



Appeal Decision

Inquiry opened on 9 July 2019

Accompanied Site visit made on 11 July 2019

by Philip Major BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2019

Appeal Ref: APP/W3005/W/18/3213342

Land west of Beck Lane, Skegby, Nottinghamshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Lovel (East Midlands) Ltd against Ashfield District Council.
 - The application Ref: V/2016/0569, is dated 8 September 2016.
 - The development proposed is residential development with means of access into the site.
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Preliminary Matters

1. The application is made in outline with the means of access into the site to be considered at this stage. The proposal seeks permission for up to 322 dwellings. As a result of ongoing discussion with the Highway Authority the Appellant sought to amend the position of the site access and the configuration of Beck Lane shortly before the opening of the inquiry. The changes proposed do not materially affect the opposition to the scheme which is maintained by local residents, and do not fundamentally alter the nature of the proposal. Having heard all relevant views I accepted the revised access proposal on the basis that it would not prejudice any party to the appeal. The revised access plan is that numbered LTP/1704/T4/01.01 Revision E.
2. As a result of the revised access being accepted as part of the proposal before me, and in light of revised modelling carried out by the Appellant, the Highway Authority no longer maintains an objection to the scheme. It is therefore agreed between the main parties that the proposed development would not result in severe residual cumulative impacts on the road network, and that it would not have an unacceptable impact on highway safety.
3. The Council and Appellant agree that it is not possible to demonstrate a five year supply of deliverable housing land in the district. Furthermore, the Council accepts that its assessment carried out during 2018 was based on the now superseded definition of 'deliverable' in a previous version of the National Planning Policy Framework (NPPF). The Council therefore agrees that the calculation of supply of just over 4 years is likely to be an overestimate. Although there is no specific quantification of supply in this case the parties agree that the shortfall in housing land supply is significant. On the basis of the evidence before me I have no reason to disagree with that conclusion. As a result the most important policies of the development plan relating to the

determination of the appeal are rendered out of date and the weight to any conflict with those policies is reduced. The development plan includes the Ashfield Local Plan Review (LP) of 2002 and the Teversal, Stanton Hill and Skegby Neighbourhood Plan (NP) 2016 – 2031.

4. In this instance the LP policies relied upon by the Council as the most important are Policies ST4 and EV2. Policy ST4 is restrictive of development outside the main urban areas and named settlements. In this regard it lacks the balancing exercise required by the NPPF and is therefore inconsistent with it. Similarly Policy EV2 is highly restrictive of development in the countryside, again lacking the balance required by the NPPF. Hence this policy too is inconsistent with the NPPF. The Appellant fairly concedes that the proposal conflicts with these policies, but because they are out of date and inconsistent with the NPPF that conflict is agreed to carry less weight: I deal with that point in the planning balance later. In any event there is agreement between the parties that the tilted balance of paragraph 11 of the NPPF is engaged. This is a case where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
5. Relatively little was made of the NP though Policy NP1 seeks to ensure that development is sustainable by reference to economic, social and environmental matters, high quality design, and housing meeting identified local need. It is clear from the text of the NP that development on the edge of the settlement is anticipated, and the aspiration is that such development be well integrated with that existing¹. Policies NP2 and NP3 deal with design principles and housing type, both of which can be controlled at reserved matters stage. Amongst other things Policy NP4 seeks to ensure that landscaping within development proposals enhances landscape character where possible, whilst maintaining access to the surrounding countryside. The NP expresses concern about congestion, safety and public transport, and seeks to work with others to improve these matters.
6. At the inquiry the Appellant, Ashfield District Council and Nottinghamshire County Council indicated that there was broad agreement in relation to certain matters which are dealt with in a S106 Agreement between them. Other matters within the Agreement are not agreed and I must reach a conclusion on whether or not those matters meet the tests set out in the Community Infrastructure Levy (CIL) Regulations (as amended). I deal with this matter later in the decision.

Decision

7. The appeal is allowed and planning permission is granted for residential development with means of access into the site at land west of Beck Lane, Skegby, Nottinghamshire in accordance with the terms of the application, Ref: V/2016/0569, dated 8 September 2016, subject to the conditions set out in the schedule at the end of this decision.

¹ This approach clearly sits alongside that taken in the now withdrawn Local Plan which would have allocated greenfield land for development, including this appeal site.

Main Issues

8. The main issues in the appeal are:
- (a) The effect of the proposed development on highway conditions in the locality;
 - (b) Whether the site can be regarded as a suitable and sustainable site for development;
 - (c) Whether the benefits of the proposed development are significantly and demonstrably outweighed by any identified harm – the planning balance.

