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 **Ashfield**
DISTRICT COUNCIL

MAP SCALE 1: 5000
CREATED DATE: 07/10/2024

COMMITTEE DATE **23 October 2024** **WARD** **Annesley and Kirkby
Woodhouse**

APP REF **V/2022/0246**

APPLICANT **Garner Holdings and Trustees of Major RP Chaworth Musters
1990 Discretionary Settlement and Exors of Major RP Chaworth
Musters**

PROPOSAL **Application Made in Accordance with the Town and Country
planning (Environmental Impact Assessment Regulations)
2017: Hybrid Planning Application Comprising: Full Application
for a B2/B8 Unit with Associated Access, Parking, Drainage
Infrastructure and Landscaping; and Outline Application for up
to 4no. B2/B8 Units (With Point of Access and Scale Included)**

LOCATION **Land Adjacent to Junction 27 of the M1, Mansfield Road,
Annesley**

WEB-LINK

BACKGROUND PAPERS **A, B, C, D, E, F, K**

App Registered: 31-03-2022

Expiry Date: 20-07-2022

Consideration has been given to The Equality Act 2010 in processing this application.

***This application has been referred to Planning Committee because it is a departure
from the development plan.***

The Application

This is a hybrid application made in accordance with the Town and Country planning (Environmental Impact Assessment Regulations) 2017 comprising a (i) full application for a B2/B8 Unit with associated access, parking, drainage infrastructure and landscaping; and an outline application for up to 4no. B2/B8 Units (with point of access and scale included).

The site is proposed to be developed in two phases.

Phase1

The Phase 1 unit is proposed to be built first and would accommodate a new aluminium extrusion machine and associated working area, for the manufacture of window and door frames and associated products. The Site is proposed to be served by a new traffic light-controlled access to be formed with the A608 Mansfield Road.

The Phase 1 unit is proposed to be sited on the eastern portion of the Site and would occupy approximately 7.28ha. It would have a gross external floor area of 30,866 sqm with an eaves and ridge height of 12m and 14m respectively. Externally, the building is proposed to be finished in light grey cladding with the windows, vehicle doors personnel doors, eaves and verge and flashings to be blue.

A two-storey ancillary office accommodation block would adjoin the northeast side of the Phase 1 unit. In terms of materials, the ancillary office accommodation is proposed to be constructed from red facing brick with a blue/grey Eternit type slate roof.

The Phase 1 Site is proposed to be accessed from its north side, direct from the A608 via a new junction to provide access to parking and servicing areas and a delivery yard located to the east of the building. 180 parking spaces are proposed, including 4 disabled spaces, and 60 covered cycle spaces.

It is proposed to undertake a cut and fill operation on the Site, so as create a level platform on which to construct the Phase 1 building. This would result in the building being built on reduced levels within the site with the excavated material being used to form a bund to the east side of the site, which is proposed to be landscaped, in order to screen the building from view from the adjacent public footpath.

The Drainage Strategy for the wider site aims to direct surface water to an attenuation pond to be sited in the northeastern corner of the Phase 1 site.

The Phase 1 proposals are accompanied by a comprehensive Landscaping Masterplan, which shows a 30m deep landscaped buffer along the eastern boundary of the Site.

Phase 2

The Phase 2 site at present forms safeguarded land for a material compound during the construction of Phase 2b of HS2. As such development of Phase 2 is dependent not only on the approval of reserved matters but also the lifting of the safeguarding direction.

Phase 2 comprises 16.46ha of land and is located in the north-western portion of the Site. The detailed design of the Phase 2 units would be the subject of Reserved Matters application(s), but it is anticipated that the external appearance of the proposed buildings would complement the appearance of the Phase 1 building to give the overall development a coordinated visual appearance.

The purpose of the Phase 2 development is to accommodate the future expansion plans of Garnalex who it is envisaged would be occupying Phase 1.

It is proposed that Phase 2 will be accessed via a new fourth arm from the Mansfield Road/Sherwood Business Park roundabout. However, it is proposed that the internal road layout would be kept separate from that of Phase 1. Four separate parking courts are proposed, which would serve each of the four units. Three delivery yards have also been shown on the indicative layout.

As the Application seeks to secure scale at this stage, it is proposed that the individual size of the buildings within Phase 2 will be confirmed at the reserved matters stage, but the total

combined floor space shown on the indicative layout which shows the following, will not be exceeded:

- Building 1: 30,192.5 sqm (325,000sqft)
- Building 2: 11,148 sqm (120,000sqft)
- Building 3: 10,219.33sqm (110,000sqft)
- Building 4: 9,290 sqm (100,000sqft).

The buildings in this Phase would have maximum eaves and ridge heights of 12m and 14.1m respectively.

Drainage of the Phase 2 site would be via three attenuation ponds.

The outline scheme shows a number of landscaped pockets which would serve to break up the massing of the development, with the small existing woodland band which extends into the centre of the site from the western boundary being retained and incorporated into the proposals.

For the avoidance of doubt members are advised that matters of layout, appearance and landscaping are reserved and therefore not for consideration at this stage.

The applicant has submitted an Environmental Statement in support of the application. This is split into topic headings each one dealt with in a discrete chapter. These are

Non-technical Summary

Volume 1-Chapter 1: Preface

Volume 1-Chapter 2: Introduction

Volume 1-Chapter 3: EIA Methodology and Approach to Assessment

Volume 1-Chapter 4: Existing Site and Land Uses

Volume 1-Chapter 5: Consideration of Alternatives

Volume 1-Chapter 6: Description of Development

Volume 1-Chapter 7: Biodiversity

Volume 1-Chapter 8: Heritage and Archaeology

Volume 1-Chapter 9: Highways

Volume 1-Chapter 10: Air Quality

Volume 1-Chapter 11: Landscape and Visual Impacts

Volume 1-Chapter 12: Hydrology, Flood Risk and Drainage

Volume 1-Chapter 13: Socio-economic Assessment

Volume 1-Chapter 14: Energy and Sustainability

Volume 1-Chapter 15: Summary of Residual Effects

Volume 1-Chapter 16: Cumulative Effects

Volume 1-Chapter 17: Summary and Conclusions

Volume 1-Chapter 18: Glossary and Abbreviations

Volume 2: Technical Appendices

The appendices include a range of technical reports, plans and tables.

The applicant has also submitted the following documents: -

Employment Land Review
Energy Statement
Travel Plan
Soil and Agricultural Survey
Garnalex Business Plan

In August 2024 the applicant submitted additional/ amended details of the proposal along with revisions to the Environmental Statement and associated documents which sought to address the comments received from statutory consultees. The amendments to the proposal included: -

Heritage/landscape related changes

- Unit 1 finished floor level has been lowered by 1m;
- The bunds screening unit 1 particularly to the east and southeast elevations have been engineered with gabion wall adjacent to the building and the height has increased by 1m;
- Collectively these amendments provide a 2m lessening in the visual impact of the building;
- The gradients of the bunds have been reduced to soften the impact and provided more suitable slopes for tree planting;
- A new permissive right of way has been shown on land to the east of the Site and will provide further public access through the Registered Park and Garden and enhanced views of Annesley Hall.
- Photovoltaic panels (PV) are shown on the roof plan for Phase 1.
- The landscape montages have been updated to reflect the changes.
- The cladding colour of the building has also been designed to enable it to blend into the landscape context, with a grey and green gradient colour proposed, as is shown on LVIA landscape montages.

Highways related changes (Phase 1)

- Parking levels on Phase 1 increased to 242 car spaces, 47 HGV spaces.
- The Phase 1 access carriageway has been realigned, moving the junction approximately 20m to the east of its previously location.
- Two full length exit lanes provided on site access arm.
- A608 major carriageway has been realigned to a minimum centreline radius of 360m.
- Two-stage pedestrian crossings installed on A608 W arm, and site access arm.
- Bicycle only crossing installed on the site access arm.
- Segregated 3m/2m cycleway/footway provide along the southern edge of A608, extending from east of the site access, across the junction, and up to the Phase 2 access, in order to provide LTN 1/20 compliant sustainable transport connections.
- Internal road linking phases 1 and 2 together

Highways related changes (Phase 2)

The geometry of the access arm is the same as what was submitted, however the sustainable transport connection has been amended slightly following discussions with the Highway Authority:

- Segregated 3m/2m cycleway/footway provide along the southern edge of A608, extending from the Phase 1 access up to the Phase 2 access, to provide LTN 1/20 compliant sustainable transport connections.
- 3m wide cycle crossing on the A608 Eastern Arm, adjacent to a standard 2m wide staggered pedestrian crossing facility.
- Segregated footway/cycleway facility now extends around the northeastern radius of the roundabout to a 5m wide shared crossing on the Willow Drive arm.
- Minor adjustment to the interface between the crossing on the A608 Western Arm, and the existing footway.

Site Description.

The planning application site comprises 23.75 hectares of land located to the southeast of Junction 27 of the M1 and south of the A608 (Mansfield Road) which takes the form of a large arable field. It has few landscape features which is limited to a hedgerow.

The Site is located on a southeast facing slope with the Site's highest point being at 178m AOD on the northwest boundary reducing to 148m AOD on the southwestern edge with a crest of land in the northeast which is 172m AOD.

To the north of the site is the A608 (Mansfield Road) across which is a series of agricultural fields subject to planning application V/2022/0360 for a logistics campus (B8). To the northwest is Sherwood Business Park.

To the east-northeast of the site are two agricultural buildings, called on the ordnance base map as Home Farm beyond which is Weavers Lane and a dwelling called Chaworth Lodge at a distance of approximately 151m. Chaworth Lodge is located at the northeast corner of the former walled kitchen garden of Annesley Hall, which as its name implies is surrounded by a brick wall which is approximately 3m in height. This forms part of the Registered Park or Garden. Chaworth Lodge is approximately 22m from the A608 Mansfield Road.

To the immediate west are pf the site open fields beyond which is the M1. To the southwest of the site is Audrey Wood, with Weavers Lane abutting the Site beyond this along the south-eastern boundary. Beyond Weavers Lane are further open fields and numerous wooded areas. To the east, Weavers Lane continues until it joins Mansfield Road (A608). Located to the east of the Site, and fronting on to Mansfield Road, is a small cluster of businesses, including Manor Equestrian, Home Farm and Inspirational Interiors.

In addition, America Farm is accessed via Weavers Lane and is located approximately 700m to the southwest of the Site.

The Site is located within the Nottingham and Derby Green Belt.

There are a number of designated heritage assets located nearby. These include: -

- Annesley Hall which is a Grade II* Registered Park and Garden (ref: 1001077) which is located to the east of the Site, its western edge abuts the site along Weavers Lane. The designation covers approximately 312 hectares of land south of Annesley and includes the following designated heritage assets: -
 - o Terrace to Southwest of Annesley Hall (Grade II Listed, ref: 1234839)
 - o Annesley Hall (Grade II Listed, ref: 1234836)
 - o Annesley Lodge (Grade II Listed, ref: 1234846)
 - o Ruins of Church of All Saints (Grade I Listed, ref: 1234999)
 - o All Saints Church and Graveyard (Scheduled Monument, ref: 1020778)
 - o Gatehouse Range at Annesley Hall (Grade II Listed, ref: 1234843)
 - o Annesley Motte and Bailey Castle (Scheduled Monument, ref: 1009305).

Within a 3km radius of the application site are the following assets: -

- Church of All Saints (Grade II* Listed, ref: 1275939)
- Fishponds 170m south of Damstead Farm (Scheduled Monument, ref: 1018119)
- Beauvale house Service Wing, Stables and Garden Wall (Grade II* Listed, ref: 1278051)
- Beauvale Priory Church and attached Priors' Lodgings (Grade II* Listed, ref: 1278052);
and
- Beauvale Carthusian Priory (Scheduled Monument, ref: 1002920).

In respect to designations relating to biodiversity, directly to the southeast of the site there is a Local Wildlife Site, called 'Weavers Lane Grassland'.

There are a number of public rights of way within close vicinity of the Site including Weavers Lane (Bridleway Annesley BW1) and Kennel Lane (PRoW Annesley FP2)

To the west of the Site is a strip of land running parallel to the M1 which is identified as safeguarded for HS2 Phase 2b.

Relevant Planning History.

SO/2021/ 0003: Screening Opinion: For B2/B8 units on land to the Southeast of Junction 27, Mansfield, Road, Annesley, Nottinghamshire. Hybrid application. Screening opinion given.

SCR/2021/0002: Screening opinion: Hybrid application for B2/B8 units at Home Farm Paddock, Weavers Lane, Annesley, Nottinghamshire. EIA Required.

V/2019/0285: Planning application for dryer building at Home Farm, Mansfield, Road, Annesley, Nottinghamshire. Approved.

V/2001/0192: Prior approval application for erection of new dryer adjacent existing building at Home Farm, Mansfield Road. Prior approval not required.

V/1985/0675: Base station radio mast at Home Farm, Mansfield Road.

Consultations

Site Notices have been posted together with individual notification of the application of surrounding residents. 78 letters of objection have been received and a summary of the comments is set out below: -

Impact on the Green Belt

The land proposed for development is Green Belt land. Whilst the applicant has acknowledged this, we do not believe their reasons and compensations justify Very Special Circumstances.

The need for this development and the proper consideration of Alternative non-Green Belt locations/delivery has not been clearly demonstrated by the applicant. The LPA should interrogate these matters further.

Green Belt should be kept for us and future generations to enjoy.

The proposal would encroach into the openness of the countryside, contrary to the NPPF para 138c.

This is an inappropriate use of unspoiled green belt land.

Need for the Development

Sherwood Business Park has several unoccupied units and further units in this area are not appropriate, needed or necessary.

The applicant has been unable to find suitable land anywhere else for this development. How is this land and its location suitable for such a proposal considering all the points raised by Historic England, the Parish Council and many other people, businesses and community members.

If more buildings are needed why not flatten the unused units at Annesley and use land that is already developed.

The units recently built on Wigwam Lane in Hucknall are still empty.

Loss of Agricultural Land/ Impact on Agriculture

This land is vital for the production of agricultural produce.

Harm to Ecology/ Biodiversity

Whilst the applicant has set out proposals to protect and preserve wildlife and species currently inhabiting or making use of the land, we do not feel this is adequate and harmless.

The area is of significant natural beauty and wildlife is abundant in this area. The devastation caused by construction will not only impact the wildlife at the site but also in the surrounding vicinity.

The land comprises part of the vital habitat for a huge range of wildlife inclusive of the herd of deer that chiefly reside in William Woods. The deer range widely and this development will deny them land, space, food and disturb their usual routines and habitats

The use as a factory is likely to cause contamination on an ecologically important site. The site contains two woods, and the noise and contamination associated with the facility will drive away wildlife including nesting birds.

Bats use this site.

Impact on Highway Safety and Capacity

The roads in this area are already congested for several hours of the day at peak times. The excessive additional traffic this development would create would make it not only further congested but dangerous.

It has also come to our attention that there is another substantial industrial development, Ashfield Campus, at planning stage near to J27, by Oxalis Planning. This development will also heavily increase traffic around the motorway junction and the road network around our house.

The junction with Sandhill Road is a constant bottle neck and the junction at the bottom where it meets Alfreton Road is also.

