

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

From: Sarah.Gray [REDACTED]
Sent: 29 September 2024 23:34
To: Richard.Sunter <Richard.Sunter@ashfield.gov.uk>
Subject: RE: [EXTERNAL]:Planning Application V/2022/0629:300 Dwellings at Newark Road

Thank you for sending me this additional information.

There has been historic landfilling on this site for inert waste. As such, testing for asbestos should be carried out and I could not find a statement describing this in the Richard Leaske letter report.

Therefore, a full contaminated condition should be appended to any permit issued for this development as stated in my email dated 21/01/2024:

From: Sarah.Gray
Sent: Sunday, January 21, 2024 11:08 PM
To: Planning.Admin <Planning.Admin@ashfield.gov.uk>
Cc: Richard.Sunter <Richard.Sunter@ashfield.gov.uk>
Subject: v/2022/0629 - Land at Junction of Newark Road and Coxmoor Road
Importance: Low

Thank you for consulting me on this application.

Part of this site is occupied by an EA licenced landfill site.

I have reviewed the following report submitted with this application:

Phase 1 GeoEnvironmental Desk Study – Low Moor Road, Sutton in Ashfield for Hallam Land Management by RLRE Ref: P22-070 dated 8th February, 2022.

I would recommend the following condition:

Land Contamination

1.

- a. No works shall take place (save for above ground demolition works and site preparation works) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority.

The scheme shall include:

- i. A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 - ii. The results of the site investigation and detailed risk assessment referred to in (i) and based on these, an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken;
 - iii. A verification plan setting out the details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (ii) are complete to a satisfactory standard; and
 - iv. The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of any area identified by the report.
 - v. If required, a monitoring and maintenance plan, setting out provisions for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime.
- b) If during the works any additional suspected contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until either:
- i. The potential contamination has been assessed and a remediation scheme has been submitted to and approved in writing by the Local Planning Authority.
or
 - ii. Timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the Local Planning Authority.

Any additional land contamination shall be fully remediated prior to the first occupation of any area identified by the report.

Reason: To protect future occupiers of the development from unacceptable land contamination risk in accordance with NPPF, paragraphs 183 & 184.

2. The development shall not be occupied until a post completion verification report, including results of sampling and monitoring carried out, has first been submitted to and approved in writing by the local planning authority demonstrating that the site remediation criteria have been met.

Reason: To protect future occupiers of the development *from unacceptable land contamination risk in accordance with NPPF, paragraphs 183 & 184.*

Kind regards.

Sarah Gray
Contaminated Land Officer
Commercial and Environmental Protection
Place and Communities

PLEASE NOTE: I WORK PART-TIME AND CAN BE CONTACTED 10AM-12.00
MONDAYS, WEDNESDAYS AND FRIDAYS

Ashfield District Council
Urban Road
Kirkby-in-Ashfield
Nottinghamshire
NG17 8DA

Tel: 01623 439725

email: sarah.gray@ashfield.gov.uk

From: Richard.Sunter <Richard.Sunter@ashfield.gov.uk>
Sent: Thursday, September 19, 2024 8:28 AM
To: Planning.Admin <Planning.Admin@ashfield.gov.uk>
Cc: Sarah.Gray <Sarah.Gray@ashfield.gov.uk>
Subject: FW: [EXTERNAL]:Planning Application V/2022/0629:300 Dwellings at Newark Road

Can you import this onto Civica and consult ADC Contaminated Land Officer. I have sent her a copy so just record that Sarah has been consulted.

Regards

RS

From: Clare Clarke <Clare.Clarke@pegasusgroup.co.uk>
Sent: Wednesday, September 18, 2024 7:40 PM
To: Richard.Sunter <Richard.Sunter@ashfield.gov.uk>
Cc: Mick.Morley <Mick.Morley@ashfield.gov.uk>; Christine.Sarris <Christine.Sarris@ashfield.gov.uk>
Subject: RE: [EXTERNAL]:Planning Application V/2022/0629:300 Dwellings at Newark Road

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Richard,

Please find attached a letter, as requested.

We have not contacted the County or other organisations as Nottinghamshire Highway Authority have not raised any issues with cycle parking at the train station and nor have any other consultees. If the Council consider a CIL complaint request can be justified, then this justification should be provided by the Council. We have said we are happy to secure a CIL compliant request through a S106 Agreement, it is not appropriate for us as the applicant to justify a developer contribution.