Reasons

Highway Conditions

9. As I have noted above the Council, in conjunction with the County Council as Highway Authority, do not oppose the development in relation to highway capacity or safety matters. However local residents continue to have concerns in relation to traffic impacts and highway safety. I can understand their concerns.
10. Beck Lane, from which site access would be taken, is a busy distributor road with heavy traffic flows and a 60mph speed limit. The appeal proposal would add a number of extra vehicles to the daily flow. Modelling carried out indicates that this, in combination with other committed developments, would have an impact on traffic flows and queuing at some locations. Modelling is not infallible, but experience over many years has refined it to the extent that it is as reliable as possible. The predicted impact is proposed to be mitigated in a number of ways, such as alterations to software control of nearby junctions, and the installation of CCTV to allow manual control of signals during peak (and other) periods.
11. The result of this is that the predicted impact of traffic from the proposed development would be slight, with some improvement in some locations. That is not to say that there would not be some detriment to traffic flows on occasions, but any such detriment would be likely to be minor in nature. The highways experts who explained the scheme and its impacts at the inquiry are highly experienced professionals and, although I respect the concerns of the local community, I do not have any grounds to disagree with the technical evidence put before me. For that reason I accept that there would be no unacceptable residual cumulative impact on the road network.
12. With regard to safety there are 3 principal matters here. First, there is concern relating to the access to Ashland Farm (located on the opposite side of Beck Lane to the appeal site) where there are records of accidents and evidence of 'near misses'. However, the highway design scheme agreed between the Appellant and Highway Authority (and now part of the proposal) allows for an improvement to that access in a manner which had already been planned by the Highway Authority. This would be an enhancement to safety.
13. Secondly, the proposal would involve a reduction in the speed limit along the relevant stretch of Beck Lane from 60mph to 40mph. This would be implemented through a Traffic Regulation Order under highway legislation as part of the proposal. When added to the fact that the site access itself would

be signal controlled this too would be likely to have a positive impact on safety. Overall, therefore I agree that this proposal would not have an unacceptable impact on highway safety.

14. Thirdly, the proposal includes the widening of the shared pedestrian and cycle path on the west side of Beck Lane. The current path is quite narrow, and the proposal to widen it to the design aspiration of 3m over a significant length will enhance the safety of users of that path.
15. On the first main issue I am therefore satisfied that the proposed development would not have a materially adverse impact on highway conditions in the locality. It would not conflict with the development plan in this respect and in particular addresses the concerns of the NP by dealing with potential congestion and safety matters in a satisfactory manner.

Whether a Suitable and Sustainable Location

16. This issue encapsulates the Council's remaining objection to the scheme. The objection centres on the location of the site in relation to services, the opportunities for residents to access those services, and the quality of the route.
17. It is not disputed that the nearest retail services are within the environs of Mansfield Road, Skegby. From the vicinity of the site entrance I agree that the walk time at a modest pace is 12 to 15 minutes to the Co-op store. This provides the opportunity for day to day purchases. The Post Office is a similar distance. There is a smaller convenience store a little closer. It is not disputed that the stretch of footway along Mansfield Road is an acceptable walking route. Given that the proposal involves the widening of the majority of the shared cycle and footpath along Beck Lane I consider that this part of the route would be made more amenable to walkers and cyclists alike. The distance to passing traffic would be increased and any feeling of intimidation would be lessened. The reduction in speed limit would further increase the comfort of users of that route. I am therefore satisfied that the local services in Skegby would be a reasonable walking distance from the site.
18. I am conscious of the fact that the centre of the site would be at a greater distance from those services, but even so I do not consider that the distance is so great that it would be prohibitive for pedestrians, and certainly not so for cyclists.
19. There is also an alternative route on foot to the Co-op and post office. This involves the unmade public right of way to the west of the site, along Mansfield Lane. I share the Council's view that this would not be suitable at all times, and indeed that some people would choose not to use it at all. However there is also much merit in the Appellant's suggestion that it would be an attractive short cut for much of the year for anyone wishing to collect a few items in Skegby. Whilst it would of necessity require crossing Pleasley Road close to 2 bends in that road the volume of traffic, and its speed, is such that this would not be a hazardous manoeuvre.
20. The proposed development also includes provision for the extension of the 417 bus service to serve the appeal site itself. This is a local service which runs through Sutton in Ashfield and gives access to the facilities in that centre. Furthermore the service would be extended to include morning and afternoon

peaks. The S106 obligation, which I deal with later, includes this provision. As such the site would become accessible by means other than the private car, and this has been acknowledged by the Council. The 417 service allows connections in Sutton for services to the wider area, including Mansfield railway station.

