use of a significant portion of the Academy's playing field and the relocation of the remaining sports pitches which is a significant planning impact ignored by the applicant. ;

It is assumed that the application is a precursor to an attempt to compulsorily acquire the Academy's land but this has not been discussed with the Academy;

No clear plan has been provided to the Academy showing the extent of the land which lies within the application site;

The GAR would have a detrimental impact on the operation of the Academy its students and other users of the playing fields which are not addressed in the application;

The loss of the pitch would adversely impact on the ability of the Academy to provide for the recreational needs of the students and local residents particularly during school hours and after school and weekends;

The loss of the land and potential space for additional built development is an issue given the expected increase in student numbers and capacity issues;

### *Policy & Statutory Restrictions*

The proposal is against both national and local planning policy in terms of protection of open space/playing fields and Green Belt and does not accord with Sport England's Planning Policy Statement.

There are no exceptional circumstances demonstrated that would justify the loss of the playing fields in accordance with the requirements of these policies;  
The proposal is considered to impact on the open character of the Green Belt and therefore is inappropriate development and should therefore be refused.

The proposal fails to accord with the statutory restrictions set out in DoE's 'Advice on Protection of School Playing Fields and Public Land'. Any proposal to dispose of or build on school playing fields would require the consent of the Secretary of State.

### *Traffic & Pedestrian Safety*

The GAR would have a detrimental impact on students walking to school.

The proposal would give access to the anaerobic digester facility on the former Gedling colliery site and would result in increased traffic;

The application makes no mention of the ongoing safety of students;

The proposal raises issues with:

overtaking on the GAR as it passes the Academy;

the lack of pedestrian crossing facilities at or near the Academy. Adequate crossings should be provided and fully detailed by the applicant in order to fully assess their suitability;

the introduction of a new major junction at the A612 and the impact on students walking from the south and east;

there is no indication as to how students would access the academy on foot from the south and east following the construction of the GAR;

the proximity of the GAR to the playing fields and screening to prevent access onto the road;

safety of students during construction has not been addressed by the applicant;

and

the lack of consideration to pedestrian safety is against local plan policy.

### *Noise Pollution*

The GAR would result in significantly increased noise levels impacting and the potential disruption of the learning environment;

Noise impact on the Academy has not been addressed by the applicant;

It is noted that acoustic fencing is proposed to protect the residents directly across the GAR from the Academy. This should be also be provided along the boundary with the Academy; and

The unmitigated adverse noise impact means the application is not in accordance with local or national policy in relation to quality of life and amenity.

### *Other Impacts*

The GAR would adversely affect the Academy by the impact on air quality by virtue of increased dust and air pollution – the Air Quality Assessment does not assess the impact on the Academy.

Although the Flood Risk assessment indicates that there would be no flood risk issues, the land to the east of the Academy site is prone to surface flooding. The applicant should specifically consider whether the proposal would exacerbate this.

The impact on the Academy in visual and landscape terms has not been addressed in the application.

It is concluded that the proposal would have a serious impact on the Academy, its students and local community in terms of loss of substantial area of playing fields, increase in highway dangers to students walking to and from the Academy and increase in noise pollution. No consideration has been given to the impact upon the Academy. It is requested that application, if not refused under delegated powers, is considered by the Planning Committee.

Further to the above concerns regarding the impact on the safety of school children, the Academy has commissioned a review of the application by Cannon Consulting Engineers (CCE), as it contains no consideration or assessment on the impacts which the road would have on accessibility to the school. As a consequence, it is considered that the application materials do not address all the key transport impacts of the proposed road. The conclusions of this review on the potential impact of the GAR on the Academy can be summarised as follows:

1. At its junction with the A612, the GAR effectively replaces the Burton Road/A612 junction and is provided in the form of traffic signal control as is currently the case.

2. Burton Road is provided with a new junction with the GAR that forms a staggered layout with the A612/GAR junction.
3. It is noted that a connecting footway/cycleway is provided for the full length of the GAR on the eastern side of the road.
4. The transport scoping assessment identified that severance issues in relation to existing walking and cycling routes would be considered. Whilst this is dealt with in relation to the physical severance and provision of alternative arrangements, there is no comment on the actual impact on movement as a result of the severance. There is no identification of the demands and subsequent impact. This is particularly evident in respect of the movement of pupils in the vicinity of the GAR and beyond.
5. The route taken by Academy pupils on Burton Road to/from Burton Joyce is severed by the GAR. This amounts to some 14% of the current intake, of which some 72% are identified as walking to/from the Academy. This amounts to some 144 pupils, whose current route is unencumbered by the need to cross any major highway, it being provided entirely on the north side of Burton Road within a wide footway/cycleway. The high pedestrian flow to/from the school reflects the perceived safety of the current route. If such a route was not considered safe in the future, it could lead to parents seeking to escort their children to school and most likely by car with the undesirable effect this brings in the form of more vehicular movements to/from the school. This presents road safety issues in its own right.
6. Pedestrian movement across the GAR is provided by signal controlled pedestrian crossings incorporated within the new Burton Road/GAR/A612 junction. On the route taken by pupils from east to west, this would require 3 distinct stages to cross the road separated by pedestrian refuge islands, as follows:
  - a) Crossing the southbound carriageway of 3 lanes
  - b) Crossing the northbound carriageway of 2 lanes
  - c) Crossing the Burton Road/GAR northbound connector of 1 lane
7. The provision of a 3 stage crossing of the GAR and junction with Burton Road will require pupils to adhere to the form of control. The staging within the junction has not been considered in detail in this review (and is not readily explained in the application materials). However, such a convoluted arrangement is likely to lead to some frustration on the part of pupils and this could encourage unwanted behaviour such as not waiting for lights to change, or movements continuing after the lights have changed. There is a danger that pupils would not do this and may be encouraged to cross the GAR and seek direct entry to the school, via the playing fields.
8. The demand flows are not assessed in relation to observed pupil numbers and movement and it is not apparent that the risks have been considered in any documentation within the submission. It is unclear whether a Road Safety Audit has been carried out to support the junction arrangements and CCE would request confirmation if that has been the case and a copy of the document

including the designer's response. Similarly, there is no evidence an NMU audit or Safer Routes to School Audit that would be expected to accompany such a proposal in consideration of the direct impact of the scheme on travel to/from the school.

9. It is noted that the A612/GAR junction also incorporates pedestrian crossing facilities to connect with the footway/cycleway that is adjacent to the northern side of the A612. It is unclear from the documents if there is significant demand for this route. It is noted that school children travelling east to west could conceivably be encouraged to use this crossing of the GAR as well. This would allow them to cross the GAR in 2 stages, but leave them on the south side of Burton Road. In order to reach the north side they would then need to tackle a further 3 stage crossing of Burton Road. Alternatively, they continue their journey on the south side of Burton Road, taking the opportunity to cross when closer to the school entrance. This would be at one of two existing uncontrolled crossings.
10. From the description of how pupils could cross the GAR, it can only be concluded that little consideration has been given to providing as direct and simple a route as possible. It is not clear within the documentation whether such pedestrian demand is informed by actual surveys. A review of the modelling of the junction arrangement would assist in this regard and would be undertaken when that information can be provided by the applicant.
11. It is equally unclear within the current planning application documents whether any consideration was given to alternative forms of crossing that would reduce delay and provide a more direct means of access from east to west. In relation to the sensitivity of such demand being focused on children of school age as the principal users of this route with a high degree of vulnerability, it is surprising that complete segregation of movement was not a consideration within the application. It is not apparent from the 2008 application that this was a consideration at that time also. In the view of CCE, complete segregation should be considered as the most effective means of ensuring safe access for pupils walking to and from the Academy.
12. The overall conclusion is that the arrangement of crossings, whilst acknowledged as a safe means of crossing a busy highway, is one of significant delay in comparison with their previous uninterrupted journey on the north side of Burton Road. This in turn is likely to lead to pupils seeking out alternative, less safe means of access to and from the Academy. It is surprising that a simplification of the junction arrangement was not considered to enable a more legible and appropriate crossing to be incorporated in the design. Alternatively, there is no apparent assessment of a segregated arrangement to deal with the pedestrian demands at this point. Given the proximity of the school to the GAR, the severance of an important pupil access route and the desire for that to be dealt with as safely as possible it is a surprising omission.
13. On wider traffic aspects related to the GAR, CCE has noted the claimed overall reduction in traffic flows and intention to "lock in" those benefits through the provision of enhancements on the highway network that is relieved. CCE would like to understand and know what specific measures are intended in the vicinity of



the school and particularly the Burton Road frontage. There are existing pedestrian refuges and uncontrolled crossing points which could be upgraded. The analysis indicates a general reduction in traffic except for the PM peak period which is of course critical in relation to pupils leaving the school on dark winter evenings. Whilst the timing of pupil departure is in the main earlier than the assessed PM peak period, after school activity would still lead to a number of pupil movements. Again, such consideration of the effects and implementation of measures to secure benefit for school pupils would be welcomed, for instance CCE is not aware as to whether [or] not a reduction in speed such as a "20's Plenty" campaign would be something considered by the Council in this area.

Having reviewed the materials submitted with the planning application, CCE considers that the failure to directly address the impact the GAR would have on accessibility to the Academy – and the subsequent failure to provide the safest possible arrangements for continued pedestrian access to the Academy – is a significant shortcoming in the application. CCE considers that the Council should not grant the application for planning permission unless and until these issues are addressed.

### 3<sup>rd</sup> Woodthorpe (St. Marks) Scout Group

The comments received from the Scout Group can be summarised as follows:

The Scout Group wishes to remain at the site. It is assumed that the GAR will go ahead and the comments relate only to the part of the scheme affecting the Scout site;

Reference is made to previous comments received in relation to the 2008 application for the proposed relief road which are summarised as follows:-The proposal would result in the loss of natural features and bio diversity, loss of land used for Scout activities and land for community and recreational use, the loss of the camp fire circle. The proposal would also jeopardise a second Cub Scout pack and would be contradictory to the Borough Councils policies and visions.

The proposal will result in the loss of between one quarter and one third of the site which should be replaced to mitigate this loss. Land adjacent to the site has been identified;

Features on the proposed replacement land (electricity substation and overhead cables) should be removed or relocated to ensure the safety of users;

The section of the GAR adjacent to the Scout site would be on a high embankment which raises safety and privacy issues. Consideration should be given to eliminate or reduce these risks;

Resources are requested to reallocate and reconstruct the existing fire circle on the Scout site;

The embankment for the GAR will destroy trees and hedges on the lower part of the Scout site. It is requested that replacement trees are provided;

The proposed GAR would impact on the ecology and wildlife in the area; and

The increased traffic flow would make access into and out of the Scout site more difficult. It is requested that the access to the Scouts is widened and improvements made to the car park. It is also suggested that a pedestrian crossing be installed.

### Supporting Comments

I have received 3 representations in support of the proposal, which make the following comments:

The implementation of shared cycle/footway is welcomed; and

The reduction of heavy traffic through Gedling is urgently required.

### Revised Plans & Additional Information

In addition to re-iterating some of the above comments, further representations have been made in response to re-consultation on the revised plans and additional information which has been submitted and which have raised a number of other points, which can be summarised as follows:

Additional information has been deposited after the stated consultation deadline which is considered to demonstrate a lack of fairness and the application is considered to lack integrity and quality;

It appears that alterations to the existing Arnold Lane are considered a viable option in all aspects other than in terms of cost. It is assumed that these costs would include the relocation of the scout facility. A request is made for comparative costs to be made available in relation to the construction of the proposed spur from the 5 arm roundabout to Mapperley Plains and to the widening of the existing highway;

It is suggested that the existing road be widened and regraded as a viable and cost effective option which would have less ecological impact and reduce pollution;

The relocation of the scout facility would allow the rerouting of the road which will alleviate the impact on residents at the northern end of the proposed scheme;

Concerns are raised with regards to the potential level of pressure put on the Borough Council to approve the proposed road. It is requested that the decision be delayed to allow other options to be explored;

The widening of Spring Lane may also have been an option, but the granting of permission for housing developments on Spring Lane has removed this option;

The creation of 3 junctions along the road will result in traffic build up;

The approval of new homes proposed in Gedling to be served by the proposed road is questioned when there are other areas in the County that have better existing infra-structure;

If approved the proposed road could set a precedent for future development on the surrounding Green Belt and farm land;

The justification in terms of impact on the Green Belt is weak and insufficiently robust to comply with local or national policy requirements;

The proposal would adversely impact on Gedling Wood;

The planning documents do not make a full justification in relation to the impact of the GAR on the Mature Landscape Area and underestimate the environmental impact of the proposed road;

Presumptions for the need for the road are out of date in terms of what constitutes 'sustainable development';

Short term traffic relief may be provided by the road, but long term it will create more traffic and in turn become busy and congested; and

It is also considered that it is the northern spur of the proposed GAR and its proposed route from the roundabout up to Mapperley Plains that will result in greater issues and potential legal action. It is suggested that the northern section of the GAR be treated as a separate application, so that the rest of the GAR can commence, together with the new housing and that S106 monies could contribute to the Country Park. In turn, the applicant could work with local residents to negotiate an alternative route for the northern spur.

The comment in paragraph 2.15 of the Very Special Circumstances Statement that the use of cuttings is considered adequate to mitigate environmental damage is a meaningless statement being made by the scheme proposer. Anyone who actually knows the area realises that the original cutting depths were recommended for a purpose, which was to minimise visual pollution and the gradient required for heavy goods vehicles. The depth of the cuttings has been reduced to save costs and not to benefit the scheme and, as such, these latest comments are not reason to justify using green belt land.

The references to traffic concerns in the applicant's response to issues raised by residents still do not deal with the main points raised by residents, in that the two roads being linked by the proposed new road already suffer almost "gridlock" twice daily and there are no plans by any public body to deal with these problems before any new volumes of traffic are introduced to the area. Locally, everyone knows that once traffic from any new road realises this, it will divert back to local roads. The new road was planned when this area was predominately rural to relieve pressure on the urban area, but in the intervening time the urban area has

moved further out and the road is no longer in the right location; in fact it is intended to run through the very centre of a main residential area! That it is still being proposed in the same location is simply a reflection of the fact it is being built for development purposes and not traffic easing measures, as was originally intended.

The latest response from the proposer delivers nothing new and does not adequately respond to residents' concerns and therefore the scheme should be rejected.

There is no pedestrian crossing facility outside or near to the Academy to serve students arriving from the east.

The proposed crossing over the A612 is inadequate.

The proposal isolates the school within a road network.

Issues have been raised with regards to the procedure for speaking at planning committee.

The new stretch of road designed to allow overtaking will encourage anti-social and dangerous driving behaviour.

The proposal will allow the industrialisation of the Country Park and financial benefit to the Council.

The application makes no reference is made to the 9 Poplar trees along the Lambley Lane boundary.

There has been a failure to attempt to justify the use Green Belt land.

The issues raised by residents in relation to traffic concerns, including congestion, have not been addressed by the applicant, even before new volumes of traffic are brought into the area.

The applicant has failed to address the question of cost of widening and improving the existing Arnold Lane and clarification has been given with regards to discrepancy between the cost of the new road and the widening of the Arnold Lane.

The applicant argues that the purpose of the new road is to remove through traffic from Gedling but no explanation is made as to the constraints of widening/improvement of the existing road. If these constraints are in relation to Peppercots, then this would override the needs and rights of local residents.

Although meetings have been held between the applicant, the NCC and the scouts groups, none have been held with the residents of Clementine Drive.

The applicant has not clarified as to why the widening/improvement of the existing road has been rejected and has not addressed the legitimate objections

of the residents of Clementine Drive given the proximity of the GAR to their properties.

The road was originally proposed to relieve pressure on the urban area but the urban area has moved further out since this time and the proposed GAR is no longer in the correct location, running through the centre of a residential area.

Trees have already been removed along the Arnold Lane boundary. It is not clear if this is part of the application.

The lack of early consultation by the applicants has resulted in the residents being unable to commission their own assessments or to challenge the reports deposited with the application.

No monitoring station was provided at Clementine Drive in relation to the AQA deposited with the application;

It is stated that the route of the GAR has been shown for many years. If that is the case, then should planning consent not have been given for the homes on Clementine Drive, given their proximity to the proposed route of the road?

One further email of support has been received, which considers that the proposed relief road would be a positive improvement to Gedling and the surrounding area.

Burton Joyce Parish Council (BJPC) – objects on the following two grounds:

1. Failure to make adequate provision to safeguard school children

The planned crossing at the southern base of the GAR intersecting the A612 Nottingham Road is a six lane junction at the bottom of a hill.

At the end of a school day roughly 400 pupils currently exit the south-western gate within 2 minutes towards Burton Joyce, parent's cars collecting or Lindum Grove or Beaumaris Drive estate.

Within the design plans, BJPC find brief reference to a Toucan Crossing only. BJPC can find no mention or planning of such a large volume of vulnerable schoolchildren in such a short period crossing a six lane large volume highway.

Specifically there is:

Failure to plan at end of school day for high volume peak pupil pedestrian traffic of 400 plus children exiting the school in 2/3 minutes cross 6 lanes of traffic from the south-eastern gate.

Failure to plan for high risk likelihood of children failing to use Toucan when in hurry or distracted across six lanes (jaywalking).

Failure to plan to reduce traffic speed at peak times from downhill stretch of junction crossing approach.

Failure to plan pupil pedestrian flows at school start of day.

Failure to anticipate amber/red light downhill traffic jumpers interacting with enthused end of day school children crossing early.

Scaling of limited drawing seems to show a small pavement area, with no indication of barriers or planned through flows. There is always a risk of shoving from the back or pushing to get through as Toucan finishes its green light period. In instances like this, it is unlikely any injuries would be single, but multiple [a plan has been submitted in respect of this point].

There is simply no evidence in this application to deal with safeguarding school children. In such a case, our Risk Assessment of likely injury/death within the crossing is very high/virtually certain within peak flow times within 12months.

The lack of plan of any detail, such as significant central refuge or underpass or bridge, for such an obvious daily occurrence is of very serious concern. The junction that the children will have to cross seems to be set specifically for traffic and as onerous as possible for pedestrians with 3 separate sections to cross. Any plan must include the high risk that school children (possibly late for school) would not wait for the Toucan Crossing to change and run across 6 lanes of traffic.

BJPC cannot support such a high risk and obvious absence of child safeguarding or mitigation procedures, regardless of the benefits of the scheme.

2. Compulsory removal of 2 no. 11 v 11 Football Pitches (Playing Fields) contrary to national Playing Field Strategies for Sport England & Secretary of State guidelines for Protection of Playing Fields. Direct Violation of National Planning Policy Framework Paragraph 74 with no special circumstances or mitigation systems submitted

In conjunction with Sport England, BJPC notes:

BJPC object to the compulsory removal of 2 number playing field pitches from the Carlton le Willows Academy (CLWA) and the immediate loss of 37% of playing surface. With a further single pitch project loss due to compulsory extension to cater for Teal Close development (54% total loss of playing field in 5 years).

The failure to provide any impact assessment on the CLWA and its ability to continue to deliver sport to National Curriculum and Guideline standards.

The failure to provide evidence of due procedural process of prior negotiation with CLWA, the Secretary of State or Sport England.

The failure to enter into correct dialogue framework for Compulsory Purchase Order of negotiated settlement.

Extensive application paperwork confirms CLW Governing Body statement, that no dialogue has been received by CLW from HCA, their Agent or GBC or

meeting arranged to this date.

On site field analysis confirms southern end of the GAR passes through the middle of pitch 1 (far easterly pitch) and cut outs half of pitch 2, leaving an unsustainable balance for football/rugby use.

Within the boundaries of CLWA there a 5 full size football or rugby pitches and a 9 v 9 size (5½ pitches total). This proposal removes one whole pitch by the roadway passing through the centre of the pitch and the second the lower half (with no expansion room) removing two whole pitches, leaving 3 ½ pitches [as highlighted on aerial photographs submitted in respect of this point].

The National Planning Policy Framework, paragraph 74 states:

‘Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

BJPC consider that all the above have not been done or not proven in this application documentation.

Department for Education advice on the protection of school playing fields and public land states that the Secretary of State has a general presumption against the need to change the current pattern of school playing field provision by disposal or change of use.

The Secretary of State expects prospective applicants to consult fully on their proposals prior to applying for consent under Section 77 [of the School Standards and Framework Act 1998], and to be open about their proposals.

The Secretary of State would expect a consultation period of no less than 6 weeks, at least 4 of which must be in term-time, this should be performed within a year of applying for consent so as to reflect an up to date view.

The Secretary of State expects that prospective applicants will consult, in particular:

the head teacher, governing body and parents of pupils attending the school

any group or organisation with permission to use the playing field

the local community generally

any minor authority in whose area the playing field is situated

the local authority, where the proposal is being made by a governing body or foundation body or trustees

the local authority in whose area the playing field is situated, if that is different from the local authority intending to dispose, or to change the use, of the playing field

It appears from feedback from the Academy/parents or pupils, local football teams and using the pitch, that none of these stakeholders have been approached for dialogue over such a sensitive matter. Nor do they appear in the statement of community involvement.

#### *Additional Pitch Loss with Teal Close*

As part of outline approved plans the CLWA will be required in the next 5 years to plan for and build classroom for additional 400 pupils, requiring at least 12 classroom or two further blocks. The planned resource for this can only be playing field space.

As a result of the GAR application and Teal Close, CLWA is projected to lose 3 of its 5½ grass playing field pitches (over 50%). This is unacceptable to BJPC and CLWA at a time of serious concern over child obesity and lack of outdoor sports and at a time where the BJPC is actively promoting additional sport in differing age groups and sex within a framework agreement with the Football Association and Sports England.

#### *Local sports strategy in context*

The local Burton Joyce Primary School has been over developed on playing surfaces by a previous head teacher, who was subsequently dismissed. The school now has one of the lowest green field spaces nationally with one cambered 5-a-side pitch. This application in its current form will relegate a second local school to below the Secretary of State's minimum levels of fields space per pupil.