I hope this provides everything you need to take the report back to Committee, we have reviewed the minutes published this week and we believe this now addresses all the reasons for deferral.

Can you advise why the application isn't on the agenda for 25th September Committee. We would welcome understanding which Committee you are targeting.

Many thanks

Clare

Clare Clarke

Director Planning

[E Clare.Clarke@pegasusgroup.co.uk](mailto:Clare.Clarke@pegasusgroup.co.uk)

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From: Richard.Sunter <Richard.Sunter@ashfield.gov.uk>
Sent: Monday, September 16, 2024 8:59 AM
To: Clare Clarke <Clare.Clarke@pegasusgroup.co.uk>
Subject: RE: [EXTERNAL]:Planning Application V/2022/0629:300 Dwellings at Newark Road

Hi Clare

Thank you for your email. I suspect I need more information to allay the concerns of Planning Committee. In respect to ground contamination I think it would be really helpful if you could get your contaminated land consultant to confirm that they have seen the layout and in particular the drainage proposals including the balancing ponds and confirm that they are satisfied that their initial comments still stand.

In respect to cycle parking have you contacted the County/ or other organisations. I thought that I had provided you with contact details.

Regards

Richard

From: Clare Clarke <Clare.Clarke@pegasusgroup.co.uk>
Sent: Friday, September 13, 2024 3:34 PM
To: Richard.Sunter <Richard.Sunter@ashfield.gov.uk>
Cc: Mick.Morley <Mick.Morley@ashfield.gov.uk>; Christine.Sarris <Christine.Sarris@ashfield.gov.uk>
Subject: RE: [EXTERNAL]:Planning Application V/2022/0629:300 Dwellings at Newark Road

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Richard,

Hope you are well. Sorry for the delay in responding to point 1 and 3 below.

On point 1 (Cycle Parking) - Whilst we haven't been asked to address this matter by any statutory consultee or the LPA during the application process, we will meet any CIL complaint request and secure this through a S106 Agreement.

On point 3 (Contamination) – We continue to be of the view that conditions 6 and 16-18 provide the appropriate safeguards. The submitted Phase 1 Geo-Environmental Desk Study includes the illustrative masterplan of the site in Appendix A of the study. Conditions will provide a very normal way of securing the right measures to allow the balancing ponds and other aspects of the drainage proposals to be constructed without any issues of contamination arising.

Could you confirm when the minutes of the 31st July Committee meeting will be available and whether the intention is to take the site back to Committee on 23rd September?

Many thanks

Clare

Clare Clarke

Director Planning

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From: Richard.Sunter <Richard.Sunter@ashfield.gov.uk>

Sent: Thursday, August 22, 2024 10:43 AM

To: Clare Clarke <Clare.Clarke@pegasusgroup.co.uk>

Cc: Mick.Morley <Mick.Morley@ashfield.gov.uk>; Christine.Sarris <Christine.Sarris@ashfield.gov.uk>

Subject: RE: [EXTERNAL]:Planning Application V/2022/0629:300 Dwellings at Newark Road

Dear Clare

In response to your email dated 21 August 2024 and your email of today informing that your client has submitted an appeal I would comment as follows.

In the first instance it is my understanding that jurisdiction for the determining the application would remain with the Council until such time the appeal is validated. This being the case w=jhow would you like the Council to proceed with your application.

On the particular issues I would comments as follows: -

1. Sustainability:

- a. Cycle Parking – I would advise that you explore the possibility of providing secure cycling at Sutton Parkway with the community Rail Partnership and East Midlands Railways. The respective contacts are Arron Johnson arron.johnson@bolsover.gov.uk and Kate.Parnell@eastmidlandsrailway.co.uk. I would advise that the Council would expect the standard set out in this document for long stay as a minimum-
<https://www.camcycle.org.uk/files/resources/cycleparking/guidance/cycleparking.pdf>. The Council would also expect good lighting and CCTV and protection from the weather. This work would be useful in the appeal if it is validated as I suspect it would provide certainty in respect of obligations and enable a draft section 106 to be compiled.
 - b. Bus Service Contributions
Your comments are noted.
2. Loss of Agricultural Land – I can confirm that I have received the report and thank you for sending it to me.
 3. Contamination – Although I understand your view is that conditions 6 and 16-18 provide the appropriate safeguards in relation to contamination, it would be very helpful for your contaminated land consultant to state in a letter that the location of the balancing ponds has been taken into consideration in the technical report submitted. This should address the issues raised by Planning Committee at the previous meeting. It could also save time at any future appeal.

