

# Ashfield District Local Plan Examination

## Matter 10 Hearing Statement

On behalf of Hallam Land.

Date: 13 December 2024 | Pegasus Ref: EMS.2254

Local Plan Respondent ID: 240

Author: Clare Clarke

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# 1. Introduction

- 1.1. This Hearing Statement has been prepared by Pegasus Group on behalf of our client Hallam Land in response to the Matters, Issues and Questions set out by the Inspectors for the Ashfield District Local Plan Examination.
- 1.2. Hallam Land are promoting the Sutton Sustainable Urban Extension, Strategic Housing Land Availability Assessment reference SA001, and the parcels within this wider area, sites reference KAO35: East of Sutton Parkway Station and SAO24: South of Newark Road, Sutton-in-Ashfield.
- 1.3. Hallam Land have engaged in the preparation of the Local Plan including the Regulation 19 consultation. Hallam Land have also engaged in the two previous iterations of the Local Plan which were subsequently withdrawn, both of which included land southeast of Sutton-in-Ashfield as a draft allocation, including in the Publication Version Local Plan in 2016 (reference SKA3e – Land at Newark Road) submitted for examination.

## 2. Matter 10 – Site Allocations

### Issue 1

#### Whether the proposed site allocations are justified and deliverable/ developable at the point envisaged?

Relevant policies– H1, S6a and S6b

#### Site Allocations Overall

##### 10.1. How were the site allocations chosen? What factors were considered? Is the approach justified? Is it evidence-based?

The approach to site selection is not justified or evidence led.

This is demonstrated by the through the example of my client’s sites located south of the urban area of Sutton-in-Ashfield.

Hallam Land have promoted the land to south east of Sutton as a Sustainable Urban Extension option (site reference SA001) and two parcels within this wider area, which have been promoted as smaller scale opportunities (SA024: South of Newark Road and KA035: East of Sutton Parkway Station). Each are considered in turn below.

#### South East Sutton Sustainable Urban Extension (SA001)

A concept masterplan for the South East Sutton Sustainable Urban Extension is shown in Appendix A. This is a non-Green Belt site located adjacent to the urban area of Sutton, at the top of the settlement hierarchy and provides a sustainable location for up to 1,000 homes.

This urban extension site was discounted as it did not align with the preferred strategy and the arbitrary 500 dwelling threshold set.

The significant failings in the process of identifying the preferred dispersed strategy were set out and discussed with in earlier hearing statements and sessions and are not repeated here in detail, but this unjustified threshold was part of the site selection process and is therefore a relevant consideration in understanding why the process of choosing site allocations was flawed.

A theme throughout the consideration of the sites to the south east of Sutton has been that they are politically unacceptable. The Regulation 18 Sustainability Appraisal (CD.04) main report within Table 5.5 which sets out the reasons for the rejection of alternative spatial strategy Option 4a which includes one large sustainable urban extension adjacent Sutton/Kirkby (1000+ dwellings) at Sutton Parkway states:

*‘The urban extension is located in the countryside on the Main Urban Area fringe. The site has been proposed for allocation in a number of draft Local Plans. It has encountered substantial local opposition and it **has not been politically acceptable for the site to be taken forward by the Council.**’ (emphasis added)*



The full reason for rejection is shown in an extract in Appendix B. The Regulation 19 Sustainability Appraisal (SDO3) (Table 5.5, page 86–88) continues to state within the reasons for rejection that it has encountered substantial local opposition.

This is a non-Green Belt sustainably located site which would contribute to meeting the Council's stated objectives of locating new development adjacent to the Main Urban Areas to reduce the carbon footprint of the community, with less need to travel to other areas for jobs, services, and facilities. The Pre-Submission Draft Local Plan notes that the growth of the towns will serve to attract inward investment into these areas, assisting in regeneration and improving the opportunities and the lives of people living there. There are opportunities for walking and cycling which this site would benefit from and contribute to, providing new walking and cycling routes which provide access to the town and the Sutton Parkway station.

This site meets all the aims of the preferred strategy, it avoids over development of the smaller Named Settlements and isolated development by providing homes in the Main Urban Area and it avoids significant impacts on heritage, landscape or wildlife. It also ensures development comes forward in a timely manner, as it is deliverable in the next five years and would support the regeneration of the District's towns whilst meet needs. Fundamentally, it avoids the development of Green Belt land.

It was not however selected as the site is larger than 500 homes and did not align with the dispersed development strategy the Council arrived at by default following strong public and political objections to two new settlements.

#### Land South of Newark Road (SA024)

The two smaller parcels within the wider sustainable urban extension proposal are both below the 500 dwelling threshold and were assessed as part of the pool of sites identified as fitting with the preferred strategy.