The extra traffic and lorries, plant machinery etc that will use Mansfield Road will add to the wear and tear of the road.

The proposed industrial estate will increase the volume of traffic locally, especially in the villages of Underwood and Annesley. These areas have scant traffic mitigation or management as matters stand and will suffer from the increasing volume of commercial vehicles both in terms of noise, physical risk, and emissions.

The construction of the proposed industrial estate will result in considerable disturbance, delay and inconvenience during the building phase.

Impact on Pollution Levels and Impacts on Health and Amenity

To have two major developments in one area will be detrimental to the surrounding area, the landscape, pollution, noise pollution and will further limit enjoyment of this area by many people.

Many people enjoy this area, and the mental health of these people should also be taken into consideration especially now, after Covid, Brexit, war and global warming.

The development site forms an integral part of a broad area of local Green Belt land that acts as the lungs of Ashfield removing CO₂ from motorway traffic.

the proposed development lies to the South-West of Chaworth Lodge such that the prevailing wind will carry directly from the development to our client's house and garden. The closest part of the development to the property will be the loading bays. These points raise significant concerns in relation to visual, noise and air quality impacts.

The application does not properly consider Chaworth Lodge and the considerable amenity impact of the development in terms of the reasonable enjoyment of their residential use of the house and the gardens. Chaworth Lodge is not mentioned by name in any of the application documents. This is a pertinent point when considering the visual, noise and other amenity impacts of the development on occupiers of Chaworth Lodge.

The Noise Impact Assessment (NIA) to be difficult to reconcile with the proposed development and its relationship with Chaworth Lodge. The NIA appears to suggest that the noise generated by a busy factory with loading and unloading activity at the closest point to Chaworth Lodge will be largely indistinguishable from background noise levels, particularly given that the development is directly downwind of the residential property. However, there is no meaningful boundary, barrier or screening between the development and the Home Farm site which means that there is no effective barrier to noise pollution reaching Chaworth Lodge from this part of the development.

Noise disturbance is not confined to the indoor amenity of residential dwellings – no account is taken of outdoor amenity, i.e. when in the garden. Fully open windows in the warmer months should also be considered.

The Air Quality Assessment is based on only a vague idea as to residential property within the vicinity of the proposed development. Indeed, paragraph 10.82 of the relevant ES chapter states, in relation to local receptors "it is thought that there is a residential property located within the equestrian site". The AQA appears to be a wholly desk-based assessment relying on broad assumptions and no specific consideration of the impact on Chaworth Lodge, the closest residential property.

Further assessment of air quality is required, as it may affect Chaworth Lodge, both during construction and in the operational phase, with mitigation measures introduced accordingly.

Impact on the Historic Environment

Chaworth Lodge is within the former walled kitchen garden of Annesley Hall, and as such is included in Historic England Register of Parks and Gardens of Special Historic Interest at Grade II*.

Chaworth Lodge is, itself, a local heritage asset, as are the walls, to the extent that they are not included in the RPG listing.

The application fails to mention that Annesley Cottage/Chaworth Lodge and the walled garden are within the RPG and is clearly seeking to downplay the heritage significance and therefore the impact of the development upon these heritage assets. The Lodge and the walled garden currently sit, as with the rest of the RPG, within a rural setting but are within the greatest proximity to the proposed development.

Historic England consider the proposal would amount to substantial harm.

Proper provision should be made for adequate screening and protection for the Park and Gardens both in terms of the visual impact to and from the Park and Gardens and any detrimental effect that might occur in terms of general amenity from the users and potential visitors to the Park and Gardens.

This is in D H Lawrence and Byron country, enjoyed by walkers and visitors to this beautiful area.

It will affect a Grade 2* listed building and its garden. It is already on the Heritage at Risk register and will be affected by development nearby.

Policy EV14 of Ashfield District Council Local Plan clearly states 'Development which would adversely affect historical parks, gardens or their settings will not be permitted'

The proposal is contrary to National Planning Policy Framework (NPPF) para 197c.

The registered park and garden at Annesley Hall, containing Annesley Hall, the 17th century garden terraces, the stables and Annesley Lodge, along with the ruins of All Saints Church and the Annesley motte and bailey castle, are together heritage assets of the highest significance and national importance.

The proposed development for B2-B8 units on land in the sensitive landscape immediately adjacent to the registered park would not contribute to local distinctiveness, would erode the estate setting of these important heritage assets, including the buffer between the M1 and the registered park, and have a harmful visual impact in key public views that would impair the ability to appreciate these assets in their historic setting.

Impacts on the Character of the Area

Walkers, cyclists, dog walkers and horse riders use this area for recreation and exercise.

This is a peaceful area of natural beauty and that would significantly change for the worse should these plans go ahead.

The abomination that has been constructed at junction 28 should not be replicated at Junction 27.

Again, another outstanding beautiful area of the countryside is being planned to be built on.

The site forms part of a green and rich land stretching to Hucknall, Newstead, Annelesy, Underwood, Brinsley, Eastwood, Moorgreen, Watnall, and back to Hucknall. The area includes the Misk Hills, Whyburn Farm, Annesley High Park, and Moorgreen Reservoir.

Arriving at junction 27 now is a pleasant experience of entering the countryside.

Recent examples of industrial units constructed in Eastwood (off the A610) and South Normanton (off the A38) are crude, brightly coloured monstrosities easily seen from great distance. This development, on a clear day, will be visible from Crich in Derbyshire not to mention several more local beauty spots. This industrial estate will compromise more than just the character of the local villages and area, it will impact more broadly on the character of the Nottinghamshire / Derbyshire border region, to its significant detriment.

These huge structures would be seen for miles, completely change the character of the area.

Visual impact – the development, notwithstanding the proposed landscaping (regardless of the revisions) – will be plainly visible from Chaworth Lodge. Much of the screening of the development is reliant on a planting scheme which may take a significant amount of time to achieve a degree of reasonable screening and which (as proposed) is 94% deciduous and therefore far less effective in the winter months. Proposed planting of 60-80cm specimens will take many years to reach an effective height and spread. Even when mature, the screening will not conceal this industrial development from Chaworth Lodge nor from the Registered Park and Garden or public right of way.

The NE corner of proposed Phase 1 building and its service yard will be open to view (and noise) from Chaworth Lodge. Further landscaping and screening (visual and acoustic) works are required along the North-East boundary of the application site.

The LVIA has not properly assessed the visual impacts of the proposals on the entirety of Chaworth Lodge. Whilst existing views from “Receptor 1” (which is proximate to Chaworth Lodge) are provided, it is telling that, despite providing them for three non-residential and transient viewpoints (i.e. walker/motorist) locations, there are no photomontages provided to show how the development will affect this Receptor 1, or any other residential or non-transient views. The applicant should be required to provide such photomontages for all of the identified viewpoints.

The LVIA still does not provide any cross-sectional illustration as to the landscaping and screening proposals along a NE-SW axis to/from Chaworth Lodge.

Drainage and Flood Risk

The roads around this application are prone to flood already causing congestion and accidents, this planning proposal will only add to it.

Miscellaneous Comments

Chaworth Lodge has not been acknowledged or shown clearly in any of the plans and proposals despite its proximity being over 20m away to the proposed development.

There are other residential properties in this area who have not been informed of this planning application.

This development would severely detrimentally affect the value of property.

Whilst Aluminium may be recyclable our countryside, heritage and futures are not.

Utilising the supposed green credentials of the applicant/ subject business to support the application is an exercise in greenwashing.

The Council does not have a mandate to build on our irreplaceable countryside in this manner. Posterity will judge the Council ill should it fail to act now to protect the communities it purports to serve.

The application should be refused on the grounds of Prematurity. The proposed development is on land which is identified within the Submission Draft Local Plan for a significant strategic allocation (S6(b)/EM2), and for which the land will need to be released from the Green Belt – both significant matters for the Local Plan Examination. The Local Plan was submitted for examination on 29 April 2024 and is therefore at an advanced stage. The proposed development, if allowed, would clearly and seriously prejudice the local plan process in relation to these major, strategic policy decisions and would clearly fall within the grounds for rejection by way of prematurity as set out in Paragraph 49 of the NPPF, i.e. it would “undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan”.

If the Council does not consider the application to be premature, then it must be the case that no significant weight, if any, can be given to the relevant emerging policy or proposed Green Belt release.

A permissive right of way is now proposed by the applicant, but we are unable to see from the documents how this is to be delivered or secured in perpetuity

Consultation Responses

Active Travel England

No comment to make as its statutory consultee remit applies only to qualifying consultations that were made valid by the local planning authority (LPA) on or after 1st June 2023.

ADC Conservation Officer

Having read the updated Environmental Statement chapter, I agree with Historic England in that there will be less than substantial harm to each of the designated heritage assets, albeit, I would consider them at a high to moderate level for the Registered Park and Garden and a moderate level of less than substantial harm to the Gatehouse, the Church and the Mott and Bailey. Considering that three of these are of the highest significance (one also being a SM and a Grade I LB, so perhaps four designated heritage assets) there would need to be sufficient public benefits to outweigh these and clear and convincing justification for this level of harm. Furthermore, in EIA terms, any moderate to major effects are considered to be significant, and whilst the NPPF is concerned with impact, rather than effect, it is widely accepted that a major magnitude of effect to a designated heritage asset would generally equate to either the highest level of less than substantial harm or substantial harm.

In addition to my previous comments, the Emerging Local Plan is now in Reg 22 stage, so should be given weight in any planning decision – of particular note are emerging policies SP14 and EV9.

The previous concerns and objections therefore still remain, and that, in line with the legislative framework and with policy at both a national and local level, the levels of harm should be weighed in a tilted balance affording the harm great weight (with the weight afforded to the harm to the assets of the highest significance, to be greater) against the public benefits of the scheme.

ADC Drainage

No comments received.

ADC Ecologist

Based on the submitted information there are unlikely to be impacts on Protected Species including Great-crested newt, roosting bats, badger and reptiles.

Use of the Biodiversity Metric has identified the development will provide and 11.31% gain of habitat units and 68.26% gain of hedgerow units.

My outstanding concern is that insufficient consideration has been given to the potential use of the arable field by ground nesting priority bird species, such as skylark, lapwing, grey partridge and yellow wagtail.

ADC Policy (Updated October 2024)

Since our previous comments, a Regulation 19 consultation has taken place (1st December 2023 – 29th January 2024) on the Pre-Submission version for the new Local Plan for Ashfield. This will ultimately replace the saved policies of the current Ashfield Local Plan Review 2002 upon adoption. In April 2024, the emerging Local Plan was submitted for independent examination, which includes the application site as a proposed employment allocation - Strategic Policy S6: Strategic Employment Allocation at Junction 27 M1 Motorway.

Background Paper 3: Economy and Employment Land (BP3) which supports the emerging Local Plan identifies that whilst the site is in Green Belt and a number of issues have been raised regarding the impact on nearby heritage assets, it is considered by the Council that the site should be taken forward on balance of the public benefits outweighing the harm in relation to heritage assets. It is also considered that the exceptional circumstances in relation to the Green Belt provide the justification for the allocation to be taken forward in the Local Plan.

Taking account of NPPF para 48 (below), the Submission Local Plan is a material consideration in decision making. Emerging Policy S6 has several supports (10), however it also has 2 outstanding / unresolved objections, one of which is from Historic England.

NPPF para 48:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Weight may also be given to the evidence base that supports the emerging Local Plan. However, it has not been evaluated at a local plan examination and this needs to be considered in relation to what weight it is attributed in any decision.

The National Planning Policy Framework (NPPF) is a material consideration. The policies in the development plan have to be considered in relation to their degree of consistency with the provisions of the NPPF (NPPF paragraph 225). This will depend on the specific terms of the policies and of the corresponding parts of the NPPF when both are read in their full context. An overall judgement must be formed as to whether or not development plan policies, taken as a whole, are to be regarded as out of date for the purpose of the decision¹.

Under NPPF paragraph 11, where there are no relevant development plan policies, or policies which are most important for determining the application are out of date grant permission unless: -

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.

Under (i) it has to be considered whether the application of one or more "Footnote 7 policies" provides a clear reason for refusing planning permission. The mere fact that such a policy is engaged is insufficient to satisfy (i)², the application of a Footnote (i) policy has to provide a clear reason for refusal.

ADC Environmental Health

Noise Impact

No objections subject to condition in respect to the submission and implementation of an environmental management plan.

Air Quality

No objections subject to a condition in respect to the submission and implementation of an environmental management plan.

Lighting Strategy

It is noted that the Planning statement also confirms that a Lighting Strategy has been produced by Designs for Lighting Ltd and is appended to the Landscape Chapter within the accompanying Environmental Statement. It states that the Strategy details an approach to adopting a minimally obtrusive lighting scheme which is functional, to ensure safety and sensitivity to both the environment and nearby ecological receptors. The proposals also seek to ensure minimal impacts upon the adjacent Grade II* Registered Park and Garden and associated Listed Buildings at Annesley Hall.

No objections subject to a condition in respect to the submission and implementation of an environmental management plan and external lighting scheme.

ADC Environmental Health (Contaminated Land)

¹ Wavendon Properties Limited v Secretary of State for Housing, Communities and Local Government & Anr. Case Number: CO/200/2019

² Barwood Strategic Land II LLP v East Staffordshire Borough Council [2017] EWCA Civ 893]

Sufficient information has been submitted to satisfy the Desk Study section of the full contaminated land condition and therefore no objections subject to a condition requiring submission of a remediation scheme and subsequent verification.

ADC Landscape

No comments received.

ADC Tree Officer

Should the loss of trees / hedges be mitigated within the landscape proposals for the site I would have no objections to this aspect of the scheme as long as ecology/conservation comments do not indicate significant loss of habitat.

I am satisfied with the proposed tree protection plan and method statements and suggest that these are incorporated within any consent granted as part of the approved plans.

It is essential that the proposed landscape avenue planting of semi mature trees is also conditioned to be effectively watered and maintained to full establishment.

I have run the calculations for the Root Protection Zones on the veteran ash tree T14. The supplied RPA is identified as 20.25 radius which has been calculated at 15 times stem diameter of 1350 mm which is in line with my current understanding. The standard BS 5837 multiplier is 12 times the stem diameter which would give an RPA 16.2 metre radius. I am therefore satisfied that the RPA supplied by the applicant shows an adequate buffer zone and that my previous comments stand.

Environment Agency

The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. We have the following comments to make towards drainage on site.

The measures for surface water and foul drainage outlined in the Surface Water Drainage Addendum Report appear acceptable.

Connection to the public sewer with agreement from Severn Trent Water under a Section 106 agreement for foul waste and discharge of surface water to existing watercourses with the inclusion of storm tanks to manage flows, oil separators from car parking areas and attenuation ponds prior to discharge to promote settlement are included in the plans.

Sections 3.43 and 3.48-3.52 of the Environmental Statement Non-Technical Summary give consideration to the management of surface water during the construction phase and that best practice will be used to prevent pollution and that mitigation measures will be in place. We would expect specific risks to be identified with mitigation as part of a Surface Water Management Plan during the construction phase.