21. Concern has been expressed that the site would be isolated, and would not integrate well with the remainder of the community. I do not accept that position. The development would be on the edge of Skegby with adequate connections by a range of transport modes. There would of course be nothing to prevent the use of private vehicles here, but in my judgement there is every likelihood of residents choosing to make a significant number of trips by other means.
22. Taking this matter in the round it seems to me that the site would be reasonably accessible on foot, would be accessible by cycle, and would offer the potential to use the 417 bus service. Indeed, consultation responses suggest that the anticipated modal shift could well be significant. I am therefore satisfied that the appeal site offers a suitable and sustainable location for development.
23. Whilst there is conflict with the development plan resulting from the fact that the appeal site is outside the main urban areas and is within the countryside, I have already noted that the relevant policies (ST4 and EV2) are rendered out of date and are inconsistent with the NPPF, so reducing the conflict with those policies.

Other Matters

24. A number of other matters have been raised in representations which I address here. First, it is asserted that the proposal would be detrimental to the landscape. I acknowledge that a development of over 300 houses could not fail to impact upon the character and appearance of the area. Local people clearly attach value to the landscape here, but it has no formal designation, and apart from a small section where a public right of way crosses it, there is no public access. Whilst it is a pleasant area of arable land it is not special in any way. Indeed its location adjacent to a distributor road means that it has detracting elements close by. In addition the land is relatively low lying and development would not be unduly prominent. Hence, although I accept that there would be some harm to the character and appearance of the locality, that harm would be of no more than limited weight.
25. The Appellant has commissioned a habitat survey which found that it is unlikely any protected species or habitats would be detrimentally affected. There were a number of recommendations, including the avoidance of works to trees and hedgerows during the bird nesting season, and retention where possible of species rich hedgerows. These are matters which can be controlled at reserved matters stage. The Japanese knotweed identified in the survey is already in the process of being eradicated, as recommended. There is therefore no impediment to the grant of planning permission in relation to impacts on biodiversity.
26. Although there have been episodes of flooding on the appeal site, as witnessed by photographs exhibited at the inquiry, it is notable that the site lies in flood

- zone 1. I am satisfied that a sustainable drainage system could be installed on the land, in accordance with the Flood Risk and Drainage Strategy undertaken.
27. It has been pointed out that the appeal site is productive arable land which yields good quality crops. I saw this season's crop on my site visits. However it is acknowledged that much of the district is made up of land of a similar quality, and that release of greenfield land will be required in order to meet future housing need. This is therefore a matter of limited weight.
28. My attention has been brought to the presence of Dalestorth House, an imposing listed building to the south-east of the appeal site. The principal elevation of the property faces south, and its northern elevation faces an enclosed curtilage used as a nursery. The setting and significance of the building is therefore tightly enclosed in the direction of the appeal site. In my judgement, which is shared by the main parties, the development would have no impact on this heritage asset.
29. The provision of infrastructure including school places and healthcare facilities for residents of the development has caused concern. This is a matter which is addressed in the S106 Agreement (the obligation) to which I turn next.

Planning Obligation

30. I start from the requirements of CIL Regulation 122. The requirements of the Regulations are that a planning obligation can only be a reason to grant planning permission provided that it is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
31. The obligation in this case includes a number of matters, most of which are agreed. There is no dispute in relation to the primary education contribution requested by the County Council. The calculation has been made based on the planning area of a cluster of primary schools and seeks a contribution for the provision of facilities directly stemming from the likely school age children living at the development site. I agree that this contribution meets the tests set out above.
32. The secondary education contribution requested is based only on the predicted needs of a single school – Quarrydale Academy. I heard at the inquiry that the County Council has limited influence over intakes of secondary schools as all are academies and hence it chooses to use predictions for single academies. That said, projections prior to the current year appear to be based on a cluster of secondary schools (or academies) which shows a surplus of places overall. Notwithstanding that, and even allowing for a planning area approach using a group of secondary academies, new projections show a deficit of places into the future, hence leading to the requested contribution. However, the latest prediction is based on the Council's 2018 housing projections which are unlikely to be correct (as agreed by the Council). Therefore the shortfall in places at Quarrydale Academy (or the wider planning area in the alternative) is likely to be an overestimate. I sympathise with the position of the County Council officers, who can only use the latest data available, but I am not satisfied that it has been possible to show that the predictions are sufficiently robust to justify the requested contribution. I note that a bulge of primary pupils are coming through the system, but even so I cannot conclude that there is, on the balance of probabilities, likely to be a deficit of secondary places based on the

