



MAP SCALE 1: 2000
CREATED DATE: 25/10/2023

COMMITTEE DATE 01/11/2023 **WARD** Jacksdale

APP REF V/2022/0066

APPLICANT A Baldwin

PROPOSAL Construction of 81 Dwellings and Associated Highways,
Drainage and Landscaping Infrastructure

LOCATION Land Adjacent 109 Main Road, Jacksdale

WEB-LINK <https://www.google.com/maps/@53.0570899,-1.3256039,16.5z?entry=ttu>

BACKGROUND PAPERS A, B, C, D, E, F, G & K

App Registered: 03/02/2022

Expiry Date: 31/09/2023

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee as the development scheme is a departure to the local development plan.

The Application

This is a full planning application for the construction of 81 dwellings with associated highways, drainage and landscaping infrastructure on land north off Main Road, Jacksdale. The proposed mix of properties is as follows:

- 2 bed semi / detached – 14 total
- 3 bed semi / detached – 39 total
- 4 bed detached – 26 total
- Self build plots – 2 total

The application site is identified as comprising an area of 4.19 hectares located between the settlements of Jacksdale and Westwood. The site comprises an agricultural grazing field, which slopes down towards Main Road to the south of the site and Bagthorpe Brook. To the east is Westwood Farm and Oak Tree Farm. Immediately abutting the site there is a complex of buildings and extensive hard surfaced area with an equestrian outlet beyond together with agricultural land. To the north is agricultural land and housing in Jacksdale/Westwood beyond. To the west is the Jacksdale Garden Centre and residential properties fronting onto Main Road. To the south beyond the mature hedge is a grass verge and across Main Road the sewerage pumping station, a number of houses and agricultural land.

Consultations

A press notice has been published and site notices have been posted, together with individual notification to surrounding residents and statutory consultees.

The following representations have been received:

ADC Environmental Health (Contamination):

A Ground Gas Monitoring Report has been submitted with the application, however part of this report, including the Coal Mining Report referred to in the Planning Statement has not. As such, a full contamination condition is recommended as part of any approval.

ADC Place and Communities:

No objections in principle to the proposal.

Seek developer contributions towards off-site play and young persons' provision and general open space improvements as set out below:

Off-site contribution of **£162,000**. The contribution is to be towards two sites:

- Main Road Recreation Ground
- Westwood Recreation Ground

TR6 contribution of **£81,000** for offsite contribution for active travel associated to the improvement of Footpaths FP24, BW23 and FP59.

ADC Planning Policy:

The site is located within the Green Belt. The proposal does not meet any of the exceptions for appropriate development set out within the NPPF or ALPR and therefore Very Special Circumstances will need to be established.

There are locally listed heritage assets in proximity to the application site. The significance of these will need to be taken into account in respect of loss or harm.

The JUS-t NP places an emphasis on landscape character - none of the view corridors identified relate to the application site. A landscape assessment has been submitted with the application which should be reviewed.

The site consists of land within Flood Zones 1, 2 and 3. Access and egress is through FZ 2 & 3. A sequential test will be necessary which has subsequently been submitted.

There are no identified national or locally designated sites identified on the application site. A Local Wildlife Site, Jacksdale Meadow East is located to the southeast of the site on the other side of Main Road. Information has been submitted on Biodiversity Net Gain which identifies a 10.23 % increase in habitat units and 41.88% in hedgerow units. No hedgerows are proposed to be removed as part of the development. The protection of the hedgerows is important as the Heritage Statement identifies in Figure 5, the 1844 Selston Tithe Map, that some of the boundary hedgerows date back to a least this time.

No footpaths are identified as being located on or immediately adjacent to the application site. A link to existing rights of way would be desirable in the context of the JUS-t NP policies, NP1, NP 3 and NP 8. This is reinforced by NPPF para 104 that identifies that opportunities for walking, cycling and public transport use are identified

and pursued. It is noted that the application identifies that a new right of way is proposed to be created to link the development with the existing Right of Way Selston BW26. However, this falls outside the application site and presumable consideration needs to be given to how this is taken forward if permission is granted.

ALPR Policy HG4 and NPPF paragraph 65 means that 10% affordable housing will be required in relation to the development. Consideration needs to be given to the findings of the Housing Needs Assessment 2020 and the national planning guidance on First Homes in considering the nature of the affordable homes provided.

Any development scheme should aim to achieve a permeable, safe and accessible environment with clear legible pedestrian routes and high quality public space. The ALPR sets out policies on design aspects and these are supported by SPDs on residential design and car parking, which provides detailed guidance on the standards of design the Council is looking to achieve. The JUS-t Neighbourhood Plan has a substantial emphasis on considering design aspects, the settlement pattern and landscape character.

Housing density requirements for this area require a minimum of 30 dwellings per hectare. Paragraph 5.69 sets out how the net density is derived. The proposed number of units is significantly below this requirement as, simply based on the site area, the number of dwellings per ha is 19.33. The ALPR recognises that it may not always be possible or appropriate to achieve minimum requirements, for example, where higher densities are not compatible with the site or its surroundings, (ALPR paragraph 5.65). But NPPF, paragraph 125 stresses that, where it is identified that where there is an existing shortage of land for meeting housing needs, planning decision should avoid homes being built at low densities and ensuring that development makes optimal use of the potential of each site.

In respect of housing mix, there is no relevant policy in the ALPR. However, the JUS-t NP sets out the that Schemes will demonstrate that housing development is a size and type and tenure to meet locally identified need.

ALPR Policy HG6 sets out the requirements for open space within new developments. Under the Policy as the site is more than 2 ha a minimum of 10% of the gross housing should be open space. The Policy is consistent with the NPPF, which in paragraphs 93 and 98 emphasises the important of open space reflecting both a design and health and wellbeing aspect. The application identifies the site area as 41,900 sq m (4.19ha) so that the open space area comprises approximately 29% of the gross area including the attenuation pond and the existing pond.

The NPPF advises that planning policies and decisions should support development that promoting healthy and safe communities emphasises the importance of planning positively for community facilities, ensuring sufficient choice of school places, and access to high quality open spaces respectively. Developer contributions are likely to be required in order to ensure a sustainable development, which satisfies NPPF requirements.

ADC Conservation:

Concur with the findings of the submitted Heritage Statement. The site lies between the setting of two locally listed buildings known as Westwood Farm to the east and St Mary's Church to the north-west. Whilst there would not be any discernible effect on St Mary's Church, there will be a very low level of harm to the significance of the adjacent farmhouse, in particular through the loss of a parcel of agricultural land with which there is a functional and visual relationship with the locally listed building. However, unlike with designated heritage assets, there is no requirement to give such harm great weight, nor clear and convincing justification for any harm, and instead there is a requirement to have a balanced judgement (para 203 of the NPPF).

In terms of heritage values, the significance of the asset will largely be retained, in particular through its architecture, its immediate setting and the wider setting to the north, south and east. It is therefore considered that the harm is outweighed by this, and in heritage terms, would be acceptable.

ADC Ecology:*First Set of Comments*

An updated Preliminary Ecology Appraisal (PEA) (as required by Nottinghamshire Wildlife Trust) has been submitted. This updates the now 'out of date' PEA and is based on survey data collected in August 2023. The following comments are made:

- Potential impacts on Bagthorpe Brook and associated species will need to be reviewed/confirmed once the drainage strategy is firmed up.
- A GCN presence/absence survey of the pond at the southern end of the site will need to be undertaken, with the results indicating what mitigation will be required.
- The vegetation on/around the site and the pond offers potential roost, foraging and commuting habitats for bats. Activity surveys will need to be carried out.
- There is no Phase 1 Habitat plan included with the PEA which indicates the location of trees with bat roost potential. Some of the trees along the sites northern and western boundaries have no buffer between proposed gardens and access roads, making light pollution and disturbance to bats likely. A Phase 1 habitat plan is required.
- Although no evidence of badgers was found during any of the site visits, the habitats described within the PEA may provide foraging and set building opportunities for the species. Further information, including commencement checks and precautionary working methods in relation to badgers will be required.
- Precautionary working methods described within the PEA relate to hedgehog, reptiles, birds and brown hare – these should be adhered to.
- A Biodiversity Net Gain (BNG) Design Stage Report has not been provided – this should include details of the long-term management and monitoring plan of created or enhanced features. The Landscape Ecological Management Plan (LEMP) only covers a 5-year period, not the broader 30-year lifetime of the BNG commitment.
- Consideration needs to be given to the condition of habitat creation and how this is recorded within the Biodiversity Metric.

Second Set of Comments (Following Amendments/Revisions)

- The strategic significance of habitats has not been correctly considered within the BNG assessment. Lowland natural grassland (other neutral grassland) and species-rich hedgerows are priority habitat for Nottinghamshire and Ashfield and are therefore strategically significant (marked as having no local strategic importance).
- Soil analysis will be required on the area proposed for other neutral grassland creation.
- A Biodiversity Enhancement Management Plan should be submitted to show how the proposed habitats will be created and managed over a 30-year period. This should include other enhancement measures such as bird and bat boxes, sift bricks and hedgehog highways.
- Tree T2 has been assessed as having moderate bat roost potential. The layout indicates that an approach road and driveways to two dwellings will be sited near to the tree.
- A lighting strategy setting out lighting parameters and likely mitigation requirements should be conditioned as part of any approval.
- A Method Statement detailing methodology of habitat removal in respect of reptiles, amphibians, brown hare, badger and hedgehog should be produced prior to works commencing.

ADC Waste Services:

The proposed layout would mean that waste collections to a number of properties couldn't be undertaken by the Council. The layout needs to be reviewed to design out this risk through the removal of dead ends and areas inaccessible to refuse vehicles. The road surface and layout needs to be appropriate for a standard size 32ft refuse collection vehicle.

Selston Parish Council:

Object to the proposal on the grounds of Green Belt and flood risk. The site is located within the Green Belt and development of the site would be contrary to planning policy. Very Special Circumstances do not appear to exist as there is evidence gathered in support of bring forward other sites forward for development in Jacksdale/Westwood.

Site is also in an area designated at Flood Zone 2. The proposal should ensure that it is in accordance with national and local plan policies by ensuring that there is sufficient surface water management and does not increased the risk of flooding elsewhere. Main Road is located within Flood Zone 3, and the extent and frequency of flooding in the locality is reflected in local residents comments. The road floods every time there is heavy rainfall and Bagthorpe Brook – opposite the site – also regularly overflows.

Local infrastructure will also be unable to cope with the development of the site, in addition to the amount of development also planned for nearby villages (allocated sites within the JUS-t NP, and those with extant permissions). Development of the site could also encourage further development on the adjacent land to be brought forward.

Nottinghamshire County Council (NCC):

The County Councils comments set out the policy position in respect of Waste, Minerals, Transport and Education. The county planning context is set out below:

NCC Minerals:

The site lies within a Mineral Safeguarding and Consultation Area for surface coal, however due to the nature of the potential resource, there will be little scope for prior extraction. The county council therefore raises no concern in this respect.

NCC Archaeology:

No comments to make on the application.

NCC Waste:

There are no existing waste sites in the vicinity, which the development could sterilise. The proposal is likely to generate significant volumes of waste through both the development and operational phases. It would be useful if the application was supported by a waste audit.

NCC Strategic Transport:

There are no observations to make in respect of the strategic highway.

NCC Transport and Travel:

The site access appears to be via an existing field access onto Main Street with the closest bus stops being AS0038 and AS0729 Brinsley Hill approximately 180 metres from the centre of the site, measured along the proposed path running north-south to the junction of Brinsley Hill with Main Road.