Background Paper 1: Spatial Strategy and Site Selection sets out the site selection process and in paragraph 8.18 the Council explains that it examined the potential to allocate smaller parcels of land which formed part of the larger SUE sites. This consideration of smaller parcels of larger site proposals is supported notwithstanding our concerns about why the larger site was discounted.

Considering first the assessment of our clients site Site, SA024 – South of Newark Road (shown in Appendix C). This is a non-Green Belt site, adjacent to the urban area of Sutton, the settlement with the highest Settlement Accessibility Score in the whole District (Table 10, Background Paper 1, BP.01) and has the capacity to deliver up to 300 dwellings.

Despite being available, suitable and achievable, and fitting with the preferred strategy, the site was not selected. The incorrect and unevidenced reasons for the site being rejected are set out below for ease of reference (paragraph 8.18 BP.01):



**SA024: South of Newark Road.** Although this site was assessed in the SHELAA as potentially developable, there are 2 outstanding planning applications dating from October 2017 and August 2022 respectively. The applications refer to outline approval for up to 300 dwellings, but currently have unresolved highways issues. As such, it has not been put forward for allocation due to the uncertainty of delivering development. This site has an estimated yield of **377** dwellings in the SHELAA.

These reasons are based on incorrect or misleading information and are addressed in turn below.

#### *Highways Matters Resolved in 2019*

The site is the subject of a live planning application for 300 homes, planning application reference: V/2022/0629. This application was submitted at the request of the Council following no decision having been taken by the Council on a previous application, submitted in September 2017 for the same proposal, reference: V/2017/0565.

During the application process for the 2017 application, there were protracted discussions with Nottinghamshire County Council as Highway Authority. One of the key reasons for the delay related to the Highway Authority's request for a highway corridor to be reserved through the site linking to Coxmoor Road in anticipation of the development of a wider area as an urban extension of Sutton, as this had previously been allocated by the Council in a previous local plan, but discounted as an option for this local plan.

On 3<sup>rd</sup> July 2019, the Highway Authority confirmed that they had no objections, subject to conditions and obligations, the response stated:

*'In consideration of the above, the Highway Authority have no objections to the development, subject to the following planning obligations, conditions and informatives...'*

The full response was appended to our Regulation 19 response. Following this, and by letter dated 13<sup>th</sup> July 2021, the Highway Authority confirmed that it no longer required land to be safeguarded for a route beyond the site. Again, no objections were raised, subject to conditions. Despite this, no decision was taken on the application, and in 2022 our client was advised the Council would not determine it as the application had been before the Council and not determined by the Council for a long time. The applicant was asked to submit a new application. This was swiftly submitted.

The Background Paper (BP.01) was prepared in October 2023, over four years after the County Council's July 2019 formal submission confirming they had no objections, over two years after letter from the County Council withdrawing the request for a highway corridor and over a year after a new application had been submitted on the request of the Council following the resolution of the highway's matters. There was therefore no evidence or justification at that time of writing up the site selection process for discounting the site on highways grounds. This evidence was a false statement at the time and remains so.

#### *Delivery only delayed by the Council*

There is no uncertainty of delivery, the only uncertainty of delivery has been caused by the Council itself failing to determine the applications.



The site is being promoted by Hallam Land, a national promoter and Hallam has a national housebuilder partner ready to submit a Reserved Matters application as soon as Outline Consent is granted. Delivery of site could start within two years of an outline consent and make a significant contribution to the early years of the plan. The Council's view of delivery is echoing its own repeated failure to determine planning applications on the site.

The only reason there is a second application on this site is because the Council refused to determine the 2017 application despite no technical objections. A number of updated technical reports were prepared to assist the Council with reconsulting with local residents on 2017 application given the passage of time. These updated reports were issued to the Council in July 2022 and included a consolidated transport assessment which drew together the extensive highways work undertaken into a single document.

On 26<sup>th</sup> July 2022, the Council advised as follows:

*“Officers were of the opinion that because of the time period that had lapsed since the initial submission of the planning application, together with the changes in policies and the amendments to the proposal, the submission of a new planning application would be required.”*

To resolve the impasse and avoid further delays, our client submitted a new application in August 2022. There are no outstanding technical objections on this new application, including no objections from the Highways Authority subject to conditions and obligations (Appendix D). The site was recommended for approval by officers at Planning Committee on 31st July 2024 to assist with their significant housing land supply shortfall.

The application was deferred, with continued political opposition to the site, and our client submitted an appeal against non-determination in August 2024.