#### *Summary*

BJPC objects to this loss and apparent wholesale lack of consideration of schoolchildren and their well-being in this application, which is underpinned by national strategy. It does not appear that even the rudimentary basics of Compulsory Purchase Orders have been adhered to in this case.

BJPC makes no comment on the efficacy of the whole scheme, but documentary evidence supports a serious lack of detail or consideration in phase 2 and BJPC would welcome a separation of the two decisions until suitable mitigation can be agreed between the key parties to prevent the cost of a public inquiry, at a time when GBC has had some notable public costly failures.

Lambley Parish Council – no objections.



Stoke Bardolph Parish Council - any comments received will be reported verbally.

Highways Agency – offers no objection.

Nottinghamshire County Council (Highway Authority) – the highway department has co-ordinated with other departments within the County Council and has made the following comprehensive comments:

1. Highways and Transportation

The County Council has worked closely with the applicant and their transport consultants WYG. The Transport Assessment (TA) follows an agreed scope of traffic modelling and link and junction appraisal. The TA is informed by the outputs from the Greater Nottingham Multi Modal Transport Model (GNMMTM) which has been locally validated and recalibrated by Systra to allow the model to be used as a traffic and transport forecasting tool. The outputs from the GNMMTM have been used to inform decisions on the link and junction standards required for the Gedling Access Road (GAR). A number of sensitivity tests have been used to establish how the GAR junctions might perform should different patterns of traffic movement arise. These sensitivity tests are not detailed in the TA.

The GAR is being provided as supporting infrastructure for the neighbouring mixed use residential and employment development on the Gedling Colliery/Chase Farm site, which will be the subject of a separate planning application(s). The delivery of GAR is directly linked to the redevelopment proposals. The GAR is supported by the County Council and the authority is actively co promoting and part financing the proposed road project. It is further expected that the County Council will prepare the detailed design of the road scheme, undertake the CPO of land required to build it, attend to all necessary statutory procedures and work to deliver the project. In which case, the County Council will probably be required to deliver any subsequent planning permission and attend to the planning conditions and any other legal requirements attached thereto.

The TA identifies the likely redistribution and development traffic impacts across a wide study area and it is evident that there will be some adverse traffic impacts that will need to be monitored and reported and there will need to be some complementary measures to ensure that traffic is directed into using the GAR in preference to less suitable routes through Gedling village and other residential areas. To this end, the County Council would request that a planning condition is imposed that requires the applicant to be responsible for the monitoring of traffic conditions post implementation, including the cost of the installation of traffic counters, details to be submitted to and agreed with the LPA in consultation with the highway authority.

A Traffic Regulation Order will be required to alter the speed limit on the A6211 Arnold Lane i.e. to reduce the speed limit from 60 mph and 40 mph to 30 mph south of the proposed GAR/Arnold Lane roundabout. This is a separate legal procedure to the planning process and the applicant is advised to contact the County Council at an early stage to discuss this proposal.

A Section 38 Agreement (Highways Act 1980) will be required to allow for the GAR 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 road works.

A Section 278 Agreement (Highways Act 1980) will be required in order for the applicant to be able to carry out the off-site works, particularly at the junction of Arnold Lane and Mapperley Plains Road junction.

The proposed phasing of construction identifies 2 phases, the first of which includes the construction of a roundabout on Arnold Lane with the remainder of the GAR being constructed as a later phase. The phasing plan suggests phase 1 would be constructed in 2015 and the remainder by 2019.

The roundabout at Arnold Lane/GAR will operate differently during Phase 1 and a smaller roundabout junction would be deemed more appropriate as an interim measure for the first phase.

A planning condition is recommended which seeks compliance with this programme and in the event of a proposed deviation from this strategy that further phasing details, including any necessary supporting Transport Assessment are submitted to and approved in writing by the LPA in consultation with the local highway authority.

A planning condition will also be required to cover the movement of construction traffic and associated environmental impacts during the construction period.

## 2. Road Safety

The County Council's Road Safety team has been consulted on the application and having compared the details of the current application with the documents that were produced for the application in 2008, for the full Stage 2 Road Safety Audit, they conclude that the design has not fundamentally changed, so most of the points in the 2008 audit are still relevant.

The general arrangement drawing A085361-GAR17, appears acceptable in principle, however the location of the outbound bus stop needs further consideration.

Traffic levels on Arnold Lane should reduce due to traffic being attracted to the GAR and as a result accident problems are likely to reduce also. However, a reduction in traffic often leads to an increase in vehicle speeds and data gathered from post opening traffic counters can be used to inform the consideration and subsequent complimentary measures in Gedling Village and further afield as determined necessary.

Footway/Cycleway links (refer to "GAR TA Appendices - 1 to 3.pdf". It might be beneficial to include links back to Arnold Lane from the 5-arm roundabout. Consideration should also be given to include foot/cycle links between the new road from the stopped-up Lambley Lane (particularly on the west side to access the existing residential area).

### 3. Minerals and Waste

The adopted Nottinghamshire and Nottingham Waste Core Strategy (adopted 10 December 2013) and the saved, non-replaced policies of the Nottinghamshire and Nottingham Waste Local Plan (adopted 2002), along with the Nottinghamshire Minerals Local Plan (adopted 2005) (and emerging replacement plan) form part of the development plan for the area. As such relevant policies in these plans need to be considered.

#### *Minerals*

The site lies at the southern tip of a Minerals Safeguarding and Consultation Area for Brick Clay. In line with the National Planning Policy Framework (NPPF), the Minerals Local Plan Preferred Approach sets out a policy (DM13) concerning these zones. Although not yet adopted, its provisions can be given some weight as a material consideration (in line with the NPPF) as the plan is at a fairly advanced stage.

As stated in the supporting text to the policy, the main risks to mineral sterilisation arise from proposals to extend built up areas and new development in the open countryside. The proposal has a varied history in terms of its identification/safeguarding in planning and infrastructure plans. It has been associated with the enablement of other strategic development in Gedling. In this way the County Council would consider that it takes a similar form to a district allocation. Such allocations are excluded from the provisions of Policy DM13, provided that the allocation process took account of minerals sterilisation.

#### *Waste*

Attention is drawn to Policy WCS2 of the Waste Core Strategy, which seeks the design, construction and implementation of development in a manner which minimises the creation of waste. This applies to all development and due to the scale of the proposal, should be a significant consideration.

### 4. Built Historic Environment

The application is complete in so far as the information it supplies regarding the impacts of the proposals on the built cultural heritage of the proposals. As such, the County Council is content that the application is in accordance with the NPPF and that no further information is required to enable it to comment on the potential impact of the proposals.

The assessment of the impacts of the proposals covers the built heritage assets likely to be affected and follows appropriate methodology for assessing impacts, including reference to the appropriate English Heritage guidance.

Regarding the conclusions of the assessments of impacts on the individual heritage assets, the County Council is content that these are mostly accurate with the exception of the assessment of the impacts on the setting of Gedling House, a grade

II listed building. The impact of the partial demolition of the garden wall and the mitigation and overall impacts are correct, however, there is a lack of appreciation and assessment of the impact of the road cutting and junction with the Burton Road on the landscape setting of the house. This is best illustrated in figure 7.10 of the supplied 'Assessment Views'. In this view, it is easy to appreciate that the road cutting and accompanying highway paraphernalia will be an obvious detractor in the views of the main setting of Gedling House when viewed from the south.

The Gedling Borough Council policy Policy ENV 21: Setting of Listed Buildings and the National Planning Policy Framework paragraphs 132 and 133 are clear in their guidance that harm to the setting of a listed building is considered a reason for refusal of planning permission. Further, we would draw your attention to the primary Planning (Listed Building and Conservation Area) Act 1990 that requires all local authorities to "have special regard" to preserving listed buildings and their settings and to pay "special attention" to preserving or enhancing conservation areas. Preserving means doing no harm. Having "special regard" to the desirability of preserving the setting of a listed building, and paying "special attention" to the desirability of preserving or enhancing the character and appearance of a conservation area, involves more than merely giving weight to those matters as material considerations in the planning balance. If there is harm, then that harm must be given considerable importance and weight.

It is clear that there needs to be an acknowledgment of the potential impact of the road cutting and junction creation in view of the setting of Gedling House and a clearly demonstrable mitigation strategy to help resolve this. Through detailed design, careful planting and design of vertical elements such as signage and lighting can be undertaken to help minimise impact on the landscape setting of Gedling House.

Regarding the impact on the non-designated heritage asset of Glebe Farm, no mitigation strategy is referred to and the County Council has no record of a proper historic building recording having already been undertaken. In the absence of a recording, one should be required to acceptable standards, no less than a level 3 record (Understanding Historic Buildings 2006), and submitted to the NCC Historic Environment Record prior to demolition.

Regarding the listed building consent for the partial demolition and rebuilding of the garden wall, the information provided is insufficient to ensure that this will be carried out in an appropriately sensitive manner. At the very least, a full recording of the existing wall along with a specification and method statement for the demolition and erection of the new wall should be required prior to demolition. This should be submitted for the agreement of a suitably qualified historic buildings conservation officer. The scope of mitigation must include a comprehensive scheme of repair of the garden wall in addition to the basic re-building of the demolished east wall.

With regard to the applicant's response to the above points on the built historic environment, the County Council notes that it has been acknowledged that there would be negative impacts on the setting of Gedling House grade II listed building.

Those effects arising during the construction phase of the road scheme that are

required for that phase only would be temporary and are of no long-term consequence. As such, in accordance with the NPPF, it is fair to consider these harmful effects to be balanced by the public benefits of the scheme.

The permanent harmful effects to the setting of the house have also been acknowledged.

From the perspective of the NPPF paragraph 133, it is likely that some mitigation for the permanent effects could be achieved through detailed design and that this could provide a level of balance for the harmful impacts. The County Council would not agree that a planting scheme alone would be sufficient, rather it would be essential that the extent and form of lighting, signage and road markings is considered with the aim of minimising impact on the setting of Gedling House in mind. This may be achievable post planning permission, subject to a very robust condition and the enforcement of that, but this issue would most likely only be fully dealt with effectively if it were addressed prior to a planning decision.

## 5. Noise Assessment

There has been further housing development locally introducing new receptor positions that may not have been previously considered in the 2008 application. These are Clementine Drive (off Chartwell Grove) and also on Spring Lane.

The procedure for noise assessment of new roads was revised in 2011 and includes updated advice on calculating night time noise levels, determining the extent of the study area and selecting appropriate traffic speed data.

The noise data is already 6 years old and therefore the County Council has concerns as to the accuracy of this data going forward, for assessing eligibility for noise insulation and future Part 1 claims. The key point is that night time noise impact has been excluded from the assessment, but latest guidelines recommend that this should form part of any Noise Impact Assessment for new roads.

The proposed phasing of construction identifies 2 phases, the first of which includes the construction of a roundabout on Arnold Lane with the remainder of GAR being constructed at a later phase. It is considered that the noise assessment is reviewed so that the latest information is available to consider future claims as each phase progresses. The phasing plan suggests phase 1 is constructed in 2015 and the remainder by 2019.

There have been slight adjustments to the design resulting in changes to the horizontal and vertical alignment, which may alter receptor noise levels. These changes can be considered as part of the noise assessment review proposed to tie in with the relevant construction phases.

## 6. Landscape

For a large proportion of its length, the road and associated earthworks sit within existing topography and/or in areas where adverse impact can be absorbed by the existing landscape character or mitigated by the proposed planting scheme.

However, there are localised areas of moderate/significant adverse impact, for which there is not (whether due to the additional impact of maturing planting or the proximity of recreational facilities) obvious mitigation.

It is also considered that the planting proposals use species which are not representative of the locality and the detailed design would look to rectify this.

The following comments have been made on the Landscape and Visual Impact Assessment, based on Chapter 7 of the ES:

#### *Impact on Landscape Character*

The route follows a broad sweep to the north and east of Gedling, linking the Colwick Loop Road to Mapperley Plains via the former Gedling Colliery yard and agricultural land. Generally the route follows an existing valley and lower lying ground, and for the greater part of its length follows local topography and/or is contained within cuttings.

#### Chase Farm

The exception to this is the western section where the road rises above existing ground level to meet Mapperley Plains, and east of Gedling tip in the vicinity of Chase Farm and nearby housing. From Mapperley Top, land falls away south of the ridgeline and at one point the proposed road is some 14 metres higher than existing ground levels in the valley area.

The County Council considers that the top section of the road would have a moderate adverse impact in the long term, with loss of outlook and long views that are currently characteristic of the area. The impact on landscape character would be exacerbated by the proposed woodland planting as it matures.

#### Gedling House

Between Gedling House and Gedling Woods, the route lies in a Mature Landscape Area, a designation still recognised by Gedling Borough Council; the attributes of the MLA are also recognised in the Greater Nottinghamshire Landscape Character Assessment (GNLCA) which accords this policy zone (MN45) the status of 'Conserve', the highest ranking in the authority. Recommendations contained within the GNLCA are also supported by the Nottingham Aligned Core Strategy. In this section, the road footprint is reasonably contained, and accommodation through cuttings and/or embankments restricted. However, the policy actions for this area do refer to conservation of valley profiles and protection of mature woodland; there is concern that the setting of Gedling House and its associated land and nature reserve is compromised by the development and the impact in this area is considered moderate adverse, even in the longer term.

#### Gedling Country Park

The road alignment offers the potential and should maintain the future option of a car park within the south of the Country Park, accessed off the northern spur of the roundabout adjacent to the existing colliery yard. This would replace the current southern car park providing access to the south of the country park off Lambley lane, which will be separated from the Country Park once the road is built.

The permeability of the road to allow connectivity between existing and future residential areas to the south of the road and the Country Park to the north should be maximised. The road has the potential to isolate residents living to the south of the alignment from a major recreation site. This can be avoided by the installation of crossing points across the road to offer safe accessible access between housing areas and the country park. The location and design of these will need to be determined by the anticipated traffic flows and speed and the access layouts within the park and layout of proposed as well as existing residential development to the south.

Although the park is not affected directly by the development, the view from the top of the Country Park looking east has not been included in the viewpoint analysis, yet this is one of the key attractions of the new park. The road cutting is at its widest at this point and represents a significant change in topography and landscape character; depending on the exact location of the path around the summit relative to the new planting, this may be readily visible from above.

### *Impact on Visual Amenity*

The photographs and photomontages generally demonstrate that the proposed planting will mitigate the impact of the road and that the sections most visible from housing in Gedling village and Carlton are also set in cuttings

From some particular viewpoints it would be difficult to screen the road from receptors, some of whom would be recreational and of high-medium sensitivity and thus the long term impact will be moderate adverse in those areas.

### *Planting proposals*

The text refers to "landscape integration of the road with the character of the surrounding landscape; protection, management and enhancement of the nature conservation value of the road corridor".

Species selected for woodland, shrub, hedge and specimen tree mix would consequently be expected to be characteristic of the locality (characteristic species are listed in the GNLCA by landscape type). This proposal demonstrates a heavy reliance on Lime, which is not characteristic of any of the landscape character areas within which the road sits. Similarly Birch, Ash, Wild Cherry, and Field Rose are uncharacteristic of one or all character areas.

The County Council considers that there is a missed opportunity for more ornamental/statement specimen tree planting at either end of the road, where the junctions fall within built-up areas and there is already ornamental and distinctive

mature planting. The junction with Colwick Loop Road and the bottom section of the road, where houses currently have views over the Carlton Le Willows playing fields, would for example, be an opportunity for more diverse and interesting planting design especially in the context of the existing species mix behind Gedling House. Although the residents of Whitworth Drive may not wish to see the road, filtered views may be more acceptable to them than a dense block of mixed woodland, especially given the south-west aspect. It should be noted that the setting of Gedling House, where the road will encroach into the existing woodland, is a key element of the setting of the estate.

In the moist shrub mix it is unclear whether the rationale is nature conservation/biodiversity, or use of semi-ornamental species. Where this is specified it is suggested more native/marginal species are used. Overall, if native species are being used, provenance for all species (including grass) should be agreed with NCC's Ecologist.

Explanatory notes have been provided to support the above Assessment.

With regard to the applicant's response to the above points on landscape, the County Council notes that these only refer to the Country Park, but that there are two other areas of concern in respect of impact on Landscape Character - Chase Farm and Gedling House.

The view from the Country Park was of least concern, as it was recognised that the woodland planting would provide a screen in the longer term, if not now. However, it is pointed out that, despite the agent's statement to the contrary, there is public access to the summit, as there is a path around the edge of the solar farm and this is shown on the site masterplan.

## 7. Countryside Access

Public Footpath (Carlton FP2) is affected by the proposal. The path is a busy and useful link between the conurbation and the rural rights of way network to the north and east. It is envisaged that the number of users on this path will also increase with the development of Gedling Country Park. The provision of routes in the Country Park, together with the existing Rights of Way network would enable users to undertake a 'traffic-free' circuit from Carlton.

It is noted from the plans that the intention is to divert the footpath at grade to a location between the cutting and the embankment, to an uncontrolled crossing where a pedestrian refuge will be provided. During detailed design, consideration should be given to a light controlled crossing providing not only a safe crossing but also giving confidence to users to use and continue to use this important link to the wider network.

## 8. Transport and Travel Services

Travel and Transport Services (TTS) recognises that the GAR and proposed residential and business development will require significant sustainable transport provision to maximise the potential of the development and mitigate against the



anticipated increase in traffic.

Where possible TTS would expect bus priority measures to be introduced with the installation at signalled junctions within the area.

#### 9. Recommendation

Nottinghamshire County Council as Highway Authority raises no objections to the construction of a 3.8km road linking the A612 with the B684, subject to the imposition of a number of appropriate conditions [specific details of which have been provided], regarding:

A public transport strategy to ensure that a bus service and corresponding bus stops are available, whether temporary or permanent, within 400m of any building prior to it becoming occupied or being brought into use.

Approved means of access and routeing for construction traffic.

Details of wheel-washing facilities to be provided and maintained during the period of construction.

Any security lighting/floodlighting to be installed, shall be designed, located and installed so as not to cause a nuisance to users of the highway.

A Design Code for the site in its entirety.

No development shall commence on the construction of the Gedling Access Road unless or until a suitable roundabout junction has been provided on Arnold Lane.

The construction of the roundabout on Arnold Lane shall be completed by December 2015, unless alternative phasing details are agreed.

The provision of off-site traffic management works, comprising of a traffic regulation order reducing the speed limit on Arnold Lane from 60mph and 40mph to 30mph south of the proposed GAR/Arnold Lane roundabout.

The applicant to be responsible for the monitoring of traffic conditions post implementation, including the cost of the installation of traffic counters.

The development will require the diversion of a public right of way and no part of that development hereby permitted or any temporary works or structures shall obstruct the public right of way until approval has been secured and the diversion has been constructed in accordance with a detailed design and specification.

Prior to the demolition of the non-designated heritage asset of Glebe Farm, a historic building recording shall take place.

Prior to the partial demolition of the Gedling House walled garden, a full recording of the existing wall along with a specification and method statement for its demolition, including a comprehensive scheme of repair and basic re-building

of the demolished east wall

Prior to the construction of each phase of the development the applicant will undertake a noise assessment review.

Travel Plan conditions.

There are also a number of notes for the applicant in conjunction with above conditions [specific details of which have been provided].

The Highway Authority has made the following observations in response to the comments received from Cannon Consulting Engineers (CCE) with regards to their review of the impact of the GAR on pupils attending Carlton-le-Willows Academy:

CCE make some very valid points and the Highway Authority would seek to reassure them that road safety is a primary consideration for the County Council. The Highway Authority also wants to ensure that if the new GAR is constructed that the design is as safe as possible for all road users.

The CCE review seeks to concentrate on the likely severance impacts that the proposed GAR and its' junction with the A612 and Burton Road will have on school children walking to and from Burton Joyce and beyond. This amounts to some 14% of the current intake in the CCE figures, of which 72% (or some 144 pupils) walk to and from the Academy. Not wishing to dismiss this fact, it should be acknowledged that there would be considerable benefits for the majority of pupils walking from within Gedling village, where traffic volumes are set to fall considerably.

The proposed A612/Burton Road/GAR junction is designed in the form of a staggered traffic signal controlled layout and incorporates multi-stage traffic signal controlled pedestrian crossings with near side aspects and on crossing detection. The principal desire line for school children would be along the footway on the northern side of Burton Road. This will mean that pupils will need to cross in 3 stages. Similar arrangements with multi-stage pedestrian crossings are common place in Nottingham and there are a number of examples near schools - the Colwick Loop Road/Burton Road junction just to the west of the Academy is almost identical to the GAR proposal.

The County Council's traffic signal engineers and road safety specialists have rechecked the proposed junction arrangements, particularly from a pedestrian viewpoint, and are content with the proposed preliminary design. The splitter islands where pedestrians would have to wait are large, which would allow school children to wait comfortably in groups when the red man signal shows, and the crossings are staggered correctly to point pedestrians to face oncoming traffic. The traffic signal sequence will give ample time for pedestrians to cross without undue delay. The final details of signal staging, crossing widths, traffic island shapes and signal pole layouts are all things that the County Council would review during the detailed design process i.e. with a view to improving conditions for school children accessing the Academy on foot.

The CCE review seeks complete segregation of movement for children of school age seeking to cross GAR from the east; this would involve the construction of either an underpass or footbridge. The County Council's experience of these types of crossing has met with mixed success and there is a real danger that if provided some school children would still attempt to cross at grade which would be extremely dangerous if no signal crossings are provided. In view of the observations above, a grade separated crossing is not considered appropriate or necessary and the proposed GAR traffic signal controlled junction with Burton Road would be designed to be as safe as possible for school children to continue to walk to and from the Academy from Burton Joyce.

Nottinghamshire County Council (Archaeological Advice) – any comments received will be reported verbally.