- The closest bus stops are located on Brinsley Hill, approximately 180m from the centre, measured along the proposed path running north-south to the junction of Brinsley Hill with Main Road.
- The frequency of services, serving key destinations, means that a contribution is not required towards local bus service provision.
- A bus stop service infrastructure contribution of **£32,100** is required for improvements at two bus stops (AS0038 and AS0729 – Brinsley Hill). This will include the installation of real time bus stop poles & displays including associated electrical connections, extended hardstands, polycarbonate bus shelters and solar lighting.

NCC Rights of Way:

No objections to the proposal. All nearby rights of way run outside the site and are not affected by the development.

NCC Education:

The proposed development of 81 dwellings on the above site would yield an additional 17 primary, 13 secondary and 2 post 16 aged pupils. Based on current data there is projected to be sufficient capacity to accommodate the additional primary and secondary school aged pupils projected to arise from the proposed development. As a result, the County Council will not be seeking any primary, or secondary education, contributions to mitigate the impact of this development.

NCC Highways Authority:

First Set of Comments

A Transport Assessment has been submitted in support of the proposal. Vehicular access is proposed to the south-east of the existing junction of Main Road and Brinsley Hill. The following comments were received:

- Speed surveys have been undertaken to ascertain visibility splays required on access. This approach is incorrect for the location of the site. Splay/forward visibility sightlines should be commensurate to the speed of the highway – speed limit is 40mph, visibility splays should be 120 metres. The visibility splays, as currently proposed, are unacceptable. Although a Road Safety Audit has been provided, this has no bearing on the acceptability of the proposed splays.
- Reduced speed signage showing 30mph are some 90 metres west from the proposed vehicular access – unlikely that vehicles will be reducing speeds at the proposed point of access.
- The design parameters of the junction are in accordance with the NCC design guide for adoption.
- The trip rates produced and applied are deemed to be significantly low for the sites location. The sites chosen in TRICS have not been demonstrated to be comparable with application site. The developer should survey similar development sites within NCC to establish more reliable trip generation figures.
- The closest junctions on each of the main routes has been considered as part of the traffic impact assessment – the approach taken to this is unacceptable. All junctions need to be appropriately modelled and assessed to demonstrate that there would be no impact from the development.
- The Travel Plan needs to be substantive and should include reference to suitable targets for public transport modal share to achieve an uplift. A Sustainable Travel Contribution of **£10,000** is requested for residents of the development which may include, but not exclusively the use of taster tickets for travel on public transport and/or bus service enhancements. The developer will also be required to fully fund the cost of bus stop improvements.
- A pedestrian and cyclist access should be provided at the south western end of the site off Main Road to enhance site permeability for pedestrians and cyclists.
- All dwellings are to be provided with cycle stores.
- A scheme should be submitted which provides a 2m wide footway and 2m wide cycleway from the proposed access along the site frontage in accordance with LTN 1/20.
- Car parking provision has been provided in accordance with required standards.
- It is advised that all parking bays have EV charge points.
- The internal road layout is assumed will be adopted; the extent of proposed adopted highway is required to be demonstrated on any future plans submitted. Key dimensions should be indicated on the proposed layout.

Second Set of Comments (Following Amendments/Revisions)

- NCC maintain that the visibility splays at the site access should be 2.4m x 120m in both directions. Removal of the hedgerow will be required and the area to the front of the visibility dedicated as highway.
- As an extension to the 30mph speed limit/reduction in 40 mph has been suggested. To achieve a reduction in the speed limit to accommodate a lesser visibility is not normally supported unless the area becomes built up with enhanced lighting and other speed reducing features.
- No further information received regarding previous concerns around the trip generation rates.
- PROW between the development site, Westwood and Jacksdale via route 26 can be agreed with surfacing details etc. by condition.
- Bin collection points on plot and on private drives are in acceptable locations. Appropriate access can also be achieved for refuse and fire vehicles.
- 2m wide footways need to be included on ends of turning facilities.
- As the design speed has been stated as 20mph, there are areas of the development that may benefit from Traffic Calming features to maintain low speeds, and these need to be shown.

Third Set of Comments (Following Amendments/Revisions)

- The access arrangement onto Main Road should have visibility at the access of 2.4m X 120 metres based on a design speed of 43mph/70kph. The speed limit on this existing road is 40mph reducing to 30mph along the site frontage towards Brinsley Hill junction. Actual speeds have been recorded over a 7-day period. Southwest bound traffic has actual 85%ile speed readings of 36.7mph, whereas Northeast bound traffic has 38.4mph. In line with design guidance, allowing for a 3mph increase in the actual speed readings, southwest bound traffic should have 2.4m x 103.5m splay and Northeast bound traffic should have a 2.4m x 112m splay at the access.
- The access is located in the most optimal position having regard to an existing mature tree on the eastern boundary and an area of FZ 2 to the west. The visibility to the southwest, (for northeast bound traffic) is 2.4m x 120m which is acceptable and visibility to the northeast, (for southwest bound traffic) is 2.4m x 101.5m. The 2m deficit is considered acceptable as the majority of traffic travelling along Main Road towards the site access will be travelling on the left-hand side of the road, on the opposite side to the access. The visibility is shown into the nearside running lane and is in the noncritical direction. Visibility to the opposite running lane from the access will be greater, therefore the visibility is considered acceptable.
- There is an existing street lighting system along the south side of Main Road including the frontage of the site and this will be reviewed at detailed design stage when the access junction and works on Main Road are put forward for design approval to the highway authority.

- In order to enhance the 30mph speed limit on approach to Brinsley Hill junction and Jacksdale Village it may be beneficial to incorporate speed reduction indicators or enhancements to make it clearer to drivers that they are entering a 30mph zone
- Refuse and fire strategy-It is accepted that the bin storage facilities and fire recommendations have been addressed and are acceptable.
- 2m footways have been provided and a 3m wide cycleway/footway link to the south of the site towards Brinsley Hill is proposed.
- Internal traffic calming in the form of speed tables are proposed in front of plot 29-31 and the side of plot 3. These are acceptable.
- Visitor Parking numbers and locations, and cycle storage are acceptable.
- All properties to have EV charge points.
- Subject to Section 278 approval, the cycle/footway and the bus stop facilities on Main Road are acceptable.
- No SuDs are proposed to be approved or adopted by the HA.

The scheme, as now submitted, is considered acceptable. Conditions are recommended as part of any grant of permission.

NCC Local Lead Flood Authority:

No objections, subject to condition requiring a drainage scheme to be submitted, which is based on the principles in the submitted Flood Risk Assessment and Drainage Strategy.

Nottinghamshire Ramblers Association:

No comments to make on the application.

Nottingham and Nottinghamshire Integrated Care Board:

No objections to the proposed development. Request a contribution of **£43,891.88** towards local healthcare provision. This will provide enhancements to the capacity and infrastructure at either: Jacksdale Medical Centre, Selston Surgery or Ashfield Centre.

Environment Agency:

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if a planning condition is included requiring the development to be carried out in accordance with the submitted flood risk assessment, which requires all finished floor levels to be set no lower than 71.55 metres above ordnance datum (AOD).

Results of the intrusive investigation on site have not identified any contamination of significant concern with regard to controlled waters. There are still uncertainties as to whether this site has been infilled in the past, given the records of it being an historic landfill site. Further site investigations to greater depths should be undertaken across the entire site, along with groundwater level monitoring and soil sampling. This should be secured via condition.

Severn Trent Water:

No objections to the proposed development subject to a drainage condition.

The Coal Authority:

Do not object to the proposal subject to conditions pertaining to further ground investigation works, and confirmation that the site has been made safe and stable for the approved development prior to occupation.

Natural England:

No comments to make on the application. Standing advice can be used to assess the proposal.

Nottinghamshire Wildlife Trust:

The trust raise concerns regarding the submitted preliminary ecological appraisal (PEA), LEMP, landscape plans and in respect of biodiversity net gain (BNG). These are summarised below:

PEA

- PEA should be updated to an Ecological Impact Assessment.
- Further great crested newt surveys on the pond required.
- Avoidance measures to address the impact on protected species required.
- Wording in relation to breeding birds should be amended.

LEMP

- Clarification on the frequency of hedge cutting needed
- Use of herbicides should be discouraged.
- Period for removal of materials from site is too long – needs reducing to 72hrs.

Landscape Plan

- Does not include any details on plants/trees/seed mixes.
- No planting specification.
- Artificial habitats should be marked on the landscape plan – this should include their spec and installation advice.

BNG

- Headline results suggest the development will achieve 10.23% habitat units and 41.88% hedgerow units – this has not been supported by the submission of the metric calculations nor the accompanying BNG design stage report.

NB: Further information seeking to address the above comments have been received. Nottinghamshire Wildlife Trust have been consulted on the amendments, however no further comments have been forthcoming.

Community Representations:

193 letters/emails have been received from 171 individuals. The contents of these are summarised below:

Objections

Environment and Wildlife

- Land is designated green belt – development of the site would result in sprawl, development in the countryside and the merging of two settlements.
- Loss of agricultural land – needed to feed the nation.
- Wildlife, vegetation, grassland and other natural surrounding being displaced, uprooted & destroyed. Loss of birds, water voles, bats, fish, reptiles.
- Important view corridors lost.
- Pollution caused by extra traffic / increase carbon footprint.
- Set a precedent for development on neighbouring land.
- Site is semi-rural in nature.

Highway Safety Issues

- The proposal and the extra vehicles it will lead to (both during construction and occupation thereafter) will exacerbate traffic and parking problems in the area, putting children, the elderly, and disabled people at risk.
- Local road network is already congested.
- Inappropriate location of the access – in a 40mph zone where people speed and on a bend.
- Increased likelihood of vehicular/vehicular and vehicular/pedestrian conflict.
- Inappropriate parking facilities provided on site.
- Deterioration of local roads.
- Local bus service is poor and will not adequately serve the site.

Flooding and Drainage

- Site lies in flood zones 2 and 3.
- Area designated as the access regularly floods.
- Main Road is susceptible to significant flooding events.
- Exacerbate flooding in the local area – increased hard surfacing and loss of green space.
- Existing sewage system will be unable to cope with new foul water connections – Severn Trent objected to previous schemes.
- Bagthorpe Brook remains unmaintained.
- Disagree with the calculations within the flood risk assessment.
- One additional pond will not prevent flooding.

Residential Amenity

- Disruption during and after construction – noise, dust, odours and emissions.
- Loss of quietude.
- Loss of green space will have a negative impact on the physical and mental well-being of local residents.

Land Stability

- High risk area for coal mining.
- Land is known to be contaminated.

Local Infrastructure

- Infrastructure. Extra demands upon utilities, health, education, community and other services.
- Overwhelm the small scale of the village.
- Lack of shops and amenities within the village to support this scale of development.
- Proposal does not provide for any new infrastructure.
- Unsustainable location outside boundary of Jacksdale village.

Heritage

- Detract from local heritage assets adjacent to the site.

Other Issues

- Overdevelopment of the site.
- More appropriate sites within Jacksdale and further afield.
- Vacant properties in the village should be renovated first.
- Contrary to the local development plan.
- Previous applications have been refused on this land – nothing has changed.
- Houses would be unaffordable for local people.
- Council should purchase land and create a country park.
- No employment opportunities in Jacksdale – people will have to commute to nearby villages/towns/cities.

Support

- Enrich local economy – investment in local services and increased expenditure in local shops and services. Further investment through increased Council Tax.
- Provide high quality homes for local people allowing people to remain in the village.
- Improve local transport provision.
- Improve current drainage provision and reduce likelihood of flooding.
- Will improve access to open space.
- Creation of new jobs.
- Provides for improved biodiversity/habitats on site.