- available information. Indeed, if a planning area approach is used, as nationally recommended, then it is possible that there will be a surplus of places following a revision of the Council's housing data. I understand the difficulties faced by the County Council but on the basis of current knowledge I cannot agree that it has been shown that the development would generate the need for a contribution of the magnitude requested. As there is no alternative calculation before me I can only conclude that the contribution sought is not fairly and reasonably related to the development, fails the tests set out above, and is not necessary to make the development acceptable.
33. A contribution for improvements to the public realm in Sutton in Ashfield has been requested and I recognise that the NPPF promotes healthy and safe communities. However, I have little reasoned justification for the quantum of contribution per dwelling which is sought (£2000). I am told that this is consistent with other developments in the district, but no specific evidence has been provided. I am in any event not satisfied that it has been demonstrated that there is a direct link between the development and the public realm improvements proposed for Sutton town centre. I have no doubt that residents of the development would visit Sutton town centre for various reasons, but to my mind that does not mean that improvements in the town centre are necessary to make the development acceptable. Even were I to find that there was a direct link I am not satisfied that the rate of contribution has been shown to fairly and reasonably relate to the development. The contribution sought is therefore more of an aspiration than a necessity and it consequently fails the tests of the CIL Regulations.
34. Affordable housing provision is an important part of the obligation. Measures are included which would provide the Council's required percentage of affordable houses. The provision is directly related to the proposal and necessary to make it acceptable. It is also fairly and reasonably related in scale and kind, and therefore meets the CIL Regulations tests.
35. As noted earlier, several methods of mitigating traffic impact have been agreed. This is catered for in the obligation by the provision of a contribution to fund that mitigation. The contribution is therefore directly related to the development and necessary to make the development acceptable in planning terms. It is also fairly related in scale and kind and therefore meets the necessary tests.
36. With regard to modal shift in transport choices the obligation makes provision for bus service contributions. These cover the extension of the 417 service to the site, bus stop provision/improvement, and provision of bus passes. All of these are necessary to make the proposal acceptable, are set at a proportionate level, and are required as a direct result of the development. The contributions meet the statutory tests.
37. The proposal would generate a requirement for healthcare provision for residents of the development. It is therefore directly related to the development. I am satisfied that the calculation of the contribution towards improving or enhancing facilities in the locality is necessary to make the development acceptable, and is fairly related in scale and kind to the development. This contribution therefore satisfies the necessary tests.
38. On site open space would be provided as part of the development. The obligation makes provision for a scheme to be drawn up and approved so that

the Council can be assured the open space will be retained and maintained in the future. This is necessary to make the development acceptable in planning terms. That part of the obligation is also directly related to the development and is fair and reasonable.

39. To summarise on the S106 obligation I find that all matters except the secondary education contribution and the public realm contribution have been justified and meet the tests set out in the CIL Regulations. The secondary education contribution and public realm contributions do not therefore constitute a reason for granting planning permission.

The Planning Balance

40. It was agreed at the inquiry that the housing need in the district is at least of significance, if not critical, and that this should attract considerable weight in the planning balance. The recent withdrawal of an emerging Local Plan at a late stage in the process has set back the possibility of being able to identify housing sites for at least 3 years. It was therefore accepted by the Council that this scheme can make a significant contribution to the supply of housing.
41. In light of the information submitted at the inquiry, and the intention of the Appellant to reduce time limits for the submission of details, I am satisfied that the site would deliver housing within the next 5 years. This matter is of considerable weight in favour of the proposal.
42. Furthermore the proposal would deliver about 32 affordable dwellings. It is not disputed that the supply of affordable housing has not met the identified need, and this proposal would assist in addressing the substantial shortfall in supply. This is of significant weight in favour of the proposal.
43. Other benefits of the scheme would include the provision of construction jobs, support for local services, and the upgrading of the local bus service and pedestrian/cycle links. These are important matters which attract moderate weight. The scheme would also provide the opportunity to enhance open space available to the public, and to enhance biodiversity.
44. The negative side of the balance is limited in this instance. Inevitable landscape and visual impacts would be towards the lower end of the scale of harm and the Council does not object on this basis. This harm carries limited weight.
45. As I have set out above, there would be no unacceptable harm resulting from traffic impact or highway safety concerns. Similarly I find no harm in relation to the other matters addressed.
46. Overall I am satisfied that the appeal site is in sustainable location and the proposal itself constitutes sustainable development. Conflict with the development plan carries limited weight for the reasons given above. This is a case where the adverse impacts of the proposal fall very far short of significantly and demonstrably outweighing the considerable benefits which the scheme offers.