Natural England (NE) – initially commented that NE does not consider that this application poses any likely or significant risk to those features of the natural environment for which NE would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this application.

This should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may make comments that assist the Borough Council to fully take account of the environmental value of this site in the decision making process.

In particular, NE would expect the Borough Council to assess and consider the possible impacts resulting from this proposal on the following when determining this application:

#### *Protected Species*

Where there is a reasonable likelihood of a protected species being present and affected by the proposed development, the Borough Council should request survey information from the applicant before determining the application.

NE draws attention to its Standing Advice on protected species, which is to help local planning authorities to better understand the impact of particular developments on protected or BAP species, should they be identified as an issue.

#### *Local Wildlife Sites*

If the site is adjacent to a local wildlife site, the Borough Council should ensure that it has sufficient information to understand the impact of the proposal on the local wildlife site.

#### *Soils & Land Quality*

NE draws the Borough Councils attention to the following land quality and soil considerations:

The proposed development comprises approximately 37.1 ha of land, comprising

mostly agricultural land and restored land on the former Gedling Colliery site. The application does not include the results of an Agricultural Land Classification survey and therefore it is not clear if any land permanently lost as a result of the proposal is classified as 'best and most versatile'. However, the ES confirms that soils were scoped out of the ES, as it was not considered the proposal would lead to significant effects and the use of appropriate mitigation measures would help to minimise any impacts on soils.

The National Planning Policy Framework (NPPF) states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.

In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil is able to retain as many of its many important functions and services as possible, through careful soil management.

Consequently, NE advises that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make best use of the different soils on site. NE advises that appropriate soil management measures are included within the Construction Environmental Management Plan (CEMP) to ensure to ensure appropriate site working practices are adopted to help safeguard soils resources.

#### *Biodiversity Enhancements*

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife. Transport corridors can form an important part of the green infrastructure network, providing wildlife habitats and ecological connectivity. The use of native species within the landscape planting schemes of road corridors, especially those that contribute to local priorities identified in the Local Biodiversity Action Plan, can help to further increase biodiversity. The Borough Council should consider securing measures to enhance the biodiversity of the site, if it minded to grant permission, in accordance with the NPPF.

Attention is also drawn to the Natural Environment and Rural Communities Act (2006), which states that every public authority must have regard to the purpose of conserving biodiversity. This includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

#### *Landscape Enhancements*

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

NE is pleased that the scheme design and Landscape Plan has been informed by

the Nottinghamshire Landscape Guidelines in order to try and integrate the scheme into the surrounding rural landscape in sympathetic manner and positively contribute to the character of the area.

Following re-consultation on the Ecology Chapter of the ES, NE re-iterated its previous comments and confirmed that no objection was made to the original proposal.

Nottinghamshire County Council (Nature Conservation Unit) – the Nature Conservation Unit (NCU) observes that the route of the GAR passes through areas of farmland and land associated with the former Gedling Colliery, and affects a number of designated sites, protected species, and other notable habitats and species.

It should be noted that the proposals appear very unlikely to directly or indirectly affect any Special Areas of Conservation (SAC) or Sites of Special Scientific Interest (SSSIs). The nearest SAC, Birklands and Bilhaugh, lies around 23.4 kilometres to the north, whilst the nearest SSSI, Colwick Cutting (which is a geological SSSI) lies around 3.6 kilometres south-west of the proposed route, at its nearest point; moreover, the GAR does not lie within the Impact Risk Zone of any SSSI, for this type of development (infrastructure).

The following comments consider the 13 key issues arising from the scheme, made with reference to Chapter 9 of the ES and associated appendices and figures.

#### 1. Survey Data

The application is supported by a desktop study and a range of up-to-date survey work, which has been gathered through appropriate methodology during the 2014 survey season. As such, the ecological data supporting the application is up-to-date. However, there are a small number of specific issues associated with some of the surveys, which are discussed in more detail below.

#### 2. Impact on the Gedling Colliery & Dismantled Railway LWS (5/211)

Local Wildlife Sites (LWS's) are a local, non-statutory designation, and such sites are deemed to be of at least county-level importance for their wildlife. The Gedling Colliery and Dismantled Railway LWS extends to 35 hectares, and is described as 'a former colliery site with a notable plant assemblage', containing a range of habitats. The proposals would result in the permanent loss of approximately 9 hectares (i.e. around 25%) of the LWS.

Perhaps most notable is the presence of Open Mosaic Habitat on Previously Developed Land, which is a Section 41 Habitat of Principal Importance for Conservation in England (meaning that it is a national conservation priority), extending to around 3.1 hectares in size. Whilst to the untrained eye, this may look like 'wasteland', the diversity of substrates, topography and hydrology of these pioneer habitats means that it provides opportunities for a wide range of species, some of which are scarce (see below); such opportunities are increasingly absent in the Nottinghamshire countryside due to intensive agriculture, urbanisation and other

development. The ES considers that of all the habitats within the LWS, these pioneer communities are the most significant in botanical value due to the diversity of herb species, and that they are also of considerable value in supporting an invertebrate assemblage. It appears that the proposals would result in the total loss of this habitat, as well as 2.8 hectares of woodland and scrub and 1 hectare of neutral grassland, and would also cause the fragmentation of retained areas of habitat (breaking the site up into smaller, separated sections). It should, however, be noted that the scheme design has been altered to ensure the retention of two adjacent water bodies (colliery lagoons), which is welcomed.

In the case of woodland/scrub and grassland, mitigation is proposed in the form of replacement habitat delivered as part of the site landscaping, with a proposed 7.6 hectares of woodland and 5.9 hectares of neutral grassland, and the impact on these habitats is assessed as being Not Significant/Significant Beneficial (probable); further comment on this is provided under the Landscaping heading, below. However, in the case of the Open Mosaic Habitat on Previously Developed Land, the proposals would result in the total loss of this habitat; the assessed impact of this is unclear in the ES. The ES indicates that the translocation of pioneer habitat will take place, but there are no details indicating the amount of habitat that would be translocated, how the translocation would take place, nor where it would be translocated to (other than generally within Gedling Country Park). Without this information, it is not possible to conclude, as it has been in Table 9.10 of the ES, that effects on this habitat are Not Significant (probable). Habitat translocation is an inherently uncertain process, and should only be attempted as a last resort. Given that Gedling Country Park (the proposed receptor site) already supports important areas of habitat, and that the success of any translocation would rely heavily on methodology and the characteristics of the receptor area, further details of the proposed translocation are essential, to give assurances that the translocation is actually feasible, and so that it can be secured through the planning permission. Without this information, it is not possible, in the view of the NCU, to come to the conclusion that has been reached in the impact assessment.

In addition, a brief assessment of cumulative impacts has been carried out in the ES. This gives consideration to two developments in the area, but the Anaerobic Digester (proposed for the former colliery yard and currently pending a decision) is not one of these. Given that the AD plant would be located within another area of Open Mosaic Habitat on Previously Developed Land within the LWS, and that together with the GAR, would appear to give rise to the loss of almost all Open Mosaic Habitat on Previously Developed Land within the LWS, it is therefore necessary to give this matter consideration.

Further comments on the impacts of the GAR on species using the LWS and the habitats that it supports are provided below.

### 3. Impact on Gedling House Wood LNR

The scheme passes along the northern edge of this LNR, encroaching within 10 metres of the woodland. It is stated in the ES that works may require the removal of a small number of trees along a 40 metres length of the boundary. Given this apparently minimal loss of woodland, impacts on this site are assessed as being Not

Significant (certain/near certain). This assessment appears to be valid.

#### 4. Impact on other habitats outside the Gedling Colliery & Dismantled Railway LWS

Along its eastern and far-western stretches, the proposed GAR runs through farmland, comprising arable fields and grassland of generally low nature conservation value. A small section of species-rich hedgerow would be lost (western end), along with sections of species poor hedgerows, whilst a small section of woodland would also be affected (eastern end). With the implementation of mitigation delivered through the site landscaping (see below), these impacts are assessed as being Significant Beneficial (certain/near certain and probable).

#### 5. Impact on Amphibians

Whilst a 'medium' sized meta-population of great crested newts was identified to the north of the scheme, associated with three ponds, these are some way removed from the route of the road (300-550 metres), and impacts are assessed in the ES as being Not Significant (probable), assuming that appropriate mitigation is put in place through the proposed Construction Environmental Management Plan (CEMP - see below).

Of more concern, is the potential impact of the scheme on a large population of common toads (either 'good' or 'exceptional', depending on the year of survey and the ponds considered) associated particularly with the two former colliery lagoons referred to above, along with lesser numbers of smooth newts and common frogs. Common toads are a Section 41 Species of Principal Importance for Conservation in England (and thus are a national conservation priority), and the ES notes that the former Gedling Colliery site meets the relevant criteria for designation as a Local Wildlife Site on the grounds of amphibians, and hence assessing it as being of County value for this group.

Whilst the scheme has been amended to ensure retention of their two main breeding water bodies, which is welcomed, the new road would result in the loss of terrestrial habitat, the potential killing of toads during construction, and would also affect the migration route of toads which would be likely to result in mass mortalities of toads attempting to cross the road in the absence of mitigation. To address these impacts a range of mitigation measures are proposed:

- An amphibian trapping programme (to avoid killing/injury), to be addressed in the CEMP.

- The construction of five underpasses/amphibian tunnels beneath the GAR, the locations of which are illustrated in the ES.

- The creation of new hibernation sites within 100 metres of existing breeding ponds/new water bodies

- The installation of permanent amphibian fencing to prevent access to the carriageway.

- Monitoring and maintenance to ensure continued functioning of tunnels and fencing

- In addition, new SUDS are intended to be permanent water bodies and will offset the loss of two small ponds currently used by small numbers of amphibians.

With the implementation of these measures, impacts are assessed as being Not Significant (probable). However, to ensure this is the case it will be necessary for elements, such as replacement hibernation sites, to be created in advance of trapping and vegetation clearance taking place (i.e. to ensure that there is somewhere for the trapped amphibians to go). Information is therefore requested regarding the locations of these hibernation sites, along with confirmation that they will be of a sufficient quantity and quality to mitigate for the loss of areas of established scrub and woodland which would appear to provide optimal terrestrial habitat. In addition, a plan is requested showing the proposed location of amphibian fencing (during operation). Confirmation is also sought that amphibian tunnels and fencing would indeed form part of the road design, as they are not mentioned in Chapter 3 (which describes the proposed development).

Regarding the CEMP, it is essential that the timing of vegetation clearance works and amphibian trapping is built into the construction timetable, and that the proposed tunnels and fencing are implemented (and subsequently monitored and maintained). Without this, works can be expected to have a major detrimental impact on common toads, and mass mortalities of migrating toads would be expected each spring once the road had been constructed. This issue is considered further below.

## 6. Badgers

Surveys have confirmed the presence of several badger setts within, or close to, the route of the GAR, along with routes used regularly by badgers; overall this is described as 'considerable badger activity'. The GAR would result in the loss of, or likely disturbance to 6 setts (although none of these is a main sett), and the severance of routes used regularly by foraging badgers. The closure of the setts will require a licence from Natural England.

It is stated that the provision of an artificial sett to mitigate for the loss of subsidiary sett 10a/10b is anticipated, and that this would need to be located within 150 metres of the original sett location, to the north of the GAR, and in an area of suitable habitat. Given that such a location would presumably lie outside the red line boundary, and that no further details have been provided, the feasibility of delivering this is therefore queried, and further details are requested.

To mitigate against the impacts of habitat fragmentation caused by the GAR and to reduce the risk of injury/death to badgers attempting to cross the GAR, a total of nine badger tunnels are proposed, the locations of which are illustrated in the ES. This equates to one tunnel around every 420 metres on average, although there is a considerable stretch of road, between the two roundabouts, where no tunnel is proposed. It is also proposed that badger-proof fencing would extend 100 metres in either direction from the tunnel mouths, to guide badgers towards them. With this mitigation, the impacts on badgers are assessed as Not Significant (probable).

However, given that badger tunnels are not proposed at every location where badger paths currently cross the route of the GAR, and that it can therefore be expected that badger mortalities will occur at these, and probably other, locations (for example in proximity to Sett 11, which is a main sett with 20 active entrances and which will be



located just 60 metres from the GAR), it is questionable whether this impact assessment is correct, and whether the entire route on the eastern half of the scheme (i.e. the section east of Lambley Lane) should be fenced, or more badger tunnels should be constructed. Further comment on this matter is therefore sought, along with a plan showing the proposed extent of badger fencing. Confirmation is also sought that badger tunnels and fencing will indeed form part of the road design, as they are not mentioned in Chapter 3 (which describes the proposed development).

It should be noted that the need to carry out updated badger surveys prior to development commencing is identified, and should be secured through the CEMP (see below).

## 7. Bats

### a) *Roosts*

Surveys have identified a total of five bat roosts within, or immediately adjacent to, the GAR route:

- Mapperley Tunnel (confirmed to be used by three species)
- Pepper Pots (tunnel ventilation shafts)
- Glebe Farm
- Chase Farm
- Gedling Wood Farm

Mapperley Tunnel has been shown to consistently support hibernating and roosting bats (i.e. it is used throughout the year), albeit in relatively low numbers, and is considered to be of District value. The other roosts support low numbers of common species, and are considered to be of Local value.

Whilst the Pepper Pots are not directly impacted, the GAR will pass immediately to the north-east of the eastern Pepper Pot (with a reinforced earth retaining wall used), which would in theory allow continued access by bats, although works in this area would need to be carefully controlled to ensure that the entrance to the roost is not affected. However, reinforcement of Mapperley Tunnel appears to be required, although no decision appears to have been made on the likely methodology. Further information on this matter is therefore required, as it has a significant bearing on the likely impacts to bats utilising the tunnel, although it is noted that a range of mitigation measures are outlined in the ES.

Roost(s) at Glebe Farm will be lost to the development, whilst those at Chase Farm and Gedling Wood Farm are outside the development footprint (and the ES predicts no disturbance to these roosts). In addition, it is noted that a total of 8 trees within the scheme footprint have been identified as having bat roost potential. Whilst the impact of the loss of these trees has been assessed, the NCU is concerned that no surveys have actually been carried out; and indeed, it is not clear which 8 of the 31 trees identified as having the potential to support roosting bats actually occur within the scheme footprint. Further details are therefore requested.

Proposed mitigation for the loss of a confirmed roost site (and an unknown number of tree roosts), takes the form of 24 artificial bat boxes, seemingly all to be located immediate adjacent to the GAR (and in some cases, in habitat that will be lost under the footprint of the GAR). Whilst it is stated that the precise detail of this mitigation would be agreed through an Ecological Management Plan, the NCU is concerned that the nature of the mitigation (i.e. the fact that they are bat boxes, which tend to have a finite life span; and their location) means that the mitigation as proposed is not adequate. Instead, consideration should be given to the provision of a more permanent bat barn, perhaps located within woodland at the south-western end of the Country Park, supplemented with bat boxes at more appropriate locations (e.g. within the Country Park and Gedling House Woods LNR). This matter therefore requires further consideration. It should also be noted that updated surveys of Mapperley Tunnel and Glebe Farm will be required if construction/demolition works have not commenced by April 2016, and that any works to the interior of Mapperley Tunnel itself will require mitigation, based on the details provided in the ES and incorporated within the CEMP.

All bats are European Protected Species, by virtue of the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations'), which implement Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the 'Habitats Directive'). Under the Habitats Regulations, activities which would otherwise contravene the strict protection regime offered to European Protected Species (which includes the destruction of roost sites) can only be permitted where it has been shown that certain tests have been met. Within the context of a planning application, these are that:

The activity is for the purpose of preserving public health or safety or for other imperative reasons of overriding public interest ("IROPI").

There is no satisfactory alternative.

The favourable conservation status of the species in question is to be maintained.

Works affecting roost(s) will therefore require a European Protected Species licence to be obtained from Natural England. Furthermore, under the Habitats Regulations, local planning authorities, in the exercise of their functions, have a statutory duty to have regard to the requirements of the Habitats Directive, so far as they may be affected by the exercise of those functions. What this means is that consideration must be given (during the planning determination process) to whether or not the three tests outlined above can be met. Therefore, it is recommended that the applicant is asked to submit a reasoned statement demonstrating how the three tests would be met, with the planning report documenting this and identifying clearly how the above duty has been addressed. Further guidance on this matter can be found in the Natural England publication entitled 'European protected Species and the Planning Process'.

#### *b) Activity*

At least six species of bats were identified commuting and foraging across the site during transect and static monitoring surveys. These indicate that woodland at the western end of the scheme, adjacent to Mapperley Tunnel, is particularly important for bats (with static detectors recording twice as much activity here as at any other

static recording locations, although noting that static recording only took place at seven discrete locations). Overall, the site is considered to be of County value for foraging and commuting bats, making the area very significant.

The proposals will, unavoidably, result in the severance of a number of bat commuting/foraging routes, including the area near Mapperley Tunnel referred to above. The ES appears to conclude that the proposals will actually have Significant Beneficial (probable) impact on bats due to the incorporated mitigation (i.e. new landscaping). However, the NCU is extremely concerned that, based on current evidence, this cannot be concluded, because the severance of commuting routes cannot be mitigated for in the short to medium term through new landscaping, as this vegetation will take several years to mature and become functional and will be of a far lesser extent than the foraging habitat to which access will no longer be possible.

In addition, the ES also states that (in the absence of mitigation), a poorly designed lighting strategy would have a Significant Adverse (certain/near certain) impact on foraging bats. Whilst it is stated that all lighting would be designed and installed so that the brightness and extent of any light spill is minimised wherever possible, and that lit sections of the road should be minimised with dark sections or reduced lighting times, it is stated elsewhere that the entire route will be lit; the NCU is unable to find any further details within the submission relating to lighting, nor a justification for this approach. Given that this directly contradicts the recommendations made in the Ecology Chapter, this clearly constitutes a 'poorly designed lighting strategy'. It should be noted that impacts from lighting are also highlighted with respect to wider impacts on the LWS, invertebrates and amphibians, further underlining the need for a sensitive lighting strategy.

It is therefore the view of the NCU that the GAR, as currently proposed, would actually have a Significant Adverse impact on local bat populations (noting that these have been assessed to be of County value), as bats will effectively be prevented from foraging across large areas that they have previously had access to, due to physical severance of foraging/commuting, and due to artificial lighting. It is therefore essential that amendments to the scheme are made and that further mitigation is provided for impacts on foraging and commuting bats. This is likely to include (but not necessarily be limited to):

A commitment that the route will not be lit, or that unlit stretches (corresponding with current bat flight lines) would be provided; and that where lighting is considered necessary, timers are used such that the road is unlit for periods during the night.

That features are provided to assist bats to cross the road, such as hop-overs (formed by vegetation), crossing structures or underpasses/culverts. This is considered particularly pertinent at the western end of the scheme, where the road is on an embankment.

#### 8. Breeding Birds, including barn owl

Parts of the site support a range of farmland birds (of conservation significance), although overall, impacts on breeding birds appear to be relatively minor, provided that appropriate mitigation is put in place to protect nesting birds through the CEMP

(see below), with generally low numbers of territories affected, and landscaping providing replacement habitat.

Evidence of barn owls was found in barns at Gedling Wood Farm and Chase Farm, although this species was not considered to be breeding (but may do so in the future). The roost site in the barn at Gedling Wood Farm will be lost, whilst that at Glebe Farm will be within 10 metres of the GAR. Mitigation is proposed in the form of replacement roosting/nest boxes to be provided within 200 metres of the GAR, and 150 metres of the two relevant farm buildings, at least 30 days prior to construction commencing. Again, as these areas are presumably outside the red line boundary, assurances are sought that this is actually deliverable, along with further details. In any event, details of mitigation will need to be provided in the CEMP (to ensure that disturbance to nesting barn owls is avoided during construction) (see below).

#### 9. Dingy Skipper (butterfly)

Targeted surveys confirmed the presence of dingy skippers (or rather, a single individual) within the development footprint, with suitable habitat located in a number of places within the former Gedling Colliery site and which would be affected by the GAR. Dingy skippers are a Section 41 Species of Principal Importance for Conservation in England, and hence are a national conservation priority, and as far as the NCU is aware have not previously been recorded at this site. Presence of dingy skippers would qualify the site as a Local Wildlife Site for this species, and consequently the site is assessed as being of County value.

The proposals would result in the loss of the location from which the dingy skipper was recorded, and other areas of potentially suitable habitat. Mitigation is proposed, and the impact on this species is predicted to be Not Significant (probable). However, mitigation for this species (and invertebrates more generally) is linked to mitigation for impacts on the LWS, in that part of it relates to the translocation of an undefined area of Open Mosaic Habitat on Previously Development Land to an unspecified location within the Gedling Country Park (see above). Another element of the mitigation is the translocation of individual bird's-foot trefoil plants (the larval food plant of dingy skipper); however, no further details are provided, e.g. whether egg searching would take place to try and ensure that plants bearing eggs are translocated. If dingy skippers are only found in the area of the site affected by the works (which is not known), then this is essential when trying to ensure that dingy skippers persist at the site, which should be the objective). Therefore, further information relating to mitigating impacts on dingy skippers, and their habitat, is required, to ensure that it is deliverable and so that it can be secured through the planning permission. In any event, a detailed methodology would need to be produced at a later stage, for inclusion within the CEMP (see below).

#### 10. Invertebrates (excluding dingy skipper)

Surveys for invertebrates were carried out in 2004 and 2007, within the former Gedling Colliery site, but have not been updated. Given that seven years have elapsed since the last survey, the results of these should be interpreted with caution as they are now out of date and it is more than possible that additional species,

potentially including species of conservation importance, may have colonised the site. In any event, the site is considered to be of District value of invertebrates.

It is stated that the proposed landscaping scheme will be of overall benefit for invertebrates; however, the generic landscaping as proposed is unlikely to be of value for habitat specialists, especially those associated with the Open Mosaic Habitat on Previously Developed Land. For comments on mitigation, refer to those relating to dingy skipper, above.