#### *Politically Unacceptable*

The Sustainability Appraisal for the Draft Local Plan published at the time of the Regulation 18 consultation demonstrates the role of political unacceptability in the decision not to include the site. Page 28 of the Regulation 18 Sustainability Appraisal as originally published set out the reason for rejection of the site in favour of release of Green Belt land and we provided an extract of this in our response to the Regulation 18 consultation, copied below:

Site Ref:	Use	Status at Reg 18	Allocation Ref	Site Address:	Justification for Selection / Rejection
SA024	Housing	Reasonable alternative		South of Newark Road, Sutton-In-Ashfield	Not Selected - Located in the countryside on the Main Urban Area fringe. The site has been proposed for allocation in a number of draft Local Plans. It has encountered substantial local opposition and has not been politically acceptable for the site to be taken forward by the Council.

Our representations to the Council at the time highlighted that this was not an appropriate reason to reject the site and the Regulation 18 was updated as shown below:

Site Ref:	Use	Status at Reg 18	Allocation Ref	Site Address:	Justification for Selection / Rejection
SA024	Housing	Reasonable alternative		South of Newark Road, Sutton-In-Ashfield	Not Selected - Located in the countryside on the Main Urban Area fringe. The site has been proposed for allocation in a number of draft Local Plans without being adopted. The site formed part of a number of spatial strategy options but was not taken forward for the reasons out lined in the SA of alternative spatial strategies. A planning application was submitted in 2017 but has not been determined to date.

This site should have been allocated at Stage 4 of the site selection process set out in the Background Paper 1: Spatial Strategy and Site Selection. Stage 4 considered greenfield sites assessed through the SHELAA as 'achievable' or 'potentially achievable' and consistent with the Council's strategic approach for sustainable growth. The site should have been included as a draft allocation ahead of those allocated in the Green Belt and could assist the Council in meeting the needs over the full 15 year plan period. This site has been rejected based on incorrect and out of date information and political unacceptability.

#### East of Sutton Parkway Station (KA035)

Finally, our client's site to the east of Sutton Parkway (reference KAO24). This reason for this site not being taken forward is set out at paragraph 8.18 of the Background Paper 1 (BP.01), copied below for ease of reference:

**KA035: East of Sutton Parkway Station.** This site incorporates sites KA027 above. The entire site had a potential capacity for housing of around 532, however after subtracting the allocated employment area, this falls to 177 dwellings. This additional area has not been put forward for housing because of the incompatible future use of the adjacent land for employment purposes, and associated access which would be through the new industrial estate.

This site is dismissed on grounds of being incompatible of future use of the adjacent land for employment purposes, and associated access which would be through the new industrial estate. There is no reason why the relationship between land uses cannot be managed through appropriate landscaping and design.

The opportunity for the co-location of homes and jobs is not addressed nor the opportunity for new infrastructure to support both existing and new residents with improved cycle and walking routes linking homes, jobs, services and the Sutton Parkway Station.

Again, the sustainability appraisal published at the time of the Regulation 18 noted that the site has not be politically acceptable to take forward. These are not valid planning reasons to overlook sites in sustainable locations and instead release Green Belt sites or fail to meet the housing needs of the area.

#### 10.2. In deciding whether to allocate sites for development, how did the Council take into account the effects of development on:

- Landscape character;
- The availability of best and most versatile agricultural land;
- The local and strategic road network;



- **The need for new and improved infrastructure (including community facilities);**
- **Heritage assets; and**
- **Nature conservation**

This is for the Council to answer, but we reserve our right to comment on the Council's response.

Background Paper 1 set out the site selection process and the use of the Strategic Housing and Employment Land Assessment findings on the above matters at paragraph 5.11 – 5.13. This process discounted sites with major constraints and then other key constraints. The remaining sites were considered in terms of their SHLAA assigned RAG rating which took account of an assessment of a range of matters including heritage, landscape, flood risk, agricultural land value, nature and highways.

Our client's site options were assessed positively:

- SA001: Sutton Parkway (Newark Road & Lowmoor Road) – **GREEN**
- SA024: South of Newark Road – **GREEN**
- KA035: Land east of Sutton Parkway Station – **GREEN**

This assessment is further supported by the live planning application on SA024 Land south of Newark Road, as there are no statutory consultee objections to the site.

There is therefore no clear justification to pass over our client's sites set out above in favour of Green Belt release when, at different scales, they meet all the aims of the preferred strategy of avoiding over development of the Named Settlements and isolated development and avoid significant impacts on heritage, landscape or wildlife.

These non-Green Belt sites are identified in the Council's assessment as suitable taking account of the above considerations.