Garden Trust

We have considered the online documentation and it is clear that this sizeable application site with its tall factory units situated immediately to the west and adjacent to the boundary of the Grade II* Annesley Hall registered park and garden (RPG), will have a negative impact on the setting and significance of the RPG. Despite its high grading, the park is on the

Heritage at Risk register, exacerbated by development pressures, so these proposals are doubly unwelcome. We were not able to find any indication within the documentation as to what alternative sites were considered for this large development.

The ridge height of the proposed structures is 14m at its maximum, and even though the buildings are to be partially sunk into the ground, especially on the North-Eastern edge where the land rises, and trees planted on a new bund, the

Landscape and Visual Impact Assessment (LVIA) confirms (11.156 & 11.157) that there will be views to some of the built development from the RPG. We also have concerns that light emittance from such a large industrial area will harmfully affect the RPG as well as the various other highly graded heritage assets whose setting is negatively affected by this application. The impact of the proposals upon all the heritage assets and their significance has been clearly outlined in Historic England's (HE) letters relating to this application, which we completely endorse.

We will not repeat HE's comments for brevity.

Policy EV14 in Ashfield DC's Local Plan (adopted 2002) relating to historic parks and gardens states categorically that 'Development which would adversely affect historic parks and gardens or their setting will not be permitted.' That is manifestly the case in this instance. It is also contrary to NPPF para 197c. The application site is also within the Green Belt and encroaches into the openness of the countryside, contrary to the NPPF para 138c. Again, the relevant NPPF paragraphs are outlined in HE's first letter dated 13th May 2022.

The GT/NGT strongly opposes this application.

Historic England

The registered park and garden at Annesley Hall, containing Annesley Hall, the 17th century garden terraces, the stables and Annesley Lodge, along with the ruins of All Saints Church and the Annesley motte and bailey castle, are together heritage assets of the highest significance and national importance. They are associated with literary works of international importance through the poetry and prose of Lord Byron and DH Lawrence, and also with the life of Lord Byron.

The proposed development for B2-B8 units on land in the sensitive landscape immediately adjacent to the registered park would not contribute to local distinctiveness, would erode the estate setting of these important heritage assets, including the buffer between the M1 and the registered park, and have a harmful visual impact in key public views that would impair the ability to appreciate these assets in their historic setting. We consider that the harm to heritage significance is a high level of less than substantial, and that the development does not meet the requirements of the National Planning Policy Framework or the Ashfield Local Plan. Historic England objects to the application on heritage grounds.

Historic England Advice

We note the amendments to the scheme in relation to the heritage and landscape have reduced the level of harm and we consider that the harm to heritage significance is now a high level of less than substantial harm.

Whilst we maintain our objection on the basis of level of harm to the significant of the highly graded heritage assets, including the grade II* registered park and garden, scheduled monument and grade I listed building, we note it is necessary for the local authority to place the public benefits in the balance with the great weight of the conservation of the designated assets.

Recommendation

Historic England objects to the application on heritage grounds.

The registered park and garden at Annesley Hall, containing Annesley Hall, the 17th century garden terraces, the stables and Annesley Lodge, along with the ruins of All Saints Church and the Annesley motte and bailey castle, are heritage assets of the highest significance and national importance. They are associated with literary works of international importance through the poetry and prose of Lord Byron and DH Lawrence, and also with the life of Lord Byron. The proposed development for B2-B8 units on land in the sensitive landscape immediately adjacent to the registered park would not contribute to local distinctiveness, would erode the estate setting of these important heritage assets, including the buffer between the M1 and the registered park, and have a harmful visual impact in key public views that would impair the ability to appreciate these assets in their historic setting. We consider that the harm to heritage significance is a high level of less than substantial harm.

Notwithstanding our objection, should you be minded to grant consent we would urge you to consider a condition for the planting of semi-mature deciduous and evergreen tree planting, bearing in mind plant species in the context of Annesley Hall registered park and garden, that would provide a level of instant screening, and a planting design that takes advantage of the full height provided by the bund to enhance the screening effect.

We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 203, 205, 206 and 208.

HS2

As HS2 has been cancelled there are no objections subject to an informative attached to any permission granted.

Kirkby and District Conservation Society

No comments received.

Local Lead Flood Authority (LLFA)

No objection to the proposals subject to conditions requiring the submission and implementation of a detailed surface water drainage scheme.

National Amenities Society

No response received.

National Highways

No objection subject to conditions

Natural England

No objection.

The proposed development will not have significant adverse impacts on Bogs Farm Quarry Site of Special Scientific Interest (SSSI), Annesley Woodhouse SSSI, Bagthorpe Meadow SSSI, Friezeland Grassland SSSI, Linby Quarry SSSI and Kirkby Grives SSSI.

Response goes on to provide advice in respect to 'Best and Most Versatile Agricultural Land' and 'Biodiversity Net Gain'.

Nottinghamshire County Council Archaeology

In the first instance I refer you to the comments made by Historic England. The application site is on the edge of a Registered Park and Garden and in close proximity to several Listed structures and Scheduled Monuments. The proposals represent a significant negative impact within this sensitive heritage landscape and it is not clear to me how these issues may be resolved.

With regard to the archaeological resource of the site; this has not been adequately assessed and so it is not possible for me to make an informed planning recommendation in the event that the considerable issues around impacts to Listed and Scheduled assets and the wider historic landscape can be overcome. The DBA and geophysical survey have provided some background data although there is very little data on the HER to inform the archaeological potential of the site.

The north-eastern portion of the application site did not produce any useful data on the geophysical survey, which is attributed to ferrous disturbance from the land being used as a compound during road improvement works. There has been no intrusive work to confirm the nature of this disturbance. A spring-fed watercourse is shown along the western portion of the site; the watercourse itself does not appear on any of the historic mapping though some springs do. There is potential for Prehistoric activity in the vicinity of natural features such as these, and Prehistoric features do not always present on geophysical surveys. The remainder of the survey shows modern field boundaries along with some drainage and possible ridge and furrow cultivation, although these do not match up with drainage and cultivation features that are evident on aerial photos. On account of these factors the results of the geophysical survey should not be relied upon to draw any conclusions about archaeological potential.

The proposed development comprises the construction of several large industrial units and associated landscaping, drainage, roads and services. Groundworks associated with the development will have a significant impact on any surviving archaeological remains, likely resulting in total loss, if present.

Recommendation

Currently there is insufficient site-specific archaeological information and given the scale of the development further evaluation is necessary to inform an appropriate planning recommendation if the issues raised by Historic England can be overcome. A programme of evaluation via trial trenching is required across the redline boundary. Forthcoming regional guidance is expected to recommend evaluation of between 3% and 5% of the entire site and given the issues with the geophysical survey and the proximity of the site to numerous

designated and non-designated heritage assets I would recommend that 5% would be appropriate.

This will aim to identify the presence/absence, significance, character, depth and date of any archaeology present within the site and provide clear evidence for an appropriate mitigation strategy if necessary and if consent is subsequently granted. Until the required information is received the archaeological recommendation will for refusal until such time as it is provided.

Trenching results are necessary to test the reliability of the geophysics results and are also essential for effective project risk management if permission is granted. Failing to adequately evaluate a site of this nature at an early stage could lead to unnecessary destruction of heritage assets, potential programme delays and excessive cost increases that could otherwise be avoided.

Nottinghamshire County Council Policy

Minerals and Waste

The adopted Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy (adopted 10 December 2013) and the saved, non-replaced policies of the Waste Local Plan (adopted 2002), along with the adopted Nottinghamshire Minerals Local Plan (adopted March 2021), form part of the development plan for the area. As such, relevant policies in these plans need to be considered. In addition, Minerals Safeguarding and Consultation Areas (MSA/MCA) have been identified in Nottinghamshire and in accordance with Policy SP7 of the Nottinghamshire Minerals Local Plan, these should be taken into account where proposals for non-minerals development fall within them.

Minerals

In relation to the Minerals Local Plan, there are no Minerals Safeguarding and Consultation Areas covering or in close proximity to the site. There are no current or permitted minerals sites close to the application site. Therefore, the County Council does not wish to raise any objections to the proposal from a mineral's perspective.

Waste

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10).

As set out in Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.' In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

Travel and Transport

No objections subject to conditions attached to any permission granted to require the submission and implementation of a bus management plan including details of enhanced bus

services to serve the development, free bus passes to employees, details of a bus turning facility and Bus Stop installation(s) within the site and the installation of two new bus stops close to the access point of the development.

Public Health

Goes on to provide generic advice.

Nottinghamshire County Council Rights of Way

No objections

Annesley Bridleway 1 which runs along the east and southeast boundaries of the site appears to be unaffected by the proposal.

Nottinghamshire County Council Highway Authority

No comments received before the expiration of the deadline of the deadline for the submission of reports. Members will be updated on the day of Planning Committee.

Nottinghamshire Wildlife Trust

No comments received.

Severn Trent Water Ltd

Foul is proposed to connect into the public sewer, which will be subject to a formal section 106 sewer connection approval. Surface water is proposed to discharge into a ditch course which we have no comment. Requests an informative is attached to any permission granted.

Annesley and Felley Parish Council

Objects on the following grounds:

The current road infrastructure along the A608 and the A611, in both directions (towards Mansfield and Hucknall) is currently not suitable for the increased usage of HGV's and large delivery vehicles which units would bring. We believe that the development of the units will increase the road traffic along both the A608 and A611 causing:

- Traffic congestion: in an area that already experiences heavy traffic congestion from the hours of 7:00am - 9:30am and 3:30pm - 6:30pm. This is due to the number of residents in the area using the roads and the number of employees travelling to and from their place of work on Sherwood Business Park.
- Safety problems: There are various schools and nurseries along the A611 meaning young children are walking along this road to and from school/nursery daily. The increased traffic poses a significant daily risk to the health of those children, from both the increased vehicle pollution the development will bring and the sheer number of HGV's and large delivery vans that will use the road once the development is built.
- The increased traffic along both the A608 and A611 will have a negative impact on residents living along the roads and in the immediate area from the following factors:
 - Noise pollution: with HGV's and delivery vans potentially using the road 24 hours a day

- Vehicle Pollution: from vehicle emissions
- The developments will have a negative effect on the wildlife in the proposed area and an overall negative impact on environmental health. The area has a number of foot paths that dog walkers, walking enthusiasts and local residents use on a regular basis to support their own well-being and physical health. The planned development would negatively impact on these people.

Selston Parish Council

One of the main issues currently in Selston Parish is the poor transport links.

Access to the Strategic Employment Area at Junction 27 is poor from the Rurals and surrounding areas of Eastwood and Brinsley. The only bus service serving the site from our Parish is the Black Cat, which is an hourly service, passing through Derby / Ilkeston / Heanor / Eastwood, and only on weekdays. Unless this service is improved and/or extra bus services employed to cover Selston, Jacksdale etc. there will certainly be more employee cars as well as HGVs passing through Underwood.

The proposed Employment Allocation at Junction 27 will only increase the amount of traffic on the roads as inbound and outbound traffic access the location through the village of Underwood and in particular Sandhills Rd.

Development of the Mansfield Rd/Alfreton Rd/Church Lane/ Main Rd junctions in Underwood need to be considered and especially the access road of Sandhills Rd.

Sandhills Rd in Underwood is a very small over used road, between Alfreton Rd and Mansfield Rd, which is congested on a daily basis as it leads to junction 27 of the M1.

Therefore, we request that the new development will bring forward better Transport infrastructure.

We do not want to see another expansion of an over imposing industrial estate like the CO-OP distribution centre which is only a few miles up the road from us, this site is over impacting and a blot on the landscape and can be seen from many miles away.

Selston Parish Council understand there is a modern need for the storage, distribution and movement of goods and supplies along the well sited existing M1 causeway, we do, however, feel that bringing 1000 jobs into our area will present challenges to current lifestyles that local people will be reluctant to surrender. The proposed site is located several fields away from the main village of Underwood but is so magnificently overpowering that it will influence the way people in the village will have to adjust their lifestyles.

We would like to see a more sympathetic and enhancing development rather than the current proposed rectangular white box design with a few trees planted in front to semi mask the buildings over a period of several years.

Oxalis Planning have already made some adjustments regarding the position of building 1 and landscaping to improve the aesthetic view but we also request that the proposed buildings are not painted white or cream, instead they are more colour sensitive to the vista

of a place, we request that shades of brown or green are used for all exterior cladding, and that consideration is given to the shape of the building creating a lower visual impact to those viewing it from several miles away.

If planning permission is granted for this development we would request that the landscaping takes place before the buildings are erected.

Woodland Trust

Raised concerns regarding the presence of a veteran ash trees and the potential for its deterioration as a result of the provision of an insufficient root protection area (RPA) / buffer zone. Any RPA should be in line with Natural England and Forestry Commission's standing advice otherwise it is likely that national planning policy will be contravened.

Policy Framework

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.

Ashfield Local Plan Review (ALPR), 2002 relevant saved policies include: -

- Policy ST1: Development.
- Policy ST4: The Remainder of the District.
- Policy EV1: Green Belt.
- Policy EV5: Sites of Special Scientific Interest. (SSSI).
- Policy EV6: Local Nature Reserves and Sites of Importance for Nature Conservation. (LWS).
- Policy EV8: Trees and Woodlands.
- Policy EV11: Ancient Monuments and Archaeological Sites.
- Policy EV14: Historic Park & Garden.
- Policy EM1: Allocated employment site.
- Policy TR2: Cycling provision in new developments.
- Policy TR3: Pedestrians and People with limited mobility.
- Policy TR6: Developer contributions to transport improvements.
- Policy RC8: Recreational Routes.

National Planning Policy Framework (NPPF) 2023.

- Part 2: Achieving Sustainable Development.
- Part 4: Decision Taking.
- Part 6: Building a Strong and Competitive Economy.
- Part 9: Promoting Sustainable Transport.
- Part 11: Making Effective Use of Land.
- Part 12: Achieving Well-Designed and Beautiful 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 paragraph 3 identifies that the NPPF should be read as a whole including its footnotes and annexes.

National Planning Policy Guidance (PPG) brings together national planning guidance on various topics.

ODPM Circular 06/2005 Biodiversity and Geological Conservation - The circular remains in force. In summary: -

This provides that it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before planning permission is granted. This is a material consideration and must be addressed in making the decision.

Design Guidance.

- Notts Highway Design Guide.
- 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).

Planning Guidance:

- Ashfield District Council Planning and Climate Change, 2022.
- Ashfield District Council Developer Guide to Biodiversity and Nature Conservation.