Conditions

47. An agreed list of conditions has been provided in the event of planning permission being granted. Apart from the necessity to specify time limits for

the submission of reserved matters, and clarifications of the reserved matters, I agree that conditions are required which cover the following topics:

- Phasing of development, so that the scheme can be provided in a managed way;
- The identification of the approved access plan so that it can be ensured that the scheme is satisfactory;
- A programme for the provision of the new site access and other improvements, to ensure that highway safety is maintained;
- The submission and approval of a travel plan to promote sustainable travel;
- Surface water disposal, to prevent the risk of flooding;
- A construction method statement, in order to ensure that the development minimises disruption;
- Tree survey and protection matters, in order to ensure adequate retention and protection of trees;
- Archaeological investigation so that any finds are properly recorded;
- A protocol for dealing with non-native invasive species, in order to prevent the spread of those species.

Overall Conclusion

48. The proposal runs counter to the development plan as set out. However, the most important development plan policies are out of date and inconsistent with the NPPF. The benefits of the proposal are extensive, and the conflict with the development plan and the minor harm identified above fall far short of significantly and demonstrably outweighing the benefits. For the reasons given above I conclude that the proposal is sustainable development and that the appeal should be allowed.

Philip Major

INSPECTOR

SCHEDULE OF CONDITIONS

1. No development shall take place until a phasing plan for the development has been submitted to and approved in writing by the local planning authority. This phasing plan shall include: phasing of the construction of the development, including the housing, areas of amenity and informal open space (including play spaces), landscaping, drainage systems, roads, bus service route and stops, footpaths, cycle ways, bin storage and parking. The development shall be carried out only in accordance with the approved phasing plan.
2. Details of the appearance, landscaping, layout, scale and access within the site (hereinafter called "the reserved matters") for each phase of the development shall be submitted to and approved in writing by the local planning authority before any development on that phase takes place and the development of each phase shall be carried out as approved.

Application(s) for approval of the reserved matters for every phase shall be made to the local planning authority not later than 18 months from the date of this permission.

The development hereby permitted shall be begun not later than one year from the date of approval of the last of the reserved matters to be approved.

3. The development hereby permitted shall be carried out in accordance with the following approved plan; LTP/1704/T4/01 01 Rev E. Reserved Matters submitted pursuant to Condition 2 shall be generally in accordance with the principles for the development of the site as set out in the Design and Access Statement and shall comprise no more than 322 dwellings.
4. No development in any phase shall be commenced until details of the surface water drainage scheme for that phase based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the local planning authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details for that phase and retained and maintained thereafter.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Flood water exceedance routes both on and off site (no part of the site must be allowed to flood during any storm up to and including the 1 in

30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties).

- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and/or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.
5. No development in any phase shall commence, including site clearance, until a Construction Method Statement (CMS) for that phase has been submitted to, and approved in writing by the local planning authority. The CMS shall provide for:
- the parking of vehicles of site operatives and visitors;
 - routing, loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - wheel washing facilities;
 - measures to control the emission of noise, dust and dirt during construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - delivery, demolition and construction working hours;
 - Measures to control noise during any piling of foundations (if required);
 - Measures for avoiding harm to protected and priority species including method statements for undertaking construction activities in the best interest of biodiversity, appropriate protection zones, locations and timing of sensitive works and roles and responsibilities of an Ecological Clerk of Works;
 - Point of contact on site for complaints/enquiries.

The approved Construction Method Statement for each phase shall be strictly adhered to throughout the construction period of the development.

6. Prior to the submission of any reserved matters, a tree survey to British Standard BS5837 shall be carried out, with the details submitted to and approved in writing by the local planning authority.
7. No site clearance, preparatory work or development shall take place in any phase until a scheme for the protection of the retained trees and hedgerows in that phase (the tree and hedgerow protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in

writing by the local planning authority. The scheme for the protection of the retained trees and hedgerows in the phase shall be carried out as approved for that phase and retained throughout the construction period for that phase.