- 10.3. How did the Council take into account flood risk? Has the Plan applied a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change so as to avoid, where possible, flood risk to people and property as required by paragraph 161 of the Framework?**

No comments.

- 10.4. Do the Plan's policies provide sufficient specificity of the requirements expected of the larger site allocations (i.e. those of 100 dwellings and above), particularly for sites where there is no planning permission in place?**

No comments.

- 10.5. Do the Plan's policies relating to the site allocations contain sufficient requirements to ensure that sites, particularly those comprised of multiple parcels of land, will be developed in a comprehensive manner?**

No comments.

- 10.6. What is the justification for the proposed restriction on development within 400m of the Sherwood Forest Possible Potential Special Protection Area (ppSPA)? Overall, will it be effective?**

No comments.

**Changes to the Green Belt boundary**

- 10.7. Why has the Green Belt Assessment not considered sites against the Green Belt purpose of 'assisting with urban regeneration' as set out at paragraph 138(e) of the Framework? Is this justified?**

No comments.

- 10.8. Taking each site proposed to be released from the Green Belt in turn, what would be the extent of the harm to the Green Belt if the boundaries were changed in the locations as proposed? Are there any ways in which harms could be minimised or mitigated?**

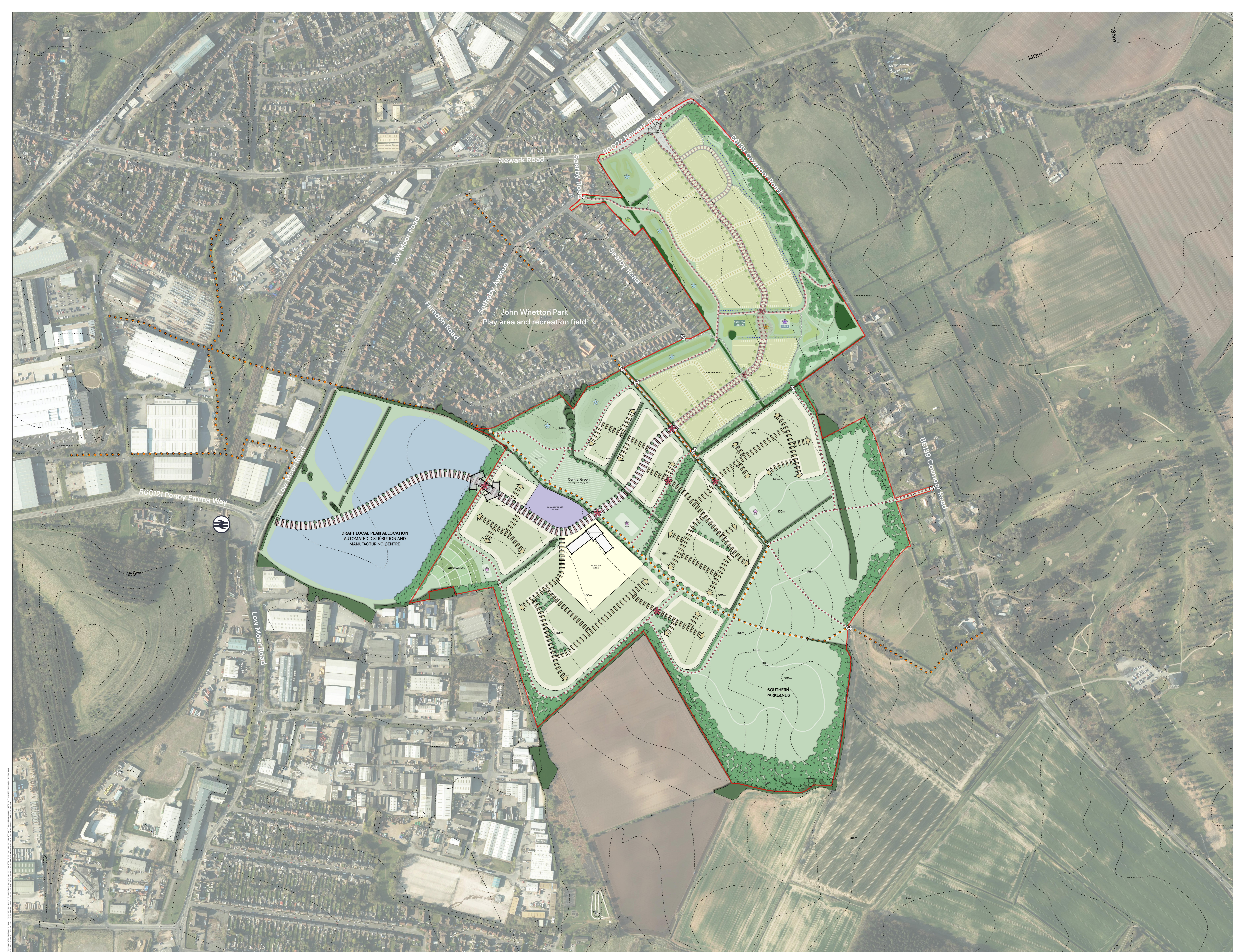
No comments.