#### 11. Invasive Species

Two invasive species have been confirmed within the survey area; New Zealand pygmyweed and Japanese knotweed. Whilst the pygmyweed appears to be confined (currently) to areas that would not be affected by the proposals, Japanese knotweed does occur within construction areas. Therefore, the CEMP will need to include details requiring resurvey for these species prior to construction commencing, with the preparation of containment/management plans (certainly required for Japanese knotweed).

#### 12. Securing Mitigation, Monitoring & Maintenance

Those mitigation measures outlined in the Ecology Chapter would need to be secured; whilst ordinarily the NCU would request conditions relating to each relevant issue, it is clear that it would be more appropriate for those mitigation measures required during construction to go into the Construction Environmental Management Plan (CEMP). The NCU is, however, concerned that due to the complexity of the project, it would be easy for elements of the mitigation to be missed, so the NCU therefore requests the production of a document which summarises the mitigation that is required for inclusion in the CEMP, which itself should be secured through a planning condition. Specifically, this should include:

The 'good working practice' measures listed in 9.5.5 of the ES.  
All other mitigation measures provided in section 9.6 and 9.7 of the ES.

Post construction (i.e. during operation), a range of monitoring and management activities are recommended in the ES (including the management of created habitats); these too will need to be secured, through an Ecological Management Plan (EMP) or equivalent document; a planning condition should be used to secure the production of this document, to include, but not necessarily be limited to:

The management of created and retained habitats, including any translocated habitats.

Monitoring of populations of key species affected by the scheme for a period of no less than five years, to include common toads, badgers, bats, and dingy skipper, and of translocated habitats.

The maintenance of mitigation features to include badger and amphibian tunnels and fencing and bat/bird roosting/nesting boxes.

Any remedial works that may be necessary.

#### 13. Landscaping

Landscaping of the GAR provides a key element of ecological mitigation for the scheme, and it is therefore essential that it is of high quality, appropriate to local circumstances, and beneficial to the species affected by the scheme.

It is stated in the ES that 5.9 hectares of neutral grassland would be created as part of the proposals. Given that the landscaping plans indicate that the vast majority of new grassland will be created as narrow strips to the rear of tree/shrub planting areas, the value of this grassland is therefore questioned. In addition, there appears to be an opportunity to create a much more significant area of species-rich grassland in the large cutting (as shown on the Indicative Landscaping Proposals Sheet 5 of 7). Currently this area is earmarked for woodland and shrub planting, but it would appear that grassland creation on low nutrient substrate (i.e. reinstated subsoil or exposed substrate) would be much more beneficial at this location, especially on the southfacing slope, perhaps with shrub planting limited to the top of the slope. It is therefore requested that this suggestion is given consideration. The overall landscaping proposals should also be reassessed in response to the comments above relating to bats (for example by using planting to create 'hop-overs' to assist bats in crossing the GAR at certain locations).

In terms of species mixes, whilst the proposed mixes are largely welcomed and supported, as they generally employ native species which are appropriate to the local area, there are a number of specific issues [details of which have been listed] which need to be addressed.

Therefore, it is requested that updated landscaping plans are produced addressing these matters, or that the applicant commits to producing updated plans addressing the changes listed above, post-determination, which would require a suitable planning condition.

### *Conclusion*

Having reviewed the ES Ecology Chapter and other associated information, the NCU is concerned that the measures proposed to mitigate against ecological impacts arising from the proposed GAR fall short of what is actually required. This is especially in relation to bats and Open Mosaic Habitat on Previously Developed Land within the Gedling Colliery and Dismantled Railway LWS, but also with regards to common toads, badger, dingy skipper and the proposed landscaping. In this respect, the NCU draws attention to paragraph 118 of the NPPF, which states that "if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".

It is the opinion of the NCU that these issues need to be resolved, prior to the granting of planning permission, to ensure that all impacts have been properly assessed and that appropriate mitigation can be secured (and is deliverable).

With regard to the applicant's response to the above points on nature conservation, the NCU makes the following comments, in summary, on the issues which it considers have not been addressed:

## Issue 2 - Impact on the Gedling Colliery & Dismantled Railway LWS (5/211)

The NCU remains rather concerned that the precise nature of the OMH mitigation is unclear, putting in doubt its effectiveness and deliverability and the soundness of the impact assessment.

It also remains the case that the cumulative impact on the OMH within the LWS of the proposed GAR and Anaerobic Digester has not been assessed.

## Issue 5 - Impact on Amphibians

The NCU is concerned that whilst the principles of the mitigation have been outlined, it is still unclear exactly what would be provided, such as the number of hibernacula to be delivered.

## Issue 6 – Badgers

The NCU is not confident that the proposed mitigation for badgers via the provision of an artificial sett is actually achievable, as it is not clear what happens if the necessary agreements cannot be secured.

The assurance that badger proof fencing would be established to deter badgers from crossing over the road, except by safe use of badger tunnels, is welcomed. However, the NCU would like explicit confirmation of this, as the wording in the response is a little ambiguous.

## Issue 7 - Bats

### *a) Roosts*

Whilst further information on the reinforcement works to Mapperley Tunnel were requested, it is accepted that mitigation measures have been outlined for each scenario, so the NCU is satisfied that this matter does not require further comment.

However, it is still not clear exactly which trees within the scheme footprint have been identified as having bat roost potential. If this information cannot be provided at this stage, in the form of a plan, then it is essential that it is incorporated into the CEMP/EMP, although the NCU remains concerned that no surveys of these trees have been carried out to determine whether or not they actually support roosting bats.

### *b) Activity*

The precise nature of the mitigation of impacts of the proposals on bat foraging and commuting routes is unclear, putting in doubt its effectiveness and deliverability and the soundness of the impact assessment.

Reference is again made to a sympathetic lighting scheme, but as there are no details of the lighting scheme in the ES, other than a statement that the entire route

would be lit, the NCU is unable to agree that such a scheme would be sympathetic.

It is understood that the entire route would be lit on road safety grounds, although the precise design of the lighting would be considered further as part of the detailed design, and that timers would be incorporated such that the intensity of the illumination along the links (but not the junctions) would be cut by 50% between the hours of 1900 and 0700. This does not go as far as previous requests of the NCU and whilst it may go some way to mitigating against impacts, if coupled with the other features mentioned, the NCU remains very concerned that a permanently lit road would have a significant detrimental impact on local bat populations.

However, reference has been made to a Bat Conservation Trust publication containing recommendations to help minimise the impact artificial lighting and it is stated that a lighting scheme would be designed in accordance with this document. Given that this publication states that "Studies have shown that continuous lighting along roads creates barriers which some bat species cannot cross", this would be essential, and in the event that planning permission is granted, should be secured through a condition, along with a requirement to design the lighting scheme with input from a suitably experienced ecologist.

However, explicit confirmation is requested that:

No artificial lighting would fall on any bat roost entry/exit point, during either construction or operation.

Temporary close-boarded fencing would be used where necessary, until vegetation matures to shield sensitive areas from lighting

#### Issue 8 - Barn Owl

The NCU is not clear what happens if the necessary agreements for installing roosting/nest boxes on third party land cannot be secured.

#### Issue 9 - Dinky Skipper

The NCU refers to comments made under Issue 2 above, as the issue is essentially the same.

However, confirmation that bird's-foot trefoil with eggs or larval tents would be translocated to the donor site, along with the sowing of collected seed to optimise the establishment of their main larval food plant, is welcomed.

#### Issue 12 - Securing Mitigation, Monitoring & Maintenance

The NCU previously stated that it was concerned that due to the complexity of the project, it would be easy for elements of the mitigation to be missed. Therefore, the NCU requests the production of a document which summarises the mitigation monitoring and maintenance that is required for inclusion in the CEMP and/or EMP.

The response appears to state that such a summary document would be supplied, although the wording is slightly unclear. The NCU remains of the opinion that such a summary, in tabular form, should be produced, which can then be referred to in the



relevant planning condition(s).

### Issue 13 – Landscaping

The NCU is content that the approach stated for landscaping can be conditioned.

#### *Conclusion*

The NCU remains concerned that the details of much of the proposed (essential) mitigation has been left for the post-determination stage, meaning that in a number of cases it is unclear exactly what mitigation can be expected. This not only puts in doubt the effectiveness and deliverability of the mitigation and the soundness of the impact assessment, but would also lead to problems at the condition discharge stage, which may result in a reduced level of mitigation and a failure for this to match up with what is required to meet the impact level predicted in the ES.

Ultimately, it is for Gedling Borough Council to decide whether this approach is acceptable or not.

Nottinghamshire Wildlife Trust (NWT) – welcome the provision of an updated Environmental Statement (ES). The NWT notes that many of the ecological surveys have been updated, with the field work having been carried out in 2014 in most cases. The NWT is therefore reasonably content that the majority of the survey work is up-to-date.

The NWT wishes to make the following comments on the proposal:

#### 1. Impact on the Nature Conservation Value of the Site

Due to the scale of the proposal, the NWT wishes to draw attention to the large scale impacts on wildlife, many of which are irreversible and unavoidable to implement a road construction project of this scale. The ES correctly identifies the following types of impacts (9.6.3):

- Habitat loss through land take
- Direct harm (including mortality) to species
- Severance and fragmentation between habitats and species
- Disturbance and habitat degradation caused by increase in noise, road lighting and pollution.

##### *a) Habitats*

It is clear that the construction of the Gedling Access Road (GAR) would impact on grassland (including type classified as 'semi-improved'), hedgerows, open mosaic habitat on previously developed land (previously referred to as 'Brownfield Sites'), scrub, woodland and two water bodies referred to as 'fire ponds'/pond.

With regard to Gedling House Woods Local Nature Reserve (LNR), a statutory designated site, the ES notes that the boundary of the GAR abuts the LNR, with the carriageway of the GAR 'encroaching to within 10m of the woodland'. Siding up of

trees along a 40m section of the woodlands is also proposed. Even if direct losses of woodland are minimal, the NWT considers that the woodland would be adversely affected by the road post-construction due to noise and lighting. Although such impacts can be minimised through good design, the NWT still thinks there would be an adverse effect on the woodland, which could in turn adversely affect breeding birds, bats and badgers.

The proposed road will adversely impact Gedling Colliery Site and Dismantled Railway Local Wildlife Site (LWS), a site designated for its range of habitats within a post-industrial setting. This habitat type is classed as a priority habitat in the Nottinghamshire Local Biodiversity Action Plan (LBAP) and is known under the Natural Environment and Rural Communities (NERC) Act 2006 as 'open mosaic habitat on previously developed land'. The ES states that 25% of the LWS would be lost to the road development. The LWS is of particular importance for habitats and species it supports, e.g. amphibians, invertebrates, breeding birds and bats.

The NWT also wishes to highlight that the proposed road will impact on or remove other areas of woodland/ scrub habitat, such as:

plantation woodland at the eastern end of the road  
woodland adjoining Gedling House Woods LNR (south and east of the walled garden), which the NWT understands supports native bluebells.

In addition, the GAR would result in the fragmentation of habitat links with the removal of hedgerows, which although assessed as generally species poor in the environmental statement, are likely to provide nesting and foraging habitat for birds and foraging/ dispersal routes for other species, especially badgers and bats.

*b) Species*

The construction of the road will result in the loss of amphibian breeding and terrestrial habitat and act as a significant hazard to migrating animals present in the part of the GAR near the former colliery site. Surveys have revealed that the colliery site supports a large population of breeding toads, with smaller (but still important) numbers of frogs and smooth newts. This assemblage exceeds the threshold for the site to be designated as an amphibian LWS. As a result of declines, common toads are a species of principal importance under the NERC Act.

At least 6 badger setts, including a subsidiary sett, are present within 30m of the GAR corridor; these setts will be adversely impacted or destroyed. There will be a significant increase in noise and lighting in an area that was previously dark. The completed road will act as a barrier to badger movements and would present a significant hazard that, without appropriate mitigation, would almost certainly result in badger fatalities. The presence of lighting along the road and the noise generated by traffic would disrupt badger foraging behaviour. The surveys have revealed that there are a large number of badgers, probably in several social groups, in the area around the route of the GAR.

Five bat roosts were identified on or immediately adjacent to the GAR. The ES describes an extensive range of surveys carried out to assess the status of bats at the site. The surveys revealed the presence of three bat species within Mapperley

Tunnel (Brown long-eared, Natterer's and Common Pipistrelle) and single species roosts (common pipistrelle) at the following locations: The Pepper Pots, Glebe Farm, Chase Farm and Gedling Wood Farm buildings. The activity and static detector surveys revealed at least six species of bats associated with field boundaries, hedgerows and woodland, some of which will be adversely impacted upon by the proposal.

In relation to birds, 56 species were recorded during the 2014 breeding bird surveys, with 44 species considered to be breeding within or adjacent to the proposed GAR. 16 notable (NERC Act or BoCC Red List) bird species were recorded in 2014, 13 of which are within the GAR corridor. The bird communities present are assessed against the Notts LWS criteria in the ES, but it is considered the site does not meet any threshold for qualification as LWS for bird assemblages.

The 2004 and 2007 invertebrate surveys concentrated survey effort within the proposed Country Park/LWS, but the 2007 survey did include a walkover of the GAR route, with sampling in woodland near the former cutting to the north-east of Arnold Lane and in Gedling House Wood. The combined results table reveals a total of eight Nationally Rare or Nationally Scarce species and five NERC Act 2006 species from the site. The majority of records are from the proposed Country Park. Sixteen species of butterfly were recorded by the 2014 surveys, with dingy skipper (NERC Act 2006 species) present within the GAR corridor. The NWT does note, however, that the baseline invertebrate surveys are out of date (the only survey of this type carried out in 2014 was for butterflies) and strongly recommend that a full suite of invertebrate survey, concentrating on the LWS area, should be carried out.

## 2. Ecological Mitigation

Some of the mitigation is included in the application detail (e.g. elements of the compensatory habitat provision is shown on the landscape plan). However, as they are likely to take a considerable amount of time to mature, certain types of compensatory habitats within the planting scheme cannot adequately replace the loss of mature habitats such as existing hedgerows and woodland.

The NWT suggests that the Borough Council should draw up conditions to ensure the recommendations in the ES Ecology Chapter are implemented. The NWT considers it will be a challenge to draw up sufficiently robust conditions to implement all of the mitigation put forward in the ES, due to scale and complexity of ecological mitigation/ compensation measures described in the report. The NWT attempts to summarise some of the most important measures below:

### *a) Construction mitigation*

The NWT recommends a condition is drawn up to implement the specific recommendations in the ES. The NWT agrees with the suggested mechanism to ensure implementation of these measures, which is via the preparation and implementation of a Construction Environmental Management Plan.

### *b) Gedling House Wood LNR*

The NWT expects to see the measures to protect the LNR during construction as set out in the ES fully implemented. These include a 2-3m buffer to the canopy edge, avoidance of vehicle movement or soil storage on the LNR, plus measures to avoid/minimise pollution, such as dust, noise etc.

*c) Gedling Colliery and Dismantled Railway*

The ecological mitigation/compensation scheme for Gedling Colliery Site and Dismantled Railway LWS and its supporting species (Amphibians, Dingy Skippers) should be fully implemented. The NWT also thinks monitoring and a mechanism for remedial measures is an important component and wish to see conditions used to secure this.

*d) Notable habitats*

To comply with the ES, the protection of retained hedges by means of construction fencing is required. The NWT also recommends this is extended to mature trees and any other habitats.

*e) Amphibians*

To implement the advice of the ES, an ecological clerk of works is required to oversee strimming of vegetation and to check refugia in areas of suitable habitat to displace amphibians and small mammals from the working area.

The NWT would like to see compliance with the recommendation for creation of the new balancing ponds 6 months prior to removal of the 2 fire ponds. It would also like to see the new ponds planted with native species, because the ponds are needed as receptor sites for any animals captured as per the recommended trapping and exclusion programme in the ES.

Five underpasses/amphibian tunnels are proposed in the ES, the locations of which are shown. The NWT would wish to see these included in the road design, together with permanent amphibian fencing, as detailed in the ES. Monitoring and maintaining of tunnels is particularly important. The NWT has seen toad tunnels fail in other parts of the county (e.g. Aysorth Bypass) due to lack of maintenance.

*f) Badgers*

The NWT recommends planning conditions are used to protect badgers during construction as outlined in the ES. The suggested wording is based on BSI 42020:2013 and is as follows:

'No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:

creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of

each working day; and  
open pipework greater than 150 mm outside diameter being blanked off at the  
end of each working day.'

The NWT also recommends a condition is used which states no construction activities commence until a licence has been issued by Natural England under the Protection of Badgers Act 1992. Also, if any artificial setts are to be created these will need to be constructed (and evidence submitted to prove they are used) ahead of closing any setts.

The NWT considers that it is especially important that further update surveys are carried out prior to commencement of development, as indicated in the ES.

The NWT supports the proposed incorporation of badger tunnels as detailed in the ES and would like these measures to be incorporated into the road design, together with a commitment being made to badger monitoring and maintenance of the tunnels.

It would be helpful if the survey boundary were shown on the plans, as the presence of further badger setts could impact on the design of the mitigation scheme.

#### *g) Bats*

The NWT wish to highlight that a European Protected Species Licence is required for works affecting roosts which are in known roost areas, such as Glebe Farm and Mapperley Tunnel, as indicated in the ES. Updated bat surveys will be required after two years, if the construction phase has not commenced. The NWT recommends the use of conditions to secure this.

Whilst the exact proposals regarding reinforcement of the Mapperley Tunnel are not known, the NWT would be concerned if the option involving spraying the interior of Mapperley Tunnel with concrete is to take place and strongly agree with the recommendation in the ES that it would be preferable if alternative solutions to reinforce the tunnel were given priority.

Compensatory roosts would need to be provided prior to any removal of roosts and trees identified by the phase 1 survey require detailed survey. The NWT recommends that these trees should be subject to emergence survey at an appropriate time of year, as well as physical inspection. Monitoring and maintenance of bat boxes would also be required and it is recommended in the ES that this should be for a 5 year period post-construction. The NWT would also like to see the post-construction monitoring in terms of walked transects and static monitoring being carried out and supports the recommendation for sensitive lighting design, which should be incorporated into the scheme design.

#### *h) Breeding birds*

A pre-development check is recommended for barn owl within a farm building at Gedling Wood Farm and it is noted that a barn owl nest box is recommended in the ES, which the NWT recommends should be placed at least 1km from the new road. The NWT would wish to see the proposed barn owl monitoring surveys being

secured.

The NWT recommends a standard condition is used to avoid clearance works during the bird nesting season and is pleased to see the incorporation of a nest box scheme, as detailed in the ES. The NWT also welcomes the proposed monitoring and maintenance of boxes.

*i) Invertebrates*

The NWT supports the plans for the translocation of topsoil (from the LWS) to a completed section of GAR and to seed the butterfly's food plant, Bird's-foot trefoil and to identify opportunities for habitat translocation within the Country Park. Again, the NWT would wish to see these habitat creation works being delivered.

*j) Long term monitoring & maintenance*

An environmental management plan is proposed in the ES to enhance the ecological value of newly created water bodies, translocated habitats and other new habitats. This should be secured via a planning condition.

### 3. Comments on Planting Proposals

It appears that much consideration has been given to the landscaping along the route of the new road. However, the NWT would recommend the following amendments:

Shrub mix (moist) on indicative planting proposals (located around ponds). The NWT recommends the removal of commercial cultivars from the proposals. Ideally, areas adjacent to ponds should comprise predominantly an open aspect with tussocky grassland and occasional shrub species such as goat willow *Salix caprea*.

Seeding under woodland mix. The majority of the grass species proposed are commercial cultivars and inappropriate for a scheme where the primary focus should be to compensate for the loss of existing native woodland. Plant stock used should be of guaranteed native genetic origin and ideally of local provenance, in order to maximise the nature conservation benefits of the proposal.

### 4. Cumulative impacts

The ES has considered cumulative impacts of the GAR and the adjacent 'DA Development'.

The NWT considers the cumulative impact of the GAR and DA is likely to be significant and could result in a net loss of important biodiversity in the area as follows:

From viewing the submitted document entitled 'Proposed Development Framework', it is apparent that most of the LWS will ultimately be destroyed as it

falls within the footprint of the proposed employment land, bus depot, relocated household waste centre to the north of the GAR. This will adversely impact important Brownfield habitats (recongised under the NERC Act 2006 as a habitat of 'principle importance'), and associated species (amphibians, invertebrates, breeding bird communities etc.), again which receive policy protection under the NERC Act (under the Act, public authorities must show regard for conserving biodiversity in all their actions).

Once the pasture at Chase Farm (area within the footprint of the housing shown on the development framework plan) comes forward for development, there would be cumulative impacts for badgers, as identified in the ES. Furthermore, one sett would lose the majority of its foraging habitat and the remaining area would be subject to a substantial increase in usage. The NWT would be surprised if the built development could provide a strong enough and undisturbed northward corridor for badgers, particularly as an access road for the 0.8ha Park and Ride would further severe habitat linkages. This clan would also only have a single tunnel to enable them to access foraging habitat to the north. The NWT has seen problems in other parts of the city, where developments have isolated badger setts and future householders have come into conflict with badgers digging in their gardens.

In relation to the cumulative impact assessment for bats, although it does depend on the detailed design, lighting and width of habitat corridor, the NWT considers it would be very difficult to maintain commuting and foraging corridors for bats within the newly built environment. The NWT has no assurances that all, or the majority of green linkages (hedges), within this farmland would be retained.

The NWT has been consulted by Nottinghamshire County Council on an application for an Anaerobic Digester facility on the potential business/ bus depot site north of the GAR, which means that the cumulative impact assessment is out of date.

## 5. Summary

The NWT considers that there would be substantial impacts on biodiversity from implementing the scheme and is also concerned about the cumulative impacts of the developments proposed around the former colliery site. In relation to the ES, the NWT notes the lack of a clear survey area boundary for protected species surveys (particularly badgers) and the lack of an up-to-date invertebrate survey for the LWS.