8. Prior to the commencement of development, an invasive non-native species protocol including a management, maintenance and monitoring scheme for the site shall be submitted to and approved in writing by the local planning authority. Specifically, the protocol shall detail arrangements for the containment, control and removal of Japanese knotweed. All the protocol measures shall be carried out strictly as approved. Within three months of the approved containment, control and removal of any invasive non-native species, including Japanese knotweed, being completed, evidence of such shall be submitted for the further approval of the local planning authority.
9. No development shall take place within the site until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work for each phase in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
10. No development shall take place until such time as a programme has been submitted to and approved in writing by the local planning authority covering the implementation of the following:
 - 1 Provision of the signal controlled access junction on Beck Lane, as shown on drawing number LTP/1704/T4/01.01 Rev E.
 - 2 Provision of the 3m cycle/footway shown on drawing number LTP/1704/T4/01.01 Rev E, including details of how it connects and ties in with the existing highway infrastructure at the Fox and Crown junction, precise details of which shall be submitted to and approved in writing by the local planning authority.
 - 3 An application for the change of the speed limit along Beck Lane as shown indicatively on drawing number LTP/1704/T4/01.01 Rev E, has been made to Nottinghamshire County Council as Highway Authority.

The development shall be carried out in accordance with the agreed programme.

11. No part of the development hereby approved shall be occupied until additional and/or replacement street lighting along the Beck Lane site frontage has been provided and installed in accordance with details to be first submitted to and approved in writing by the local planning authority.
12. The development hereby approved shall not be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote sustainable modes which are accepted by the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Miss M Golden She called:	Of Counsel
Ms S Hancock	Nottinghamshire County Council - attended to present the agreed highway position with the Appellant
Ms S Clark BSc MRTPI	Senior Planner, Planning and Design Group (UK) Ltd

FOR THE APPELLANT:

Miss S Reid She called:	Of Counsel
Mr S Windass BSc(Hons) MSc(Eng) CEng FIHE MCIHT	Head of Transport Planning, Local Transport Projects – attended to present the agreed position with the Highway Authority
Mr J Tait BA(Hons) DipTP MRTPI	Director, Planning Prospects

INTERESTED PERSONS:

Mr B Nichol	Local resident
Cllr M Darrington	Resident and local councillor
Cllr H Smith	Resident and local councillor
Cllr J Zadrozny	Resident and local councillor
Mrs J West	Local resident

OTHER PEOPLE PRESENT AT THE INQUIRY:

Miss B Cameron	Nottinghamshire County Council – present for the S106 discussion
Mr A Norton	Nottinghamshire County Council – present for the S106 discussion

DOCUMENTS

Submitted by the Local Planning Authority

- 1 Opening statement on behalf of the Council
- 2 Extract from the Teversal, Stanton Hill and Skegby Neighbourhood Plan
- 3 Extract from the Ashfield Local Plan Review p84-86
- 4 Extract from the Ashfield Local Plan Review p15-18
- 5 Extract from the 6Cs Design Guide
- 6 Securing Developer Contributions for Education – Department for Education – April 2019
- 7 Nottinghamshire County Council Planning Obligations Strategy – May 2019

- 8 CIL compliance statement
- 9 Closing Statement on behalf of the Council

Submitted by the Appellant

- 10 Opening submissions on behalf of the Appellant
- 11 Extract from PPG relating to education funding
- 12 Summary of S106 obligations
- 13 Ashfield District Council Local Development Scheme – September 2018
- 14 Site extract – Burton Lazars
- 15 Site extract – Cliffe Woods
- 16 Extract from the 6Cs Design Guide
- 17 Isochrones centred on the appeal site
- 18 Letters from Planning and Design Group on behalf of the owner of the land adjacent to the appeal site
- 19 Draft S106 Agreement
- 20 Correspondence dealing with the deliverability of the proposed development
- 21 Email relating to capacity and projections at local secondary schools
- 22 School Capacity Survey, Guide for local authorities – Department for Education – June 2019
- 23 Comments on combined impact of developments on school provision based on 2017 housing data
- 24 Quarrydale Academy admissions criteria
- 25 Secondary School summary document
- 26 Closing submissions on behalf of the Appellant

Document agreed between the Council and the Appellant

- 27 Updated list of suggested conditions

Documents from interested persons submitted at the inquiry

- 28 Representations from Cllr Darrington
- 29 Comments on proceedings from Mr Nichol

Document received after the close of the inquiry by agreement

- 30 Final signed version of S106 Agreement

PLAN

- A Revised illustrative masterplan