Emerging Local Plan

Strategic Policy S1: Spatial Strategy to Deliver the Vision

Strategic Policy S2: Achieving Sustainable Development

Strategic Policy S3: Meeting the Challenge of Climate Change

Strategic Policy S4: Green Belt

Strategic Policy S5: High Quality Buildings and Places through Place Making and Design

Strategic Policy S6: Meeting Future Needs - Strategic Employment Allocation at Junction 27 M1 Motorway

Strategic Policy S8: Delivering Economic Opportunities

Strategic Policy S9: Aligning Growth and Infrastructure

Strategic Policy S10: Improving Transport Infrastructure

Strategic Policy S12: Tackling Health Inequalities and Facilitating Healthier Lifestyles

Strategic Policy S13: Protecting and Enhancing Our Green Infrastructure and the Natural Environment

Strategic Policy S14: Conserving and Enhancing Our Historic Environment

Strategic Policy S15: Safeguarding Mineral Resources

Policy CC2: Water Resource Management
Policy CC3: Flood Risk and Sustainable Drainage Systems (SuDs)
Policy EV1: Green Belt
Policy EV4: Green Infrastructure, Biodiversity and Geodiversity
Policy EV6: Trees, Woodland and Hedgerows
Policy EV8: Agricultural Land Quality
Policy EV9: The Historic Environment
Policy EV10: Protection and Enhancement of Landscape Character
Policy EM1: Business and Economic Development
Policy EM2: Employment Land Allocations
Policy EM5: Education, Skills and Training

Main Material Considerations.

The determining issues in the consideration of this application are: -

- Principle of the development
- Impact on the character of the area
- Impact on highway safety and capacity.
- Impact on residential amenity and health
- Impact on heritage assets
- Impact on biodiversity and wildlife.
- Impact on mineral safeguarding
- Flood risk and drainage.
- Land stability and ground contamination
- Loss of agricultural land
- Impacts on neighbouring land uses
- Applicants case that 'very special circumstances' exist
- Officer assessment of the applicant's case
- Applying the test of very special circumstances
- Developer contributions

SUMMARY

Principle of the Development

Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan, unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002 (saved policies).

Although there are a range of policies in the emerging Ashfield Local Plan (2023-2040) the emerging plan is not at a sufficiently developed stage to give those policies significant weight such that they would make a material difference to the conclusions set out in the following assessment.

Whether the Proposal Constitutes Inappropriate Development within the Green Belt

The application site is within open countryside that is designated as Green Belt in the Ashfield Local Plan Review (2002). The proposal therefore engages Policy EV1 of the Local Plan, which states: -

'Permission will not be granted for inappropriate development in the Green Belt, except in very special circumstances.

Appropriate development comprises:

(a) Engineering, mining or other operations and uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it.

(b) New buildings for the following purposes:

- i) Agriculture and forestry;
- ii) Essential facilities for outdoor space and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it;
- iii) Limited extension, alteration or replacement of existing dwellings
- iv) Limited infilling within the villages of Bagthorpe, New Westwood, Jubilee and New Selston, so long as there is no adverse effect on the character of the village;

(c) The reuse of buildings

All development must be located and designed so as not to adversely affect the purposes of the Green Belt and its openness.'

It is clear that the proposal by its nature, size and scale would not fall within the typologies of development considered to be 'appropriate in the Green Belt identified in Policy EV1 of the Local Plan. In accordance with Policy EV1 the proposal would constitute inappropriate development in the Green Belt, a departure from the development plan and should be refused unless there are 'very special circumstances' to justify approval.

However, the Local Plan, which was adopted in 2002, is now considerably out of date and since its adoption national policy has changed with the introduction of the National Planning Policy Framework which itself has been subject to several revisions. As such there is the potential that Policy EV1 is out-of-date. In this respect paragraph 225 of the NPPF states: -

'However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).'

It is therefore necessary for the decision taker to determine the level of consistency between Policy EV1 and the policies relating to Green Belt in the NPPF. In this respect the NPPF, at paragraph 152 states 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Furthermore, at paragraph 154, the NPPF continues 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt' adding 'Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Having had regard to the above it is considered that despite some differences in wording and in particular the exceptions to the types of development identified as exceptions the broad thrust of the Policy EV1 conforms with that outlined in paragraphs 152 and 154 of the NPPF. Furthermore, it is clear that the development of industrial units and associated infrastructure would not fall within the exceptions outlined in the NPPF.

As such it is concluded that the proposal constitutes inappropriate development in the Green Belt, and therefore should only be approved where 'very special circumstances' exist to justify approval. In this respect paragraph 153 of the NPPF makes it clear that 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt' adding "Very special circumstances' will not exist unless the harm to the Green Belt and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In accordance with paragraph 153 of the NPPF it is considered that substantial weight should be afforded to harm to the Green Belt by virtue of inappropriateness.

This report will now go on to look at potential impacts on other acknowledged interests to identify whether the proposal would result in significant harm to add to the harm to the Green Belt, before going on to consider the applicant's case that very special circumstances exist. Finally, the report will consider whether any identified harms are clearly outweighed by other

considerations such that very special circumstances exist to justify approval of the application.

Harm to the Openness and Purposes of Including Land within the Green Belt

Paragraph 142 of the NPPF states the 'fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Furthermore, paragraph 143 goes on to state that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Given the size, scale and footprint of the proposed units the proposal would have a significant impact on the openness of the Green Belt. Furthermore, as in effect an extension of the Sherwood Park Industrial Estate it is considered that the proposal would result in encroachment of urban form into the countryside and in a small way erode this part of Green Belt and in doing so conflict with purposes (a), (b) and (c) of including land within the Green Belt.

However, it is considered that this area of Green Belt does not serve to preserve the setting and, or special character of any historic town. For this reason, it is considered the proposal would not conflict with purpose (d) of the Green Belt.

Paragraphs 2.7 to 2.10 of the Non-Technical summary of the ES provides evidence on the lack of availability of alternative sites based on the needs of the applicant in respect to the size of the sites available. Paragraph 2.7 states: -

'The search was for an employment site with a minimum to accommodate 20,000sqm of development (the minimum size required for the Phase 1 development) for use class B2/B8, with land available for further expansion. The location of the new facility needs to have good access to main transport connections by road and close to residential settlements to draw on skilled and unskilled personnel to work at the new facility. The site requirement is for a freehold opportunity free from 3rd party developer tie so that the specialist nature of the building is not compromised by 3rd Party developers seeking to construct buildings with as much "built in design" as possible.'

Paragraph 2.9 goes on to state the search focused on ADC but considered sites beyond Ashfield in surrounding Derbyshire and Nottinghamshire as well, specifically along the M1 corridor' adding 'the search found no suitable sites for the client's needs'.

As such it is concluded that the proposal would not conflict with the purpose of the Green Belt to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Impact on Acknowledged Interests

Policy ST1 'Development' of the Local Plan sets out that

'Development will be permitted where:

- a) It will not conflict with other Local Plan policies.
- b) It will not adversely affect the character, quality, amenity or safety of the environment.
- c) It will not adversely affect highway safety or the capacity of the transport system.
- d) It will not prejudice the comprehensive development of an area.
- e) It will not conflict with adjoin or nearby land use'.

It is considered that Policy ST1 is generally consistent with the thrust of the NPPF. The following sections of this report will now go on to assess the impact of the proposal against the acknowledged interests identified in Policy ST1 and other material considerations.

Impact on Highway Safety and Capacity

In respect to highway safety and capacity the proposal engages Policies ST1(c) (highway safety or the capacity of the transport system) TR2 (cyclist provision) and TR3 (access for people with limited mobility) of the Ashfield Local Plan Review.

Furthermore, as the proposal has the potential to generate significant traffic movements it engages paragraphs 114 and 115 of the NPPF. Paragraph 114 states 'in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 48; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Furthermore, paragraph 115 makes it clear that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

In support of the application the applicant has submitted a Transport Assessment and Travel Plan which underpin Chapter 9 of the Environmental Statement. The application has undergone extensive traffic modelling work over a two-year period with National Highways and Nottinghamshire County Council to ensure that the traffic impacts on the M1, its junction 27 and local junctions are thoroughly understood.

The Transport Assessment Addendum and ES considered the traffic impact on the following junctions:

- Site Access Junction (Phase 1) – Proposed Signal Controlled junction.
- Sherwood Business Park / A608 Mansfield Road roundabout.
- M1 J27 / A608 Mansfield Road partially signalised 4-arm roundabout.
- Osier Drive / A608 Mansfield Road roundabout 3-arm roundabout.
- A611 Derby Road / Annesley Road / A608 Mansfield Road signal-controlled roundabout (Kodak Corner).
- A611 Derby Road / Forest Road / School Hill signal-controlled junction (Badger Box).
- A611 Derby Road / B6021 Nottingham Road signal-controlled junction. (Shoulder of Mutton).

The above junctions were assessed in respect to the impact of the proposal in terms of Severance (as caused by increased traffic flows within a community), Driver Delay, Pedestrian Delay, Pedestrian Amenity, Fear and Intimidation (in pedestrians, arising from vehicular traffic), Accidents and Safety; and Hazardous Loads.

Overall, Chapter 9 of the ES concluded that ‘the proposed development will have a broadly neutral impact on the environment of the local highway network, with no adverse impacts of greater than a minor adverse effect and transport improvement works proposed that would contribute to mitigating any moderate adverse effects’. The transport improvement works identified include: -

- New signal-controlled pedestrian crossing facilities for the A608, through the provision of the signal-controlled site access junction for Phase 1;
- New signalised pedestrian/cycle crossings on each arm of the A608/Willow Drive roundabout,
- 3m wide cycleway with and adjacent 2m wide footway along the southern side of the A608 between the Phase 1 access and the Willow Drive roundabout.
- Dedicated cycles only signalised crossing on the Phase 2 access arm, and the A608 East arm of the A608/Willow Drive roundabout.
- New 3m wide shared footway/cycleway along the northern edge of the A608 between the Phase 1 access and the Willow Drive Roundabout.
- Two new bus stops on the A608, with shelters and real time information provision.

In this respect National Highways (NH) have confirmed that they have no objections to the proposal subject to a condition being imposed on any permission granted.

At the time of the expiration of the deadline for reports to this Committee no comments had been received from Nottinghamshire County Council Highway Authority. Members will be updated on the position of Highway Authority at the meeting of Planning Committee

Impact on Residential Amenity and Health

The nearest residential properties to the application site are Chaworth Lodge and Annesley Hall, which are situated approximately 140 metres and 564m west-northwest of the

application site respectively and which are separated from the site by a walled garden and in the case of the latter a wooded landscaped garden. At this distance it is considered that any additional degree of overlooking or overshadowing to those properties would be negligible.

There are other buildings near to the site but these are commercial in nature such as the adjacent agricultural buildings, Synergy RSC, Manor Equestrian and Inspirational Interiors.

Although the application site is sufficiently distanced so as not create any significant degree of overlooking or overshadowing of residential properties it has the potential to impact on residential amenity and health by virtue of the creation of noise, air pollution, light pollution, and vibration both during the construction phase and during the operational phases of the development. As such it engages Policy ST1 of the Local Plan and the relevant sections of the NPPF.

Policy ST1 'Development' of the Local Plan sets out that development will be permitted where [amongst other things] it will not adversely affect the amenity or safety of the environment.

Furthermore, paragraph 135(f) of the NPPF states planning policies and decisions should ensure that developments create places that are [amongst other things] safe, and which promote health and well-being, with a high standard of amenity for existing and future users.

Noise Impact Assessment

Paragraph 191 of the NPPF sets out that 'planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development'.

In doing so planning decisions should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason;

In support of the application the applicant has submitted a Noise Impact Assessment, undertaken by Dragonfly Consulting. The assessment was based on a baseline noise survey undertaken between 25th of August and 1st of September and the 18th to the 24th of November 2021. These noise measurements established typical external ambient and background noise levels at the site and demonstrated that the existing noise environment is heavily dominated by road traffic from the adjacent road network; notably, the M1 and A608 Mansfield Road.

The comments received in respect to the impact on the occupiers of Chaworth Lodge are noted. Officers have investigated the matter further seeking clarification from the applicant in respect whether Chaworth Lodge is considered in the Environmental Statement (ES) and from the Environmental Health Officer.

The applicant has clarified that within the ES Chaworth Lodge is incorrectly referred to as Home Farm. Home Farm is the nearest name that shows on the ordnance survey maps, whilst Chaworth Lodge is not specifically named. However, the location of Chaworth Lodge as a potential receptor is shown on the plans submitted within the Noise Report where it is also described as a two-storey house (which correctly describes the property). Chaworth Lodge is the only two-storey dwelling in the vicinity shown on the plans. Officers are therefore satisfied that Chaworth Lodge has been included within the ES.

The applicant has also clarified that in the opinion of Dragonfly Consulting the alteration to the location of the access being 20m nearer to Chaworth Lodge would have no significant impact on the conclusions of the Noise Report. In addition the applicant has confirmed that 'the adjacent farm buildings [to the north east of the site referred to as at Home Farm on the ordnance survey maps] do not provide part of the noise mitigation strategy for the development proposals and have not been referred to in this way in any part of the application'.

The Environmental Health Officer has also confirmed that in his assessment of the case all relevant impacts on the occupiers of Chaworth Lodge were considered that the assessment undertaken by the applicant followed standard guidance.

The report demonstrated that overall, the noise impact from the operation of both phases of the proposed development for all the above potential noise sources would fall below the 'Lowest Observed Adverse Effect Level' range.

The Noise Assessment has been appraised by the Environmental Health Officer who has raised no objections subject to a condition for the implementation of a construction environmental management plan (CEMP).

Given the above it is considered that the proposed development, subject to the attached condition, would be appropriate for its location, in respect to its effects of noise pollution and therefore would be in accordance with paragraph 191 of the NPPF.

Air Quality Assessment (AQA)

To support the application the applicant has submitted an Air Quality Assessment of the potential air quality impacts associated with the Proposed Development on the local area. The assessment has considered potential impacts as a result of both the construction phase and operational phase and concludes that: -

- (i) The potential risk of dust impacts during the construction phase was predicted to be a maximum of 'low risk'. Mitigation measures are recommended to reduce this risk.
- (ii) The operational phase of the development is predicted to have a negligible impact on air quality at all sensitive receptors included within the assessment for nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}).

The AQA concludes that the overall effects of the proposed development on local air quality would not be significant. The assessment has been used to inform Chapter 10 'Air Quality' of Volume 1 of the Environmental Statement.

The AQA has been appraised by the Environmental Health Officer who has raised no objections subject to a condition for the implementation of a construction environmental management plan (CEMP) to mitigate residual impacts during the construction phase.

The comments made in respect to impacts on Chaworth Lodge are noted. However, the Environmental Health Officer (EHO) has commented that construction phase impacts could part of an overarching Construction Environmental Management Plan (CEMP) and therefore secured by an appropriate condition. No other comments were offered in respect to the operational phase but these were covered in the EHOs original response.

Lighting Strategy

Paragraph 191 of the NPPF states “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should [amongst other things] ‘limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation’.

In support of the application the applicant has submitted a Lighting Strategy the aim of which is to outline a minimally obtrusive approach to lighting, which is functional to ensure safety and sensitive to both the environment and nearby ecological receptors (for example, bats). The Strategy considers the potential for light pollution from the construction phase and the key areas requiring lighting during the operational phase such as the access and site roads, car parking, service areas and the building perimeter.

The Strategy concludes that implementing the measures contained within it are implemented the lighting will be kept to the confines of the proposed development, with light levels less than 0.2 lux falling onto adjacent potentially sensitive receptors.

Given the above it is considered that the proposal would not detract from the standard of amenity of potential receptors in respect to noise, air quality or light pollution or from the scale, massing or overlooking from the development. As such it is considered that a high standard of residential amenity would be maintained for present and future occupiers of nearby residential properties.