The NWT has assessed the proposals for ecological mitigation/compensation, which it considers has put forward some reasonable measures. However, as presented in the ES, these measures are complex and the NWT thinks it would be difficult to secure them all.

Due to the scale of impacts (even after ecological mitigation has been implemented), the NWT finds that it must object to the proposed GAR. Should the application be approved, however, the NWT would expect to see a mechanism, such as planning agreements/conditions, used to secure mitigation and future monitoring and maintenance of created and retained habitats/associated species in the GAR scheme. This should also include adjacent sites affected, such as Gedling House

Wood LNR.

Environment Agency – the Environment Agency has no objection to the proposed development, subject to the imposition of planning conditions requiring the following :

A surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed (specific technical details of what the scheme should demonstrate have been provided).

No development shall take place until a scheme that includes components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority (specific technical details of the required components have been provided and additional advice).

No infiltration of surface water drainage into the ground, other than with the express written consent of the Local Planning Authority; which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

No development, including any demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority and adhered to throughout the construction period (specific technical details of what the statement should provide for have been provided).

These conditions are required in order to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure the future maintenance of the sustainable drainage structures; to protect controlled waters and to ensure any soakaway type drainage is only into clean uncontaminated ground.

Additional detailed advice is also provided with regard to flood risk and groundwater quality.

Severn Trent Water (STW) – has responded direct to the agent, WYG. Much of the route would have no impact for STW, but it does look likely to cross sewers in a couple of places. However, with no depth details, STW is unable to say for definite, and has pointed out that it needs 1.2 metres clear depth between the proposed works and its sewers.

English Heritage – has made the following comments on the concurrent application no: 2014/0916 for listed building consent for the partial demolition and rebuilding of the garden wall at Gedling House, which is required as part of the GAR proposal:

English Heritage does not wish to offer any comments, but recommends that the application should be determined in accordance with national and local policy guidance, and on the basis of the Borough Council's expert conservation advice [as



provided by the County Council within the above highway comments].

Nottinghamshire Building Preservation Trust - observe that:

1. The new link road will relieve congestion through Gedling, but may transfer this to Mapperley. Is it intended to improve conditions on the east bound B684? Will the signage indicate a route to Mansfield (A60) and A614?
2. The Trust objects to the destruction of Glebe Farm, Gedling.
3. The Trust is concerned about the proximity of the proposed road to Gedling House and the reduction of its open situation with screen planting. However the junction is where it is, but is the road to be placed in a cutting?

Parks & Street Care (P&SC) – is concerned that no provision for car parking has been allowed for, off the access road on the side of the new Country Park. This will, in effect, force visitors to cross the access road via a road crossing with all its inherent danger.

If the car park is built on the residential land to the south of the Gedling Access Road, this option would force pedestrians who want to access the Country Park across the Gedling Access Road, which is not the best choice.

It is acknowledged that a possible car park option is proposed on the employment land, but it is not clear at present whether this would be feasible or not.

As a result, it is suggested that the car park is located on what is part of the Country Park. This would only require the contractors to put a right hand turn off the spur road, and there is enough flat land to accommodate 40 cars.

With regard to the GAR development and its impact on the Carlton- le-Willows Academy playing field area, it is observed that the GAR development would result in a degree of potential playing field loss. However, it is considered that the loss of what would be in effect an adult and possibly a junior pitch could be compensated for by re-configuring and adding two extra pitches on the existing site [this has been indicated diagrammatically].

Pitch B could be installed where indicated on the diagram with little disruption, but may involve some pitch adjustment/realignment to fit it in.

Positioning of Pitch A would involve some re-sculpting of the landscape, which is currently a bank running down to the athletics track, but this could be achieved by using cut and fill techniques to create a new level playing field in the area indicated on the diagram.

This would allow the GAR development to proceed, whilst ensuring the children attending the Academy had playing field areas that could be fully utilised and not hampered by the bank that is currently integral to the existing grounds layout where the construction of Pitch A is proposed.

Public Protection – make the following comments:

### *Air Quality*

The application has included an Air Quality Assessment (AQA) in the ES.

The report makes reference in several places to 'Mixed Use Development including new access road'. The assessment, however, seems to be only looking at the Gedling Access Road (GAR) itself; not including any assessment for future development around the road. The following comments, therefore, relate to the assessment provided and are assumed to be only for the GAR, not including development.

Additionally, the AQA makes use of the Traffic Assessment (TA) submitted. Public Protection note that the GAR is expected to take only approximately 4000 vehicle movements away from Shearing Hill/ Arnold Lane (approximately one third of the Annual Average Daily Traffic). If following consultation with the Highway Authority, the TA is found to require amendment then the AQA will require amending using this revised TA.

More specifically, with regard to the AQA, it is recommended that the report is reviewed, bearing in mind a number of specific points which have been outlined in detail.

Generally, however, Public Protection would agree with the report findings that the construction of the GAR in itself would have a negligible effect on air quality, if the correct practices are put in place during construction.

Following the submission of an amended AQA and ES Chapter 6, Public Protection has confirmed that it is satisfied with the details as now submitted.

The report includes recommendations for the management of construction phase dust/particulate matter. Public Protection recommends that this is formally submitted in the form of a Dust Management Plan to ensure these effects are minimized; this could be submitted as part of a planning condition.

### *Land Contamination*

The proposed alignment crosses several areas of land that have formally been used for industrial purposes, including landfilling. As such, Public Protection recommends that a land contamination study is carried out using the suitable guidance, including the Design Manual for Roads and Bridges and Site Investigations for Highways Works on Contaminated Land, and that appropriate conditions are imposed to ensure that the development takes into account any potential land contamination issues [specific details of which have been provided].

### *Noise*

The noise assessment submitted in support of the above application has been reviewed. The noise assessment has concluded that mitigation would be necessary for those properties worst affected by the noise and have proposed that this can be

achieved through the provision of noise barriers to reduce the noise levels at the most affected properties. The noise assessment has also concluded that no properties would be eligible for mitigation measures in accordance with the criteria set out in the 1988 Noise Insulation Regulations 1988.

The noise assessment has also suggested the construction of noise barriers to mitigate noise during the construction phase and the adoption of a Construction and Environmental Management Plan (CEMP) to ensure that noise from construction activities are reduced to a minimum.

Housing Strategy - the proposed road is necessary for the development of new homes on the former Gedling Colliery site. The construction of more homes of the right type in the right place is one of the Council's priorities so Housing Strategy has no objections to this application.

Economic Development – Economic Development has a commitment to drive economic growth and within this is working to promote new employment and skills opportunities for residents in the Borough. Within the 2014/2015 Gedling Plan there is a commitment to ensure local people are well prepared and able to compete for jobs, that Gedling will create more jobs and also improve access to jobs through improved transport connectivity. The proposed GAR will help to achieve these objectives.

Where large scale development is taking place, the Borough Council wants to work with developers to apply local labour agreements to secure, where possible, jobs and training opportunities for residents living in the Borough.

With regard to this application, Economic Development would like to see a condition put on the application relating to the applicant entering into a local employment agreement for employment and training targets on the construction of the GAR development.

In doing this, both Economic Development and the applicant would work together to set out minimum targets for local employment opportunities, and also for the creation of apprenticeship opportunities, work placements and qualifications for the local community. The value and scale of the development would allow targets to be developed from across the National Qualification Framework, providing a range of opportunities for local residents.

The construction of the GAR would provide a key linkage between major areas of development (both residential and commercial) outlined in the Aligned Core Strategy and would help to enable the delivery of Gedling's growth aspirations, both for housing and employment, but also attracting new investment into the Borough.

Sport England (SE) – SE would oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all/part of a playing field, unless one of 5 exceptions applies. These can be summarised as follows:

E1 – An assessment has demonstrated that there is an excess of playing fields in the catchment and the site has no special significance for sport.

E2 – The development is ancillary to the principal use of the playing field and does not affect the quantity/quality of pitches.

E3 – The development only affects land incapable of forming part of a playing pitch and would lead to no loss of ability to use/size of playing pitch.

E4 – Playing field lost would be replaced, equivalent or better in terms of quantity, quality and accessibility.

E5 – The proposed development is for an indoor/outdoor sports facility of sufficient benefit to sport to outweigh the detriment caused by the loss of playing field.

SE is only concerned with the loss of, or impacts on, playing fields that lead to loss. The proposal involves loss of the playing field at Carlton-le-Willows Academy, this is the only element of the application which raises an issue for SE. No information has been submitted which would address the loss of the playing field, having regard to SE playing field policy or the requirements of paragraphs 73 and 74 of the NPPF. Whilst the principle of the Gedling Access Road is established, it is not clear if the specific route is allocated.

SE therefore objects to the proposal because it is not considered to accord with any of the exceptions in SE's playing fields policy nor is there any evidence which confirms that the proposal is in accordance with paragraphs 73 and 74 of the NPPF.

Should the Council be minded to grant planning permission for the development, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the National Planning Policy Guidance, the application should be referred to the National Planning Casework Unit.

National Grid (NG) – observes that it has apparatus in the vicinity of the proposed development which may be affected. Advice is provided on the detailed requirements that must be followed when planning or undertaking the proposed development, to ensure that NG apparatus is not affected by any of the proposed works.

Network Rail – has no observations to make.

Estates – no objections.

Nottinghamshire County Council (Forestry Manager) – initially observed that the tree survey and constraints plan information had been completed in accordance with BS 5837 2012 methodology.

The Arboricultural Impact Assessment (AIA) noted within the tree survey document was not included with the application. It was noted that the indicative tree constraints plan shows notional tree and hedge retention within the carriageway and its footprint, which is not feasible. The AIA would have clarified this matter, showing any indicative trees to be retained and to be removed and would have reconciled tree removal in its context within the landscape and provide appropriate mitigation in terms of specific planting details.

Although only part of the information deposited was considered satisfactory, it is clear that the removal of trees, some protected by a Tree Preservation Order, and

hedges would be required to enable the development to take place.

In conclusion, a full AIA, modified trees constraints plan and a full planting mitigation solution should be required as conditions of any consent. These should reconcile not only the proposed development, but also all infrastructure supporting the GAR i.e. underground utilities, drainage proposals, street lighting, safety cameras, signage etc.

All replacement/mitigation landscaping should be congruent with the local landscape character appraisal and specifically exclude Ash. The loss of any healthy tree to facilitate the development should be resisted, especially if there are no technical or arboricultural reasons for its removal.

As a consequence, it is not possible to provide a technical perspective of the impact of the proposed development.

Following the submission of the draft AIA and Tree Constraints Plan, it is considered that the supplied documents are adequate to overcome the above concerns, although it is noted that the Tree Constraints Plan which seems to supersede the previously issued document, is stated as draft.

However, the draft plan enables consideration as to which trees and hedges will be removed as part of the proposal, although the above comments still stand with regard to technical decision taking.

It is also noted that the A085361 document states that the drainage arrangements for the proposal are not available. However, the impact of the drainage scheme would need to be assessed after it is available for impacts on retained hedges and trees.

On balance the information requested by previous comments has been presented as part of the overall application.

### **Planning Considerations**

The key planning considerations regarding this proposal for the Gedling Access Road are how the proposal relates to current national and local planning policy, whether it would meet the main principles of sustainable development and its impact on the part of the Green Belt through which it would pass.

The other main planning considerations which must be assessed are the impact of the proposed development on the:

- Local landscape and visual amenity;
- Highway network and road safety;
- Loss of playing fields and open space;
- Amenity of nearby residential properties;
- Ecology; and
- Built Historic Environment.

The proposal also raises other planning issues in relation to flooding and drainage; pollution and contamination; layout & design; and its impact on arboriculture and public footpaths.

There are also issues raised in relation to the Environmental Statement and S106 requirements.

These planning considerations are assessed below, as are other issues raised.

### Relevant Policies & Background Information

#### *National Planning Policies*

The NPPF states that the overall purpose of the planning system is to achieve sustainable development. The following core planning principles of the National Planning Policy Framework are relevant to this proposal:

1. Building a strong, competitive economy (paragraphs 18 - 22);
4. Supporting sustainable transport (paragraphs 29 – 41);
6. Delivering a wide choice of high quality homes (paragraphs 47-55);
7. Requiring good design (paragraphs 56-68);
9. Protecting Green Belt (paragraphs 79 – 92);
10. Meeting the challenge of climate change, flooding (paragraphs 93 – 108); and
11. Conserving and enhancing the natural and local environment (paragraphs 109 – 125).

The following saved policies of the Gedling Borough Replacement Local Plan (GBRLP) (Saved Policies 2014) are relevant to this proposal:

Policy ENV1: Development Criteria  
Policy ENV3: Development on Contaminated Land  
Policy ENV31 Safeguarded Land  
Policy ENV 32: Protection of Ridgelines  
Policy ENV 36 Local Nature Conservation Designations  
Policy ENV 37 Mature Landscape Areas  
Policy ENV43: Greenwood Community Forest  
Policy ENV 44 Gedling Colliery Park  
Policy R1: Protection of Open Space  
Policy T10: Highway Design and Parking Guidelines

Significant weight should be given to GBRLP Policies ENV1, ENV3, ENV31, ENV32, ENV36 and R1 in accordance with paragraphs 14 and 215 of the NPPF as these are up to date and consistent with the NPPF.

However, it should be noted that Policy ENV37 is not completely consistent with paragraph 113 of the NPPF, which refers to the use of criteria based policies against which proposals affecting the landscape may be judged. Consequently, Policy ENV37 may be of more limited weight in this particular case. In this context, Policy 10 of the Gedling Borough Aligned Core Strategy (GBACS) is more up to date (see below) in that it requires proposals to be assessed with reference to the Greater

Nottingham Landscape Character Assessment and reflects the policy approach guidance in the NPPF.

Gedling Borough Council at its meeting on 10th September approved the (GBACS) (September 2014) which is now part of the development plan for the area. It is considered that the following policies are relevant:

GBACS Policy A (Presumption in Favour of Sustainable Development);  
GBACS Policy 2 (The Spatial Strategy);  
GBACS Policy 3 (The Green Belt);  
GBACS Policy 4 (Employment Provision and Economic Development)  
GBACS Policy 7 (Regeneration)  
GBACS Policy 10 (Design and Enhancing Local Identity);  
GBACS Policy 14 (Managing Travel demand);  
GBACS Policy 15 (Transport Infrastructure Priorities)  
GBACS Policy 16 (Green Infrastructure, Parks & Open Space);  
GBACS Policy 18 (Infrastructure); and  
GBACS Policy 19 (Developer Contributions).

The GBACS is subject to a legal challenge under Section 113 of the Planning and Compulsory Purchase Act 2004 to quash certain parts of the GBACS. The Claimant seeks an order quashing the GBACS so far as it relates to the quantum and distribution of new housing in the Council's area and so far as it provides for the review of Green Belt boundaries. The Borough Council is vigorously defending against this challenge. The challenge is largely to GBACS Policy 2 (The Spatial Strategy, which sets out housing targets and broad locations for new housing) and Policy 3 (The Green Belt). The hearing date is set for March 2015 with the outcome not expected until later in the spring and so, of course, the outcome of the legal challenge is uncertain at the present time.

The Borough Council has sought Counsel's advice as to how it must consider the fact of this pending legal challenge, whilst determining and considering planning applications in the meantime. Counsel advises that the actual fact that there is now a challenge to the GBACS is a material consideration and so must be taken into account when determining this application and considering the GBACS.

So both the GBACS, and the current challenge to it, are material considerations. The Borough Council is entitled to give what weight it considers appropriate and rational to the GBACS, bearing in mind that it forms part of the development plan. With regard to the current legal challenge, again, the Borough Council must decide what weight this should be given, as it is a material consideration.

In order to try to assist, in the analysis below of the relevant policies, I have pointed out those which I believe and suggest should be given significant weight and this includes highlighting those policies which I consider has a sound evidence base, notwithstanding the fact that there is now a challenge to part of those policies.

GBACS Policy 2 sets out the strategy of urban concentration with regeneration together with the settlement hierarchy to accommodate growth which is distributed through this policy. GBACS Policy 2 includes both strategic allocations and strategic

locations with the Gedling Colliery/Chase Farm site identified for at least 600 homes identified in the latter category. This policy is based on sound evidence as set out in the Strategic Housing Land Availability Study for Gedling Borough, the Appraisal of Sustainable Urban Extension Study (Tribal 2008) and the Sustainable Location for Growth Study (Tribal 2010). In relation to the distribution of homes the Inspector conducting the examination into the GBACS reported at paragraph 94:

“Overall, the proposed modifications envisage significant additional development adjoining the main built-up area at Teal Close and Gedling Colliery/Chase Farm sites, and would reduce the number of new dwellings adjoining or near Hucknall and in the key settlements...The revised distribution would be more consistent with the aim for urban concentration with regeneration in Policy 2”.

GBACS Policy 3 reflects a two stage approach to reviewing Green belt boundaries in order to meet the amount and location of housing set out in GBACS Policy 2. The strategic stage assessed broad areas around Greater Nottingham based on the Nottingham – Derby Green Belt Review (2006), and the aforementioned two tribal Studies. The second stage of the Green Belt review will entail a site by site process to define detailed Green Belt boundaries through the Local Planning Document (or Local Plan Part 2) using criteria set out in GBACS Policy 3. The Inspector found GBACS Policy 3 to be sound subject to a modification to give more direction for Part 2 Local Plans to emphasise that non-Green Belt sites are preferred before Green Belt sites. This modification was incorporated into the adopted GBACS Policy 3. The Inspector at paragraph 112 of her report states:

“The possible need to alter Green Belt boundaries has been apparent for some time, and a Nottingham-Derby Green Belt review was undertaken in 2006 for regional planning purposes”.

In conclusion GBACS Policies 2 and 3 are soundly based on robust evidence and subject to modifications the Inspector found them to be part of a sound plan. Accordingly, GBACS Policies 2 and 3 should be given significant weight in this particular case.

As stated in the report, the GAR is needed to access the Gedling Colliery/Chase Farm site. GBACS Policy 2 identifies the Gedling Colliery/Chase Farm Site as a broad location for a sustainable urban extension. However, this broad location reflects a long standing commitment to develop this site as it was previously allocated for housing and employment under Policy H3 of the adopted GBRLP. The principle of the GAR was considered during the GBRLP Local Plan Inquiry by the Inspector who concluded it is a necessary component of the GCCF development and subsequently the indicative route was safeguarded under Policy GBRLP Policy T3. GBACS Policies 2 and 4 replace GBRLP Policy H3 effectively rolling forward this development site albeit in this case as a strategic location for a minimum of 600 dwellings (GBACS Policy 2) and for significant amount of economic development (GBACS Policy 4). GBACS Policy 15 identifies the GAR as a highway scheme important to the delivery of the GBACS. As the GCCF site includes significant levels of brownfield land it is also identified as a regeneration priority in GBACS Policy 7. In this planning policy context, GBACS policies 2, 4, 7 and 15 maintain a commitment rooted in the adopted GBRLP to access and develop a largely



brownfield site for employment and housing which does not require alterations to Green Belt boundaries. Accordingly in this particular case GBACS Policies 2, 4, 7 and 15 should be given significant weight.

Turning to other relevant GBACS Policies referred to in this report, GBACS Policies 10 and 16 are based on the landscape character approach advocated in the NPPF and based on robust evidence contained within the Greater Nottingham Landscape Guidelines. Accordingly GBACS policies 10 and 16 are considered to be underpinned by sound evidence on landscape character and should be given significant weight.

GBACS Policy 15 sets out a hierarchical approach to managing travel demand and the strategic transport impacts of the ACS has been modelled by independent consultants MVA using the Greater Nottingham Transportation Model. The result of the modelling demonstrate areas of pressure on the network for which mitigation measures will be required using the hierarchical approach set out in GBACS 15. As such it is considered that GBACS Policy 15 is soundly based and should be given significant weight.

GBACS Policy 17 (Biodiversity) seeks to protect and enhance local biodiversity in line with the evidence provided within the Nottinghamshire Local Biodiversity Action Plan and should be given significant weight.

GBACS Policy 1 deals with flood risk and is supported by evidence set out in the Greater Nottingham Strategic Flood Risk Assessment and the Greater Nottingham and Ashfield Outline Water Cycle Strategy. Consequently it is considered that this policy can be given significant weight.

It should be noted that planning policies in the adopted GBACS replace certain policies in the GBRLP as set out in appendix E of the GBACS. Those GBRLP policies not saved include GBRLP H3 (allocation of Gedling Colliery/Chase Farm) as this is now replaced by GBACS Policy 2 which identifies this site as a strategic location for mixed use development with a minimum of 600 homes. However, it is worth stressing that GBRLP H3 allocated the Gedling Colliery/Chase Farm site for approximately 1,100 homes and 6 hectares of employment land and also required the provision of the Gedling Access Road (GAR). GBRLP policy H3 was endorsed by the Planning Inspector who held the public inquiry into the GBRLP which was adopted in 2005.

Further consideration of these policies is incorporated in the following sections of this report.

#### Local Planning Document for Gedling Borough

The Local Planning Document for Gedling Borough will form Part 2 of the Local Plan but is at a very early stage of preparation there having been an issues and options consultation during December 2013. As this Local Planning Document is at a very early stage it carries little or no weight in planning policy terms.

#### Principle of Development

The GAR is inextricably linked to the development of the Gedling Colliery/Chase Farm site identified in GBACS Policy 2 as a strategic location for at least 600 dwellings subject to the funding of the GAR. GBACS Policy 7 emphasises the opportunity for redevelopment and reuse of brownfield land at the former Gedling Colliery and the creation of a new sustainable neighbourhood in line with GBACS Policy 6. Whilst acknowledging that funding for the GAR is not fully committed, GBACS Policy 15 identifies this road improvement as being important to the delivery of the GBACS strategy and the road improvement is also identified in the Infrastructure Delivery Plan supporting the GBACS. The GAR is of strategic importance to Greater Nottingham as, in addition to “opening up” the Gedling Colliery/Chase Farm site, it will provide a long awaited bypass for Gedling Village, relieving traffic on the A6211.