I hope that these suggestions are helpful to you in taking the application and any appeal forward.

Regards

Richard

From: Clare Clarke <Clare.Clarke@pegasusgroup.co.uk>

Sent: Wednesday, August 21, 2024 3:22 PM

To: Richard.Sunter <Richard.Sunter@ashfield.gov.uk>

Subject: RE: [EXTERNAL]:Planning Application V/2022/0629:300 Dwellings at Newark Road

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Richard,

I was awaiting the formal minutes from 31st July Committee to ensure we covered everything in one go but these are still not available on the Council's website so please see responses to the questions asked.

1. Sustainability:

- a. Cycle Parking – we have not received a request for a contribution to secure parking facilities at the railway station from the Highways Authority but would be happy to consider one if this was considered necessary.
- b. Bus Service Contributions – we have been in touch with Nottinghamshire County Council Public Transport Team to discuss how the bus service contribution will be used, and this correspondence is attached

2. Loss of Agricultural Land – The split between Subgrade 3a and 3b was identified in the Soil and Agricultural Land Report submitted with the planning application and was based on a survey of the land in February 2017. Please let me know if you would like me to send this report again for ease of reference.

3. Contamination – Our view is that conditions 6 and 16-18 provide the appropriate safeguards in relation to contamination, as set out the Committee Report and there are no technical objections to the application on this matter subject to these conditions.

I hope this provides you with what you need to deal with the reasons for the deferral when you take the application back to committee for a decision to inform the upcoming appeal.

Let me know if you require further information.

Clare

Clare Clarke

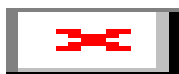
Director Planning

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From: Richard.Sunter <Richard.Sunter@ashfield.gov.uk>

Sent: Thursday, August 1, 2024 1:30 PM

To: Clare Clarke <Clare.Clarke@pegasusgroup.co.uk>

Subject: RE: [EXTERNAL]:Planning Application V/2022/0629:300 Dwellings at Newark Road

Clare,

Good to see you too. I have asked Mick for the recorded minute so I can pass that on to you. It is the case that the next meeting of Planning Committee will be on 25th September and I do not anticipate that there would be a special Committee meeting between then and now. In terms of what Committee I would be targeting depends on how quickly you can respond to the issues raised and how long it takes for Consultees to respond to consultation.

My initial thoughts are that the main issues are: -

1. Sustainability and the cycle facilities at Sutton Park Railway Station. I suspect that the latter could be resolved by offering a contribution towards provisions of secure cycling facilities at the railway station. There are concerns about the links to local bus services (or lack thereof) and that although monies have been highlighted for improved service infrastructure within the site whether the bus service would use them. This is especially a concern given that there is an existing bus stop on Searby Road but it is not served by buses any more. As a bus stop on Newark Road been contemplated. Even if it was and found acceptable from a highway point of view – would there be take up by a bus service. Whether a bus company would provide a service or not – it would be useful to find out their stance on the matter.
2. Loss of agricultural land – I am not aware how it was derived at the split between 3a and 3b. Was this on the basis of maps or was there a ground survey carried out to the appropriate specification. It may be that if you undertake soil analysis that the extent of the grades may change.
3. There is also the concern that the provision of attenuation basins may impact on buried contamination. The only way forward here is for your client to undertake a Phase 2 Geotechnical survey that sets out the spatial range of contamination across the site and then to provide details of the proposed basins and the cross reference them so that you have comments from your contam officer that on the basis of the drainage plans provided what remediation would be required to ensure contamination would not be released.

However, even if you did all of the above there is no guarantee that Planning Committee would approve the application.

I hope that the above thoughts are of some assistance in helping you determine your way forward.

Regards

Richard

From: Clare Clarke <Clare.Clarke@pegasusgroup.co.uk>
Sent: Thursday, August 1, 2024 12:52 PM
To: Richard.Sunter <Richard.Sunter@ashfield.gov.uk>
Subject: [EXTERNAL]:Planning Application V/2022/0629:300 Dwellings at Newark Road

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Richard,

Good to see you yesterday. It was a frustrating decision to defer. We are obviously just taking stock. Can you confirm the reasons for deferral that will be recorded in the minutes.

My understanding is that the next Committee is not until 25th September, is that correct? Would you be targeting that committee or is there any opportunity for a special committee before that?

Clare

Clare Clarke

Director Planning

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