Policy

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

Ashfield Local Plan Review (ALPR) 2002

The following ALPR 'saved' policies are considered to be relevant to the application:-

- Policy ST1: Development.
- Policy ST3: Named Settlement.
- Policy ST4: Remainder of the District.
- Policy EV1: Green Belt
- Policy EV2: Countryside
- Policy EV6: Sites of Importance for Nature Conservation.
- Policy EV8: Trees and Woodlands.
- Policy RC8: Recreational Routes.
- Policy HG3: Housing Density.
- Policy HG4: Affordable Housing.
- Policy HG5: New Residential Development.
- Policy HG6: Open Space in Residential Developments.
- Policy TR2: Cycling Provisions in New Development.
- Policy TR3: Pedestrians and People with Limited Mobility.
- Policy TR6: Developer Contributions to Transport Improvements.

Jacksdale, Underwood & Selston Neighbourhood Plan (JUS-t NP) 2017

- NP1: Sustainable Development.
- NP2: Design Principles.
- NP3: Protecting the Landscape Character.
- NP4: Housing Type.
- NP8: Improving Access to the Countryside.
- Appendix E - JUS-T Place Analysis

Material Considerations

National Planning Policy Framework (NPPF) 2021

- Part 2: Achieving sustainable development, in particular Para 11 *'the presumption in favour of sustainable development'*.
- Part 5: Delivering a sufficient supply of homes.
- Part 8: Promoting healthy and safe communities.
- Part 9: Promoting sustainable transport.
- Part 11: Making effective use of land.
- Part 12: Achieving well-designed places.
- Part 13: Protecting green belt land.
- Part 14: Meeting the challenge of climate change, flooding and coastal change.
- Part 15: Conserving and enhancing the natural environment.
- Part 16: Conserving and enhancing the historic environment.

The NPPF at para. 3 identifies that the NPPF should be read as a whole including its footnotes and annexes.

Together with supporting Planning Practice Guidance.

Other Documents

- Residential Design Guide SPD 2014.
- Residential Car Parking Standards 2014.
- The National Design Guide (2020).
- National Model Design Code (2021).
- Building for a Healthy Life (2020).
- Gear change: a bold vision for cycling and walking (2020).
- Cycle infrastructure design (LTN 1/20) (2020).
- Manual for Streets 2 (2010).
- ODPM Circular 06/2005 Biodiversity and Geological Conservation.

Relevant Planning History

V/2021/0043

Details: Construction of 100 Dwellings and Associated Highways, Drainage and Landscaping Infrastructure
Decision: Withdrawn

Comment

The main issues in the determination of this application are as follows:

1. Background and Context
2. Principle of Development
3. Housing Density and Mix
4. Landscape Character
5. Layout, Appearance and Design
6. Impact upon Residential Amenity
7. Biodiversity
8. Drainage and Flooding
9. Highway Capacity and Safety
10. Other Issues
11. Planning Obligations
12. Very Special Circumstances
13. The Planning Balance and Overall Conclusions

1. *Background and Context*

A previous full application for the site comprising the construction of 100 dwellings and associated infrastructure was submitted to the Authority in 2021, under planning reference V/2021/0043. The application was subsequently withdrawn in August 2021 after concerns were raised by officers regarding the scheme.

Concerns were raised in respect of the following:

- Green Belt - The proposal would constitute inappropriate development in the Green Belt, for which '*Very Special Circumstances*' has not been demonstrated. Officers did not agree with the applicants critique of the Council's Strategic Green Belt Review.
- Flooding/Drainage - Parts of the site lie within Flood Zones 2 and 3, in which attenuation features and the site access were proposed; the latter of which would prevent emergency vehicles from being able to gain access to the site when flooding occurs. Issues were also raised regarding the submitted Flood Risk Assessment.
- Heritage - The site forms an important setting for nearby heritage assets and development of the site would form an unnecessary intrusion into the open countryside and this would be detrimental to the setting of heritage assets. Limited archaeological details had been provided.
- Biodiversity - Further details in respect of biodiversity were required, in addition to the provision of a robust programme for Biodiversity Net Gain (BNG).
- Highways - Highway issues were raised in respect of the location of the site access and whether appropriate visibility could be achieved, the internal site layout, the feasibility of providing footpath linkages and the lack of a footway along the site frontage.
- Landscape - A Landscape Visual Appraisal was submitted indicating the site was of medium value but the conclusions drawn suggested that there would be no unacceptable harm to the local landscape context or visual receptors. The impact was considered to be underplayed and there was a lack of assessment in regards to St Mary's Church.
- The submitted layout would be out of keeping with the pattern of development found within Jacksdale, as per analysis within the JUS-t NP. The layout was also considered to result in little connectivity with the wider area, affordable housing was not well integrated with the rest of the development, and the retained Oak tree was not made a feature.

The issues raised by officers and consultees has driven the revised submission. As will be discussed in detail below, the fundamental changes include a reduction in the number of units proposed from 100 to 81; the relocation of the access; a revised surface water management scheme; biodiversity enhancements; a redesign to the internal layout of the scheme; and the retention/creation of view corridors created/opened up. Other refinements have also been proposed.

2. Principle of Development

Green Belt

The application site is located outside of the Districts main urban areas and named settlements, in an area classified as Green Belt as set out in policies ST4 and EV1 of the ALPR. While Policy EV1 is broadly consistent with the provisions of the NPPF in relation to the Green Belt, it is recognised there are inconsistencies with specific aspects.

The site also falls within the area covered by the JUST Neighbourhood Plan 2017-32 (NP) and although this plan does not allocate site for development or alter Green Belt Boundaries it provides local policies to guide future development. Notwithstanding the concerns raised by the Parish Council, the site is not identified as appropriate for housing but it is also not identified as having any specific constraints except being located in the Green Belt.

The land forming the application site comprises of agricultural grazing land which is verdant in appearance and is presently free from any built development. In its current form, the site is considered to positively contribute to the rural nature of the surrounding locality and the openness of the Green Belt in this location.

Under the NPPF, all development in the Green Belt is prima facie inappropriate and can therefore only be justified by very special circumstances unless they fall within the specific exceptions set out in paragraphs 149 and/or 150 of the NPPF. This reflects that in terms of the policy, development in the Green Belt is, by definition, harmful as the fundamental aim of the Green Belt is to keep land permanently open; the essential characteristics of Green Belts are their openness and their permanence (NPPF para.137). Although there is no definition of 'openness' within the NPPF, the Government Planning Practice Guidance (PPG) refers to assessments of openness as being informed through consideration of spatial and volumetric aspects, the duration of the development and the degree of activity likely to be generated. NPPF paragraph 148 requires that local authorities should ensure that substantial weight is given to any harm to the Green Belt as part of decision making.

Subsequently, unless development falls within the exceptions list, there must be '*very special circumstances*' capable of clearly outweighing the harm by reason of inappropriateness and any other harm that might be caused by the proposed development.

The proposed development of the site for 81 dwellings is deemed to be inappropriate and the scale of development proposed would have both spatial and visual impacts on the site, which is considered harmful to the Green Belt in this location. Very special circumstances would therefore need to be demonstrated to outweigh the presumption to resist the proposal.

Strategic Green Belt Review

In 2016 the Council undertook a Strategic Green Belt Review (SGBR) which assess land parcels and their performances against the five purposes of the Green Belt (SGBR, Figures 1 and 2), as set out in paragraph 134 of the NPPF:

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

The SGBR is a two-stage process:

- Assessment 1 - Assessment 1 gives a broad overview of the performance of the Green Belt at a strategic level using the criteria set out in Figure 1 of the SGBR and the Matrix in Figure 2.
- Assessment 2 - The broad areas from Assessment 1 were then divided into sites, using defined physical feature such as roads, railways, watercourses, tree belts, woodlands, ridgelines or field boundaries to determine suitable sites for assessment. Sites were then assessed again in the same way as in Assessment 1.

The SGBR is a technical exercise and does not determine whether or not land should remain or be excluded from the Green Belt, nor is it the role of the SGBR to establish whether exceptional circumstances exist.

Both the broader and more site specific assessments were given an overall score ranging between 4 (low) and 20 (high). The application site falls within the Strategic Site J01 – Land off Main Road, Jacksdale, which scores a 6 (out 20) as part of Assessment 1. However once the strategic site is sub-divided as part of Assessment 2, the parcel of land which forms the application site scores a 12 (out of 20), performing highly for purposes 1 (unrestricted sprawl) and 3 (safeguarding the countryside from encroachment).

As part of the submission, the applicant has set out some questions regarding the SGBR of the application site, concluding that *“whilst the Green Belt Review is detailed, there are flaws in the assessment criteria and matrix and within some of the conclusions of the review. It is considered that the scores awarded to Site 4 [the application site], when assessing the effectiveness of the site to contributing to purposes 1 and 3 of the purpose of the Green Belt, are too high.”*

Whilst the site score is a matter of planning judgement, the SGBR identifies that the site meets the purposes of the Green Belt as set out in the NPPF and is correctly identified as being part of the established Green Belt.

The site lies immediately adjacent to existing residential properties located to the west which are within the settlement boundary of Jacksdale, and immediately adjacent to

Jacksdale Garden Centre, a brownfield site, which although part of the Green Belt in this location, forms part of the built form of Jacksdale. To the east of the site is Westwood Farm, and a storage area and hardstanding associated with Oak Tree Farm. Main Road runs along the southern boundary of the site, whilst mature hedgerows and trees line the eastern and northern borders, delineating the site from further agricultural land, particularly to the north.

Whilst the site plays a role in the transition from the built area of Jacksdale into the open countryside and the sporadic development to the east, the site is nevertheless considered to have strong defensible boundaries. The development of the site, which is bounded on three sides by existing development, could therefore be seen to 'round off' the settlement of Jacksdale, with the farmsteads to the east of the site providing a new urban rural fringe, affording a gradual introduction to the built form of Jacksdale.

3. *Housing Density and Mix*

Housing density requirements are set out in ALPR saved Policy HG3. In this location, the Policy requires a net minimum density of 30 dwellings per hectare (dph). The proposed number of units is significantly below this requirement as simply based on the site area the number of dwellings per ha is 19.33.

The ALPR recognises that it may not always be possible or appropriate to achieve minimum requirements, for example, where higher densities are not compatible with the site or its surroundings. Due to site constraints, namely the southern portion of the site being located in flood zones 2 and 3, circa 28% of the site is to be provided for green and blue infrastructure. When taking this into consideration, the proposed density amounts to 26.8 dph, which although remains below the requirements of the local development plan, is considered to take into account the location and character of the site on the urban rural fringe of Jacksdale.

In respect of housing mix, there is no relevant policy requirement within the ALPR. The JUS-t NP however sets out that schemes will demonstrate that housing development is a size, type and tenure to meet locally identified needs (Policies NP1 and NP4) and that a range of house types including two bedroom dwellings to suit older people and first homes should be included (Policy NP4).

The Council Housing Need Assessment (CHNA) 2020 identifies the different recommendations for housing mix in relation to market housing, affordable home ownership and affordable rent on a district basis. The assessment identifies that in Jacksdale, housing mix on new developments shall comprise of:

Submarket	Housing Type	1 Bed	2 Beds	3 Beds	4+ Beds
Selston & Jacksdale	Market Housing	1%	31%	51%	17%
	Affordable Housing	7%	37%	53%	3%

Source: The Greater Nottingham & Ashfield Housing Need Assessment, September 2020, Icenl.

The housing mix proposed as part of this development comprises of:

Submarket	Housing Type	1 Bed	2 Beds	3 Beds	4+ Beds
Selston & Jacksdale	Market Housing	0%	11%	51%	38%
	Affordable Housing	0%	75%	25%	0%

Source: Peveril Homes Planning Layout. Drawing No 20-480-03 Rev C.