Impact on the Character and Form of the Area

Policy ST1 of the Local Plan states development will be permit [amongst other things]it will not adversely affect the character, quality, amenity or safety of the environment. This is supported by Policy EV8 (Trees and Woodland) which states: -

‘Development which adversely affects trees worthy of retention, including woodland and individual trees will not be permitted. Where trees are lost as a result of the of development, replacement panting or mitigating planting will be required.’

Inevitably, large development proposals will radically and permanently alter a landscape’s character and form, particularly in rural areas. Whether such proposals are on balance

acceptable in landscape terms depends on the existing quality of the landscape, whether there are extensive views or degrees of screening from particular points, the surrounding topography and whether impacts can be mitigated by good design. In this context, paragraph 131 of the NPPF states: -

The 'creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'.

Paragraph 135 goes on to state 'Planning policies and decisions should ensure that developments [amongst other things]:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) 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);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

An assessment of the impact on character and form of the area is set out in Chapter 11 of the ES titled 'Landscape and Visual Impact'. This is based upon a Landscape and Visual Impact Assessment (LVIA), prepared by FPCR and updated to reflect the changes to the design set out in 'The Application' chapter of this report. The assessment has been carried out in accordance with standard methodologies.

The LVIA sets out the base line character of the area and then goes on to look at stand alone and cumulative landscape impacts and visual effects of the proposal, with mitigation in place, at the operational and construction phases of the development both immediately after the development is completed and at a point 15 years into the future when the proposed landscaping would have matured. The LVIA look at the impact on a range of receptors including Settlements and Residential Properties, Public Rights of Way (PRoW) and Roads.

In terms of landscape character, the ES sets out that the Site lies within Natural England's National Character Area (NCA) 30 'Southern Magnesian Limestone'. This NCA is a "long and thin area that stretches from Thornborough in the north down through northern Derbyshire to the outskirts of Nottingham further south" and therefore covers a very extensive landscape tract. Furthermore, the site falls within Group 6, 'Limestone Farmlands' of the East Midlands Regional Landscape Character Assessment (EMRLCA) and within the Draft Policy Zone 'NC04 Moorgreen Rolling Woodland' in the Nottinghamshire Coalfield Regional Character Area.

The LVIA sets out that 'the existing landscape resource, the visual receptors and amenity of the site have been considered as part of the planning and design process and have informed the resultant scheme. This approach has entailed collaboration between landscape, built

form, ecological and other professionals' and that 'the landscape components of the scheme are an important integral part of the proposals'.

The ES also states that: -

- The proposed scheme is situated in a suitable location in the landscape.
- The proposed building would be set into the banking to limit the visibility of the development.
- The existing surrounding landscape structure is formed by woodland blocks in the vicinity of the site, with the site itself having few landscape features
- The principal on-site feature is the hedgerow boundary which will be retained and enhanced through its incorporation into the proposed green infrastructure framework.

The ES sets out the mitigation measures that have been put in place to reduce landscape and visual impacts which include: -

- The provision of 8.4 hectares of land dedicated to landscape, Green Infrastructure and habitat related proposals – representing approximately 35% of the total site area.
- Utilising opportunities created by sustainable drainage, grassland and vegetation to enhance and increase habitats throughout the site; improving biodiversity within the area
- Retaining and protecting existing trees and hedgerows on site apart from where their removal is required for access.
- Substantial additional structural planting on the peripheries of the site, particularly to the south and east to contain the development, soften built form and provide biodiversity benefits
- Utilising and adapting the topography of the site to minimise the visibility of the scheme in the wider landscape
- Improving and protecting boundary hedgerow with Bridleway Annesley BW1 / Weavers Lane; and
- Creating pleasant frontage to the A608 with tree planting, hedgerow and verge retained where possible.

The LVIA concludes that 'whilst the proposed development [would] inevitably cause some adverse effects on the local landscape and visual resource, once the proposed green infrastructure has established and matured, the long-term effects on landscape and visual receptors [would] be minimised. The proposed planting [would] mature and combine with retained landscape features to help to 'soften and filter' views, and enhance biodiversity within the local area, particularly to the south and east of the site'.

In conclusion the ES states: -

'The effects on the site and its immediate context are assessed Major / Moderate Adverse on completion due to the alteration of an open arable field to large industrial buildings. The site is a relatively featureless, large field parcel and there are considerable opportunities to enhance the biodiversity and habitat opportunities whilst also screening and filtering views of the scheme from the surrounding area. The site is relatively well screened from the motorway and existing employment development. Long term residual landscape effects are assessed as Moderate Adverse overall.'

The comments made in the letters of representation are noted, in particular the representation made on behalf of the occupiers of Chaworth Lodge, which is the nearest residential property to the application site and which is located at a distance of approximately 151m from the eastern boundary and which falls within the registered park and garden. It is noted that the dwelling is separated from the application site by the walled garden and that along much of the eastern boundary of the application site it is proposed to create a substantial earth bund which would be planted with trees. It is officer opinion that there is sufficient evidence to demonstrate that the visual impacts on the occupants of Chaworth. This would range from Minor Adverse during the construction phase, particularly as the creation of the bund reaches completion (where construction vehicles will be seen earth moving. However, this would reduce on completion of the bund and progressively lessen as tree planting on the bund matures. This is not to say that the building would be screened entirely. The highest part of the building will be seen, even when trees reach maturity, especially in the winter months. However, the overall visual impact at a distance of 151m is considered acceptable in planning terms.

Officers note that the LVIA has been produced in accordance with standard methodologies and that its overall conclusions are reasonable and sound. With any development of this scale there will inevitably be a substantial change to the character of the area in which it is to be situated especially in the case of a green field site in a rural area. It is clear that one can never hope to entirely screen a development of this scale from all points of view or to reduce its impacts completely. The issue is whether mitigation has reduced impacts as far as practicably possible and then identifying the residual harms. Those residual harms ultimately have to be weighed in the overall planning balance to determine whether very special circumstances exist to justify approval of the proposal.

Impact on Trees

In support of the application the applicant has submitted an Arboricultural Assessment, undertaken by Golby and Luck Arboricultural Services which contains a tree survey, arboricultural impact assessment and tree protection measures.

The report notes that vegetation cover is generally isolated to the site boundaries and comprises individual trees, woodland and hedgerows, although internally, an area of remnant hedgerow extends east into the site, along which there are several mature trees. The survey sought to classify trees in accordance with the standard methodology contained within BS5837:2012. This seeks to assign all trees and hedgerows, as individuals, groups or woodlands, a category of quality ranging from U (cannot be retained for reasons of poor health etc), A (high quality), B (moderate quality), C (low quality).

The survey assessed 19no individual trees, 4no tree groups, 3no woodlands and 5no hedgerows.

The report concludes that the arboricultural impacts of Phase 1 would be adverse insofar as they relate to the loss of three category A oak trees. Tree loss is otherwise restricted to the section of hedge H028 and G029 requiring removal at the site access. The removal of sections of hedgerow to facilitate development accesses on greenfield sites is commonplace and can be mitigated for in the site landscaping scheme.

In respect to Phase 2 the report concludes that the indicative layout broadly respects the main arboricultural constraints identified and the hedgerow loss required to facilitate the access road would be minor. The report also identifies a potential conflict in respect of the category B trees T015 To T017 inclusive and recommends that if the trees cannot be retained they should be appropriately mitigated for with new tree planting as part of the site landscape scheme.

The ADC Tree Officer has commented that the proposed tree protection plan and method statements are satisfactory and has no objections subject to conditions in respect of replacement planting within the overall landscaping scheme.

Conclusion on Impacts on the Character of the Area

In conclusion officers agree that the immediate impacts would Major / Moderate Adverse on completion reducing to Moderate Adverse overall. As such it is recommended that moderate weight be afforded to the harm to the character and form of the area.

Flood Risk and Drainage

Paragraph 165 of the NPPF makes it clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 173 goes on to state 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere' adding 'Where appropriate, applications should be supported by a site-specific flood-risk assessment. The NPPF goes on to make it clear that development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Finally, paragraph 175 of the NPPF states 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate'.

In support of the application the applicant has submitted a Flood Risk Assessment and Drainage Strategy (FRA).

The FRA states that the development site:

- (i) is not at any direct flood risk from flooding associated with fluvial, sewer or groundwater sources; and
- (ii) is entirely within Flood Zone 1 and there are no established sources of flood risk.
- (iii) has a overland flow path within the western portion of the site, which is shown to convey surface water runoff to an unnamed water course to the south east.

Accordingly, the Drainage Strategy seeks to limit surface water run-off to the equivalent greenfield rate for each of the development phases which are proposed to discharge into the existing drainage ditch network adjacent to the site boundaries. It is proposed that Phase 1 shall outfall into the ditch on the north-eastern site corner, whilst Phase 2 shall outfall into the ditch adjacent to Weavers Lane.

Attenuation for Phase 1 is proposed via the use of a combination of below ground storage tanks which would be sited beneath the car parking areas and service yard, in addition to a small pond feature that will act as the main SuDs feature to provide surface water treatment and biodiversity benefits. These are designed to accommodate surface water runoff for all storm events up to and including the 1 in 100 year plus 40% climate change storm event.

A similar strategy is proposed for Phase 2 of the development.

The foul strategy for both phases shall look to be conveyed via separate gravity sewer networks which will discharge to two pumping stations which will serve each phase and then via a rising main connection continue to Willow Drive to the north.

The report concludes that subject to the drainage strategy the development could proceed without being at any significant flood risk and without increasing flood risk elsewhere.

The Local Lead Flood Authority has no objections subject to a condition for requiring the submission of a detailed drainage scheme; and the Environment Agency and Severn Trent Water Ltd have no objections or comments to make.

It is therefore concluded that having had regard to the above and subject to the attached conditions and informative the proposal would be acceptable in respect of flood risk and drainage.

Land Stability and Ground Contamination

In respect to the above the proposal engages Policy ST1 'Development' of the Local Plan which states development will be permitted where (b) it will not [amongst other things] adversely affect the safety of the environment.

Ground Contamination

Paragraph 180(c) of the NPPF states 'Planning policies and decisions should contribute to and enhance the natural and local environment by [amongst other things] preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. This is expanded upon by paragraph 189 which states 'Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990;
- and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

To support the application the applicant has submitted a Phase 1 Geo-Environmental Desk Top Study which identifies that the site is comprised of undeveloped agricultural land the main geotechnical constraints may arise from: -

- Potential made ground of unknown composition.
- Ground dissolution of soluble rocks.
- Fissures.
- The groundwater regime on site is unknown.
- Soils and groundwater on site may be aggressive to buried/surface concrete and proposed utilities.

The report concludes that a very low to low possibility that harm could arise to a designated receptor from the above identified hazards and consequently recommends that ground investigation surveys be carried out.

The Council's Environmental Protection Officer has advised that there is sufficient information within the Desk Study section to understand the potential risk and that there are no objections subject to a condition requiring submission of a ground study report, a remediation scheme and subsequent verification.

Land Stability

The site is not in an area known to be at risk from mining. Therefore, the only known risk from land instability are those identified in the above which can be adequately dealt with by way of a condition requiring the submission of ground investigation report, a remediation scheme and verification.

It is therefore concluded that subject to an appropriately worded condition the proposal would be acceptable in respect to the requirement of paragraphs 180(c) and 189 of the NPPF.

Impact on Biodiversity and Wildlife

The proposal engages Policies EV5 (Sites of Special Scientific Interest) and EV6 (Local Nature Reserves and Sites of Importance for Nature Conservation) of the Local Plan and paragraphs 180 and 186 of the NPPF.

Paragraph 180 of the NPPF states planning policies and decisions should contribute to and enhance the natural and local environment by [amongst other things] 'protecting and enhancing sites of biodiversity (in a manner commensurate with their statutory status or identified quality in the development plan)'.

Furthermore, paragraph 186 goes on to state: -

'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a 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;

The applicant has submitted an Ecological Impact Assessments (EclA) for Phase 1 and Phase 2, updated summer 20204, which are contained within Appendix 7.1 and 7.2 of Volume 2 of the Environmental Statement (ES) and which underpin Chapter 7 'Biodiversity' of the ES.

The EclA concludes that: -

- Although the site lies within the Impact Risk Zone of multiple designated sites, the post development drainage solution downgrades the effected criteria to negligible.
- Although the site lies adjacent to Oak Plantation Annesley Local Wildlife and would be subject to potential indirect effects mitigation has been proposed including pollution protection, wildlife buffers and a lighting strategy.
- The two Habitats of Principal Importance recorded on Site (hedgerows and trees). Are proposed to be retained.
- No impacts on Great Crested Newts are anticipated.
- Roosting potential for bats is considered to be restricted to one tree which is considered to be of low potential.
- Primary foraging and commuting routes for bats are considered to be along the site's hedgerows which are being retained. Loss of the arable habitat is considered to have negligible impact on bat foraging locally.
- No habitats on the Site were assessed as offering breeding habitat for Schedule 1 birds.
- Impacts Reptiles, Water Vole, Otter and White-Clawed Crayfish would be negligible.
- Injury to hedgehog and other species of mammals can be prevented/ mitigated through a construction ecological management plan.
- Retention and enhancements of the hedgerow habitats, through additional landscape planting would benefit local flora and fauna through the improvement and retention of ecological corridors. The proposed planting of the SuDS Basins to create ponds sympathetic to biodiversity is recommended.

Natural England offers no objections and has confirmed that the proposal would not have a significant impact on any of the designated sites identified in the ES.

The Council's Ecologist has also stated that there are unlikely to be impacts on Protected Species including great-crested newt, roosting bats, badger and reptiles.

However, the ADC Ecologist has concerns that insufficient consideration has been given to the potential use of the arable field by ground nesting priority bird species, such as skylark, lapwing, grey partridge and yellow wagtail and has requested that further information together with any required mitigation is should be submitted.

It is noted that the applicant's Preliminary Ecological Assessment states

'No habitats on the Site were assessed as offering breeding habitat for Schedule 1 birds, nor that the site could support a diverse assemblage of birds such that would constitute an impact above the site level. Therefore, Ecological Impact Assessment of land at Land off J27 M1, Annesley further surveys for breeding birds were deemed disproportionate. As such impacts upon breeding birds are anticipated to be negligible.'

Given the uniform nature of the habitats on site Officer are inclined to agree with applicant's assessment that any breeding bird interest on the site would not be diverse nor would it be above site level of significance. Furthermore, given that the arable habitats on site would be entirely lost to urban development it would not be to mitigate against loss of the associated breeding ground nesting birds.

As such there would be some residual harm to ground nesting farmland birds and this should be afforded slight weight when considering the overall planning balance.

Biodiversity Net Gain

Given that the application was submitted before April 2024 it is not subject to mandatory biodiversity net gain. Notwithstanding this paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

This advice is reiterated and expanded upon in the response by Natural England.

The applicant's Biodiversity Net Gain Assessment states: -

'Following input of habitat data and proposals, including landscaping into the DEFRA Metric 3.0, it has been considered there will be a quantified net gain in habitat units of 1.95 (+11.31%), and a quantified gain in linear habitat (hedgerows) of +2.37 (+68.26%) units. Additional enhancement measures are recommended in Section 7, in order to meet the requirement of a 10% net gain for biodiversity, as set out in the pre-application response'.