- 10.9. Taking each proposed change to the Green Belt boundary as set out in document ADC.02a in turn, has it been clearly defined, using physical features that are readily recognisable and likely to be permanent as required by paragraph 143 of the Framework?**

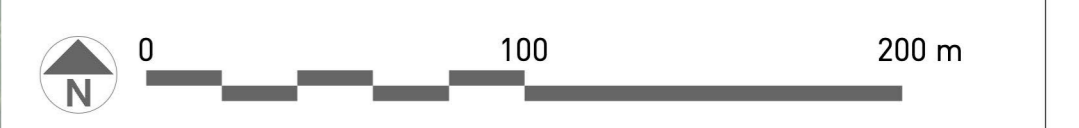
No comments.



## **Appendix A: South East of Sutton-in-Ashfield Concept Masterplan**



- Key**
- Site Boundary**  
Total: 75.64Ha  
[21.40Ha of total - Land off Newark Road (V/2022/0629)]
  - Residential Development**  
Total: 28.41Ha - circa 850 dwellings  
[0.62Ha of total - circa 300 dwellings - Land off Newark Road (V/2022/0629)]
  - Local Centre**  
0.70Ha
  - Primary School Site**  
2.00Ha
  - Adjacent Employment Land**  
Automated Distribution & Manufacturing Centre
  - ✦ **Sustainable Urban Drainage System**
  - ✦ **Play Space**  
NEAP, LEAP, Informal and Formal Play
  - ||| **Primary Street**
  - ||| **Streets & Lanes**
  - **Public Right of Way**
  - **Cycle and Pedestrian Movement**
  - ✦ **Key Pedestrian Crossing Point**
  - **Existing Vegetation**
  - **Proposed Buffer Planting**
  - **Proposed Trees**
  - Illustrative Sport Provision**



# Appendix B: Ashfield Local Plan Regulation 18 Sustainability Appraisal Main Report

Table 5.5 Reasons for the rejection of alternative spatial strategies

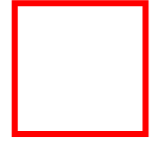
Option	Reason for rejection
<p><b>Option 3. Dispersed development</b></p>	<p>This option would rely on the development of smaller sites (i.e. sites of less than 500 units) dispersed across the District. This approach has not been selected as it does not represent an option which would best meet the identified housing needs and would result in sites coming forward in less sustainable locations.</p> <p>The small-scale nature of the sites under this option would not provide the economies of scale necessary to deliver infrastructure in the district in line with the identified vision in the plan. Furthermore, there would be inadequate opportunities to build on existing transport links, again due to the dispersed nature of the sites and their scale.</p>
<p><b>Option 4a and 4b. One large SUE adjacent Sutton/Kirkby (1000+ dwellings) with smaller sites (less than 500 dwgs) within and adjacent to existing settlements, with significant Green Belt release.</b></p> <p><b>(4a) Sub option 1 considers Sutton Parkway for a SUE</b></p>	<p>This option would rely on the release of a sustainable urban extension at Sutton Parkway in Kirkby in Ashfield along with the release of smaller sites within and adjacent to existing settlements including significant Green Belt release.</p> <p>The urban extension is located in the countryside on the Main Urban Area fringe. The site has been proposed for allocation in a number of draft Local Plans. <b>It has encountered substantial local opposition and it has not been politically acceptable for the site to be taken forward by the Council.</b> The site at Sutton Parkway was identified in the withdrawn local plan in 2018 for residential purposes. The Plan was withdrawn from Examination for a number of reasons including that:</p> <ul style="list-style-type: none"> <li>• The Emerging Local Plan Vision has a restrictive focus of concentrating development in and adjoining the urban and settlement areas, i.e. urban concentration. However, this is not ambitious enough to reflect the wider economic aspirations of both Government and the new Council Leadership.</li> <li>• The new Local Plan Vision will revisit the parameters of the withdrawn Local Plan, and reconsider issues such as the most suitable and sustainable locations for employment growth and housing allocations with the underpinning strategy of the Local Plan, to review future infrastructure requirements and to make the most of locational advantages such as Junctions 27 and 28 of the M1 motorway.</li> </ul> <p>Since this time, Ashfield has developed station masterplans and successful Town Fund bid reflecting employment uses associated with this transport hub at Sutton Parkway Railway Station. There are ongoing discussions with the owners of the land opposite the Station with a view</p>