As evidenced above, it is acknowledged that the housing mix proposed does not match the requirements identified in the assessment. However, this does not take into account other developments permissioned elsewhere within the submarket of Selston and Jacksdale. Nevertheless it can be seen that there is a mixture of house sizes and tenures which will go some way to meeting local need.

The site has been identified due to its highly sustainable location being close to public transport access, the village centre and everyday facilities. The mix includes smaller two bedroom properties for first time buyers, families and downsizers as well as larger three and four bedroom family homes, along with two serviced plots for the aspirational self-build families or individuals. In accordance with the JUS-t NP, a proportion of bungalows have been proposed to be provided as part of the development, meeting the aims of Policy NP1 and NP4.

4. Landscape Character

Paragraph 130 of the NPPF provides amongst other things that planning decisions should ensure that developments are: ‘sympathetic to local character and history including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)’. Paragraph 174 identifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

Consequently, no landscape is considered valueless, however what is defined as a ‘valued’ landscape is not defined within the Framework. The leading court case [Stroud District Council v SSCLG 2015] on what constitutes a valued landscape is the Stroud judgement, which deals with whether the countryside in question has demonstrable physical attributes (rather than just popularity) which would take the site beyond mere countryside. In other words, whether the attributes take the landscape beyond the ‘ordinary’ or ‘everyday’.

The ALPR identifies Mature Landscaped Areas (MLA) under policy EV4. MLA’s are a local countryside designation to identify and protect valuable and vulnerable parts of Nottinghamshire’s Landscape which have remained relatively unchanged over time. The application site is not identified as being within a MLA.

The JUS-t NP places an emphasis on landscape character. This is outlined in the following policies:

Policy NP1 – Sustainable Development, stipulates that (3c) *‘where appropriate, schemes will also demonstrate... respect for the existing landscape character and green infrastructure’*.

Policy NP2 – Design Principles, sets out that (3) *‘In Jacksdale development should include the following characteristics or demonstrate that these are not appropriate for the scheme concerned to: a) incorporate far views where possible to retain the distinct relationship with the landscape.’* (5) *‘Where possible, new development should provide for sustainable patterns of movement and integrate development into the existing settlement. Direct, safe and pleasant connections are sought.’*

Policy NP3 seeks to protect the landscape character of the neighbourhood plan area, and stipulates that any development proposals are required to protect identified view corridors (Map 4 and Appendix D) and demonstrate that the scheme adheres to the Landscape Actions for that particular policy zone in the Greater Nottingham Landscape Character Assessment (GNLCA).

Although concerns have been raised by the Parish Council in respect of landscape character, none of the view corridors identified in Map 4 around Jacksdale/Westwood relate to the application site. In relation to the GNLCA, the site is located draft policy zone (DPZ) NC03 (Selston and Eastwood urban fringe farmland); area NC03 is described as having an undulating topography that gives some long views over the patchwork of agricultural fields and settlements. The strength of the landscape character is considered ‘Moderate’ and as such there is an emphasis on enhancing the landscape. Amongst other things, the Landscape Actions for this area include restricting further urban edge expansion and promoting measures to achieve a better integration of settlements into the wider landscape through the planting of small groups of hedgerow trees and the careful placement of built development to reduce its prominence in the landscape.

A Landscape and Visual Appraisal (LVA) forms part of the application. The LVA is comprehensive and assesses the impact of the development on the wider landscape. Soft landscape proposals, alongside a landscape management plan, have also been submitted in support of the application.

The site is currently used for grazing and is enclosed by a combination of hedgerows with some timber fences and a concrete panel fence on the boundary with Oak Tree Farm to the north-east. Tree cover is generally limited to a low number of hedgerow trees but with a number of mature trees around Westwood Farm to the east and within the boundary to the garden centre to the west. A single Oak tree is located towards the centre of the southern part of the site. A relatively large field pond is located on the southern boundary, adjacent to the boundary hedge.

The site is located within a landscape which features an undulating topography with numerous high points and valleys associated with watercourses. The site forms part of a larger parcel of open fields which are surrounded and influenced by development.

The undulating landform largely restricts views although some longer views are possible from elevated locations. Views consist of a mix of open fields and settlement

with some woodland. The presence of a mix of fencing and barbed wire on the Main Road field boundary are visually detracting features within some local views. Within the site itself, a single tree provides a focal point but otherwise, the site is considered unremarkable.

The proposed development will comprise of 81 new dwellings with associated landscape planting, areas of open space with areas given to habitat creation, a trim trail feature, pedestrian linkages and vehicular access. Existing boundary hedgerows will be retained, although part of the frontage hedgerow will be removed to accommodate a footway and the new access visibility splay. This hedgerow is to be replaced. The single Oak tree towards the south of the site is to be retained and will be incorporated into an incidental area of open space. The northern boundary will be strengthened with native tree planting and understorey planting to help filter views from the north, while within the southern part of the site, the development will be set back with a frontage landscape which will incorporate part of the retained field.

Long term landscape effects on the landscape character area known as DPZ NC03 is assessed as Negligible; this is due to the large scale nature of this character area and the lack of change to the key characteristics of the area as a result of the development. At a more local scale, the proposed development responds to the relevant Landscape Actions of the DPZ through the retention of the existing field pattern and enhancement of retained hedgerows. Further, small scale woodland planting will be included along the northern boundary to enhance green infrastructure and this will also help to filter views. The long term landscape effects on the DPZ are considered Minor Adverse.

With regard to the site itself within the immediate context, the proposals will inevitably result in a change in the character of the site from an open field to residential development with associated infrastructure set within a structure of new planting and drainage features. The loss of the open field will be permanent and irreversible but the new landscape proposals which contribute to approximately 28% of the overall site, will provide a strong landscape setting to the buildings. Further, new woodland planting around the northern boundary will provide containment and existing features of the majority of the boundary hedgerows, single Oak tree and pond will be retained and enhanced through additional planting.

A number of visual receptors have been identified for the proposed development. It is acknowledged that views from residential receptors in close proximity to the site will be changed from views across open fields to views of development, albeit these will be softened and filtered by new boundary and internal planting. Long term visual effects for sensitive residential receptors close to the site are considered as Moderate Adverse while those at a greater distance to the site are considered as Minor Adverse to Negligible.

Concerns have previously been raised regarding the visual impact on St Marys Church set to the north-west of the site. The LVA has assessed the effects of the proposal on this heritage asset. Whilst it is acknowledged that distance views of the church from Main Road will be lost indefinitely, due to the topography of the site, only the northern part of the site will be visible from the church and its grounds itself but this will be filtered by retained vegetation in addition to new planting along the sites northern

boundary. The development would subsequently have a Minor Adverse / Negligible effect on this receptor.

A number of public rights of way lead through the local area and users will have varying degrees of visibility of the new development as a result of the undulating land form and presence of existing mature trees. Long term visual effects for users of the rights of way in close proximity to the site are considered to be Moderate / Minor Adverse or Minor Adverse when viewed within the context of existing surrounding development. Furthermore, the provision of new structural planting within the site will help soften and filter views once mature.

Long term visual effects for lower sensitivity receptors such as road users and users of the nearby facilities are considered to be Minor Adverse or None.

Whilst the visual effects of the development may be greater to the identified receptors during winter months due to less leaf cover on the trees and hedges, it is considered that this would not result in any greater impact than arrived at above.

Taking the above into account, whilst it is acknowledged that the development would result in intrusion into the countryside and would subsequently result in a change of character to the area, it is considered that the effect of the proposed development would not give rise to a significant harmful long term impact on the landscape character of the area.

5. *Layout, Appearance and Design*

The ALPR sets out policies on design in Policies ST1 and HG5. The policies within the development plan are supported by the provisions of the NPPF, particularly Part 12, which places a key emphasis on good design. The Councils Residential Design Guide SPD (2014) also provides useful local context when assessing proposals. The JUS-t NP also has a substantial emphasis on considering design aspects, the settlement pattern and landscape character. The application is supported by a Building For Life 12 Assessment, which provides a detailed analysis behind the design of the proposed development, in accordance with policy NP2 of the JUS-t NP.

Site access is to be gained via a new vehicular access in the form of a simple priority junction from Main Road located to the east of the road frontage. The majority of dwellings are served by the main loop road network, with emphasis being placed on tight bends to reduce vehicle speeds within the site and long sight lines being created where possible. Additional lower category access routes in the form of private drives are designed to serve the extreme northern and southern plots and maintain an outward facing aspect to these open boundaries. Provision is made within the non-adopted areas for refuse vehicle turning areas and emergency vehicle access. The rectilinear grid with straight streets is employed to replicate the existing character of Jacksdale.

The new homes will largely enjoy conventional front to front and back to back relationships ensuring that the dwellings have sufficient separation distance between them, with areas of landscaping to the front and rear of properties. Active frontages have also been incorporated in the design to improve informal surveillance

opportunities on site and dual aspect dwellings are also used where appropriate. Landmark buildings are also proposed to be sited throughout the development to terminate important vistas when moving through the site. Development is proposed to be set back along all site boundaries to protect existing soft landscaping assets around the perimeter of the site and provide a suitable relationship with adjacent land uses.

The design of the dwellings incorporate a mixed pallet of materials including a variety of red and orange facing bricks, off-white render and pantile or imitation slate roof tiles. Casement style windows alongside brick and stone headers and cills are incorporated into the design of dwellings. Steep roof pitches are also utilised to ensure a traditional, attractive and interesting roofscape which is reflective of the local vernacular. The proposed materials are considered sympathetic to the wider area. The scale of development is mainly two storey, with some single storey units plotted around the northern and western perimeter of the site. This scale of development reflects the wider area.

Boundary treatments will primarily comprise of 1.8m high close boarded fencing. 1.8m high brick walls are also incorporated into the scheme where property boundaries lie directly adjacent to the proposed public highway.

Where possible, existing landscape features in the form of hedgerows and trees around the site perimeter are proposed to be retained to offer screening and to give the development maturity. Parts of the retained landscaping will also form part of the public realm. A comprehensive soft landscaping scheme has been proposed which provides substantial new and supplementary planting within and around the perimeter of the site, making the development more attractive and softening views of the site. The mature Oak tree located centrally within the site is proposed to be retained within an area of public open space.

Extensive areas of public open space are provided on site to buffer development from the external boundaries of the site to provide a suitable relationship with neighbouring properties and to ensure the development is considered to be appropriate within the landscape context. Development is also proposed to be set back from the northern boundary with substantial new tree and hedgerow planting to provide a suitable relationship with the landscape beyond. The existing field pond in the south-western corner is to be retained, whilst a new drainage basin is proposed within the southern portion of the site. The green and blue infrastructure and well considered development layout, ensures that the proposal can be integrated into the site and its immediate setting without significant undue impact on the visual amenity of the local area.

Although it is acknowledged above in Section 4 that the development would result in intrusion into the countryside and would subsequently result in a change of character to the area, in terms of the development itself, it is considered that the layout, appearance, design and scale is in keeping with the surrounding vicinity and would not be detrimental to local character.

6. Impact upon Residential Amenity

Concerns have been raised by local residents in respect of the proposal and the subsequent impact that the development would have on their amenity.

Having regard to existing residential occupiers, the nearest residential properties to the proposed development are 105a – 109 Main Road, Jacksdale. Plot 21 located in the south-western corner of the site lies closest to the aforementioned properties. At its nearest, the side wall of this dwelling, which is single story in height, is sited approximately 17m from the rear wall of 107 Main Road. This separation distance exceeds the Council's recommended distance of 12m between habitable room windows and blank elevations, as set out within the Residential Design Guide SPD 2014. All minimum separation distance as prescribed within the SPD are also adhered to in respect of Westwood Farm and Westwood Farm Cottages.

In respect of noise and dust arising from the development during construction, a condition would be attached to any grant of permission requiring the submission of a Construction Management Plan to limit disturbance to nearby residents. Such details would include, amongst others, working hours, dust and mud alleviation strategies, storage of materials and waste, and parking provision for site operatives.