The ADC Ecologist has considered the metric and agrees with the overall conclusions that there would be 11.31% gain of habitat units and 68.26% gain of hedgerow units.

As such it is concluded that the proposal would more than meet the requirements of paragraph 180(d) of the NPPF.

Impact on the Historic Environment

Impact on Designated Heritage Assets and their Setting

The proposal engages policies EV11 (Ancient Monuments and Archaeological Sites) and EV14 (Historic Park & Garden of the Local Plan and Section 16 'Conserving the Historic Environment' of the NPPF.

Designated Heritage Assets

Policy EV14 states:

'Development which would affect historic parks and gardens or their setting will not be permitted.

Existing Registered Historic Parks and Gardens are listed below and shown on the Proposals Map: Rural Area

Ra Annesley Hall

Rb Hardwick Hall Grounds (that part within Ashfield).'

Furthermore, Section 66 of the 1990 Planning (Listed Buildings and Conservation Areas) Act places a General duty as respects listed buildings in exercise of planning functions that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 200 of the NPPF states that local planning authorities (LPAs) should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting and at paragraph 201 makes it clear that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).

When considering impact of a proposal on a designated heritage asset paragraph 205 makes it clear that 'great weight should be given to the asset's conservation'. The NPPF then goes on to set out the approach to determining applications depending on whether a proposal would cause substantial harm or less than substantial harm to a designated heritage asset. In respect to situations in which less than substantial harm is caused to the significance of designated heritage asset paragraph 208 states 'this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

In accordance with paragraph 200 of the NPPF the applicant has submitted a heritage statement in the form of Chapter 'Heritage and Archaeology' of Volume 1 of the Environmental Statement supported by technical appendices in Volume 2 of the Environmental Statement and summarised in the Non-Technical Summary.

This sets out that that the effects of the proposed development upon cultural heritage assets and their settings were assessed according to industry standard guidance and advice. The findings of the assessment are summarised as follows: -

- No known designated or non-designated cultural heritage assets lie within the Application Site.

- Desk based assessment and geophysical assessment shows that the potential for the development to impact upon archaeological remains of interest is low, but not yet fully known.
- A total of eight designated and one non-designated cultural heritage assets have the ability to be indirectly impacted upon by the development including: the Grade II* Annesley Hall Registered Park and Garden; the Grade I listed building of the Ruins of Church of All Saints; the Grade II listed buildings of Annesley Hall, Terrace to South West of Annesley Hall, Gatehouse Range at Annesley Hall and Annesley Lodge; the scheduled monuments of Annesley Motte and Bailey Castle and All Saints Church and Graveyard; and the non-designated heritage asset of Annesley Cottage and Walled Garden.
- The Proposed Development will have major/ moderate to minor adverse impacts upon the experience of eight of the cultural heritage assets from within their settings, during both the construction and operation phases.
- There will be a: -
 - (a) a Major/ moderate adverse impact upon the Grade II* Annesley Hall Registered Park and Garden;
 - (b) a moderate adverse impact upon the Grade I listed building Ruins of Church of All Saints, and the scheduled monuments of Annesley Motte and Bailey Castle and All Saints Church and Graveyard;
 - (c) a moderate/minor adverse impact upon the Grade II listed building of Annesley Hall, the Grade II Listed Building Terrace to south-west of Annesley Hall and the Grade II Listed Building Gatehouse Range at Annesley Hall; and,
 - (d) a minor adverse impact upon the non-designated heritage asset of Annesley Cottage and Walled Garden.
- There will be no effect upon the Grade II Listed Building Annesley Lodge.

In addition to the above the ES goes on to state that any effects on the setting of heritage assets will persist for the duration of the operational life of the proposed development. However, it also concludes that 'no further mitigation of these effects to designated heritage assets is considered necessary'.

In respect to cumulative impacts the ES sets out that there will be some degree of cumulative impacts resulting from the several other developments in the wider area which although these would not raise the overall effect above Major/Moderate Adverse.

In response to the comments made in respect to impacts on Chaworth Lodge the applicant has stated:-

'Chaworth Lodge' was assessed fully in the initial and revised EIA chapters. The initial assessment considered it as part of the Grade II* RPG which, as previously set out, affords it far higher material consideration in the planning balance and EIA process than it would be as a non-designated heritage asset. The value of the building and walled garden is set out in the HIA to sufficient a degree to satisfy Paragraph 200 of

the NPPF. That is to say 'The level of detail (about the asset) should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.'

Historic England, the Garden Trust and the ADC Conservation Officer have objected to the proposal on the grounds of impacts on the historic environment.

In particular Historic England has stated that the proposed development for B2-B8 units on land in the sensitive landscape immediately adjacent to the registered park would not contribute to local distinctiveness, would erode the estate setting of these important heritage assets, including the buffer between the M1 and the registered park, and have a harmful visual impact in key public views that would impair the ability to appreciate these assets in their historic setting. However, Historic England goes on to conclude that the level of harm to heritage significance is a high level of less than substantial'. The ADC Conservation Officer agrees with Historic England's overall conclusion that there would be less than substantial harm, albeit at the high level of this spectrum.

Given the above Officers would advise that in respect to impacts on designated heritage assets the proposal engages the policy in paragraphs 205 and 208 of the NPPF.

Having had regard to the above, and in particular paragraphs 203, 205, 206 and 208 of the NPPF, it is clear that the proposal would involve the insertion of a large modern building into a highly sensitive historic environment which will, even after sensitive design and landscaping have a permanent, significant impact on the setting of a range of designated heritage assets, albeit to varying degrees. The heritage assets (both designated and non-designated) themselves would remain unaltered but the historic environment in which they would be experienced, and which lends historical context would be changed to varying degrees. The proposal is therefore contrary to Policies EV11: Ancient Monuments and Archaeological Sites and EV14: Historic Park & Garden of the Ashfield Local Plan Review (2002) and Policies SP14 – Conserving and Enhancing our Historic Environment and EV9- The Historic Environment of the Emerging Local Plan.

In conclusion, this is a matter to which moderate weight should be attached.

The public benefits arising from the proposal are outlined in the applicant's case that very special circumstances exist to justify approval of the application and are taken into consideration when that case is assessed later in this report.

Impact on Archaeology

Given the size of the site and its proximity to the nearby scheduled ancient monument and listed buildings the proposals have the potential to impact on archaeology which can comprise an undesignated heritage asset.

Policy EV11 states:

'Development affecting ancient monuments or other sites of archaeological interest will only be permitted where: -

In the case of ancient monuments:

- (a) It would preserve a scheduled ancient monument or other nationally important monument and/ or its setting.

In the case of other sites of archaeological interest: -

- (b) In situ preservation is merited, it would involve significant alteration or cause damage or would have a major adverse impact on its setting or
- (c) In situ preservation is not possible and the need for the development outweighs the importance of the remains and arrangements are in place for the site to be surveyed, excavated and recorded prior to the development.

Furthermore, paragraph 209 of the NPPF states the 'effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

Paragraph 211 of the NPPF goes on to state: -

'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.'

The potential for archaeology to be impacted on is set out in the following documents: -

- Heritage Impact Assessment (ES Vol 2 Appendix 8)
- EIA Non-Technical Summary- Heritage and Archaeology
- Environmental Statement Part C: CHAPTER 8: Heritage and Archaeology

Investigation of the site has been carried out by Desk Top Assessment and Geophysical Survey. The Geophysical survey of the Development site (Bunn, 2022) has identified: -

- traces of recently removed field boundaries.
- cultivation (potentially including ridge and furrow) possible land drains.
- two parallel linear anomalies in the mid-southern part of the site were tentatively highlighted as potential archaeological ditches though, alternatively, these might merely be associated with the modern agricultural landscape.
- a shallow palaeochannel.
- remains of ferrous debris laid in an area utilised for temporary hardstanding during recent road improvements (which prevented a full assessment of this part of the site).

Overall, the Geophysical survey results support the conclusion that the site has limited potential for buried archaeological remains and that the significance of any surviving archaeological remains within the Development Site, that could be affected by the construction phase, is low.

The NCC Archaeologist has advised that insufficient site-specific archaeological information has been submitted to inform an appropriate planning recommendation. The reasoning given for this stance includes: -

- there is very little data on the Historic Environment Record to inform the archaeological potential of the site.
- Proximity to designated and non-designated heritage assets.
- the north-eastern portion of the application site did not produce any useful data on the geophysical survey, which is attributed to ferrous disturbance.
- a spring fed water course on site has the potential for Prehistoric activity.
- Prehistoric features do not always present on geophysical surveys.

As such the NCC Archaeologist has recommended that 5% of the site should be subject to predetermination trial trenching.

The issue is whether predetermination trial trenching is reasonable given the available evidence and the thrust of legislation, policy and guidance.

In response to the NCC Archaeologist the applicant's consultant has provided a rebuttal as why predetermination trial trenching is unjustified in this case. This identifies aspects of legislation and policy which set out the requirements for submitting evidence. Of relevance is paragraph 194 of the NPPF which states the 'level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'.

In addition, Paragraph 041 Reference ID: 18a-041-20190723 of the PPG sets out a staged and proportionate approach to gaining the information necessary about the archaeological resource to determine an application for planning permission and states: -

'Decision-making regarding such assets [of archaeological interest] requires a proportionate response by local planning authorities. Where an initial assessment indicates that the site on which development is proposed includes or has potential to include heritage assets with archaeological interest, applicants should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. However, it is estimated that following the initial assessment of archaeological interest only a small proportion – around 3% – of all planning applications justify a requirement for detailed assessment.'

The applicant's archaeologist therefore asserts that the 'requirement for further information is therefore based upon the presumption that a Site must be known to, or have potential to, include heritage assets of archaeological interest' and that there is 'no assumption that a site will contain such remains of archaeological interest until exhaustively proven otherwise'. In addition, it is asserted that the 'need for any requirement for a detailed assessment must be compelling and exceptional, in order to be necessary, proportionate and reasonable' and neither 'planning law or policy supports a requirement for detailed assessment on the basis of conjectural possibility alone, nor does it require the Applicant to prove outright that no remains of archaeological interest lie within the Site'.

Officers note that the applicant has already undertaken a considerable and reasonable amount of investigative work, the results of which have not detected any significant

archaeology that could challenge the principle, of the development or is likely to result in significant amendments to its layout and design. In situations like this it is not reasonable or necessary to require an applicant to undertake further work, especially when this requirement is based on conjecture rather than objective evidence obtained through recognised methodology.

It is therefore officer opinion that adequate information has been submitted to establish that the potential for archaeological remains is low such that the matter can be dealt with by condition to ensure that what remains have been identified are recorded.

Subject to a suitably worded condition for pre-commencement trenching it is considered that the proposal would be in accordance with Policy EV11(a), the NPPF and guidance within the PPG.

Impacts on Mineral Safeguarding Interests

The adopted Nottinghamshire Minerals Local Plan (adopted March 2021), forms part of the development plan for the area and sets out Minerals Safeguarding and Consultation Areas (MSA/MCA) which in accordance with Policy SP7 of the Nottinghamshire Minerals Local Plan, should be taken into account where proposals for non-minerals development fall within them. This is compatible with Section 17 of the NPPF which sets out national policy in respect to the sustainable use of minerals.

However, Nottinghamshire County Council have confirmed that there are no Minerals Safeguarding and Consultation Areas covering, or in close proximity to, the site and no current or permitted minerals sites close to the application site and therefore they have no objections to the proposal.

It is therefore concluded that the proposal is not contrary to the provisions of the Minerals Plan and NPPF and therefore is acceptable in this respect.

Loss of Agricultural Land

Given that the application site comprises approximately 23.75 hectares of land, predominantly in arable agricultural use, there is the potential for the proposal to impact on the best and most versatile agricultural land and its soil. Indeed, objections have been received on the grounds of loss of agricultural land and that in the current world's environmental and political climate there is need for agricultural self sufficiency

Natural England advises that soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil resource is able to retain as many of its important functions as possible.

Natural England Technical Information Note TIN049 Agricultural Land Classification: protecting the best and most versatile agricultural land (December 2012) sets out that the agricultural land classification (ALC) system provides a 'method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning

system'. The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance. This is the land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses such as biomass, fibres and pharmaceuticals.

In this respect it is noted that Policy ST1 of the Local Plan states 'Development will be permitted where [amongst other things] (b) it will not adversely affect the quality of the environment. This is consistent with paragraph 180 of the NPPF which states: -

'Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)'

In the above context the applicant has submitted a Soils and Agricultural Quality Assessment prepared by Land Research Associates. The assessment concludes the 'land has a mixture of loamy soils over clay with restricted drainage and freely-draining soils formed over sandstone or very stony material' adding 'Land quality is a mixture of grade 2 and subgrades 3a and 3b due to wetness/ workability, droughtiness, stoniness and climatic limitations'.

Table 1: Areas occupied by the different land grades

Grade/subgrade	Area (ha)	% of the land
Grade 2	9.6	41
Subgrade 3a	7.4	36
Subgrade 3b	6.0	26
Other	0.2	1
Total	23.2	100

It is therefore clear that the site is virtually wholly comprised of best and most versatile agricultural land most of which will be lost under buildings, access roads, service areas, car parking areas and deep bunding. This matter weighs against the proposal and along with the loss of agricultural production capacity should be taken into consideration in the test to establish whether very special circumstances exist.

Impacts on Neighbouring Land Uses

Policy ST1 'Development' of the Local Plan states 'Development will be permitted where [amongst other things] (e) It will not conflict with adjoining or nearby land use'. In this respect it is noted that part of Phase 2 of the application site lies with the HS2 Safeguarding direction.

HS2 Limited has advised that as the rail scheme has been cancelled they have no objections to the proposal and the local planning authority may proceed to determine the application without further referral to HS2 Ltd.

As such Officers advise that HS2 no longer presents a constraint to the proposal and the proposal will not conflict with adjoining or nearby land use in accordance with Policy ST1 of the ALPR.

Tackling and Adapting to the Challenge of Climate Change

Addressing climate change is one of the planning principles, which the NPPF seeks to underpin in both plan making and decision taking.

Paragraph 159 of the NPPF states

‘New development should be planned for in ways that:

- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
- b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.’

The Council has set out that it “recognises the scale and urgency of the global challenge from climate change.” This Council recognises that local action on global warming can make a difference and has resolved to “Reaffirm its commitment to doing everything possible to combat climate change including committing to a robust climate change strategy.” The Council’s Planning Guidance Climate Change reflects that:

- a) Proposals for development should demonstrate an ambitious approach to the use of renewable energy, sustainable design and construction methods, with a high level of energy efficiency in new buildings.
- b) The measures set out in this Planning Guidance will need to be integrated into the design and layout of development within Ashfield, as climate change adaptation and mitigation will be considered in all development decisions.
- c) Applicants for planning permission should demonstrate how they have met the requirements set out in this Planning Guidance.