Progress has been made in securing funding for the GAR through a partnership approach. The GAR is to be developed in phases, the first phase of which will be the construction of an access to Arnold Lane and a roundabout to facilitate the construction of the first 300 dwellings on the Gedling Colliery/Chase Farm site. The second phase of the road will be to complete the link to the A612. As well as accessing the development site, the GAR will provide a bypass to relieve traffic congestion on existing roads including Arnold Lane and Shearing Hill.

The proposal is compliant with GBACS Policies 2, 4, 6, 7 and 15. The GAR will facilitate the development of a large mixed use development providing much needed housing and employment.

### Green Belt

The NPPF, at paragraphs 89 and 90, sets out what is appropriate development in the Green Belt. Paragraph 90 of the NPPF defines local transport infrastructure which can demonstrate a requirement for a Green Belt location provided it would preserve the openness of the Green Belt and does not conflict with the purpose of including land in the Green Belt. It should be noted that, in this context, GBRLP Policy ENV26 (Control Over Development in the Green Belt) has not been saved (see appendix E of the ACS) and only the NPPF paragraphs 89 – 90 should be relied upon.

The proposed GAR is identified as a necessary transport scheme in GBACS Policy 15 - a substantial part of which must be located within Green Belt. However, it would be classed as inappropriate development within the Green Belt unless the proposal would maintain the openness of the Green Belt and does not conflict with the purposes of maintaining land within it (NPPF Paragraph 90). In terms of the impact on openness, the GAR would traverse an area of undulating countryside in the Green Belt and cross over secondary ridgelines. Given this, I am of the opinion that it would have a significant impact on the openness of the Green Belt. In addition, the NPPF requires the appropriateness of a proposal in the Green Belt to be tested against the purposes of Green Belt which are set out below:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns from merging into one another;

To assist in safeguarding the countryside from encroachment;  
To preserve the setting and special character of historic towns; and  
To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Considering these purposes in turn:

#### *Urban sprawl*

The proposed route would result in a narrow linear road corridor located adjacent and close to the main urban area and would not result in urban sprawl. The road would enable access to a brownfield site which is not in Green Belt but which is well contained by the existing urban area and topography.

#### *Coalescence*

The proposal would not result in coalescence between settlements. As above, the proposed route would result in a narrow linear road corridor (albeit enabling access to a development site) and would not in itself result in coalescence with the nearest settlements of Lambley and Burton Joyce

#### *Encroachment*

The GAR would result in a modest amount of encroachment along the linear route including the road itself and associated lighting columns.

#### *Preserving the setting and character of historic towns*

Apart from the loss of part of the walled garden at Gedling House and its impact on the setting of Gedling House, which are local matters considered in more detail elsewhere, the road would not significantly harm the setting and character of an historic town and would not therefore conflict with this aim of Green Belt policy.

#### *Assist in urban regeneration*

By providing access to the former Gedling Colliery site, the proposal accords with this objective. The proposal also reflects a long standing County Council scheme to achieve improvements in the highway network for the conurbation and thereby assisting urban regeneration more generally.

The applicant has submitted a document - Very Special Circumstances Statement – which concludes that the GAR would not conflict with any of the key purposes of Green Belt. Notwithstanding this, the applicant acknowledges that the GAR proposals would be classed as inappropriate development, but considers there are substantial material considerations that are beneficial and would constitute very special circumstances and in summary the applicant's Very Special Circumstances statement includes:

The Gedling Colliery/Chase Farm site is a long term allocation contained within the GBRLP of which the GAR is specifically identified as an essential part of its

delivery;

The Gedling Colliery site is also identified as an important strategic location for at least 600 dwellings, employment provision, and a new neighbourhood centre, country park and transport infrastructure within the GBACS;

The GAR will therefore unlock the redevelopment of the brownfield land at Gedling Colliery for sustainable development through the provision of safe and adequate access;

The GAR will assist in relieving traffic congestion from roads within the vicinity of the former Gedling Colliery which are currently approaching capacity for e.g. Arnold Lane;

The GAR is seen as part of a wider package of sustainable transport measures; and

Nottinghamshire County Council is seeking to secure funding for the GAR from the Local Enterprise Partnership. As part of the procurement exercise with the development partner, the GAR has to be built before any further development of the GCCF site can take place.

I would agree that the proposal should be classed as inappropriate development, which is by definition harmful to the openness of the Green Belt and requires very special circumstances to be demonstrated before permission should be granted. In this context, I would concur that the applicant has identified a number of circumstances, as set out above, that need to be taken into account. Furthermore, there are some additional points relating to the case for special circumstances that I would wish to raise:

The proposed GAR is a long standing allocation in the GBRLP and a route was safeguarded for the road as identified on the adopted GBRLP proposals map which the current proposal closely follows.

The Inspector holding the Local Plan Inquiry into the GBRLP concluded that the GAR was essential to the development of the former Gedling Colliery site and that the road would not be so damaging (or so ineffective) that it should be deleted from the Local Plan and that the alignment was preferable to that shown in the first deposit draft Gedling Local Plan.

The GAR is essential to the delivery of the strategies set out in the GBRLP and the GBACS.

The route of the GAR is determined by the need to open up the Gedling Colliery/Chase Farm site and to provide a bypass to the A612, necessitating the need to traverse the Green Belt with the route aligning very closely to that safeguarded in the GBRLP.

The GAR would unlock the potential of a brownfield site, meaning that less Green Belt land would be required elsewhere to meet the needs of the GBACS and

would also relieve traffic congestion on the local road network.

The GAR is of strategic significance for Greater Nottingham as in addition to providing access to Gedling Colliery/Chase Farm site, the GAR would provide a long awaited bypass for Gedling Village and relieve traffic congestion on Arnold Lane and Shearing Hill.

I would also tend to agree with the applicant that there is no significant conflict with Green Belt objectives, although in my view there would be some modest encroachment in the Green Belt due to the physical presence of the road and associated lighting structures. This physical presence must have some impact on the intrinsic openness of the Green Belt, which cannot be mitigated and must therefore be balanced against other material considerations.

Any additional harm to the Green Belt by virtue of the visual impact of the GAR is likely to be small, as much of the southern route is in cuttings and the proposed landscaping would assist in integrating the road into the landscape. As such, I consider that the visual impact of the GAR would be relatively localised and modest in nature.

I would also give some weight to paragraph 90 of the NPPF, which lists certain types of development which need not be inappropriate in Green Belt, including local transport infrastructure requiring a Green Belt location, provided it would preserve the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt. However, as the NPPF does not provide any specific definition of openness, or explain in what circumstances such development would preserve openness, I have taken the view that this could only be given limited weight.

In conclusion, whilst it is not possible to mitigate any adverse impact of this proposed local transport infrastructure on the openness of the Green Belt, I consider that this harm is clearly outweighed by the very special circumstances outlined above for the proposed development, which requires a Green Belt location, and also, but to a lesser extent, by its limited visual impact on the Green Belt, which reduces to some degree the harm caused by the adverse effect of the proposed development. I therefore consider that there are very special circumstances which would outweigh the harm to the Green Belt.

### Safeguarded Land

From the proposed junction with Mapperley Plains, the route runs parallel to Arnold Lane along the edge of safeguarded land under GBRLP Policy ENV 31. This safeguarded land is excluded from the Green Belt and should be safeguarded from development until a future local plan review proposes it for development. Policy ENV31 goes on to state that the appropriateness for development will be established by considering proposals as if they were in Green Belt.

The supporting text contained in the table on page 44 of the GBRLP explains that safeguarding land under ENV31 in this particular locality (north of Arnold Lane) is a planning tool to protect land that is not in Green Belt from development. It was also envisaged at the time of adoption of the GBRLP that land for the GAR would be required within this safeguarded land, as the proposed route necessarily follows the

indicative line of the GAR shown on the adopted GBRLP Proposals Map 2005. Policy ENV31 of the GBRLP states that appropriateness for development on safeguarded land will be established by considering proposals as if they were in Green Belt. The issue of the impact of the road on the openness of the Green Belt has been dealt with above in the section on Green Belt and, whilst the visual impact of the GAR at this point would be greater due to the proposed embankment up measuring up to 14 metres in height, this adverse effect would also be clearly outweighed by the very special circumstances which have been outlined. The impact of this on residential amenity is dealt with later.

### Landscape & Visual Impact

The proposal raises significant landscape issues, particularly at the southern end of the route as it exits the former Gedling Colliery site and passes through arable and pastoral farmland which, apart from the school grounds of the Carlton-le-Willows Academy and fields immediately to the south-east of the former Gedling Colliery site, is designated as a Mature Landscape Area under Policy ENV37 in the GBRLP. A Landscape and Visual Impact Assessment (LVIA) produced by consultants is set out in the Environmental Statement supporting the planning application.

GBACS Policies 10 and 16 requires a landscape character approach towards assessing the impact of proposals on the landscape. Proposals should protect, conserve or where appropriate, enhance landscape character. The Greater Nottingham Landscape Character Assessment (GNLCA) includes the application site mainly within the Nottinghamshire County Character Area – Mid Nottinghamshire Farmlands.

The southern area of the route passes through the Dumbles Rolling Farmland (Policy Zone MN045) as identified in the GNLCA. This landscape has a number of distinctive features, including undulating arable farmland rising to secondary ridgelines from which there are long open views. Ridgelines are specifically protected under GBRLP Policy ENV32 from development which would have an adverse effect on the open character and visual quality of the primary and secondary ridgelines shown on the Proposals Map. The Dumbles Rolling Farmland also includes the Lambley/Burton Joyce Mature Landscape Area, whose landscape characteristics are recognised in the wider Policy Zone (MN045). Mature Landscape Areas are a local designation reflecting the particular value and sensitivity of the countryside protected under GBRLP ENV37. The GNLCA assesses the landscape condition for this Policy Zone as good and the landscape character is assessed as strong. The overall strategy for this Policy Zone is to conserve the landscape.

At the extreme southern end of the route in the vicinity of the proposed junction with the A612, the GAR is located within the Trent Washlands Policy Zone 5: Stoke Bardolph Village Farmlands (Policy Zone 05). The characteristic visual features include large flat arable landscape with medium to large fields with hedgerows that are largely intact, albeit fragmented in places. The landscape is fragmented by roads and railways with linear planting along transport routes. The landscape condition is assessed as poor. There are few characteristic features of the landscape although historic woodland exists around Gedling House.

At the northern end, the route passes through the Gedling Colliery/Chase Farm site, where it is proposed to place much of the route onto embankments up to 14 metres high. This area is located within the Gedling Colliery Green Space Policy Zone (MN043) which is dominated by the restored former colliery tip which is the key feature in the landscape. The condition of the landscape is moderate and character weak – the strategy should be to enhance and restore. Along the western side of the colliery the area is urban fringe green space with linear farmland along the northern part of Arnold Lane and it will be important to ensure that the proposed road in this northern section can be assimilated into the landscape through appropriate planting and screening.

The applicant has produced an LVIA. This includes the identification of a number of landscape receptors including: the landscape fabric (natural features); landscape character; and landscape amenity which have potential to be affected by the proposed GAR. The magnitude of likely change is assessed for each of the above receptors against the impacts of the GAR over time – during the construction phase, the short, medium and longer term. The magnitude of change is expressed in terms of large, medium, small and negligible. The degree of the effect is assessed by relating the magnitude of change to the sensitivity of the receptor, as follows:

Major – highly sensitive landscape, completely degraded or greatly changed with little scope for mitigation

Moderate - discernible change to landscape character, features or elements, scope for mitigation.

Minor – localised or limited adverse change to the landscape character. Considerable scope for mitigation;

Negligible – little or no perceived change to the landscape character.

The LVIA takes a similar approach to assess the impact on views where the magnitude of change (large, medium or small) is assessed against the sensitivity of the receptor or viewer for example nearby residents.

Details of the assessment are set out in chapter 7 of the Environmental Statement, but in summary the effects are assessed as follows:

#### *Landscape Impacts*

The assessment identifies a number of sensitive receptors in the landscape as follows:

#### *Landscape Character*

Dumbles Rolling Farmland is considered to be highly sensitive given the undulating landform, attractive landscape, rolling topography and secondary ridgelines. The assessment concludes that there would be a medium magnitude of change during the construction phase and in the short/medium term which would reduce to a small change at year 15 when the proposed tree and shrub

planting would provide some integration of the new road.

Gedling Colliery Green Space Policy Zone - the main change would be to the landform of the existing sloping agricultural land at the northern end of the route where fill embankments are proposed. This would be most noticeable from the Gedling Country Park with the likely magnitude of change being of a medium scale reducing from medium to small at year 15 when tree and shrub planting would provide some integration of the new road into the landscape resulting in a moderate to minor adverse effect on the landscape in the long term.

Stoke Bardolph Village farmlands Policy Zone – the main change would be the introduction of the GAR which would be visible from the adjacent lower land as it rises from its junction with the Colwick Loop Road to the higher ground by Gedling House Wood. The magnitude of change is assessed as medium reducing to small at year 15 as the proposed landscaping matures.

### *Landscape fabric*

The woodland at Gedling House Wood Local Nature Reserve is a local nature designation and an important landscape feature regarded as highly sensitive. A small section of the existing woodland would be removed during construction resulting in what is assessed in the LVIA as being a small change. At year one of operation replacement woodland planting using transplant sized stock would result in a small change which would decrease to a negligible change by year 15 as the planting matures.

Other highly sensitive elements of the landscape fabric include tree, shrub and hedgerow vegetation, ridge and furrow fields and the walled garden within the grounds of Gedling House. The assessment concludes that overall the changes on these features is regarded as moderate adverse but by year 15 the tree and shrub planting would be maturing and help integrate the road into its surroundings and tree, shrubs, woodland and hedgerows lost to the development would be replaced. The walled garden at Gedling House would be rebuilt from the original materials resulting in a smaller garden area and agricultural land (including a section of ridge and furrow) would be lost within the proposed development site. In overall terms the assessment concludes that over time the affect would reduce to minor adverse.

### *Landscape Amenity*

The LVIA assessment also notes that the public right of way from the edge of Gedling Village running north past Gedling Wood to Wood Farm on Lambley Lane crosses the GAR route and is directly affected by proposal and so is regarded as highly sensitive. The footpath would be diverted to the west before crossing the GAR and re-joining the existing footpath further north. The assessment concludes there would be a large change to the landscape and amenity in the vicinity of the public right of way but by year 15 this would reduce to medium as tree and shrub planting matures.

A strip of land on the eastern boundary of the woodland at Gedling House Wood would be removed and then replaced by dense woodland planting which is assessed



as having a small change in the short term reducing over time as the planting matures.

With regard to the setting of residential areas adjoining the site – the LVIA assessment is that there would be a medium change to the local landscape setting in the short to medium term reducing to a small change by year 15 when the proposed planting matures.

### *Effects on Visual Amenity*

An assessment of the likely effects on visual amenity is also contained within the LVIA. This identifies the people or groups who are likely to be affected at specific viewpoints called the visual receptors. These are assessed according to their susceptibility to change in views and visual amenity and the value attached to particular views (for example, whether a landscape feature is designated such as the Mature Landscape Area). The visual receptors most susceptible to change include local residents, people using public rights of way and people visiting designated landscapes, heritage assets or other attractions where views of the surroundings are important. Less susceptible are people at their place of work or travellers on transport routes. The sensitivity of receptors to change is categorised as high medium or low according to criteria.

The LVIA then considers the magnitude of change and effects on receptors from a number of viewpoints around the surrounding area and whilst not covering every single view possible it is considered a representative view from a range of receptors.

The conclusions on the visual effects identify a number of viewpoints within the local landscape where the adverse effects would be significant in the short to medium term. In general these viewpoints are located close to the site usually on rising ground overlooking the agricultural landscape within the site. Receptors include:

Residents in properties on Wood Lane,  
Residents in properties on Lambley Lane;  
Residents adjacent to Mapperley Plains Road at the northern end of the site; and  
Users of the Public Right of Way between the edge of Gedling running towards Gedling Wood which crosses the route of the GAR.

In the longer term, however, the LVIA reaches the overall conclusion that in the longer term the effects on views would not be significant as the maturing, woodland, tree and hedgerow planting along the GAR would integrate the road into the landscape and generally provide screening and filtering of views of the road.

### *Policy Conclusions on Landscape & Visual Impact:*

#### a) The Dumbles Rolling Farmland

A critical issue is the impact on the Dumbles Rolling Farmland which also includes the Lambley Burton Joyce Mature Landscape Area (which forms a substantial part of the Dumbles Rolling farmland Policy Zone).

The LVIA concludes that there would be a considerable change due to the loss of landscape characteristics within the Dumbles Rolling Farmland, the Mature Landscape Area and the secondary ridgelines during the construction operations and at the start of the operation of the GAR resulting in a medium change in the short/medium term to the Dumbles Rolling Farmland landscape character. This equates to a moderate adverse impact in the short medium term to the landscape character with the impact reducing over time as trees and shrubs mature. As explained above a moderate adverse effect would result in a discernible change to the landscape character in this locality but with scope for mitigation as opposed to a major impact which results in great change and little or no scope for mitigation.

With specific reference to the Lambley, Burton Joyce MLA, GBRLP Policy ENV37 states that development which would have an adverse effect on the MLA will be permitted only where it can be shown that the reasons for the proposal outweigh the need to safeguard the area's intrinsic value and where development is permitted proposals will be required to mitigate the harm. I consider that the need for the road would outweigh the moderate adverse impact on the MLA. I also consider that with appropriate mitigation including placing much of the southern part of the route in cuttings and with appropriate planting of trees and shrubs then overtime the degree of impact will be reduced accordingly and that the proposal accords with ENV37.

I have also had regard to ENV32 which seeks to protect the open character and visual quality of the secondary ridgelines located within the Dumbles Rolling Farmland. The ridgelines form an important feature within the Dumbles Rolling Farmland where the Landscape Assessment concludes there would be a moderate adverse impact reducing over time. In this context, I note that much of the southern end of the route is proposed within cuttings which will greatly reduce the potential impact on the open character of the ridgelines. On this basis I consider that subject to appropriate mitigation works within the scheme including planting and screening then the proposal is acceptable within the terms of Policy ENV32.

Overall I consider that the level of impact on the Dumbles rolling Farmland Policy Zone would not be significant in the longer term and therefore there is no significant conflict with GBACS Policy 10 which seeks to protect landscape character.

b) Landscape Character of the Gedling Colliery Green Space Policy Zone

There would be a medium scale change on landscape character, especially the change to the landform at the northern end of the site. The change in character would be particularly noticeable from the country park. This change is assessed as having a moderately adverse impact on landscape character in the short/medium term, reducing over time to a small adverse impact as the proposed tree and shrub planting matures. I consider that with appropriate mitigation the impact on landscape character is not so significant in the longer term to be contrary to GBACS Policy 10 or cause significant adverse impact on local amenity as to conflict with GBRLP ENV1 b).

c) Landscape Character of the Stoke Bardolph Village Farmlands

The LVIA notes that the change to the landscape around Gedling House and woods which are located in the Dumbles Rolling Farmland would be moderately visible from this lower area (the impact on Gedling House Wood is set out below). Overall the LVIA assesses the level of change to this landscape as being medium in the short term reducing to a small change in the longer term. This translates into a moderate to a minor adverse impact over the longer term. I would agree with this assessment and consider that this medium change to the landscape in the shorter term can be reduced to a relatively small change as landscaping adjacent to the proposed road matures over time and therefore I am satisfied that the likely impact on landscape character of this Policy Zone is acceptable under the provisions of GBACS Policy 10.

d) Gedling House Wood

The County Council raise concerns about the lack of understanding and assessment of the impact of the road cutting and junction with the Burton Road on the landscape setting of the Grade II listed Gedling House. The County considers that the road cutting and associated lighting structures will be an obvious detractor in the views of the main setting of Gedling House when viewed to the south. The County go on to request that there needs to be an acknowledgement of the potential impact of the road cutting and junction creation in view of the setting of Gedling House and a clearly demonstrable mitigation strategy to resolve this.

In response to the County Council, the applicant has submitted additional information on the likely impact of the proposal on the setting of Gedling House. The applicant acknowledges that the listed status of Gedling House gives it a high value but reiterates that the fragmented parkland setting should be taken into account and is not of major sensitivity. However, the applicant's acknowledge that there is a definite issue with views towards the house from the south when seen from the vicinity of the A612 Colwick Loop Road. The applicant accepts that within the construction phase the unmitigated effect on setting of Gedling House would be major adverse but indirect and temporary lasting only as long as the construction phase and those impacts could be mitigated by control of noise and dust and restrictions on hours working. The applicant acknowledges that within the operational phase the unmitigated effects on the setting would be major adverse and the nature of the effect will be direct and permanent but can be mitigated.

A further response from the County Council in relation to the additional information provided by the applicant states that it is likely that some mitigation for the permanent effects could be achieved through detailed design providing a level of balance for the harmful impacts, however, a planting scheme alone would be insufficient and it is essential that the extent and form of lighting, signage and road markings is considered to minimise the impact on the setting of Gedling House.

The information provided by the applicant and the County Council's Heritage Officer concur that the unmitigated impact on the setting of Gedling House would be major adverse, direct and permanent. Paragraph 133 of the NPPF states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm. I agree with the County Council that with appropriate mitigation the impact on the setting of Gedling House can be minimised and on balance therefore I consider that the public benefits of the scheme would outweigh the mitigated harm to the setting of Gedling House in accordance with policy in the NPPF. It will be necessary to secure appropriate and effective mitigation in line with the County Council's advice which can be secured through an appropriate condition.

e) Setting of the residential areas close to the site

The setting of residential areas including for example, Wood Lane, Lambley Lane and areas adjoining Mapperley Plains Road would be affected by activity associated with the construction and operation of the GAR resulting in a moderate adverse impact in the short/medium term but in the long term the effect on the local landscape setting is assessed in the LVIA as reducing as dense planting matures effectively integrating the GAR into the landscape and screening and/or filtering views.

However, the County Council considers that the top section of the GAR would have a moderate adverse impact in the long term with the loss of outlook and long views which are characteristics of the area. In response, the applicant acknowledges that the visual impact of the proposal would lead to a large magnitude of change occurring at viewpoint 10 (photomontage 2 view from Chase Farm access by Clementine Drive) resulting in a major adverse impact. The applicant goes on to comment that as planting matures it would screen and filter views. The applicant also proposes an acoustic fence in this locality, which would also screen direct views to the carriageway. It is accepted by the applicant that the screening benefit of the planting would be incremental, improving over time, and suggests that more mature planting could be considered to accelerate the positive effects of mitigation.

Noting the County Council's comments about the scale of longer term impacts on the landscape character of the top section, I consider the applicant's suggestion to incorporate more mature planting along this stretch as a means of speeding up the mitigation to be sensible and this can be implemented through a suitable condition.

Accordingly, with the above caveat, I consider the proposed mitigation in the locality of viewpoint 10 would make the proposal acceptable under the provisions of Policy ENV1 (b) of the GBRLP and Policy 10 of the GBACS Policy 10.

f) Impact on visual amenity

The County Council considers that the photographs and photomontages

generally demonstrate that the proposed planting will mitigate the impact of the GAR on visual amenity. However, the County Council considers that from particular viewpoints it will be difficult to screen the road from receptors, some of whom will be recreational and of a high medium sensitivity and the long term impact will be moderate adverse.

There is likely to be a significant level of impact on visual amenity from viewpoints generally close to and overlooking the GAR, especially at its northern end due to the scale and nature of the development, especially in the short term. It is accepted that not all viewpoints can be completely screened from the visual impact of the GAR. However, I consider that these impacts can with appropriate mitigation, which should screen and filter views from various representative viewpoints, be kept within acceptable levels and therefore it is considered that this proposal would not conflict with GBRLP Policy ENV1 b) in that it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general.

g) Public Footpath from Gedling Village to Gedling Wood

The assessment concludes that there would be a major adverse effect to the landscape amenity of the public footpath (between Gedling and Gedling Wood) in the short term, where it approaches and crosses the line of the GAR and where users of the path would experience a significant change in tranquillity. This would reduce over time to a moderately adverse impact as planting matures.

I have already concluded above, that in overall terms the impact of the proposed GAR on the MLA would be acceptable under GBRLP Policy ENV37, but I am also mindful that Policy ENV1 has some relevance, as this particular policy permits development subject to criteria including b) which would prevent development from having a significant adverse effect on the locality in general. It is inevitable that there would be a large change to the landscape amenity and tranquillity of those using the footpath on the approaches to the GAR resulting as a direct change from development along the line of this footpath. However, the impact would be limited in extent to the immediate vicinity of the approaches to the GAR and would affect largely those using the footpath, as opposed to having a significant adverse effect on the locality in general. In any case, this impact would moderate over time to become less than significant as the proposed dense planting and landscaping matures and I do not consider that it would conflict with ENV1 b).

The LVIA also takes into account the potential for cumulative impacts on landscape character in conjunction with the permitted solar farm located within the former Gedling Colliery site. The LVIA concludes that both in terms of landscape character and visual effects the GAR would not result in additional significant effects.

In conclusion, I consider that the impact on landscape character has been fully assessed and that the adverse impact identified in the short to medium term can be satisfactorily mitigated to acceptable levels in the longer term. Accordingly, the proposal accords with Policy 10 of the GBACS where proposals should protect, conserve or, where appropriate, enhance landscape character. In this context, I note

the applicant's intention to comply with the species list of the Mid Nottinghamshire Farmlands Landscape Character Area. The landscape proposals include:

- Grassland;
- Native planting;
- Native species hedgerows;
- Native trees; and
- Wetland habitat.

Notwithstanding this intention, I note a criticism from the County Council that the species selected is heavily reliant on lime, Birch, Ash and Wild Cherry, which are not considered characteristic for these landscapes. The landscaping planting scheme is a detailed matter for further consideration and this issue can be satisfactorily addressed through an appropriate condition.

Overall, I am satisfied that the applicant has carried out an appropriate Landscape and Visual Assessment based on the Landscape Character approach as required by GBACS Policies 10 and 16. A significant issue is the impact on the setting of Gedling House but on balance I have concluded that impact can be minimised through mitigation and any remaining harm would be outweighed by the public benefits of the scheme in accordance with the NPPF. In overall terms subject to appropriate mitigation, any adverse impacts on landscape character and visual effects can be kept within acceptable levels and in general the proposal accords with GBACS Policies 10 and 16. By adding to biodiversity the proposal would also meet the aims of GBACS Policy 17 (Biodiversity) and GBRLP Policy ENV43 (Greenwood Forest).

### Flooding & Drainage

The NPPF seeks to prevent inappropriate development in areas of flooding by directing that development should be located away from areas at highest risk of flooding. The NPPF requires that proposals not on allocated sites should be subject to the sequential test to ensure development is steered towards areas with the lowest probability of flooding. NPPF at paragraph 103 advises that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere and applications should be accompanied by a Flood Risk Assessment (FRA).

GBACS Policy 1 reflects the NPPF and requires development to avoid areas of flood risk and not to increase the risk of flooding elsewhere and where possible to reduce flood risk. GBACS Policy 1 requires all new development to incorporate sustainable urban drainage systems (SUDs) which is particularly important for road schemes given the risk of surface water runoff from the highway surface and propensity of this floodwater to contain pollutants from motor vehicles.

The applicant has submitted an addendum to the FRA assessment dated April 2008 with the purpose being to update this previous FRA which had been prepared to support the previous planning application for this site submitted in 2008 but not determined. The applicant has liaised with the Environment Agency, which has made a number of comments which have been taken into account by the applicants

in this addendum.

The GAR is located within Flood Zone 1 and is at a very low risk of flooding (low risk means an area with a likelihood of flooding less than 0.1% or a 1 in 1,000 year annual probability of flooding). The sequential test has therefore been satisfied as the proposed road is entirely located in Flood Zone 1. The addendum also refers to the Nottinghamshire County Council and Nottingham City Council Level 1 Strategic Flood Risk Assessment which indicates that the proposed development site is not at risk of pluvial flooding (ground water) except at the location of the British Coal lagoons and at the locations where the alignment crosses ditches. The FRA addendum considers that with the provision of a new drainage system and culvert crossings the risk of flooding due to surface water would be low. The FRA addendum also indicates that the site is at a low risk of flooding from other sources.

Site drainage is a key issue, with the Environment Agency initially requiring a generic condition that the drainage scheme will limit the discharge rate by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) from the site to ideally the equivalent of green field run-off rates and as a minimum not to exceed the run-off from the current undeveloped site.

The proposed drainage strategy includes a drainage system comprising of filter drains, pipe carrier drains and attenuation ponds. The addendum states that the proposed attenuation ponds have sufficient capacity to store flood water up to the 1:100 year event plus 20%, which the Environment Agency has confirmed is acceptable for this specific development, and will also provide treatment of surface water discharge including a smaller settlement pond at the inlet to the ponds which would facilitate the removal of hydrocarbons. The applicants refers to Environment Agency advice which recommends that surface water is treated prior to discharge with a least one type of treatment before water is discharged into the ponds. Accordingly the drainage system has been modified to include swales through which water would drain prior to entering the ponds. In addition it is proposed to convert the one off line attenuation pond into an on-line pond so that surface water runoff will pass through the pond.

I am satisfied that the proposed development is in a low risk area from flooding. The applicant has liaised with the Environment Agency about flood risk and drainage and made appropriate amendments to the surface water drainage proposals as a result. The Environment Agency has no objections to the development subject to a number of conditions relating to surface water drainage, discharge, groundwater quality. With appropriate conditions I consider that the proposal therefore satisfies the NPPF and GBCACS Policy 1 and should not increase the risk of flooding elsewhere.

### Sustainable transport

The NPPF at paragraph 29 stresses the role of transport policy in facilitating sustainable development. Paragraph 30 of the same document gives encouragement to transport solutions which support reductions in greenhouse gas emissions and reduce congestion. Plans and decisions should ensure that development generating significant movements is located where the need to travel is minimised (NPPF paragraph 34).

A Transport Assessment (TA) has been submitted in support of the planning application, as required by NPPF paragraph 32. GBACS Policy 14 seeks to reduce the need to travel by securing new development in accessible locations following the spatial strategy set out in GBACS Policy 2. GBACS Policy 14 also requires a hierarchical approach to ensure the delivery of sustainable transport networks to serve sustainable urban extensions.

The County Council has confirmed that the applicant has worked closely with it and its transport consultants. The TA has been produced to the satisfaction of the Highway Authority utilising the Greater Nottingham Multi Modal Transport Model. The Highway Authority notes that the TA identifies the likely redistribution and development traffic impacts over a wide area and that it is evident that there will be some adverse traffic impacts that will need to be monitored and reported and there would also be a need for complimentary measures to ensure traffic is directed to use the GAR. The Highway Authority therefore recommends the imposition of a condition that requires the applicant to monitor traffic conditions following development.

The Highway Authority also advises that the proposed roundabout at Arnold Lane would operate differently during phase 1 and that a smaller roundabout would be more appropriate as an interim measure. This would need to be dealt with in a new application. The Highway Authority recommends a number of conditions dealing with traffic, transport and access, which are included in this report.

The GAR will open up the Gedling Colliery/Chase Farm site, which is considered to be a sustainable location on the edge of the urban area and is identified as a strategic location in GBACS Policy 2. A footway/cycle way would be provided between the B684 Mapperley Plains Road to the new roundabout junction with Arnold Lane. This cycle/footway would be connected to the new roundabout within the development site linking the proposed employment and residential areas. To the south-east of this roundabout, the cycle/footway would continue along the northern side of the GAR to connect with the A612 Trent Valley Way. Various crossing points for pedestrians and cyclists are also proposed at junctions. The footpath from Gedling Village to Gedling Wood would be diverted 75 metres to the north-west to cross the GAR at an uncontrolled crossing point.

The highway layout within the proposed development site would provide a route between the two roundabouts to enable buses to pass through the development site. It is anticipated that developers of the Gedling Colliery/Chase Farm site would make contributions for bus services to be provided and there is scope to extend existing bus services to serve the site.

The proposal accords with the sustainable transport objectives in the NPPF open up the Gedling Colliery/Chase Farm site for a sustainable urban extension and relieve traffic congestion on the A6211 and accords with GBACS policies 2, 4, 7, 14 and 15.

#### Loss of Playing Fields & Open Space

Whilst the route follows the indicative safeguarded line on the adopted Local Plan



Proposals Map, it would lead to the loss of part of the eastern edge of the school playing field at Carleton-le-Willows School Academy. The land taken up by the GAR would lead to the effective loss of two playing pitches, as currently laid out, which would be greatly reduced in size. The proposal is therefore contrary to Policy R1 of the GBRLP, which seeks to protect open space, including school playing fields, unless a number of specified conditions for exceptions to this policy exist, none of which are applicable in this instance.

However, I consider that there is scope to relocate the existing playing pitches and replace them with a facility of equal quality through a reconfiguration of the existing school playing fields and to incorporate extra planting along the eastern edge of the playing field. Whilst there would be a net loss of land within the existing open space, the adverse impact on the school playing pitches as a school facility can be mitigated, which in my opinion would reduce the conflict with GBRLP Policy R1 to an acceptable level.

With regard to Burton Joyce Parish Council's comments on the advice from the Department for Education and Education Funding Agency on the protection of school playing fields and public land, I would comment that this advice is non-statutory and does not influence or affect the procedures for applying for planning permission. Education ministers do not have any statutory powers to influence any future development of land; this is strictly a matter for the local planning authority.

Furthermore, the prior consent of the Secretary of State for Education is not required under Section 77 of the School Standards and Framework Act where consent is required under other legislation relating to the compulsory purchase of land.

#### Layout & Design Considerations

The relevant planning policies that need to be considered in relation to layout and design are set out in Policy 10 of the GBACS and Section 7 of the NPPF.

Section 7 of the NPPF outlines that the Government attaches great importance to design, and that good design should contribute positively to making places better for people. It states, inter alia, that planning decisions should aim to ensure that developments will function well, respond to local character and history and are visually attractive as a result of appropriate landscaping. It also requires that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Policy 10 of the GBACS requires all new development to be designed to a high standard and sets out in detail how this should be assessed. The most relevant design elements in this instance include the layout and the impact on the amenity of nearby residents.

The indicative route of the GAR has previously been established, as shown on the Proposals Map of the adopted GBRLP 2005, to facilitate the redevelopment of the former Gedling Colliery site, providing a bypass around Gedling village, linking the area with the wider road network and seeking to ease traffic congestion in the area. The alignment of the proposed GAR takes account of the route of the road as shown

on the Proposals Map.

The proposed GAR has been designed to take account of the topography and constraints of the site. Should permission be granted, it is considered reasonable that conditions be attached requiring the submission of a Design Code to include within it details of landscaping, boundary treatments, types of traffic calming and street lighting and furniture to ensure that the design and appearance of the road is satisfactory, whilst achieving highway adoption standards.

As such, I am satisfied that the layout and design of the proposed GAR would accord with the aims of Policy 10 of the GBACS and Section 7 of the NPPF.

### Amenity Considerations

The relevant planning policies that need to be considered in relation to residential amenity are set out in Policy ENV1 of the GBRLP, Policy 10 of the GBACS and Section 11 of the NPPF.

Policy ENV1 of the GBRLP states, amongst other things, that planning permission will be granted for development provided that it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated. This is reflected more broadly in Policy 10 of the GBACS.

Policy 10 of the GBACS states, amongst other things, that development will be assessed in terms of its treatment of the impact on the amenity of nearby residents and occupiers.

Paragraph 123 of the NPPF states, amongst other things, that planning decisions should aim to avoid any adverse noise impacts as a result of new development

I appreciate the concerns of local residents, especially on Clementine Drive, with regards to the proximity of the road to residential properties and the potential impacts this would have in terms of loss of privacy, outlook, amenity and light, the impact upon health as a result of pollution, noise and vibration nuisance, and the impact of road signage on visual amenity.

I would attach moderate weight to these issues, as any undue visual impact on residential amenity would be mitigated by landscaping measures, which would screen and filter views of the road over time, particularly through the use of more mature planting to accelerate the positive effects of mitigation. Whilst I note the County Council's recent comments with regard to potential shading of properties, this must be balanced against the beneficial effect of the screening.

With regard to the air and noise pollution concerns raised by local residents and Carlton-le-Willows Academy, I note that Public Protection is satisfied that the construction of the GAR would have a negligible effect on air quality; subject to the imposition of an appropriate condition to manage dust and particulate matter during construction, and that the provision of acoustic fencing would mitigate any noise impact.

I note that the Air Quality Assessment includes a number of receptors close to the Academy site and that results are well below the mean Air Quality objectives for vehicle related emissions. The increase in the concentrations of nitrogen dioxide and particular matter in the area surrounding the GAR has been determined to be negligible. The Assessment has concluded that the Academy and its pupils would not be adversely affected in air quality terms.

In addition, I note that whilst Public Protection has not raised any objections to the proposal, the Noise Assessment deposited with the application has suggested the construction of noise barriers during construction works to ensure that noise from construction activity would be reduced to a minimum. The Highway Authority has also requested that a condition be attached, should permission be granted, requiring an appropriate noise assessment review to be undertaken during the relevant construction phases. I also note that the noise assessment demonstrates that the school buildings are generally predicted to experience a negligible increase or decrease in noise levels.

It is therefore considered that the proposal would not have a significant adverse effect on the amenities of adjoining residents, Carlton-le-Willows Academy or the locality in general, in accordance with the aims of Policy ENV1 of the RLP, Policy 10 of the ACSSD and Section 11 of the NPPF.

### Highway Considerations

The relevant planning policies that need to be considered in relation to highway matters are set out in Policies ENV1 and T10 of the GBRLP.

Policy ENV1 of the GBRLP states, amongst other things, that planning permission will be granted for development if it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated. Development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and that, in this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children.

Policy T10 of the GBRLP states that in considering proposals for new development, reference will be made to the Highway Authority's highway design guidelines.

The impact of the proposed development on residential amenity has been considered separately above under Amenity Considerations, which concluded that the proposal would not have a significant adverse effect on the amenities of adjoining residents or the locality in general.

With regard to adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles, I appreciate the concerns raised by the Carlton-le-Willows Academy, Burton Joyce Parish Council and local residents with regard to road safety and particularly for children at the south-eastern end of the proposed GAR, where a new signal-controlled junction would be created onto the

A612 Trent Valley Way.

These concerns have been brought to the attention of the County Council as Highway Authority which has confirmed that it wants to ensure that, if the proposed GAR is constructed, that the design is as safe as possible for all road users.

The Highway Authority states that the principal desire line for school children at the south-eastern end of the proposed GAR would be along the footway on the northern side of Burton Road, which means that pupils would need to cross in 3 stages. The Highway Authority goes on to point out that similar arrangements are common place in Nottingham.

I would also draw Members attention to the fact that the County Council' s traffic signal engineers and road safety specialists have re-checked the proposed junction arrangements, particularly from a pedestrian viewpoint, and are content with the proposed preliminary design.

With regard to the alternative suggestions involving the complete segregation of movement for children seeking to cross the proposed GAR from the east, which would involve the construction of either an underpass or footbridge, I note that the Highway Authority's experience of these types of crossing has met with mixed success and that it considers that there is a real danger that, if provided, some school children would still attempt to cross at grade, which would be extremely dangerous if no signal crossings are provided.

In view of the above, the Highway Authority has concluded that a grade separated crossing is not considered appropriate or necessary and that the proposed GAR traffic signal controlled junction with Burton Road would be designed to be as safe as possible for school children to continue to walk to and from the Academy from Burton Joyce.

I also note that the Highway Authority considers that there would be considerable benefits for the majority of pupils walking from within Gedling village, where traffic volumes are set to fall considerably.

I note that it has been confirmed that there would be no direct pedestrian access between the Academy and the proposed GAR, and am satisfied that the safety of users of the playing fields would be no different to the current situation.

The management of construction traffic can be dealt with by the imposition of an appropriate condition, as recommended by the Highway Authority.

I am satisfied, therefore, that particular attention has been paid to the needs of pedestrians and people with young children.

With regard to congestion, the Transport Assessment identifies that the proposed GAR is expected to slightly reduce traffic flows on local roads, although I note that it is accepted that there would be some adverse traffic impacts, which the Highway Authority considers could be dealt with by the imposition of appropriate conditions for the monitoring of traffic conditions post-implementation. I also note that the Highway

Authority considers that traffic levels on Arnold Lane should reduce due to traffic being attracted to the GAR, and as a result accident problems are likely to reduce also.

I would also concur with the comments made by the applicants agent that the Inspector for the GBRLP in 2004 provided an overarching response to the similar concerns raised about road safety at that time and saw no reason to disagree with the proposition that the road system in this part of the Borough had already reached or exceeded its safe capacity, nor with the proposition that the existing road network would not have to carry additional traffic.

Detailed approval is sought as part of this application to establish the location and design of the proposed GAR, which has been assessed separately under the Layout and Design Considerations above.

Traffic and transport impact issues and a Transport Assessment have been provided and considered by the Highway Authority, which has no objections, subject to the imposition of appropriate conditions with regard to detailed road design matters. These would ensure that the proposed GAR is constructed in accordance with the 6C's Design Guide. Other technical highway issues would be dealt with under separate highway powers.

It is considered, therefore, that the proposed development would be in accordance with Policies ENV1 and T10 of the RLP.

#### Pollution & Contamination Considerations

The relevant planning policies that need to be considered in relation to pollution are set out in Policies ENV3 and ENV11 of the GBRLP and Section 11 of the NPPF.

Policy ENV3 of the GBRLP states that development will not be permitted on contaminated land or land where there is a risk of contamination unless practicable and effective measures are taken to treat, contain or control any contamination so as not to expose the occupiers of the development and neighbouring land users to any unacceptable risk or threaten the structural integrity of any building built, on or adjoining the site. The Policy goes on to state that the Borough Council will impose conditions relating to required remedial measures or monitoring processes where appropriate.

Policy ENV11 of the RLP states, amongst other things, that planning permission will not be granted for pollution generating development which would result in unacceptable risk to the health and safety of residents or users of nearby properties; unacceptable nuisance to users or residents of nearby properties or the surroundings in general by reason of smoke, fumes, gases; or harm to the natural environment or the landscape.

Section 11 of the NPPF states, at paragraph 109, that the planning system should contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution.

Paragraph 120 of the NPPF states that in order to prevent unacceptable risks from pollution, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

Paragraph 121 of the NPPF states that planning decisions should ensure that the site is suitable for its new use, taking account of ground conditions, including pollution arising from previous uses, and any proposals for mitigation including land remediation.

With regard to air and noise pollution, as noted above under Amenity Considerations, Public Protection is satisfied that the construction of the GAR would have a negligible effect on air quality; subject to the imposition of an appropriate condition to manage dust and particulate matter during construction, and that the provision of acoustic fencing would mitigate any noise impact.

With regard to land contamination, I note that the Environment Agency and Public Protection have no objections in principle to the proposed development, but recommend the imposition of appropriate conditions to ensure the protection of controlled waters and to ensure that the site is suitable for its intended use and to ensure that the potential for short term pollution from dust is considered and mitigated against.

It is considered, therefore, that subject to the imposition of appropriate conditions the proposed development would accord with Policies ENV3 and ENV11 of the GBRLP and Section 11 of the NPPF.