In respect of future occupiers, the proposed development would provide an acceptable standard of living for future residents. The dwellings are laid out to ensure they each receive sufficient light and privacy. Internally, the development would meet the National Minimum Space Standards; whilst externally, 93% of the garden areas would meet the minimum requirements set out within the Residential Design Guide SPD, with the remaining 7% of gardens falling just marginally below the required standards. As previously stated however, 28% of the developable site has been left as public open space, and connections to the local area are provided as part of the proposal, ensuring that future residents would benefit from an acceptable standard of amenity.

7. Biodiversity

The NPPF at paragraphs 170 (d), 171, 174 and 175 sets out protection for biodiversity. Policy EV6 of the Local Plan, amongst other matters, seeks to protect local nature reserves and sites of importance for nature conservation. Policy EV8 sets out protection for trees worthy of retention and states that where trees are lost, mitigation will be required. The application is supported by a Preliminary Ecology Appraisal (PEA), together with a Great Crested Newt eDNA survey and Biodiversity Net Gain Calculations. A commentary of the key aspects is set out below:

Designated Sites

No statutorily designated sites have been identified within 1km of the development site. '*Bagthorpe Meadows*' Sites of Special Scientific Interest (SSSI) is located circa 1.89km to the north-east of the site, with '*Friezeland Grassland*' SSSI located circa 2.45km to the east of the site.

Fourteen non-statutory sites within 1km of the site have been identified; this includes 10 Local Wildlife Sites (LWS), one Derbyshire Wildlife Trust Nature Reserve, and three Sites of Interest for Nature Conservation (SINC). These sites are located between 20m and 830m from the site, with the nearest being '*Jacksdale Meadow East LWS*', a 1.8ha area of hay meadow located directly south across Main Road. The majority of these sites reside to the south and south-west of the application site. No impact on the non-

statutorily designated sites within the local area is anticipated as a result of the proposed development.

Habitats

The site includes a single field holding species-poor semi-improved grassland on a south facing slope with boundary hedgerows and trees. Located in the southwest corner of the site is a medium sized pond. A single Oak tree is positioned centrally within the southern part of the site. The site, including its habitats and usage have seen very little change since at least 2001.

The PEA has identified that the pond, mature trees and hedgerows within and edging the application site are considered to be of notable ecological value and of potential value to several protected species, as noted by Nottinghamshire Wildlife Trust (NWT).

The development will result in the loss of the species-poor semi-improved grassland within the site, however the scheme will retain the pond in the southwest corner of the site, the single Oak tree within the central area of the southern region of the site, and the boundary hedges/trees. Conditions will be used to protect the existing hedgerow, where practical, and the landscape strategy will also look to include native species, with additional hedging and tree planting. The strategy will also include significant areas of wildflower and wet meadow seeding.

Protected Species

Bats

Bats are fully protected through the Conservation of Habitats and Species Regulations 2010 as European Protected Species (EPS). Furthermore, it is an offence to damage or destroy a breeding site or resting place of a bat.

The site provides a range of habitats that were deemed suitable for bat foraging and commuting activity. Habitat linkage within and around the edges of the site are good, with the mature trees and hedges providing connected features for bats in-flight.

Whilst bat activity surveys have not been carried out, the PEA makes recommendations that these features be retained as part of the development, and where vegetation is to be removed, they should be subject to a detailed inspection and surveys to identify any features suitable for roosting bats.

Trees within and around the perimeter of the site have been surveyed to determine their potential to support roosting bats. The location of the trees is indicated on the Habitat Plan. Three trees were identified as having 'moderate' bat roost potential; T2 on the northern boundary and T4 & T6 on the western boundary. Trees T4 and T6 had previously been included within the gardens of future dwellings. The layout has subsequently been updated to create a maintained vegetative buffer along this boundary to minimise disturbance to and/or the loss of these potential bat roosts. In regards to T2, the PEA details that the tree exhibits a large wound in the northern elevation of the tree which could provide a potential bat roost. The Council's Ecologist has advised that light disturbance to this roost could be possible, and therefore a

condition requiring a lighting strategy in accordance with best practice guidelines is requested as part of any approval. Further, artificial bat bricks are recommended to be included within the new dwellings. These would be secured via condition.

Birds

The semi-improved grassland field within the site provide potential nesting habitat for open ground nesting birds including meadow pipit, skylark and possibly lapwing. The hedgerows, pond and trees within and edging the application site are also considered suitable for foraging and nesting birds.

The proposal will result in the removal of some hedgerow and the loss of grassland habitat, both of which are suitable to support nesting and foraging birds. There is, therefore, potential for direct adverse effects on nesting and foraging birds. These habitats are nevertheless widespread and well represented in the wider local area. Recommendations and mitigation measures are nevertheless included within the PEA to mitigate against this proposed loss of habitat.

In addition, the landscape buffers proposed along the site boundary are anticipated to include a variety of trees, shrubs and grassland planting, providing suitable foraging and nesting opportunities for bird species. Further, 25% of the total houses constructed or their associated garages, must incorporate integrated nesting features for bird species, as set out in the PEA.

Reptiles

The grassland habitat within the site was considered to be suboptimal for reptile species due to lack of cover, regular disturbance from agricultural practices and limited botanical diversity within the grassland. However as records indicate that reptiles including the common lizard, grass snake and slow worm have been found 1km of the site and the boundary hedgerows are considered suitable for sheltering, foraging and hibernating reptile species, construction works will need to be carried out in accordance with best practice guidelines. The PEA also provides additional mitigation measures in order to protect reptile species on site.

Great Crested Newts (GCN)

A Great Crested Newt eDNA Survey has been carried out given the presence of a pond within the south-western corner of the site. A negative result was recorded for the presence of GCN within the pond. Based on the survey results, no specific mitigation or compensatory input is considered necessary for GCN as part of the proposed development. As with reptiles, in order to maintain best practice, it is recommended that construction staff are made aware of the potential presence of common amphibians prior to any work commencing.

Hedgehogs

The site provides suitable habitat for hedgehog, associated with the grassland and scrub vegetation, and as a result, there is a direct risk of harm to this species as a result of the proposed development.

Mitigation measures incorporated within the PEA include ensuring there are no open trenches or pits left uncovered or alternatively without a mammal ramp in overnight to prevent hedgehogs becoming trapped during the construction phase, and the requirement for small gaps to be installed beneath fences (13cm x 13cm) within the development to ensure that hedgehogs can continue to pass through the site. Consideration will also need to be given to the potential to include hedgehog sheltering features, such as log piles, located close to the retained trees and hedge lines.

Biodiversity Net Gain

Paragraph 180 of the NPPF recommends that development should aim to provide measurable net gain for biodiversity in and around the development. The Environment Act 2021 outlined a legal requirement of 10% measured against a DEFRA metric although this Act has yet to be implemented.

The scheme will include the following measures:

- Species rich meadow grassland created along the northern edge of the site, in the central region of the site and around the SuDS.
- Areas of high quality grassland to be created within the south-west corner of the site (around the pond) and in the south-east corner of the site.
- Several sections of ornamental hedge planted within the site.
- Several sections of native hedge planting around the site (eastern and southern edges of the site).

These enhancements will be secured by way of planning condition and will result in a 10.23% increase in biodiversity units and 41.88% increase in hedgerow units. The proposal is therefore consistent with biodiversity policy as set out in Section 15 of the NPPF and the Environment Act 2021.

Given the type of grassland proposed (natural grassland) within the scheme, the Council's Ecologist has advised that soil testing will be required in the areas in which the grassland habitat is proposed to ensure that the grassland can establish. The Council's Ecologist has also requested that a Biodiversity Enhancement Management Plan (BEMP) be submitted which should set out methodologies as to how the proposed habitats will be created and managed over a 30-year period – the BNG commitment period. Results of the soil analysis should also be included within the BEMP.

Summary

The NPPF, at paragraph 180, states that if significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Whilst there will be a short-term negative effect on the biodiversity value of the site, in the long-term it is anticipated that full mitigation and enhancement measures will be

achieved and there will be no significant residual effects on protected species resulting from the proposed development. Habitat creation measures would also facilitate in reducing the potential adverse effects of the development. Conditions requested by the Council's Ecologist would be attached to the permission if this application is found to be acceptable.

8. Drainage and Flooding

The site is identified as being substantially in Flood Zone 1 and the proposed layout identifies that all of the proposed residential development will be within Flood Zone 1. However, part of the site adjacent to Main Road is within Flood Zone 2 and Flood Zone 3 which means that there is a high probability of flooding in some parts of the site and the site performs a function for the storage of water during times of flood. Further the single access to the development is proposed to be through Flood Zone 2 and 3.

Significant concerns have been raised by local residents and the Parish Council in respect of flooding and the proposed development exacerbating flood risk within the immediate locality and further afield.

A site-specific Flood Risk Assessment (FRA) has been submitted in support of the application. These conclude that the proposed development is considered not to be at significant risk of flooding and is considered to be sequentially preferable when assessed in line with the technical guidance provided within the NPPF. Nevertheless, to prevent the increased risk of flooding both on and off site, the following mitigation measures are proposed:

- Plot levels are to be raised with respect to external levels and the road corridor used to create a preferential flow around the proposed dwellings to safeguard against low risk surface water flows.
- Floor levels are to be set at a minimum of 71.550 based on 300mm above the 1:100 + climate change (62%) Brinsley Hill Culvert 100% blockage flood extent level of circa 71.250.
- Development drainage is to be attenuated to greenfield run off with a maximum discharge rate of 20l/s and attenuation, in the form of a new open pond storage feature, is to be provided for the 1 in 100 year + 40% event. The pond and its embankments will be fully located outside of the 1:100 year + climate change flood extent and therefore its operation will not be impacted by a flood event.
- The proposed attenuation pond feature will likely be put forward for adoption by Severn Trent Water as part of the wider site drainage system under a S104 application. This would place future maintenance requirements of the SuDS feature under their responsibilities. If the site drainage and pond do not get adopted then responsibility will fall to the management company. Exact details of the management company cannot be confirmed at this time.
- Level for level flood compensation is to be provided for the nominal area where the proposed access road crosses the 1:100 year + 30% climate change.

The Local Lead Flood Authority (LLFA), the Environment Agency (EA) and Severn Trent Water have assessed the proposals, including the FRA and drainage strategy,

and found them to be acceptable, subject to the development being carried out in accordance with the submitted details which includes adaptation methods to ensure the development is not susceptible to increased risk from flooding caused by climate change, in accordance with Paragraph 154 of the NPPF.

Whilst concerns expressed by local residents in relation to existing flooding which takes place on Main Road are acknowledged, the Council are satisfied that appropriately worded conditions in relation to surface water and drainage can satisfactorily address any impacts of the development in accordance with comments received from the LLFA, EA and Severn Trent Water.

On the basis of the information received, it is therefore considered that flood risk within the site itself has been minimised as far as possible by locating the proposed housing in the part of the site at lowest flood risk, with landscaping in the highest risk areas. This ensures that the development will be safe for its lifetime. Further, there is no evidence before the Council that the proposed development would exacerbate flood risk elsewhere.

9. Highway Capacity and Safety

Comments received from local residents in respect of the proposal largely raise concerns regarding increased congestion within the locality, as well as increased likelihood of highway safety implications arising from the proposed development.

Policy ST1 of the ALPR, sets out that, amongst other matters, development will be permitted where it does not adversely affect highway safety, or the capacity of the transport system. In a similar vein, the NPPF in paragraph 111 states that development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.

Access is proposed to be gained to the development via a new vehicular access from Main Road to the south-east of the site. The design includes 6m junction radii and a 5.5m wide access road with a 2m footway on each side of the carriageway of the access road. The access has been located to optimise the visibility splays and has been positioned accordingly.

At the point of access, Main Road has a speed limit of 40mph, and therefore the Highway Authority (HA) advised that visibility splays measuring 2.4m x 120m would be required on either side of the access. The HA noted that the visibility splays to be provided did not meet this minimum requirement. In response to this, the applicant subsequently provided actual vehicle speeds recorded over a 7-day. This data demonstrates that Southwest bound traffic has actual 85%ile speed readings of 36.7mph, whereas Northeast bound traffic has 85%ile speed readings of 38.4mph. Based on actual vehicle speed readings, Southwest bound traffic is required to have a visibility splay of 2.4m x 103.5m and Northeast bound traffic should have a visibility splay of 2.4m x 112 metres at the access arrangement. Whilst the required visibility splay to the Northeast has been achieved, the splay to the Southwest falls 2m below the requirement. The HA have nevertheless advised that the 2m deficit is considered

acceptable as the majority of traffic travelling along Main Road towards the site access will be travelling on the left-hand side of the road, on the opposite side to the access.

Whilst no reduction in the speed limit at the point of access is proposed, to encourage drivers to slow down on approach to Jacksdale Village, which is subject to a 30mph speed limit circa 90m west of the proposed access, the HA has requested that a condition be attached to any grant of permission requiring the applicant to submit measures to encourage drivers to be aware that they are approaching a 30mph, which in turn could encourage a reduction in vehicle speed near the site access. Such measures may include the provision of new signage, new planting and enhancements to the existing street lighting.

The applicant has submitted a Transport Assessment, which models the capacity of the existing road network and the impact of traffic from the proposed development. Updated analysis of the traffic movements has been provided, and the HA have confirmed that they are in agreement with the overall conclusion that the development will not have a significant or unacceptable impact on capacity, or road safety on the existing network. On the basis of this, it is considered that the development will not have a detrimental impact upon the existing highway network.

Internally, a loop system is proposed to serve the site and it is anticipated that this will be adopted. Properties fronting onto the southern green space and northern boundary are to be accessed via private drives. Swept path analysis demonstrates that all vehicles requiring access to the site, including large service vehicles and emergency vehicles, can be accommodated safely. Internal traffic calming measures in the form of speed tables are proposed in front of plot 29-31 and to the side of plot 3.

Car parking for each dwelling is provided in accordance with the Councils Residential Car Parking Standards SPD 2014, and all properties will be afforded EV charging.

10. Other Issues

Historic Environment

No designated heritage assets in the form of Conservation Areas, Listed Buildings or Scheduled monuments are located within the site. The nearest designated heritage asset is Jacksdale War Memorial, located 0.5km to the north-west of the site which is a Grade II listed structure. This is located within the centre of the village and is separated from the site by the residential area of the village.

Locally listed heritage assets are however identified in close proximity to the development site. This includes: Westwood Farm located immediately adjacent to the east of the site; St Mary's Church located circa 120m to the north-west; and Jacksdale Primary School located circa 265m to the west.

Paragraph 194 of the NPPF identifies that applicants are expected to describe in their application the significance of any heritage assets affected by the application, including any contribution made by their setting. This is of key importance to

understand whether there is any potential impact of significance and if there is, to what extent.

The Heritage Statement and LVA submitted with the application identify that Westwood Farm and St Mary's Church have some intervisibility with the development site. The application site is therefore considered to form part of the settings to both of these locally listed buildings. The Council's Conservation Officer has confirmed that whilst there would not be any discernible effect on St Mary's Church, there will be a very low level of harm to the significance of the adjacent farmhouse (Westwood Farm), in particular through the loss of a parcel of agricultural land with which there is a functional and visual relationship with the locally listed building. However, unlike with designated heritage assets, there is no requirement to give such harm great weight, nor clear and convincing justification for any harm, and instead there is a requirement to have a balanced judgement (Paragraph 203 of the NPPF).

In terms of heritage values, the significance of the asset will largely be retained, in particular through its architecture, its immediate setting and the wider setting to the north, south and east. It is therefore considered that the harm is outweighed by this, and in heritage terms, the proposal would be acceptable.

The applicant has submitted a desk based archaeological study in support of the application and this concludes that the potential for buried archaeological remains is low for all periods. However, whilst the Coal Measures have for long been believed to be unattractive for settlement in the Iron Age and Roman periods, recent fieldwork in the locality has challenged this. Geophysics is considered to work well on the local soils and provides an accurate indication of presence/absence of settlement and enclosure. It would therefore be necessary for a geophysical survey to be commissioned. This would be secured by planning condition should the proposal be deemed to be acceptable. Should the geophysical survey return a negative result, then no further archaeological work would be necessary.

Public Rights of Way

No footpaths are identified as being located on or immediately adjacent to the application site. Selston FP 24 runs to the east of Westwood Farm and Selston BW 26 runs to the edge of the settlement boundary.

The proposal incorporates a new dedicated public footpath from the northern boundary of the site to the east and north adjacent the church boundary to link with Selston Bridleway 26. This links Palmerston Street, Westwood to the east with Main Road, Jacksdale to the west. This will be provided through provisions in the Highway Act or via a Creation Agreement. The footpath connection is proposed over land within the same ownership of the application site.

The County Council are satisfied that the proposal would have no detrimental impact on existing rights of way in the locality.

Climate Change

Addressing climate change is one of the core land use planning principles, which the NPPF seeks to underpin in both plan making and decision taking. Opportunities for reducing climate change impacts should be reflected in development proposals. Although a Climate Change / Energy Statement has been submitted with the application, this provides limited information in respect of the sustainable credentials of the scheme.

A condition is to be recommended for a sustainability statement to be submitted. This will be required to indicate what measures are proposed to reduce the schemes carbon footprint: from waste management to material choice and energy efficiency.

Coal Mining Legacy

The site has a band of what is identified as 'Coal High Risk Area: 453238' running through the site. A High Risk Area is where recorded coal mining risks are present at the surface or shallow depth and are likely to affect new development. A Coal Mining Risk Assessment has been submitted in support of the application.

The site lies within a Mineral Safeguarding and Consultation Area for surface coal, however due to the nature of the potential resource, there will be little scope for prior extraction. The county council have confirmed that they raise no objection to the development of the site in this respect.

The Coal Authority have also provided comments and confirm that they do not object to the proposal, subject to conditions pertaining to further ground investigation works, and confirmation that the site has been made safe and stable for the approved development prior to occupation of the dwellings. Planning conditions to this affect would be attached to any grant of permission.

Ground Conditions and Contamination

The site is presently an agricultural grazing field. Under paragraph 174 (b) of the NPPF, consideration should be given to the benefits of the best and most versatile agricultural land (grades 1, 2 and 3a). Based on the East Midland Region Agricultural Land Classifications Map, the site is identified as being Grade 4 which is classed as 'poor' quality agricultural land. The development of the site would therefore not result in the loss of good quality agricultural land.

In respect of ground contamination, a Phase I and II Geo-environmental Investigation has been submitted in support of the application. This identifies that whilst the site has been used for agricultural purposes for in excess of 30 years, the site is understood to have supported a historic landfill, however limited information is available on the waste types and dates of operation. The investigations indicate that feasible pollutant linkages have been identified. The most significantly elevated contaminants are all present within the made ground without the south-east of the site. Exceedances have also been found in the topsoil. Chemical analysis in the remainder of the field appears to show that generally the natural topsoil and underlying clays are suitable for re-use.

Remediation works to protect human health are considered necessary; this would include either removal of the full depth of impacted / contaminated made ground or the capping of soft landscaped areas (including private gardens) within the affected area should be undertaken or encapsulation beneath permanent hardstanding. This would be conditioned accordingly.

11. Planning Obligations

The requirements of CIL Regulation 122 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. An assessment of the requested contributions against these tests are set out below:

- Public Open Space – £162,000 and Public Realm - £81,000

Policy HG6 of the ALPR sets out that residential development will only be permitted where open space is provided to meet certain requirements. Where it is not appropriate to provide open space within a site boundary, a planning obligation will be negotiated. Whilst 28% of the site is to be left for green and blue infrastructure, a proportion of this land comprises either the existing pond or new attenuation basin. A proportion of the green infrastructure, as well as the proposed trim trail equipment is located in Flood Zones 2 or 3.

A contribution of £162,000 is sought towards off-site play and young persons' provision and general open space improvements at Main Road Recreation Ground & Westwood Recreation Ground. This is worked out on the basis of £2,000 per dwelling, which is considered reasonable in kind and scale to the development. This is in accordance with the Councils playing pitch strategy, which sets out the Council is to provide better quality facilities on a smaller number of 'hub' sites.

A contribution of £81,000 is also sought towards an off-site contribution for active travel associated to the improvements of Footpaths FP24, BW23 and FP59, which are three of the nearest public rights of way to the proposed development. This amounts to £1,000 per dwelling, which is considered reasonable in kind and scale.

The contributions are directly related to the development, necessary to make the development acceptable in planning terms and they are also fairly related in scale and kind and therefore meet the necessary tests.

- Health Care - £43,891.88

The ICB has provided its standard formula for the cost of extensions as identified by a quantity surveyor experienced in health care projects, which equates to a total contribution of £43,891.88 on the basis of 81 dwellings. This will provide enhancements to the capacity and infrastructure at either: Jacksdale Medical Centre, Selston Surgery or Ashfield Centre – the nearest centres to the proposed development. This formula has been devised by a suitably qualified expert and is therefore fairly and reasonably related in scale and kind to the development. The

proposal would generate a requirement for healthcare provision for residents and is therefore directly related. This contribution therefore satisfies the necessary tests.

- Bus Stop Infrastructure - £32,100

A bus stop infrastructure contribution of £32,100 is required to provide improvements to the bus stops denoted as AS0729 (Brinsley Hill) and AS0038 (Brinsley Hill). Improvement works will include the installation of real time bus stop pole & displays incl. associated electrical connections, extended hardstand, polycarbonate bus shelters and solar lighting. Nottinghamshire County Council seek to achieve the standard for bus stop facilities as set out in their response to the application.

The improvements are at the nearest bus stops which are situated adjacent to the site, so are relevant to the development, precisely specified, and fairly and reasonably related in scale and kind. The contribution therefore meets the statutory tests.

- Sustainable Travel - £10,000

A contribution of £10,000 is sought towards procuring with the County Council sustainable travel measures for residents of the development which may include, but not exclusively, the use of taster tickets for public transport and/or bus service enhancements.

- Affordable Housing - 10%

The NPPF paragraph 64 sets out that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.

- Monitoring Contribution – 2% off the total financial contribution

The updated CIL legislation allows for a Section 106 monitoring fee to be charged. This will amount to 2% off the total financial contribution and will cover the Councils fees for monitoring payment of the Section 106.

12. Very Special Circumstances

As outlined in Section 2 (Principle of Development) of this report, the development site is located outside the settlement boundary of Jacksdale, in an area identified as Green Belt. Substantial weight is attached to any harm to the Green Belt by reason of inappropriateness. Very special circumstances will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It is widely acknowledged that the definition of very special circumstances do not in themselves have to be rare or uncommon [Wychavon DC vs SSCLG 2008]. The below factors are taken into account when making this assessment:

Housing Supply

The NPPF in paragraph 60 sets out that it is the Government's objective to significantly boost the supply of homes. In order to achieve this, the Framework notes that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Whilst the Written Ministerial Statement of December 2015 indicates that unmet need is unlikely to clearly outweigh harm to Green Belt and any other harm so as to establish very special circumstances, this Statement pre-dates the revised NPPF in 2021 and has not been included within it and similar guidance within the Planning Practice Guidance has been removed. Little weight is therefore given to this as a material consideration.