The Climate Change Committee’s 2022 Report to Parliament notes that for the United Kingdom to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. This is reflected in the NPPF paragraphs 159 and 162 in relation to significant development and paragraphs 108 and 114 emphasising the need to promote walking, cycling and public transport. The applicant has also proposed 24 electric vehicle parking spaces.

In response to the above the applicant has included at Chapter 14 ‘Energy and Sustainability’ of the Environmental Statement an assessment of the potential impacts on climate change. This includes the quantification of Green House Gases (GHGs) emissions resulting from the proposed development, both during the construction and operation of the development taking into account the decommissioning of the existing plant at Belper.

This compares the emissions from the site as it currently exists to that as proposed and looks at the emission of GHGs from energy consumption, water consumption and transport.

The assessment concludes that the proposed development would make a reduction in GHG emissions through implementation of mitigation interventions, which would include: -

- Reducing energy consumption by incorporating low u-values
- Incorporating high efficiency electric systems
- Maximising natural daylight
- incorporating low energy lighting, and
- Implementing photovoltaic cells in the roof.

Furthermore, the assessment states the proposed development would exceed building regulations by 100% through the off-setting 165.16 tCO₂ e.

Given the above the assessment concludes that the proposed development would introduce a Minor impact on UK GHG emissions, that is less than 0.000352% of currently reported GHG emissions.

It should be noted that issues such as renewable energy, sustainable design and construction methods and energy efficiency fall within the remit of the Building Control. Notwithstanding this the Planning System does have a role to play, especially in respect to promoting sustainable travel, encouraging biodiversity through sensitive landscaping and ensuring resilience to the impacts of climate change through avoidance of areas prone to flooding and the prevention of development causing flooding elsewhere.

Issues pertinent to this outline application such as impacts on biodiversity, flood risk & drainage and the promotion of sustainable modes of travel are dealt with under the respective sections of this report where they are found to be acceptable as they ensure that the development will not only be resilient to climate change and its effects but will also ensure that it will contribute to fighting the causes of climate change.

Issues relating to landscaping and layout are dealt with in the report depending on whether they fall under the full or outline parts of this hybrid application.

As such, where appropriate the proposal is in line with the general thrust of the Council's guidance on Climate Change, paragraph 159 of the NPPF and Policies S1, S2, CC1, CC3, EV4, SD9, SD10 and S14 of the Ashfield Emerging Plan.

Prematurity

It has been asserted in a representation that the proposal would be premature to the emerging Local Plan. Policy in respect of prematurity can be found at paragraph 49 of the NPPF. This sets out that

'However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- (a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

In this respect it should be noted that the draft allocation of the site in the emerging Local plan is predominantly in respect to the provision of logistics and distribution. However, it is considered that the proposal would not undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan as the proposal is broadly in accordance with the emerging plan allocation.

Applicant's Case that Very Special Circumstances Exist

As stated earlier in the report, inappropriate development in the Green Belt should only be approved in very special circumstances. The NPPF does not provide a definition as to what constitutes very special circumstances and limits itself to setting out that for very special circumstances to exist the harm to the Green Belt and any other harm must be clearly outweighed by other considerations. Some clarity and assistance in this matter is provided by the case *Wychavon District Council v SSCLG* [2008] EWCA. In this case the Court of Appeal held that that the words "very special" are not the converse of commonplace but connoted a qualitative judgment as to the weight to be given to a particular factor for planning purposes and that a combination of factors, each of themselves commonplace, may in combination amount to 'Very special circumstances' justifying inappropriate development in the Green Belt depending on the particular context.

To demonstrate that very special circumstances exist the applicant has advanced the following considerations which the applicant considers, taken together, outweigh the harm to the Green Belt and any other harm identified. These are set out in paragraph 4.67 of the Non-Technical Summary and include: -

- Attracting a major and established employer to the District.
- Creating a projected direct 912 - 1,094 jobs with further job retention as well as indirect and induced employment benefits.
- Training opportunities for young and local people.
- Enabling Ashfield's employment deprivation and income deprivation to be improved.
- The clustering and more efficient working practices for existing local businesses.
- Enabling an existing business to expand, thrive and improve.
- Supporting Brexit and COVID-19 recovery.
- Enabling the reduction of carbon production through consolidating an existing Business.
- A large business moving towards a low carbon economy and achieving a BREEAM Excellent rating which exceeds current planning policy requirements.
- The proposal cannot be accommodated elsewhere in the District and surroundings on available non-Green Belt land.
- Increased expenditure to support other local businesses.
- The proposal's contribution to the future resilience and sustainability of a key business

sector of the local area.

- Opportunity to maximise the locational benefits associated with major transport corridors; and
- The Proposed Development through creation and enhancement of new habitats will deliver a Biodiversity Net Gain.

These can be condensed down to economic, social and environmental benefits and a lack of suitable alternative sites. These will now be expanded upon in turn.

Economic Benefits

The NPPF at paragraph 8, seeks to support the building of a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

In support of the application the applicant makes the following assertions: -

- The Application Site comprises 23ha of land, the development of which will meet approximately 50% of the District's identified shortfall.
- The development of the whole site would deliver between 912 and 1,094 direct jobs.
- The development is expected to create a further 265 to 317 indirect and induced jobs within the local economy.
- The development is expected to create 87 FTE jobs during the construction phase.
- The Proposed Development would provide training opportunities through its apprentice programme to help improve the skills and employability of the local workforce.
- The Site will contribute approximately £700,000-£800,000 per annum in business rate payments per annum for Phase 1 alone.
- In terms of Gross Value Added (GVA) the Social-Economic Impact Assessment calculates that that the development would produce a Net Present Value over 10 years of between £74.7 - £83.2million.
- Garnalex makes an important contribution to the aluminium extrusion business. There is a clear unmet demand for this type of business in the UK.
- The proposals will facilitate business clustering and more efficient working practices to take place.
- The Proposed Development is in line with the aims of the D2N2 Strategic Economic Plan (SEP) Vision 2030.
- The Council acknowledged, the Site is in an ideal location for large-scale manufacturing/logistics operations, and in line with the strategic objectives of the draft Local Plan, the Proposed Development would capitalise on the M1 corridor.

Social Benefits

The applicant asserts that the levels of deprivation in Ashfield are relatively high and Ashfield is ranked

- 63rd most deprived out of 317 authorities across all the Indices of Multiple Deprivation indicators, as set out in the Indices of Deprivation 2019 (falling in the top 20% most deprived in the country).
- 60th most deprived out of 317 authorities in terms of income deprivation (falling in the top 19% of the most deprived in the country).

- 37th most deprived out of the 317 authorities, which ranks the District in the top 12% of most deprived in the country.

In terms of the social benefits of the proposal the applicant states

- The Proposal would create an additional 515 to 617 permanent jobs within the local economy during the operational phase.
- Garner Holdings additionally has a strong tradition of providing on the job training and development for all staff members
- The business is focused on growing from within and actively pursues apprenticeship schemes, particularly for workshop technicians.
- At present the business has an annual apprentice intake of 3 or 4 apprentices per annum.
- A number of former apprentices now hold managerial positions within the company.
- The business works to actively engage with local communities, colleges, schools and recruitment agencies to attract the very best people to the organisation.
- The proposed development will provide opportunities to Ashfield residents to improve their skills and employability, increase productivity and earning potential, and reduce barriers to employment.

Overall, the Proposed Development will provide employment and training opportunities to help improve Ashfield's employment deprivation and income deprivation, which are both significant issues for Ashfield District.

Environmental Benefits

The applicant states the proposal: -

- Incorporates substantial landscaping, which produces a biodiversity net gain for Phase 1 in habitat units of 1.95 (+11.31%), and for linear habitat (hedgerows) of +2.37 (+68.26%) units. In terms of Phase 2, there will be a quantified net gain in habitat units of +4.52 (+11.23%) habitat and a quantified gain in linear habitat of 5.52 (+147.26%) units. This surpasses the 10% which is becoming the standard to achieve.
- Seeks to achieve a BREEAM Excellent rating, and a Pre-Assessment has been undertaken to create a strategy to follow to achieve the target. This is not required by Ashfield Local Plan policy, and as such the proposals are going beyond the requirements of the Local Plan.
- Incorporates of 7,550sqm of photovoltaics on the roof of the Phase 1 unit, the office and warehouse lighting will be carbon neutral and the results of the Energy Strategy demonstrate that there is a potential to be carbon positive through over producing energy through the PV, and this can be stored through battery storage on-site.
- At Phase 2 Site will include the recycling of aluminium. Aluminium is an ideal product to recycle, and Garnalex currently recycles the by-product. However, the closest facility is currently located in Wales, which makes the practice less sustainable. The clustering of these facilities will allow for a more sustainable recycling process to take place on-site.

Lack of Suitable Alternative Sites

In this respect the applicant has stated: -

- The Employment Need Review prepared by Lambert Smith Hampton reviews the employment land needs across Ashfield District, as well as the supply. It reviews the Employment Land Needs Study prepared by Lichfields in May 2021 (ELNS) which it considers to be up-to-date and PPG compliant.
- The ELNS identifies a total industrial land requirement for Ashfield District of 118.90ha. Updating this to account for the completions data since the start of this period results in a need for 87.76 ha of industrial land over the period 2021-38.
- Ashfield currently has an employment land supply of 41.85ha.
- There is a shortfall in the District of 45.82ha of industrial land for the period 2021-38.
- The Council cannot demonstrate it has a sufficient supply of sites to meet the identified demand for employment needs in the District and additional sites will be required to meet this shortfall.
- Land needs to be released from the Green Belt to meet this requirement, particularly in the case of large-scale manufacturing/logistics development which there is a clear demand for in the District.
- Garnalex has not been able to find an alternative suitable site for the Proposed Development.
- The Market Report submitted alongside this Application considers alternative sites within a 15-mile radius of Ashfield and found no sites suitable to meet the requirements of Garner Holdings.
- There is a clear, demonstratable need for the business to expand locally and there is no appropriate site that will enable this to happen.
- Ashfield is heavily constrained by Green Belt, with much of its land to the east, south and west being blanketed by Green Belt.
- The lack of an up-to-date local plan and Green Belt boundaries in urgent need of review is considered a very special circumstance in itself.

Officer Appraisal of the Applicant's Case

Economic Benefits

The proposal would represent a substantial investment in the industrial sector of the District, which would safeguard existing jobs as well as create significant additional employment both directly and indirectly. With the exclusion of the matter of business rates (which are not accepted as an economic benefit) it is considered that the job creation and Gross Value

Added (GVA) represent a significant contribution to the economy of the District which should be afforded substantial weight in support of the proposal.

Furthermore, the role that Garnalex makes to the aluminium extrusion business on a UK wide basis and that the proposals would facilitate business clustering and more efficient working practices to take place should also be afforded weight in support of the proposal.

Social Benefits

Overall, the proposed development would provide employment and training opportunities to help improve Ashfield's employment deprivation and income deprivation, which officers recognise are both significant issues for Ashfield District. Although, some of these benefits replicate and are difficult to distinguish from the economic benefits it is clear that there would be significant social benefits that would make a significant contribution towards tackling deprivation which is a major concern to the Council. Whereas normally such social benefits would attract moderate weight it is considered that given the clear need to alleviate deprivation within the district such benefits should be afforded substantial weight.

Environmental Benefits

Although some of the environmental benefits such as biodiversity net gain and BREAMM are requirement of planning or building control it is clear that in several respects the proposals go over and above what is required by policy. Furthermore, there would be some benefit from the clustering of aluminium recycling facilities which would allow for a more sustainable recycling process to take place on-site. This is a matter which it is considered should be afforded moderate weight in support of the application.

Lack of Suitable Alternative Sites

Paragraph 85 of the NPPF sets out that planning decisions 'should help create the conditions in which businesses can invest, expand and adapt. It goes on to state 'Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future'.

Furthermore, paragraph 87 sets out that planning decisions 'should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.'

Garnalex has asserted that it has not been able to find an alternative suitable site for the proposed development and has submitted a Market Report which sets out that there no sites suitable to meet the requirements of Garner Holdings.

It has been suggested by third parties that there are alternative sites which are available on the nearby Sherwood Industrial Estate, however no substantive evidence has been provided to demonstrate that these are suitable to meet the specific needs of Garnalex in terms of size of site.

Furthermore, it is accepted that Ashfield like much of the M1 corridor in Nottinghamshire/ Derbyshire is heavily constrained by Green Belt and that there are existing problems of capacity at junction 28 of the m1 which is outside of the Green Belt. This has been to such an extent that it has necessitated the Council to promote sites in the Green Belt, such as those at Junction 27, including this application site.

The Market Report provided by the applicant reflects the findings of other independent reports such as: -

- a) Nottingham Core HMA & Nottingham Outer HMA Employment Land Needs Study (ELNS), Lichfield's, 2021; and
- b) Nottinghamshire Core & Outer HMA Logistics Study Final Report; and
- c) Strategic Distribution and Logistics Site Background Paper (2023);

which underpin the evidence base for the emerging Local Plan relating to employment uses and strategic warehousing and distribution.

Having regard to paragraphs 85 and 87 of the NPPF it is accepted that there is a demonstrable need by Garnalex for an alternative site on which to expand and due to its operational-locational needs there are no alternative sites outside of the Green Belt. Given the imperative to create the conditions in which businesses can invest, expand and adapt and to recognise the specific locational requirements of different sectors it is considered that this is a matter which should be afforded substantial weight in favour of the proposal.

Applying the Test of Very Special Circumstances

To determine whether very special circumstances exist the decision taker must determine whether the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

In this case it is considered that the proposal constitutes inappropriate development in the Green Belt, to which substantial weight should be given. There is also identified harms to the loss of agricultural land, the setting of heritage assets and to the character of the area all of which attract moderate weight. Finally, there is harm to ground nesting farmland birds to which only minor weight should be attached.

However, it is also considered that there are several factors weigh in favour of the proposal. These include the economic benefits to which substantial weight should be attached, the Social benefits to which substantial weight should be attached, the environmental benefits to which moderate weight should be attached and the that there are no suitable alternative sites to support the growth needs of Garnalex to which substantial weight should be afforded.

It is considered that when these matters are taken cumulatively, they clearly outweigh the harm to the Green Belt and other harms identified above.

As such it is concluded that very special circumstances exist that justify approval of the proposal.

Developer Contributions.

The following developer contributions are required at this time but final highway comments are awaited:

Transport Hub:	£50,000.00
Improvement to pedestrian and cycling facilities on the A608	£50,000.00

Conclusion:

The application site lies in the Green Belt wherein there is a presumption against inappropriate development, which should only be approved where very special circumstances have been demonstrated to exist. To determine whether very special circumstances exist the decision taker must determine whether the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

In this case it is considered that the proposal constitutes inappropriate development in the Green Belt, to which substantial weight should be given. There is also identified harms to the loss of agricultural land, the setting of heritage assets and to the character of the area all of which attract moderate weight. Finally, there is harm to ground nesting farmland birds to which only minor weight should be attached.

The impact on the highway will depend on the response from the Highway Authority and member will be updated on this matter at the day of the meeting.

However, it is also considered that there are several factors weigh in favour of the proposal. These include the economic benefits to which substantial weight should be attached, the Social benefits to which substantial weight should be attached, the environmental benefits to which moderate weight should be attached and the that there are no suitable alternative sites to support the growth needs of Garnalex to which substantial weight should be afforded.