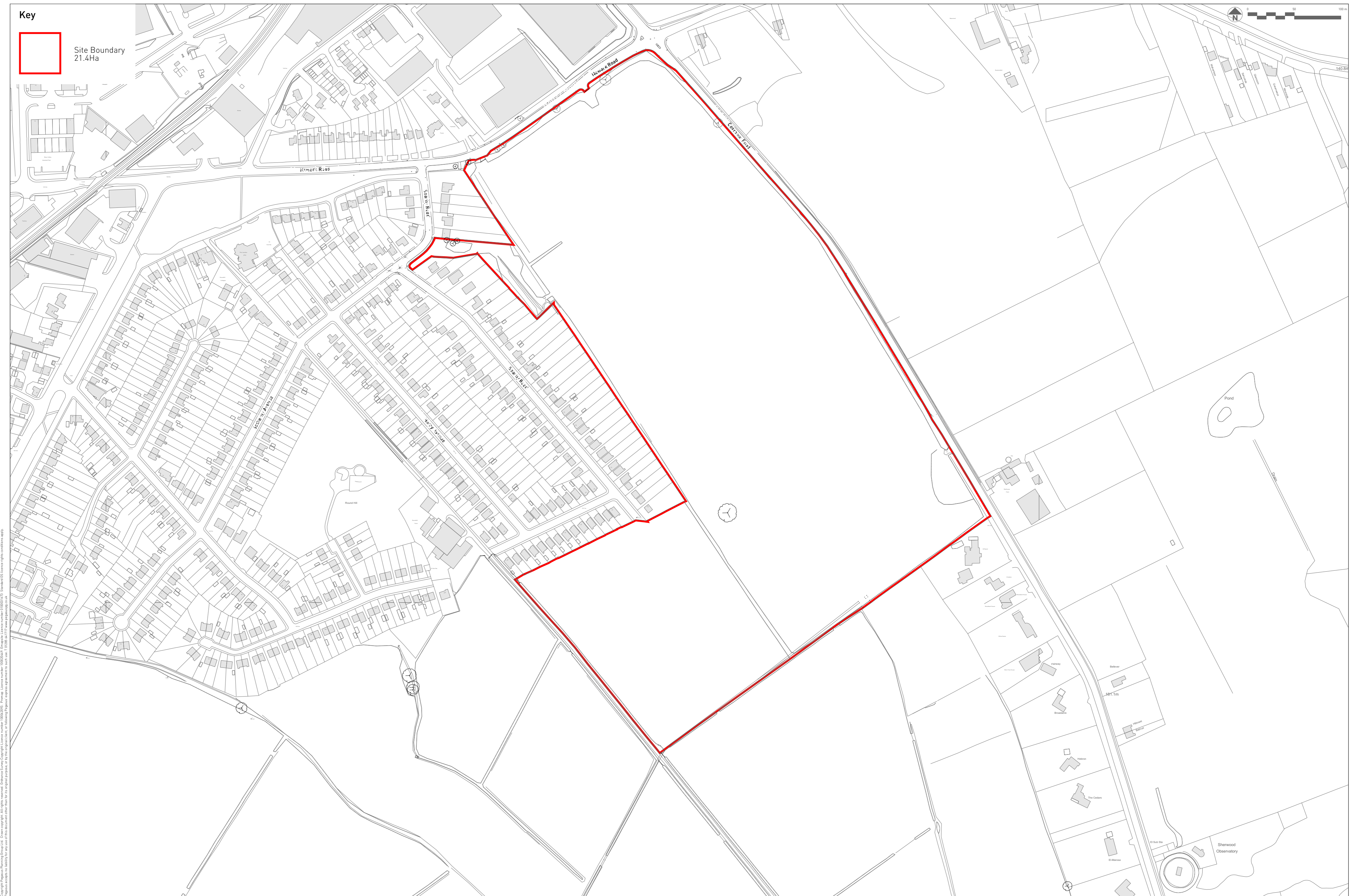
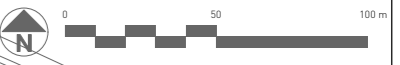