Paragraph 74 of the NPPF requires local planning authorities to identify a minimum of five years worth of housing against the local housing requirement allowing for a buffer varying between 5% and 20% dependent on the local planning authorities circumstances.

Based on the 2022-23 Housing Monitoring Report (HMR), adjusted for a 20% buffer required by the results of the Ashfield Housing Delivery Test, the Council has a 2.93 years supply (this is based on an assumption of 535 dwellings per annum), and can therefore not identify a 5-year housing land supply. One such very special circumstance is that the Council needs a significant number of sustainable housing sites to meet its housing needs.

Table 7 of the HMR sets out the house completions in the area known as the 'Rurals', which includes Jacksdale. It demonstrates that there were just 173 completions over the 13 year period (2011-23); this is an average of just over 13 completions per year across the Rurals.

It is therefore considered that given the existing position of the Council, the delivery of housing represents a benefit which will positively boost supply within the District. The provision of 81 new homes is afforded very substantial weight.

Affordable Housing

In addition to the under delivery of housing in the District, there has also been an under delivery of affordable housing, particularly in the 'Rurals' – the area in which Jacksdale is located. An under delivery of affordable housing is considered to impact on social cohesion and the ability of families to live close together in settlements where they have a social and geographical relationship.

Table 8 of the HMR sets out the delivery of affordable housing. This demonstrates that only 10 affordable units have been delivered in the whole the Rurals over a 13 year period (2011-23); less than one a year. There is subsequently a serious and immediate

need for more affordable housing to be delivered in the District, which carries very significant weight in the decision making process.

In the settlement of Jacksdale, 10% affordable housing should be provided on site. Evidence from The Greater Nottingham & Ashfield Housing Need Assessment (2020) identifies that in relation to affordable homes in the District, the emphasis is on rented accommodation or shared ownership. In May 2021, the Government published a Written Ministerial Statement to set out the requirements for the delivery of First Homes. It was accompanied by Planning Practice Guidance First Homes which came into effect in June 2021. Subsequently 25% of affordable homes are required to be First Homes.

The proposal outlines that 10% (eight) of the dwellings will be delivered as affordable homes. This provision will comprise of 2 no. First Homes, 2 no. Shared Ownership Homes, and 4 no. Socially Rented Homes; the latter of which will be bungalows to help meet identified local need. These units will be sited on plots 19-24 and 27-28 in and amongst market homes. The dwellings will also be indistinguishable from the market homes in terms of design, style and external materials. The siting and design of the affordable homes will ensure that they are well integrated into the new community and will promote social interaction and opportunities for meetings between people who might not otherwise come into contact with each other, in accordance with paragraph 92 of the NPPF.

The provision of eight new affordable homes to boost local supply is afforded very substantial weight.

Self-Build Homes

Paragraph 62 of the NPPF makes specific reference to the need to assess the housing needs of different people, which includes amongst others, those who wish to commission or build their own homes. There are no policies within the ALPR which relate specifically to the provision or delivery of self-build housing.

The Self-build and Custom Housebuilding Act 2015 also defines self-build and custom housebuilding as follows:

“where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals” (NPPG Reference ID: 57-016-20210208).

The Councils' most recent Self-Build and Custom Housing Monitoring Report (SBCHMR) (March 2021) details that in the monitoring period 31st October 2019 – 31st October 2020, there were 18 entries on the Council's Self-Build register. A number of preferences were expressed by applicants (multiple preferences can be expressed per entry) with the majority wanting a detached property. 14 out of 24 preferences were for 4+ bedroom plots. In terms of location 10 were content to build anywhere in the district with 7 preferring Kirkby, 4 preferring Sutton and 4 preferring the Rural Area, including Jacksdale.

In terms of supply the Council has considered the quantum of small residential approval (1- 2 plots) during the monitoring period. This equates to 43 dwellings in 19/20 and was considered to be sufficient to meet the duty set out in Section 2A of the Act. The sites relied upon are set out in Appendix A of the report. However, an analysis of the planning records for each of the sites identified in Appendix A indicates that none made any references to self-build or custom build, raising the question as to whether any of the plots identified provided genuine self-build plots. Further, it is acknowledged that the SBCHMR is not up to date.

The application proposes the provision of two (plots 17 and 18) genuine self-build plots. Each plot is of a sufficient size to accommodate a 4 bedroom dwelling together with garaging and private amenity space. The plots are proposed to be made available in the initial build phase, and it is envisaged that a short Design Brief to guide the development of the two plots could be secured as part of any permission.

In common with both market housing and affordable housing, the situation in the context of provision of sites and past completions for self-build homes is a particularly poor one. It is therefore considered that the provision of two self-build serviced plots carries substantial weight to its element of housing supply.

Location and Sustainability

As previously set out, the NPPF sets out the Government's objective to significantly boost the supply of homes (paragraph 60) and requires local authorities to identify, and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of housing (paragraph 74), which the Council are unable to demonstrate.

In relation to housing in rural areas, the NPPF in paragraph 77 identifies that planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Under paragraph 78, housing should be located where it will enhance or maintain the vitality of rural communities.

As set out, whilst the application site is located outside the settlement boundary of Jacksdale, it nevertheless lies immediately adjacent to it. The site benefits from a number of key services and facilities within walking distance (1000m), via surfaced footways along the local highway network and traffic free footpaths. The pedestrian catchment area includes various employment, education, health, retail and leisure facilities predominantly located within Westwood and Jacksdale. These include, amongst others, Jacksdale Nursery and Primary School, Jacksdale Family Dental Centre, Jacksdale Medical Centre, Acorn Pharmacy, Co-Op Food Store, Jacksdale Library and Jacksdale Recreation Ground.

In addition to the above, new footpaths are provided to the northern boundary by plots 39-41 and the southern boundary by plots 8-9 to link with the existing footpath network off site. These routes from the development will provide a convenient link to the wider area and associated employment, recreation and commercial outlets. Proposed dwellings are sited and aspect to provide surveillance of the footpath on entry and exit from the site, this will enhance security and in turn should increase use of the proposed links.

The development also provides opportunities for other means of sustainable travel. The closest bus stops to the site are located adjacent to the proposed site access to the south of the southern boundary of the site on Main Road.

Bus services 532, Rainbow One and the Jacksdale Shopper are suitable for residents to travel to and from Nottingham as well as surrounding local villages. The Rainbow One service is particularly suitable for accessing employment as it provides an hourly service from the site during the week and on Saturdays between Alfreton and Nottingham. The Jacksdale Shopper and 532 access the site during the weekday between the peak hours and provide access to a range of local retail, educational and recreational destinations during the week and on a Saturday.

The application site benefits from being in proximity to a range of village services and amenities, including a reasonable bus service that operates regularly throughout the week and weekend. It is envisaged that the sustainable location of the site, in addition to the existing infrastructure and level of local public transport provision offers genuine choice of transport modes on offer for future residents.

Local Infrastructure

Concerns have been raised by local residents in respect of the impact that the proposed development would have on local infrastructure and services. As outlined in Section 11 of this report (Planning Obligations), developer contributions have been negotiated to mitigate any impact that the development would have on local services. For example, circa £43,000 has been secured to enable enhancements to the capacity of local health care provision, whilst circa £162,000 has been secured to improve recreational facilities within Jacksdale and Westwood. Such contributions will provide improvements to local infrastructure and facilitate in making the development acceptable in planning terms.

It is further anticipated that future residents of the development would utilise existing shops and services in Jacksdale therefore providing a boost to the local economy through increased expenditure and helping to sustain local businesses.

13. Planning Balance and Overall Conclusion

The proposed development scheme constitutes inappropriate development which is, by definition, harmful to the Green Belt. To this must be added further harm as a consequence of the proposed development through loss of openness of the Green Belt and harm to its purposes included in Paragraph 138 a) and c) of the Framework, and some, albeit limited harm in terms of the character and appearance of the area generally. Paragraph 148 of the Framework confirms that any harm to the Green Belt is to be given substantial weight.

The Parish Council's concerns are also considered to be of significance, however, the Neighbourhood Plan accepts that there will be housing development in the parish to meet requirements and that proposals have to be considered with regard to the social, economic and environmental issues.

Inappropriate development in the Green Belt should not be approved other than in very special circumstances, which will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The proposals would cause harm by reason of inappropriateness and harm to openness. Both of these attract substantial weight. Moderate weight is also attached to harm to the character and appearance of the area.

As set out above, there are nevertheless substantial benefits arising from the scheme. These include the provision of a choice of housing which includes market, affordable, and custom/self-build homes at a time when there is pressing need, not least as a consequence of the Council's five year housing land supply. These meet the social objectives of the Framework.

The economic objectives of the Framework would be achieved by the scheme. Although much of the economic benefit would be temporary, arising during the construction period, together with increased spend in local shops and services. In accordance with paragraph 81 of the Framework, these benefits attract limited weight.

The environmental benefits of the Framework would be achieved through the large contribution of BNG. The extent of the BNG attracts substantial weight. It is also considered that the provision of other benefits related to the provision of open space and footpath connections above the policy requirements attract limited weight.

It is considered that based on the technical evidence supplied by the applicant - and subsequent comments received from consultees - that a refusal on the grounds of increased flood risk, ground stability, biodiversity and residential amenity could not be substantiated.

In terms of developer contributions, these will be secured towards healthcare, public open space, public realm, as well as affordable housing. These will ensure that the necessary infrastructure is in place to support the housing development. The new residents will also support the rural economy, local shops and facilities in Westwood, Jacksdale, Selston and Underwood and the local bus service.

These factors, when taken collectively demonstrate that very special circumstances do exist and clearly outweigh the identified harm to the Green Belt and other harm, such as to amount to the very special circumstances needed to justify inappropriate development in the Green Belt. As a result, it is therefore concluded that the proposals would comply with both the Framework and the development plan taken as a whole.

If the recommendation to approve the development is agreed, following the signing of the Section 106 legal agreement, the decision will be referred to the Secretary of State in accordance with the Town and Country Planning (Consultation) Direction 2021 because it is a departure from the development plan to see whether the application is to be called in for a decision to be made by the Secretary of State.

Recommendation: Approve, subject to the conditions detailed below and a Section 106 Legal Agreement, which secures the following:

Heads of Terms of the Section 106 Agreement

- 10% (eight) homes to be affordable – 50% social rented, 25% shared ownership & 25% first homes.
- £162,000 for offsite POS improvements.
- £81,000 for off-site public realm improvements.
- £32,100 to improve local bus stop infrastructure.
- £10,000 to improve sustainable travel.
- £43,891.88 to improve local health care facilities.
- A monitoring fee equating to 2% of the cost of the financial contributions.
- A Management Plan setting out details of the responsibility for maintaining and managing the landscaped areas of public open space and SuDS which shall include a planting schedule and timetable of works.

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans:
 - Site Location Plan; 20-480-02.
 - Planning Layout; 20-480-03 Rev C.
 - Affordable Homes Layout; 20-480-04.
 - Garden Areas; 20-480-05 Rev B.
 - Open Space Areas; 20-480-07 Rev B.
 - Parking Layout; 20-480-08 Rev A.
 - Proposed Public Right of Way Plan; 60164-FP01 Rev A.
 - Proposed Elevations (Milford); A099283-215 HT-A-EL.
 - Proposed Floor Plans (Milford); A099283-215 HT-A-PL.
 - Proposed Elevations (Brassington); A099283-215 HT-B-EL.
 - Proposed Floor Plans (Brassington); A099283-215 HT-B-PL.
 - Proposed Elevations (Tissington - AS); A099283-215 HT-C-EL.
 - Proposed Floor Plans (Tissington - AS); A099283-215 HT-C-PL.
 - Proposed Elevations (Tissington - OP); A099283-215 HT-Co-EL.
 - Proposed Floor Plans (Tissington - OP); A099283-215 HT-Co-PL.
 - Proposed Elevations (Repton - AS); A099283-215 HT-D-EL.
 - Proposed Floor Plans (Repton - AS); A099283-215 HT-D-PL.
 - Proposed Elevations (Repton - OP); A099283-215 HT-Do-EL.
 - Proposed Floor Plans (Repton - OP); A099283-215 HT-Do-PL.
 - Proposed Elevations (Milton - AS); A099283-215 HT-E-EL.
 - Proposed Floor Plans (Milton - AS); A099283-215 HT-E-PL.
 - Proposed Elevations (Milton - OP); A099283-215 HT-Eo-EL.