It is considered that, subject to no objections being received from the Highway Authority, the matters which weigh in favour of the proposal taken cumulatively, clearly outweigh the harm to the Green Belt and other harms identified above.

As such it is concluded that very special circumstances exist that justify approval of the proposal.

Consequently, the application is recommended for approval subject to the conditions and terms of the section 106 requirements set out below.

Consultation with the Secretary of State

Under the provisions of the Town and Country Planning (Consultation) (England) Direction 2024 where a proposal comprises inappropriate development in the Green Belt which involves

- (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (b) by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt;

and the local planning authority does not propose to refuse the application that authority is required to consult the Secretary of State for Housing, Communities and Local Government. Where a local planning authority is required to consult the Secretary of State, they shall not grant planning permission on the application until the expiry of a period of 21 days beginning with the date which the Secretary of State tells the authority in writing that he has been consulted in the appropriate manner.

If, before the expiry of the 21 day period referred to above the Secretary of State has notified the authority that he does not intend to issue a direction under section 77 of the Town and Country Planning Act 1990 in respect of that application, the authority may proceed to determine the application.

Members of Planning Committee are therefore advised that should they be minded to resolve that the application be approved in line with officer recommendation the application will need to be referred to the Secretary of State.

Recommendation: - Subject to no objections received from the Highway Authority to grant Conditional Consent subject to a Section 106 Agreement and referral of the application to the Secretary of State as a departure from the development plan.

Heads of Terms of section 106 Agreement.

Council's cost of monitoring the s106 agreement:	£4,000.00
Travel Plan Monitoring Fee:	£15,000.00
Transport Hub:	£50,000.00
Improvement to pedestrian and cycling facilities on the A608	£50,000.00

CONDITIONS

General Provisions

Outline Permission

1. Application for the approval of the Reserved Matters on those parts of the site not subject to the details approved for the Full part of this Hybrid Planning Permission, as shown on Site Plan - Phase Two Drawing NoL318/SP02 Revision M, shall be made within a period of 5 years from the grant of this consent. The development to which the outline element of this permission relates shall be begun no later the expiration of two years from the final approval of the last such matter to be approved.
2. No development pursuant to the outline part of this Hybrid Planning Approval as shown on Site Plan-Phase 2 Drawing No L318/SP02 Revision M shall commence, except for ground investigation works, until approval of the details of (a) appearance, (b) landscaping, (c) layout and (d) scale hereinafter called the 'reserved matters has been obtained in writing from the Local Planning Authority.

For clarity, ground investigation works includes any works reasonably necessary for the purpose of archaeological investigation or ground contamination investigation.

Full Permission

3. The development hereby approved on those part of the site subject to the Full permission of this Hybrid Planning Consent, as shown on Site Plan-Phase 1 Drawing No, L318/ PO4, shall be begun before the expiration of 3 years of the date of this consent.
4. The development hereby approved on that part of the site subject to the Full Permission as shown on Site Plan-Phase 1 Drawing No, L318/ PO4 shall be carried out in accordance with the following plans and drawings listed below: -

Phase 1 (full) plans:

Block Plan as Proposed – Phase One L318/BP01 Rev H

Site Plan – Phase One L318/P01 Rev I

Phase One Plans and Elevations and Sections as Proposed L318/P02 Rev C

Phase One – Roof Plan as Proposed L318/P03

Site Plan – Phase One L318/P04

Section Through Site and Bunds – L318/P10

Extended Total Site Plan – L318/SP03

Phase 1 Landscape Strategy 10617-FPCR-XX-XX-DR-L-0004 Rev P08

Proposed Surface and Foul Water ADC2770/DR/050 Rev P3

Phase 1 Site Access Drawing ADC2770-DR-002-P1

Phase 2 (outline):

Site Plan – Phase Two L318/SP02 Rev M

Extended Total Site Plan L318 SP03

Site Plan – Phase Two, Indicative Bunds L318/SP04 Rev A

Landscape Strategy 10617-FPCR-XX-XX-DR-L-0002 Rev P06

Phase 2 Site Access Drawing ADC2770-DR-001-P1

Prior to Commencement

5. No development or enabling works shall take place until a Programme of Archaeological Investigation and Mitigation Work for the mitigation of the development's impact upon the archaeological resource is submitted to and approved by the Local Planning Authority. This will include appropriate Written Schemes of

Investigation for targeted evaluation trenching and provision for further mitigation work if deemed necessary according to the 6 tests of Paragraph 55 of the National Planning Policy Framework.

These schemes shall include the following:

- a) An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
- b) A methodology and timetable of site investigation and recording
- c) Provision for site analysis
- d) Provision for publication and dissemination of analysis and records
- e) Provision for archive deposition
- f) Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must be undertaken prior to the commencement of development or enabling works in accordance with the approved details.

6. The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.
7. A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the local Museum Service, or another public depository willing to receive it.
8. No works shall take place (save for above ground demolition works and site preparation works) on any Phase of the development until a remediation scheme to deal with the potential ground contamination on that Phase has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

- a) A preliminary risk assessment which identifies:
 - i. All previous uses;
 - ii. Potential contaminants associated with those uses;
 - iii. A conceptual model of the site indicating sources, pathways and receptors; and
 - iv. Potentially unacceptable risks arising from contamination at the Site.
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- c) The results of the site investigation and detailed risk assessment referred to in (b) and based on these, an options appraisal and remediation strategy giving full

details of the remediation and mitigation measures required and how they are to be undertaken;

- d) A verification plan setting out the details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (c) are complete to a satisfactory standard; and

The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of any area identified by the report.

If during the works any additional suspected contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until either:

- i. The potential contamination has been assessed and a remediation scheme has been submitted to and approved in writing by the Local Planning Authority.
or
- ii. Timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the Local Planning Authority.

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

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

- 9. No Phase of the development hereby approved shall commence until a detailed surface water drainage scheme to serve that Phase, based on the principles set forward by the approved ADC Infrastructure Flood Risk Assessment (FRA) and Drainage Strategy ref. ADC2770-RP-A, 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 that Phase of the development.

The scheme to be submitted shall:

- a) 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.
- b) 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.
- c) Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- d) 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.

- e) For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- f) Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- g) Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

10. The development of each phase shall not be commenced until such time as a scheme showing the: -

- a) disposal of foul and surface water; and
- b) installation of oil and petrol separators; and
- c) installation of trapped gullies;

for that phase has been submitted to, and approved in writing, by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been implemented.

11. No phase of the development (excluding archaeological investigation, ecological mitigation works and geotechnical or ground contamination investigation) shall commence until a scheme of ecological mitigation and biodiversity enhancement and net gain for that phase has been submitted to and approved in writing by the Local Planning Authority. The ecological mitigation and enhancement scheme must be carried out in general accordance with the landscape strategy for that phase and must include details of all proposed ecological mitigation and enhancement/ soft landscaping works, including: -

- (a) location, number, species, size, layout, method of trees' support, plant protection measures and planting density of any proposed planting;
- (b) cultivation, importation of materials and other operations to ensure plant establishment;
- (c) details of existing trees to be retained, with measures for their protection during the construction period in accordance with British Standard 5837:2012, "Trees in relation to Design, Demolition and Construction Recommendations",
- (d) details of ecological mitigation to include, but not restricted to, measures to manage the effects on farmland birds, including hedgerow and tree planting in the north-western field compartment together with enhanced foraging opportunities such as beetle banks; and
- (e) an implementation timetable.

12. No development shall take place within any phase until the method of working during the construction of that phase, in the form of an environmental management plan, to include: -

- a) Measures for the control of noise.
- b) Measures for the control of vibration.
- c) Measures for the control of dust emission.
- d) Construction access arrangements.
- e) Parking details for construction workers.
- f) Measures for the prevention of taking mud onto the highway and highway cleaning.
- g) Construction and delivery times.
- h) Details of the contact for site managers.
- i) Details of a Soil Management Strategy / Materials Management Plan to control the removal, storage and re-use of soils at the site including systems to protect the structure and quality of the soils, minimise erosion and prevent impact on local drainage.
- j) Measures to protect the integrity of the soil resource such as minimising compaction of shallow soils.

has been submitted to and approved in writing by the Local Planning Authority. All subsequent construction shall be undertaken in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

13. No development within any Phase shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) for that Phase has been submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following: -

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (to include consideration of lighting) (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Other Conditions

14. No part of the development hereby permitted shall be brought into use unless or until the installation of two new bus stops close to the access point of the development have been constructed and made available for use. The new bus stops shall include the following facilities: Bus stop pole including flag; bus shelters; solar lighting in bus shelters; raised kerbs; real time displays and associated electrical connections; bus stop clearways; lowered access kerbs; additional hard standings.
15. No part of any phase of the development hereby permitted shall be brought into use unless or until the details of a scheme for the provision of free bus passes to employees of that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the bus pass(es) including period of validity or equivalent, the area of coverage, arrangements for promoting the passes, application, and monitoring arrangements.
16. Before occupation of any Phase the development hereby approved details of the external lighting scheme to serve that Phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall have regard to the Guidance Notes for the Reduction of Obtrusive Light GN01:2011 produced by the Institution of Lighting Professionals. The approved lighting scheme shall be implemented in full before the lighting is first used and shall be retained thereafter. No form of external lighting shall be employed otherwise than in accordance with the approved scheme.
17. No phase of the development shall be brought into use until an Ecological Management Plan (EMP) for that Phase has been submitted to and approved in writing by the Local Planning Authority. The EMP shall include as a minimum the following details:
 - (a) A description and evaluation of all ecological features to be managed;
 - (b) Ecological trends and constraints that might influence management;
 - (c) Aims and objectives of management;
 - (d) Management actions for achieving the specified aims and objectives including enhancement measures;
 - (e) Preparation of a maintenance schedule;
 - (f) Details of the body or organisation responsible for the implementation and long-term maintenance of the plan;
 - (g) Legal and funding mechanism(s) by which the implementation and long-term maintenance of the plan will be secured;
 - (h) Ongoing monitoring and remedial measures.

The approved EMP shall be implemented, retained and maintained in accordance with the approved details for the lifetime of the development.

The development in Phase 1 shall be carried out in strict accordance with the Arboricultural Method Statement and Tree Protection Plan GL1602 03 as set out in the Arboricultural Assessment Issue 2, prepared by Golby + Luck Ltd reference GL1602 and dated March 2022.

18. Prior to the bringing into use of any phase details of the external lighting of that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall have regard to the "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" produced by the Institution of Lighting Professionals. The approved lighting scheme shall be implemented in full before the lighting is first used and shall be retained thereafter.
19. No development in Phase 1 shall take place above ground level until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out with those materials, unless the Local Planning Authority gives written approval to any variation.
20. Trees and shrubs shall be planted in accordance with the landscaping scheme submitted to the Local Planning Authority on Landscape Layout Drawing 10617-FPCR-XX-XX-DR-L-0002 P04. 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.
21. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) or any Order revoking or amending that Order, the 4no. B2/B8 Units falling within Phase 2 of the development and comprising 655,000sq ft gross internal area shall not be used for the purposes of parcel distribution which, for the purpose of this condition, is defined as the distribution of parcels and other individual items to customers at the their home address or places of work or to small scale collection hubs through the use of vans or other non-heavy goods vehicles.
22. The proposed highway mitigation schemes shall be delivered and open to traffic as follows:
 - Phase 1 (the T junction) prior to first occupation, and
 - Phase 2 (the roundabout upgrade) prior to occupation of Phase 2

Reasons

1. In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. This is the Outline element of a Hybrid Planning Permission and these matters have been reserved for subsequent approval of the Local Planning Authority and as required by Section 92 of the Town and Country Planning Act 1990.
3. In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
4. For the avoidance of doubt as to what is hereby approved.
5. To ensure the preparation and implementation of an appropriate scheme of archaeological investigation and mitigation in accordance with the National Planning Policy Framework.
6. In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.
7. In order to ensure that satisfactory arrangements are made for the reporting, archiving and dissemination of the results of the investigation in accordance with the National Planning Policy Framework.
8. To protect future occupiers of the development from unacceptable land contamination risk in accordance with paragraphs 189 & 190 of the National Planning Policy Framework. This condition is necessary as a pre-commencement condition because in the absence of a robust remediation plan the development process could result in the spread of contamination and a risk to public health.
9. 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.
10. To prevent pollution of the water environment.
11. In the interests of minimising impacts on and providing net gains for biodiversity in accordance with paragraph 180(d) of the National Planning Policy Framework.
12. In the interests of highway safety and protecting the residential amenity of the occupiers of surrounding residential properties in accordance with paragraphs 135(f) and 111 of the National Planning Policy Framework.
13. In the interests of minimising impacts on and providing net gains for biodiversity in accordance with paragraph 180(d) of the National Planning Policy Framework.

14. In the interest of promoting sustainable forms of transport and reducing reliance on the private car.
15. In the interest of promoting sustainable forms of transport and reducing reliance on the private car.
16. To prevent obtrusive light causing a loss of amenity to nearby dwellings.
17. In the interests of protecting existing trees which make a positive contribution to the character and form of the area and in the interests of achieving good design in accordance with the National Planning Policy Framework.
18. In the interests of protecting the residential amenity of neighbouring residential properties, bats and the general character of the surrounding rural and historic environment in accordance with paragraphs 135(f), and 180 of the National Planning Policy Framework.
19. In the interests of protecting the visual amenity of the rural and historic surrounding area in accordance with the paragraph 180 of the National Planning Policy Framework.
20. In the interests of protecting the visual amenity of the rural and historic surrounding area in accordance with the paragraph 180 of the National Planning Policy Framework.
21. In the interests of road safety and to ensure that the highway network continues to operate in a safe and efficient manner.
22. In the interests of road safety and to ensure that the Strategic Road Network continues to operate in a safe and efficient manner.

INFORMATIVES

High Speed 2

The applicant is advised that part of the application site falls within land that is currently safeguarded for construction and/or operation of HS2 Phase 2b (Crewe to Manchester and Birmingham to Leeds). Although the Government have announced the cancellation of HS2 Phase 2, Safeguarding Directions are still in place. However, in line with the commitments made in the Network North Command Paper, safeguarding is to be amended for HS2 Phase 2b by summer 2024 to allow for any safeguarding needed for Northern Powerhouse Rail. Following the Prime Minister's announcement of a general election, these changes will not be made before 4 July. As such, the applicant is also advised to closely follow ongoing progress of the Network North programme for any updates at: <https://www.gov.uk/government/publications/network-north>.

Severn Trent

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. As the site is will be discharging some trade effluent, we would strongly recommend the applicant speaks to the Trade Effluent Team by emailing trade.effluent@severntrent.co.uk

Nottinghamshire County Council Rights of Way Team

- There should be no disturbance to the surface of the bridleway without prior authorisation from the Rights of Way team.
- If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles.
- If a structure is to be built adjacent to the public bridleway, the width of the right of way is not to be encroached upon.
- Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed
- The existing boundary hedge/tree line directly bordering the development/boundary etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuring that it is cut back so as not to interfere with right of way.
- Should scaffold be required on or over the RoW then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption.