



The Planning Inspectorate

APPEAL REF: APP/W3005/W/24/3350529

Land at Newark Road / Coxmoor Road, Sutton-in-Ashfield.

Inspector Note: 2 January 2025

At the 2nd CMC on 19 December, and following the Council's revised position at this appeal, I said I would indicate during w/c 30 December¹ whether I have questions in relation to the appellant's evidence (to assist witness attendance).

I have no questions relating to the written evidence of Tony Kernon on Agricultural Land Quality and of Mr Stacey in relation to Affordable Housing. I also have no immediate questions or matters of clarification to raise with Mr Atkins on Landscape and Visual Matters, but I reserve the right to revisit this following my unaccompanied site visit (including to the LVIA viewpoint locations) prior to the opening of the Inquiry.

As Mr Kernon identifies, the benefit of the site in terms of its status as BMVAL, and conversely any harm/impact from its loss, are a matter for the planning balance. Similarly, Mr Stacey's evidence on the approach and weight to affordable housing as a benefit, are also inputs for the appellant's planning balance. I am anticipating that Mr Lees as the Planning witness will provide to the Inquiry an overview of the appellant's approach to a balancing exercise in any event.

Notwithstanding the above, it remains at the appellant's discretion to field any of its witnesses to address points raised by third parties.

I will have questions relating to the evidence of Mr Kitson-Boyce on Contaminated Land. Including:

- The weight / materiality of local residents claims that the former landfill site, despite its licence and prohibitions, is reputed to host putrescible waste and/or other contaminants, including asbestos.
- The timing and status of the 2 ECE reports.
- Whether the evidential threshold has been met of "*sufficient information to be confident that it will be able to grant permission in full at a later stage bearing in mind the need for necessary remediation to be viable and practicable.*" (PPG paragraph 33-008-20190722)
- What to make of ADC Contaminated Land Officer comments of 29 November 2024, and their suggested conditions.
- The ability to rely on the Environment Agency's comments on the planning application (i.e. prior to the 2 ECE reports).

¹ Paragraph 9 of my Post Conference Note of 23 December 2024

In relation to contaminated land there are a number of core documents referred to by Mr Kitson Boyce that are not on the website or before me. This may be due to a lag between submission of proofs and the Christmas/New Year period. They include the two ECE reports and correspondence to the Pegasus Group at paragraph 4.3.3 of Mr Kitson-Boyce's proof (Core Documents CD13.2-13.4), and appeal decisions referred to in the case studies in Section 5 of Mr Kitson-Boyce's proof (CD7.29 & 7.30.)

I will have questions for Mr Cummins on Sustainability of Location and Highways. Including:

- Clarification of distance to Sutton Parkway station and the 1.4km at Figure 4 of Mr Cummins' PoE.
- Overview of how the appeal location would tie into the existing cycle network by reference to Figure 10 in Mr Cummins' PoE, including deliverability of upgrades along Newark Road.
- The availability and likely demand for secure cycle parking at Sutton Parkway Station.
- Potential bus service enhancements/re-routing following discussion with Nottinghamshire County Council in November 2024
- Data on the Newark Road Level crossing barrier down times and frequency, particularly in the PM peak period, and proposed mitigation at Kirkby Folly Road roundabout
- Safety of the Searby Road junction onto Newark Road following the proposed road marking changes and introduction of the shared cycle/footway.
- An overview of the highways works proposed on Newark Road, Coxmoor Road and Cauldwell Road by reference to Plan ADC1580-DR-012 P12 in terms of what would be changed and the differences between proposed Works A and Works B in terms of the quality of pedestrian/cycle connectivity and highway safety.

I will have questions for Mr Lees on Planning matters, including:

Appellant's calculation/estimation of deliverable housing land supply, including where applicable by reference to the 2024 NPPF and the latest 2023 Housing Delivery Test results. (Within the context that there is no dispute with the LPA that there is not a requisite supply of deliverable housing land).

The latest situation with the current Local Plan examination – any further update to paragraph 6.9 of Mr Lees' PoE.

As set out above, I anticipate Mr Lees to talk to his planning balance exercise, primarily set out at Section 10 of his PoE and in summary how he has weighted the inputs. This would be of benefit to any third parties observing proceedings.

There will be a round table discussion (RTD) on planning obligations and my initial view is that Mr Lees' evidence (Section 9 of his PoE), and the additional evidence

appended from Mr Hunter on secondary education, would be more appropriate for this session as part of that discussion, rather than for formal presentation. The RTD is likely to take place on Wednesday 15 January.

Similar to Mr Kitson-Boyce, Mr Lees' proof refers to core documents that are not yet available (as of 2/1/2025), including: CD7.27 Appeal decision, Land North of Mansfield Road & CD7.28 Appeal Decision, Limes Avenue, Huthwaite; CD12.26 ADC Infrastructure Delivery Plan; CD12.27 Letter from Pegasus to ADC 18 October 2024.

I trust this note is of assistance. For transparency, I would be grateful if it can be added as a Core Document for the Inquiry – suggest as CD16.15.

David Spencer

Inspector.