- Proposed Floor Plans (Milton - OP); A099283-215 HT-Eo-PL.
 - Proposed Elevations (Rempstone - AS); A099283-215 HT-H-EL.
 - Proposed Floor Plans (Rempstone - AS); A099283-215 HT-H-PL.
 - Proposed Elevations (Rempstone - OP); A099283-215 HT-Ho-EL.
 - Proposed Floor Plans (Rempstone - OP); A099283-215 HT-Ho-PL.
 - Proposed Elevations (Bradgate - AS); A099283-215 HT-I-EL.
 - Proposed Floor Plans (Bradgate - AS); A099283-215 HT-I-PL.
 - Proposed Elevations (Bradgate - OP); A099283-215 HT-Io-EL.
 - Proposed Floor Plans (Bradgate - OP); A099283-215 HT-Io-PL.
 - Proposed Elevations (Bosworth - AS); A099283-215 HT-L-EL.
 - Proposed Floor Plans (Bosworth - AS); A099283-215 HT-L-PL.
 - Proposed Elevations (Bosworth - OP); A099283-215 HT-Lo-EL.
 - Proposed Floor Plans (Bosworth - OP); A099283-215 HT-Lo-PL.
 - Proposed Elevations (Brailsford - AS); A099283-215 HT-M-EL.
 - Proposed Floor Plans (Brailsford - AS); A099283-215 HT-M-PL.
 - Proposed Elevations (Brailsford - OP); A099283-215 HT-Mo-EL.
 - Proposed Floor Plans (Brailsford - OP); A099283-215 HT-Mo-PL.
 - Proposed Elevations (Langley - AS); A099283-215 HT-N-EL.
 - Proposed Floor Plans (Langley - AS); A099283-215 HT-N-PL.
 - Proposed Elevations (Langley - OP); A099283-215 HT-No-EL.
 - Proposed Floor Plans (Langley - OP); A099283-215 HT-No-PL.
 - Twin Garage Plans; A099283-215 GT-01-PL.
 - Single Garage Plans; A099283-215 GT-03-PL.
 - Twin Garage (Gable Fronted); A099283-215 GT-06-PL.
 - Soft Landscape Proposals; GL1387-03C.
 - Soft Landscape Proposals; GL1387-04C.
3. Trees and shrubs shall be planted in accordance with the landscaping scheme submitted to the Local Planning Authority (drawing nos. GL1387-03A & GL1387-03B). All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning authority gives written consent to any variation.
4. Prior to the commencement of development, a Construction Environment Management Plan shall be submitted to and agreed in writing by the Local Planning Authority and this shall include:
- How construction traffic will access the site.
 - Proposed hours and days of working.
 - The parking of vehicles of site personnel, operatives and visitors.
 - Location of site storage areas and compounds.
 - Wheel washing facilities.
 - A strategy for the minimisation of noise, vibration and dust.

- Site contact detail in case of complaints.

All site works shall then proceed only in accordance with the approved management plan unless otherwise agreed in writing beforehand with the Local Planning Authority.

5. Prior to the commencement of development, details of all the finished floor levels, surrounding ground levels and levels of existing dwellings shall be submitted to and agreed in writing by the Local Planning Authority. The dwellings shall thereafter be built in accordance with the agreed details.
6. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Jackson Purdue Lever Flood Risk Assessment (FRA) and Drainage Strategy ref PEV01862-1FR., has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
 - Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
 - Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
 - Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
 - Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
7. The development shall be carried out in accordance with the submitted flood risk assessment (PEV01862-1FR, 001862-JPL-ZZ-ZZ-RP-D-2001-A2-C04, 17.06.2022, Jackson Purdue Lever) and the following mitigation measures it details:
 - Finished floor levels shall be set no lower than 71.55 metres above Ordnance Datum (AOD) as per section 7 (Summary of Flood Mitigation Measures) in the Flood Risk Assessment.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

8. No development shall commence until;
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

9. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
10. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

11. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
12. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.
13. The hereby permitted development shall be carried out in accordance with the recommendations contained within Section 4 of the submitted Preliminary Ecological Appraisal, Prepared by Quants Environmental, Dated November 2020.
14. Prior to commencement of the development, a Biodiversity Enhancement Management Plan shall be submitted to and agreed in writing by the Local Planning Authority and this shall include:
 - Methodologies as to how the proposed habitats will be created and managed over the next 30 years.
 - Soil analysis of the areas proposed for 'other neutral grassland' creation.

This should include:

- pH (water)
- available phosphorus (P) using the Olsen method
- available potassium (K)
- available magnesium (Mg)
- total nitrogen (N) using the Dumas method
- a hand soil texture

The P, K and Mg results should be quoted in milligrams/litre.

15. The hereby permitted development shall be carried out in accordance with the details contained within the Landscape and Ecological Management Plan Issue 2, Prepared by Golby+Luck, Dated July 2023.
16. Prior to commencement of development, a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall set out the parameters, objectives and likely mitigation requirements in respect of biodiversity, and Best practice guidelines must be closely adhered to: Bats and Artificial Lighting at Night. Guidance Note GN08/23. Institute of Lighting Professionals, 2023.

17. No site clearance, preparatory work or development shall take place until a method statement detailing the protection of the retained hedgerow and the Oak Tree has been submitted to and approved in writing by the Local Planning Authority. The statement shall accord 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).
18. No site clearance, preparatory work or development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Local Planning Authority in order to recognise, characterise and record any archaeological features and deposits that may exist. The archaeological assessment should include the following components:
 1. The assessment should initially take the form of a geophysical survey in order to map anomalies of possible archaeological origin within the site.
 2. Should anomalies be identified, this shall be followed by the excavation of trial trenches located across these anomalies, with further trenching located across the remainder of the development area in order to check for features missed by the geophysics.
 3. No works shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact, based on the results of the trial trenching, in accordance with a Written Scheme of Investigation that has been submitted to and approved in writing by the Local Planning Authority.
 4. Following completion of archaeological fieldwork a report shall be prepared in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports, publications and public engagement. The report shall be submitted in writing to the Local Planning Authority.
19. Prior to commencement of development, the applicant shall submit a Sustainability Statement. This shall include details of measures such as solar panels, rainwater collection, waste reduction, ground/air source heat pumps, construction materials and energy efficiency. All approved details shall thereafter be implemented within the scheme.
20. Prior to its construction, details of the surfacing for the footpath link to Jacksdale Church Hill, as shown on drawing number 60164-FP01, shall be submitted to and approved in writing by the Local Planning Authority. The footpath link shall be provided prior to ending of construction and kept open for use in perpetuity.
21. Prior to occupation details of a shared cycleway/footway, bus stop facilities and access arrangement including associated signing and lining are to be submitted to and approved by the Local Planning Authority, as indicated on Drawing

reference 20-684-SK9 and implemented along the frontage of the development site on Main Road to join with the existing footway infrastructure to the west.

22. The formal written approval of the Local Planning Authority is required prior to commencement of any development with regard to internal street layout, including longitudinal (maximum 1 in 15) and cross sectional gradients, footpath/road key dimensions, parking and turning facilities (private & public), surfacing, street lighting, highway structures, junction/pedestrian/forward visibility splays, cycleway/pedestrian facilities, VPA/tracking, electric vehicle charge points, drainage/outfall proposals, visitor parking on street and traffic calming.
23. Prior to occupation the Residential Travel Plan ref CTP-20-684 shall be reviewed, updated and submitted to, and approved, by the Local Planning Authority.
24. Prior to occupation details of measures to encourage drivers to be aware of the 30mph speed limit on Main Road on the approach to Brinsley Hill junction and Jacksdale Village are to be submitted to, approved by the Local Planning Authority and implemented.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
4. In the interests of protecting visual and residential amenity.
5. In the interests of protecting visual and residential amenity.
6. A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
7. To reduce the risk of flooding to the proposed development and future occupants.
8. To ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

9. To ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.
10. To ensure that the site, once developed, is free from contamination and that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.
11. To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.
12. To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.
13. In the interests of biodiversity.
14. In the interests of biodiversity.
15. In the interests of biodiversity.
16. In the interests of biodiversity.
17. In the interests of arboriculture.
18. To ensure that any features of archaeological/historic interest are protected and recorded.
19. To reduce the carbon footprint of the development.
20. To ensure the footpath links are provided.
21. In the interests of highway safety and to ensure vulnerable users have access to safer improved sustainable facilities that encourage active travel.
22. To ensure the development is constructed to a satisfactory fit for purpose standard for use of the public and in the interest of safety for all highway users.
23. To encourage sustainable active travel
24. To encourage road users to reduce their speed in the interests of highway safety.

INFORMATIVES

1. This permission is subject to a S106 legal agreement, which is required to be signed and executed before such time a decision is issued.
2. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
3. In order to avoid impacts to nesting birds, all tree/shrub/hedgerow/scrub and rough grassland removal work be undertaken outside of the bird-breeding season (March-September inclusive). If works are to be carried out during this time then a suitably qualified ecologist should be on site to survey for nesting birds prior to any vegetation clearance. As you will be aware all nesting birds', birds' nests, young and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended). Nesting is taken to be from the point at which birds start to build a nest, to the point at which the last chick of the last brood of the season has fully fledged and left the nesting area.
4. The contractor must ensure compliance with current legislation on noise and dust control including the Environmental Protection Act 1990 and the Control of Pollution Act 1974. Relevant Codes of Practice set out procedures for dealing with the control of noise on construction and demolition sites are contained in BS5228: 2009 Noise and Vibration Control on Construction and Open Sites.
5. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
6. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the HA, the new roads and any highway drainage will be required to comply with the NCC's current highway design guidance and specification for roadworks.
7. **Section 278 Agreement (Highways Act 1980)**

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. To undertake the works, which must comply with the NCC'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 HA as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties. Contact hdc.north@nottsc.co.uk

8. **Section 38 Agreement (Highways Act 1980)**

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the HA about compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

Please note, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the HA until technical approval of the Section 278-38 Agreement is issued.

It is strongly recommended that the developer contact the HA at an early stage to clarify the codes etc. with which compliance will be required in the circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the NCC in writing before any work commences on site. Contact hdc.north@nottsc.co.uk

9. **Commuted Sums**

The applicant should note that any areas over the normal minimum, intended for adoption will require the payment of a commuted sum for future maintenance. (i.e., additional areas exceeding usual highway design requirements, additional street furniture, landscaping, Sustainable Drainage Systems, retaining walls, bollards, and materials outside usual specification). The applicant is strongly advised to hold discussions with the HA as soon as possible to agree sums, ownership, and responsibility for perpetuity.

10. **Adoption of roads/streets**

The HA only seeks to adopt streets where the new street network is acceptable in all highways and transportation terms. Accordingly, the HA may refuse to accept future maintenance liability of roads that do not meet the required standards and specification.

11. Planning consent is not agreement to work on or adjacent to the public highway, therefore prior to any works commencing on site including demolition works you must contact Highways Network Management at licences@viaem.co.uk to ensure all necessary licences and permissions are in place.
12. 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.