## **Appendix C: Land South of Newark Road Site Location Plan**

Key



Site Boundary  
21.4Ha

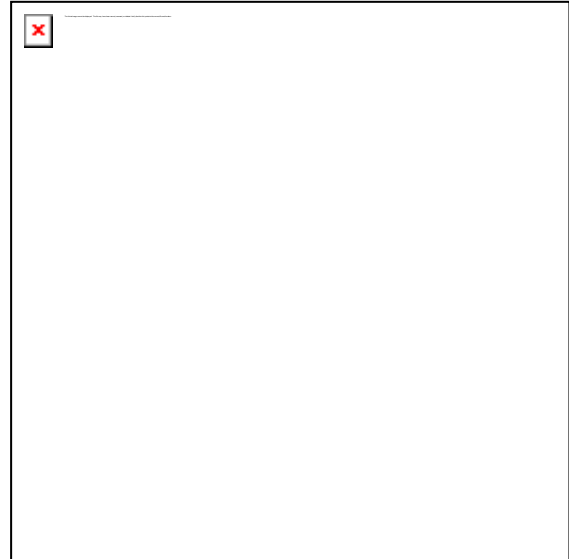


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## **Appendix D: Highways Comments on the Newark Road Planning Application**





**TOWN AND COUNTRY PLANNING ACT**

**HIGHWAY REPORT ON PROPOSALS FOR DEVELOPMENT**

<b>DISTRICT:</b>	Ashfield	Date received	23/08/2022
<b>OFFICER:</b>	Sam Muir		
<b>PROPOSAL:</b>	Outline with reserved matters - Access - Residential development of up to 300 dwellings	D.C. No.	V/2022/0629
<b>LOCATION:</b>	Land at Newark Road, Coxmoor Road, Sutton in Ashfield,		
<b>APPLICANT:</b>			

**Re-consultation**

Additional drawings have been submitted by ADC Infrastructure, the applicant's Transport Consultant, as follows:

- Drawing Ref. ADC1580-DR-012 Rev. P12 - Access junction layout
- Drawing Ref. ADC1580-DR-005 Rev. P11 - Improvements Coxmoor Rd/Hamilton Rd
- Drawing Ref. ADC1580-DR-006 Rev. P7 - Footway/Cycleway scheme Newark Road
- Drawing Ref. ADC1580-DR-015 Rev. P1 - Swept Path Assessment

The following comments relate to the above drawings:

**Coxmoor Road/Hamilton Road mini-rdbt (drawing ADC1580-DR-005 Rev. P11)**

There are small improvements to the retained mini-roundabout and a more detailed layout for the crossing.

There are still details of the toucan crossing layout which require minor amendment such as the zig-zag markings, hatchings etc.

The crossing links the existing shared use (line segregated) facility on the NW side of Hamilton Road coming from MARR with the potential route through the industrial area, exiting close to Kirkby Folly Road.

More detail is required to demonstrate how cycles from Coxmoor Road carriageway (approaching from the A38) will use the crossing.

The alterations to the mini-roundabout are to address the additional traffic generated by the development and they are relatively low key, being mainly an extension of the 2 lanes on Hamilton Road. The lane widths at the give-way line are unchanged.

### **Newark Road/Hamilton Road segregated cycle crossing (drawing ADC1580-DR-006 Rev. P7)**

The geometry of the cycle approach on the north side of Newark Road requires revision as the turn has to be more pronounced to allow cyclists to line up more perpendicular to the kerb at their stop line so that they approach the signals straight on and can easily look both ways for approaching traffic.

The arrangement on the southern side has been revised. The stop lines for cycles have been omitted on both sides and the points at which pedestrians are meant to cross the cycle track will need amendment to better suit desire lines.

### **Newark Road/Site access signalised junction (drawing ADC1580-DR-012 Rev. P12)**

The external kerb line at the westbound exit merge has been adjusted to bring the 2 lanes in together more gradually over the full length of the merge rather than having a long section of 2 lanes with a sudden sharp merge at the end.

The straight pedestrian movement across the access road when it is split between 2 phases at different times is a concern and a stagger is recommended.

The geometry suggests a reverse (right-left) stagger rather than the preferred convention of left-right to walk towards the traffic stream a pedestrian wishes to cross.

The all-round pedestrian stage 4 is included to cater for the pedestrian movement across the Newark Road eastbound exit. There may be a more efficient way to accommodate this pedestrian movement, for example, running it with the Newark Road east approach opening up early. Even with the current proposed staging, the all-round pedestrian stage 4 will only appear occasionally as it is called only by the pedestrians across the eastbound exit. Having the pedestrians across the side road served only in this stage will mean it is called more often, reducing the efficiency of the junction.

The cycle route on Newark Road has also been kinked slightly into the mouth of the side road to try and break up the visual continuity (and draw through) for cyclists. The splitter strip may need widening to allow the mounting of traffic signal equipment and a refuge to the north of the cycle route should be included in the mouth of the side road.