#### Nature Conservation Considerations

The relevant planning policies that need to be considered in relation to ecological matters are set out in Policy ENV36 of the GBRLP, Policy 17 of the GBACS and Section 11 of the NPPF.

Policy ENV36 states, amongst other things, that in evaluating proposals which may have an adverse effect upon a Local Nature Reserve (LNR) or Site of Importance for Nature Conservation [now known as Local Wildlife Sites], consideration will be given to the impact on the long-term ecological viability of the habitat; measures taken to minimise damage and disturbance to the habitat and wildlife; and the nature, layout and density of the development proposed. Where development is permitted, a balance will be struck between the needs of the development and the ecological interest of the site. Any damage to the ecological interest of the site will, as far as possible, be kept to a minimum. Where appropriate this will require the provision of mitigation and/or compensatory measures which may be secured by conditions and/or planning obligations.

Policy 17 of the ACSSD seeks, amongst other things, to ensure that biodiversity will be increased over the Core Strategies period by:

- a) Protecting, restoring, expanding and enhancing existing areas of biodiversity interest, including areas and networks of habitats and species listed in the UK and Nottinghamshire Biodiversity Action Plans;
- b) Ensuring that fragmentation of the Green Infrastructure network is avoided wherever appropriate and improvements to the network benefit biodiversity through the incorporation of existing habitats and the creation of new habitats.
- c) Seeking to ensure that new development provides new biodiversity features, and improves existing biodiversity features wherever appropriate;
- d) Supporting the need for the appropriate management and maintenance of existing and created habitats through the use of planning conditions, planning obligations and management agreements; and
- e) Ensuring that where harm to biodiversity is unavoidable, and it has been demonstrated that no alternative sites or scheme designs are suitable, development should as a minimum mitigate or compensate at a level equivalent to the biodiversity value of the habitat lost.

Policy 17 of the ACS goes on to state that development on or affecting non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.

Section 11 of the NPPF advises, at paragraph 118, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles, including the encouragement of opportunities to incorporate biodiversity in and around developments. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Whilst the proposed development would not directly affect any statutory designated nature conservation site and would not have a significant impact on the locally designated Gedling House Wood Local Nature Reserve, it would directly impact upon the locally designated Gedling Colliery and Dismantled Railway LWS.

The main concern arising in this respect is that the measures proposed to mitigate against ecological impacts arising from the proposed GAR fall short of what is actually required, particularly with regard to the presence of Open Mosaic Habitat on Previously Developed Land (OMH), which would be lost, and bats.

It is proposed to translocate the OMH onto the adjacent Gedling Country Park, which is acceptable in principle, but as a last resort. However, specific details as to the methodology and the characteristics of the receptor area have not been provided, so the assessed impact is unclear.

The application is also considered to be insufficiently detailed with regard to the

information provided in respect of common toads, badger, dingy skipper butterfly and the proposed landscaping.

Although it would have been preferable for this detailed information to have been submitted with the application, to ensure the effectiveness and deliverability of the mitigation and the soundness of the impact assessment, I am satisfied, on balance, that the imposition of appropriate conditions would be acceptable, bearing in mind the level of detail which the NCU and NWT have identified in their comments, which can be used to inform the framing of such conditions.

I am also satisfied that the use of a S106 to secure the translocation of the OMH and badgers onto adjacent land would be acceptable and deliverable in this particular instance, given that the Borough Council has control over the Country Park by way of a lease and the applicants have indicated that they are confident that an agreement can be secured with a landowner adjacent to the GAR.

Whilst I note the comments of the NCU and NWT about including the proposed Anaerobic Digester in the assessment of cumulative impacts, I do consider this to be necessary, given that a planning application for this development is still being processed by the County Council as Waste Authority.

I also note that the retention of two former colliery lagoons is welcomed from a nature conservation perspective.

I am satisfied, therefore, that after taking into account the mitigation measures proposed, the proposed development would:

Provide new biodiversity features

Supporting the management and maintenance of existing and created habitats through the use of planning conditions, planning obligations and management agreements; and

Ensure that where harm to biodiversity is unavoidable, the proposed development would mitigate or compensate at a level equivalent to the biodiversity value of the habitat lost.

As such, I consider that the proposed development would broadly accord with the aims of Policy ENV36 of the GBRLP, Policy 17 of the GBACS and Section 11 of the NPPF.

### Arboricultural Considerations

The relevant planning policy which needs to be considered in relation to trees is set out in Policy 10 of the ACS.

Policy 10 of the ACS states that development must have regard to the local context, including valued landscape characteristics.

Whilst I note that the deposited Arboricultural Impact Assessment (AIA) was in draft,



I also note the comments of the Forestry Manager in that it enables consideration of the trees and hedges to be removed as part of the proposal. Notwithstanding this, I consider it reasonable, should permission be granted, that a condition be attached requiring the submission of a full AIA to include a precise details of trees to be removed and a precise tree constraints plan in relation to the proposed GAR and all supporting infra-structure together with full planting mitigation measures.

It is considered, therefore, that subject to the imposition of appropriate conditions the proposed development would accord with Policy 10 of the ACS.

### Heritage Considerations

The main heritage considerations are the potential impact of the proposed development on nearby Conservation Areas and Archaeology. In this respect, the relevant planning policies that need to be considered are set out in Policy 11 of the ACSSD and Section 12 of the NPPF.

Policy 11 of the ACSSD states, amongst other things, that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and enhanced in line with their interest and significance.

Paragraph 126 of the NPPF states, amongst other things, that local planning authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

Paragraph 132 of the NPPF states that when considering the impact of the proposal on the heritage asset, great weight should be given to the assets conservation. The more important the asset the greater the weight should be. Any harm to loss of the asset should require clear and convincing justification.

Paragraph 133 of the NPPF adds that where a proposal would lead to substantial harm or total loss of a heritage asset then consent should be refused unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits which outweigh that harm or loss.

Whilst I note the comments of the County Councils Heritage Officer with regards to the level of impact of the proposed road on the Listed Gedling House, I am satisfied that impact on the setting could be suitably minimised through appropriate mitigation measures and that, on balance, the public benefits of the scheme would outweigh the mitigated harm to the setting of the Listed Building in line with policies in the NPPF.

Notwithstanding this, I consider it reasonable that, should permission be granted, a condition be attached to any consent requiring the submission and written approval of precise details of the proposed mitigation measures to ensure that such measures are appropriate and effective.

I am therefore satisfied that the proposed development would accord with the aims of Policy 11 of the ACSSD and Section 12 of the NPPF.

### Public Footpath Considerations

Although there are no specific policies regarding public footpaths, the most relevant planning policies that need to be considered in relation to the public footpaths are set out in Policy ENV1 of the RLP and Policy 10 of the ACSSD.

Policy ENV1 of the RLP states, amongst other things, that new development should have regard to the appearance of the area and does not adversely affect the area by reason of its layout and that development proposals include adequate provisions for the safe and convenient access and circulation of pedestrians.

Policy 10 of the ACSSD requires, amongst other things, that all new development should be designed to create an attractive, safe, inclusive and healthy environment.

Although Carlton Footpath No.2 would be bisected by the proposed GAR, I note that it would be diverted at grade to a location between the cutting and the embankment, to an uncontrolled crossing where a pedestrian refuge would be provided. I also note the advice of the County Council's Countryside Access section, contained within the observations of the County Council as Highway Authority, that during detailed design, consideration should be given to a light controlled crossing providing not only a safe crossing, but also giving confidence to users to use and continue to use this important link to the wider network.

As such, I am satisfied that the proposed development would accord with the relevant aims of Policy ENV1 of the RLP and Policy 10 of the ACSSD.

### Environmental Impact Assessment

This is an application that is subject to an environmental impact assessment, and as such an Environmental Statement (ES) has been submitted. The ES as written assumes that the Gedling Access Road, would be built in two phases (section 3.4 construction proposals). Phase 1 would involve the construction of a new 5-arm roundabout onto the A6211 which would facilitate the development of the Gedling Colliery/Chase Farm site and Phase 2 would involve the construction of the rest of the GAR, from the B684 (Mapperley Plains Road) to the A612 (Trent Valley Way). It is assumed that construction of the GAR will commence early 2015 and that the road will be completed in its entirety by 2019.

The ES has looked at the likely impacts that the GAR would cause (on the following factors: air quality, landscape, cultural heritage, ecology, noise and vibration, traffic and transport and socio-economic) overall and has not looked at impacts in relation to the fact that there are two phases. It would have been preferable for these points to be covered. It is also usual for an ES to consider cumulative impacts of a proposal.

The Agents acting on behalf of the applicant have been made aware of the issues. With regard to the two proposed phases of development, there is a need to consider the likely impact of such a construction phasing in relation to impact on the traffic and transport, air quality, ecology, landscape, and socio-economic impacts.

The Highway Authority has verbally advised that the 5-arm roundabout that would be built first would operate in the following manner, initially when first constructed the

roundabout would act as a three arm roundabout. One arm of the roundabout would link to Arnold Lane to the west giving access to Mapperley Plains Road, one arm would eventually provide access to the proposed housing site and the third arm would link to the east to provide access onto Arnold Lane. The remaining two arms would be constructed to link to the west and east sides of the GAR.

Once the roundabout is constructed, it is envisaged that traffic would be diverted onto the roundabout and a small part of Arnold Lane between the two arms would be closed. The Highway Authority has advised that the deviation should add no more than 5 minutes to journey times. The initial construction of the roundabout would not significantly alter traffic flows in the area, as the roundabout would not lead traffic to any new route. In light of this I consider that the construction of the roundabout first would have a neutral impact on traffic and transport in the locality. A condition could be imposed to require details of the precise operation of the roundabout and associated footways and cycle ways prior to the construction of the second phase of the development.

With regard to air quality, Public Protection have not raised the issue of the impact that the two phase approach to the construction of the GAR would have on the surrounding area. Public Protection also agree with the findings of the Air Quality Assessment in that the construction of the GAR in itself would have negligible effect on air quality, if correct practices are put in place during construction. This conclusion can still be drawn if there are two phases to road construction. A condition requiring the submission of details to deal with dust/particulate matter during construction phase would in my opinion be satisfactory to deal with this issue.

The area where the 5-arm round is proposed, is identified as semi-mature neutral grassland, some of the banking to the roundabout would abut broadleaved woodland. The semi-mature grassland was classified as being species poor. The bat survey report submitted indicates that there is bat activity in the vicinity, but that there were no stopping points. A static detector was positioned to the centre of the proposed roundabout.

The only notable breeding bird species detected in the vicinity of the roundabout was a yellow hammer. A number of green list species such as blackbird, robin etc. were also noted in the vicinity of the proposed roundabout.

The reptile survey submitted indicates that no reptiles of any species were recorded, and concludes that the proposed works would be unlikely to affect reptiles. There are no ponds in the vicinity of the proposed roundabout and therefore the first phase does not present any issue for amphibians.

With regard to badgers the construction of the roundabout would have an impact on badger activity in the area and it is indicated that there would be a need for badger tunnels in the vicinity. It would be reasonable to require the provision of this information prior to the construction of the roundabout, together with any other proposed mitigation measures.

Given the findings of the ecology reports in relation to this area it is not considered that this phase of development would have any significant adverse impacts that

could not be controlled through condition.

In terms of impact on landscape, the proposed roundabout would be located within the Mid Nottinghamshire Farmlands character area. This particular landscape is characterised by the restored colliery spoil heap, the surrounding landscape is gently sloping and rises sharply. The area is urban fringe and the A6211 which passes is already a busy road.

The plans submitted with this application indicate that the roundabout would be constructed at a lower level from the eastern side of the junction with Arnold Lane and that there would be a gradient increase to the western side of the junction with Arnold lane. The north eastern side of the roundabout would link to land that would slope away.

Given the nature of the urban fringe character of the area of land to be utilised for the roundabout and the proposed site levels of the roundabout it is not considered that there would be any adverse impact on the landscape.

It is proposed that culverts will be created in order to deal with surface water drainage, and it is noted that the Environment Agency have not raised any objections to the proposals.

With regard to socio-economic impacts of the first phase, it is not considered that these impacts would relate to movement of people in the area, particularly in relation to vehicular movements. However, given the amount of time that the short deviation onto the roundabout would cause initially it could not be considered to be significant. The impacts of Phase 1 can be adequately identified and conditions utilised to reduce any potential impacts (as indicated above).

It is considered that the manner in which the ES is written adequately covers the impacts of the rest of the road construction, and that specific details for Phase 2 could be addressed through conditions. Given the proposed construction timetable of the GAR in terms of commencement in 2015, the 5-arm roundabout being completed in December 2015 and the rest of the road being completed by 2019, it is considered that such a construction timetable would minimise cumulative impacts that could arise and that the ES sufficiently identifies impacts and suggests appropriate mitigation measures.

In light of the above assessment of the Phase 1 and Phase 2 impacts it is considered that the potential impacts of the development can be predicted and can be adequately assessed, and that an informed decision can be made. However, it is considered necessary to condition the development so that it takes place in two phases and to the timescales set out in the ES, which would mean that the development would be carried out within the confines and scope of the ES.

Due to the manner in which the ES has been drafted there is also a requirement to control the actual opening of the GAR. The 5-arm roundabout should be conditioned to open first, with the rest of the road being opened up in one phase. Details of how the following junctions will operate when they are constructed (along with other associated works) and how traffic flow will be managed will be required prior to the

construction of Phase 2:-

The junction of the GAR onto Mapperley Plains Road and the other associated alterations;

The proposed roundabout on Lambley Lane and the construction of the northern arm of the GAR and the eastern arm of the GAR onto Lambley Lane;

The junction onto Trent Valley Way and Burton Road/Nottingham Road at Burton Joyce.

It is considered that there would be a need to carry out consultation in relation to the submission of such details, as the detail of how traffic flows would be affected and how traffic flow would be managed is of public interest. A separate report produced as an addendum to this will set out the recommended conditions and indicate the conditions that should be subject to further consultation.

### Section 106 Requirements

It is considered that a s106 would be required in conjunction with this application. The s106 would be required to cover the following items:-

Details of a road traffic regulation order required to alter the speed limit on the A6211 to reduce the speed limit from 60mph/40mph to 30mph south of the proposed GAR/Arnold Lane roundabout. This detail would be required prior to the roundabout being first brought into use;

Details of wheel washing facilities, proposed routing for construction traffic, this information would be required to be submitted prior to the construction of phase 1 and the construction of phase 2 of the development;

The provision of alternative badger sett sites and nest boxes for Barn Owls, this information would be required prior to the construction of Phase 1 and Phase 2 of the development;

The translocation of Open Mosaic Habitat and badgers onto the Gedling Country Park

Details of the mitigation measures proposed to compensate for the loss of playing field at Carlton Le Willows, these details would need to be agreed prior to the construction of Phase 2 of the GAR;

Details of the mitigation measures proposed to compensate for loss of land associated with the Woodthorpe (St Marks) Scout group site, these details would need to be agreed prior to the construction of Phase 2 of the GAR;

Details of a local labour and training agreement in relation to the construction of the GAR, such details would need to be provided prior to the construction of phase 1 and phase 2 of the development.

The above matters would relate to items that could require the involvement of third parties and are therefore best secured through s106 agreement.

### Other Considerations

*Lack of consultation*

I note the comments received with regards to the lack of consultation prior to the application being formally submitted, particularly with regards to residents on Clementine Drive and Carlton-le-Willows Academy. The Borough Council would encourage developers to engage with local communities at the pre-application stage. The Council itself would not undertake pre-application as this would be a matter for the developer.

Notwithstanding this, I note from the Statement of Community Involvement submitted with the application that the developer has carried out extensive consultation with properties in the area and has held several public meetings. The agent has also confirmed that the applicant has contacted the Academy by letter prior to the application being deposited.

With regards to the formal neighbour notification process carried out by the Borough Council, 815 consultation letters were posted, 48 to properties on Clementine Drive (of which only one was returned as being undeliverable). 12 site notices were also posted in the locality of the application site and a pro forma notice posted in the local press, which gave details of the application and where the application could be viewed.

With regards to the neighbour notification letters and consultation deadlines, letters advising local residents of the application are generated via the computer system and are not personally addressed. A statutory 21 days deadline for response is given in the letters and on the site notices posted in the area. It should be noted that statutorily there is only a requirement to notify and consult once on an application. The Council has carried out 2 further consultations and notifications. These gave timescales of 14 and 7 days

Furthermore, the Borough Council will accept and consider, as far as practicable, any representations received after any given deadline, so long as these are made prior to the determination of the application.

The application is available to view at the Council Offices and a duty officer is available to assist the public during the week.

Planning legislation for publicising applications of this type requires either a site notice or neighbour notification letter as outlined in the Town and Country Planning (General Development Procedure) Order 1995 amended by the Town and Country Planning (General Development Procedure) (Amendment ) (England) Order 2010. I am therefore satisfied that that the statutory consultation requirements were undertaken with this application and that the publicity method used was appropriate and commensurate with the development proposed.

#### *Alternative Routes*

A number of alternative routes have been suggested which include the route of the road previously proposed in 2008, the widening of the existing Gedling Road/Arnold Lane, the relocation of the scout camp and rerouting the road and alterations to the existing junction and relocating the road further away from properties on Whitworth

Drive.

The suggestion that the northern spur of the GAR be treated as a separate application to allow the rest of the road to be constructed and the redevelopment of the Colliery site to be commenced would be a matter for the developer to consider.

The Borough Council should consider the proposal as it currently stands.

#### *Impact on Carlton le Willows Academy*

I note the concerns raised with regards to the loss of the playing fields/pitches, would reduce the space for any potential future development. However, I am mindful that the Academy occupies an extensive site and there may be alternative sites within the campus to accommodate future development, as well as re-configuring the existing playing pitches. Any application received for the additional building works would be assessed at that time in terms of siting and impact.

#### *Impact on St Marks Scout Group*

I note the comments received from the Scouts Group. This falls outside of the application site boundary. Any compensation or mitigation for the loss of land, the relocation and reconstruction of the fire circle would be a matter for the developer.

#### *Accuracy of and quality of plans*

I note the comment's received with regards to the accuracy of the plans deposited with the application. However, the proposed GAR is clearly shown as safeguarded land on the adopted GRLP 2005 Proposals Map. Furthermore, I am of the opinion that although the properties may not be shown on the proposed site plan they are clearly indicated on other plans deposited with the application. I am satisfied that this would allow full assessment of the proposals.

#### Secretary of State Referral

Under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009, the Secretary of State for Communities and Local Government must be consulted if a local planning authority does not propose to refuse an application for planning permission to which the Direction applies:

#### *Green Belt*

The Direction relates to inappropriate development on land within the Green Belt, as now identified in the NPPF, which consists of or includes:

- a) The provision of a building or buildings where the floor space to be created by the development is 1000 square metres or more; or
- b) Any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

In my opinion, the southern section of the proposed GAR would have a significant impact on the openness of the Green Belt and the application would have to be referred to the Secretary of State on this ground.

#### *Development Outside Town Centres*

The Direction relates to retail, leisure or office development which is out-of-town; not in accordance with the development plan; and consists or includes the provision of buildings over 5,000 square metres (including new development of 2,500 square metres or more which, when aggregated with existing floor space, would exceed 5,000 square metres).

The application would not need to be referred on this ground.

#### *Sport England*

The Direction applies, amongst other things, when Sport England has objected to a proposed development in the Green Belt which involves the loss of a playing field and an alternative or replacement playing field is proposed that does not match that which would be lost.

Parks and Street Care has indicated that it would be possible to re-configure the resulting playing field at Carlton-le-Willows Academy, should the proposed development be approved and implemented, to ensure that replacement playing *pitches* can be provided that would at least match those that would be lost in terms of quantity, quality and accessibility. However, it would not be possible to replace that part of the playing *field* which would be lost. As such, I consider it would also be necessary to refer the application to the Secretary of State on this ground.

#### *Environment Agency*

The Direction applies when the Environment Agency has objected to a proposed major development in a flood risk area and the objection has not been withdrawn. As the EA have not objected to the proposal, this application would not need to be referred on this ground.

### **Conclusion**

In planning policy terms, the proposed GAR is supported in principle and accords with the locational strategy set out in GBACS Policies 2, 4 and 7, which identify the Gedling Colliery/Chase Farm as a strategic location and a regeneration priority for housing and employment, subject to the GAR being provided.

GBACS Policy 15 specifically identifies the GAR as a necessary transport scheme to support the GBACS strategy. The route also follows closely the indicative safeguarded line on the adopted GBRLP Proposals Map 2005 and meets the transport aims of GBACS Policy 14.

Local transport infrastructure such as this may be appropriate development in Green



Belt, provided it preserves the openness of the Green Belt. As this proposed road would traverse Green Belt, through an area of undulating countryside, there would be a significant impact on openness, but this harm to the Green Belt is outweighed by very special circumstances justifying the road, to which I attach substantial weight.

Whilst there are also some significant landscape and visual impacts, as described in the report, I attach moderate weight to these, as they would reduce over time as appropriate tree and shrub planting matures and assimilates the road into the wider landscape.

Any undue visual impact on residential amenity would also be mitigated by landscaping over time and noise impact would be mitigated by the provision of acoustic fencing. As such, I would give a limited amount of weight to the impact on residential amenity.

Overall, I consider that substantial weight can be attached to the justification given for the proposed development, which outweighs all other considerations when taken together.

**Recommendation:**

**Grant Planning Permission** subject to the conditions set out in the addendum report and subject to the satisfactory completion of a s106 agreement with the Borough Council and other interested parties in relation to a Traffic Regulation Order associated with speed limits on Arnold Lane, details of wheel washing and means of access and routes of construction traffic, details of proposed new setts and barn owl nest boxes, details of translocation of Open Mosaic Habitat and badgers to the Gedling Country Park, details of mitigation measures to compensate for the loss of land at Carlton Le Willows and Woodthorpe (St Marks) Scout Group and for a local labour agreement for the construction of the GAR.

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