## Unregistered land

The matter relating to the unregistered land shown on drawing ADC1580-DR-012 Rev. P12 and mentioned in my previous comments of 27/03/24 remains. As previously stated, the Highway Authority still request that Works B option is carried out and that the applicant use best endeavours to achieve this. A suitable condition should be included to any permission granted to reflect this.

In view of the above, the Highway Authority would not wish to raise objection to this application and the following conditions should be included to any permission granted:

1. The development shall be limited to include up to 300 residential dwellings unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that traffic generated by the proposed development is commensurate with the ability for the adjacent highway infrastructure to safely accommodate the additional traffic in a safe and controlled manner, so as not to negatively increase delay and queuing on the wider highway network and in the general interest of highway safety.

2. The applicant shall use best endeavours to achieve Works B option for the footway/cycleway as shown on drawing no. ADC1580-DR-012 Rev. P12.

REASON: To provide good connectivity and encourage sustainable travel.

3. No development shall take place until such time as a programme has been submitted to and approved by the LPA covering the following works:

- i) The provision of the proposed signalised access junction including segregated footway/cycleway and associated highway improvements on Newark Road as shown indicatively on drawing no. ADC1580-DR-012 Rev. P12.

- ii) The amendments to the existing signalised junction at Newark Road/Cauldwell Road/Coxmoor Road as shown indicatively on drawing no. ADC1580-DR-012 Rev. P12.

- iii) The amendments to the existing mini-roundabout at Coxmoor Road/Hamilton Road as shown indicatively on drawing no. ADC1580-DR-005 Rev. P11 including provision of cycle facility and proposed toucan crossing and associated improvements.

- iv) The provision of the proposed footway/cycleway scheme on Newark Road, including the provision of a sparrow crossing and associated improvements, as shown indicatively on drawing no. ADC1580-DR-006 Rev. P7.

- v) The amendments to the existing mini-roundabout at Newark Road/Kirkby Folly Road as shown indicatively on drawing no. ADC1580-DR-004 Rev. P8.

vi) The provision of the pedestrian/cycle links to the existing Sutton in Ashfield locality including Searby Road, as shown indicatively on plan ref. ADC1580-DR 013 Rev. P8 (Pedestrian/Cycle Access Strategy).

vii) The extension of the speed limit along Newark Road as shown indicatively on drawing no. ADC1580-DR-012 Rev. P12.

The works shall be carried out in accordance with the agreed programme unless otherwise agreed in writing with the Local Planning Authority. For clarity these plans are conceptual ONLY and will be subject to detailed technical appraisal during the S278 process.

REASON: To provide sufficient capacity at the respective junctions and in the interests of pedestrian and general highway safety.

4. No part of the development hereby permitted shall take place until the new access into the site has been provided in accordance with the indicative drawing no. ADC1580-DR-012 Rev. P12. Note this does not have full S278 technical approval.

REASON: In the interests of highway safety.

5. No part of the development hereby approved shall be occupied until street lighting along the site frontage on Newark Road has been provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of general highway safety.

6. Prior to the commencement of each phase of development, a Construction Environmental Management Plan for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The construction Environmental Management Plan shall include:

- i) Measures to minimise the creations and impact of noise, dust and artificial lighting including wheel washing facilities for construction traffic.

- ii) A layout of the construction access including a drawing showing visibility splays and method statement for the use of banksmen.

- iii) Details regarding parking provision for construction workers and plans on the site.

REASON: In the interest of highway safety.

7. No part of the development hereby permitted shall be brought into use unless or until plans denoting the location of new bus stops within the site have been made to the satisfaction of the Local Planning Authority and shall include any of the following: real time bus stop flags, poles and displays including low voltage power source to the real time information pole location; polycarbonate bus shelter; solar or electrical lighting in

bus shelter; raised kerbs; enforceable bus stop clearway; lowered access kerbs;; additional hard stand (3.5m x &m if required), black top dressing (tarmacadam) and the above installed to an agreed timescale.

REASON: In the interests of promoting sustainable travel.

8. No part of the development shall be brought into use unless or until plans denoting a temporary bus turning facility within the site have been made to the satisfaction of the Local Planning Authority including a swept path analysis and the above to be installed to an agreed timescale.

REASON: In the interest of promoting sustainable travel.

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

REASON: In the interests of promoting sustainable travel.

### **Notes to applicant**

In order to carry out the off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties. Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 278 Agreement is issued.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

Stella Euerby  
Principal Development Control Officer

28/06/24

Town & Country Planning Act 1990 (as amended)  
Planning and Compulsory Purchase Act 2004

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