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EMS.2254

18 October 2024

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

Dear Richard,

Land at Newark Road, Coxmoor Road, Sutton in Ashfield – V/2022/O629

I am writing in order to provide some corrections to the recently published Committee Report for the above application.

I would be grateful if you can confirm that this letter will be provided to the Plans Committee Members in full ahead of the meeting on 23rd October 2024 to ensure there is no misunderstanding of our responses to the reasons for deferral and Members have all the information they require.

Sustainability

The Committee Report states that Member's directly requested information in relation to bus provision, routes and frequency and the accessibility and security of the station to cyclists and others. The report notes that the appellant has not responded to this request except to state that the County Council have not raised any concerns. This isn't correct.

Agreed Bus Service Contribution – £220,000

The requested information on bus provision was provided to the Case Officer on 21st August 2024. We forwarded correspondence with Nottinghamshire County Council's Public Transport Team on how the £220,000 bus service contribution, to be secured from the development, will be used to make the site accessible by bus. I have attached this correspondence. In summary the contribution will be spent in one of three ways:

- Trentbarton may decide that it becomes commercially viable for them to run the 3's service along Searby Road, bringing the service within walking distance of the development's residents. Additional patronage and hence income from the new residents would assist the viability.

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- Nottinghamshire County Council can use the £220,000 contribution to subsidise the 3's service, to allow it to once again run along Searby Road, bringing it within walking distance of the new residents.
- The development would be built with a spine road capable of taking a bus, which includes a turnaround area in the centre of the site. Hence, Nottinghamshire County Council can use the contribution to subsidise the 3's service and allow it to route into the development before coming out and returning to its original route.

Secure Cycle Parking Proposed Contribution – £10,000

In the same correspondence with the Case Officer, on 21st August, we highlighted that we had not received a request for a contribution for secure cycle parking at the railway station. We had described the cycle parking at the train station as secure because it is covered by CCTV but we understand the concern is about the degree of security. Whilst no request has been made for a contribution, from either your Council or the Local Highway Authority, Hallam Land can confirm that it would be willing to make a contribution of £10,000, to be secured via a Section 106 agreement, for improvements to the cycle parking provision at the train station, provided this is properly judged to be CIL compliant.

This suggested contribution is based on the evidence in the Transport Assessment. There are a range of different ways of providing cycle parking – see for example Bike Enclosures & Compounds ([bikedocksolutions.com](https://www.bikedocksolutions.com)). However, a basic shelter for 8 cycles is £3,439 + VAT. <https://www.bikedocksolutions.com/secure-cycle-compound>. On the basis that any cycle parking would need to be in line with government on Cycle Infrastructure Design (LTN 1/20) and there may be maintenance costs associated with it, we suggest a contribution of £10,000, would be reasonable in amount, if CIL compliant.

Highway Implications

In relation to whether there would be a more severe impact on the highway if residents do not use other modes of transport, it is important to emphasise that the amount of traffic generated by the development was forecast in the Transport Assessment agreed with Nottinghamshire County Council, the Local Highway Authority, by looking at traffic counts at comparable sites.

It is a robust assessment, selecting 85th percentile trip rates and assuming that traffic levels in the future when the new houses are built will be the same as recorded in the past surveys. There is however clear evidence that in fact trip rates are declining, underscoring the robustness of the assessment. When selecting comparable sites, the factors that have the most influence on the amount of traffic generated are locational ones, such as whether the site is in a town centre, or on the edge of a town, and the level of surrounding population. These factors were taken into account when determining the amount of traffic that would be created by Hallam's development, and the forecasts are accepted by Nottinghamshire County Council.

The modal share for bus use that was used in the traffic assessment is 6.4% of trips. This is not at all unrealistically high. Thus if no bus use took place and passengers instead use other modes of



transport including the car, the amount of extra car traffic would be very small. Any potential extra traffic would disperse immediately it leaves the site and would not materially increase traffic levels on the surrounding roads. The conclusions within the Transport Assessment would not change even if no buses were used at all and a severe impact on the road network could not be concluded. It is wholly unrealistic and unsupported by any evidence to suggest the location of the existing stops and the frequency and service level of buses would have such an effect, particularly when coupled with the bus contribution set out above.

Ground Contamination

In response to the letter prepared by Rogers Leask, which is appended to the Committee Report, the Council's Contaminated Land Officer notes that the testing for asbestos is not mentioned, but goes on to still conclude the matter should be dealt with by condition (consistent with the previous consultation response).

The need for asbestos testing is not referred to in the Rodgers Leask letter as this was prepared to specifically address the issue raised by members, the potential impact of the drainage proposals on the land contamination risk. It is however noted by Rodgers Leask in the Phase 1 Geo-Environmental Desk Study submitted with the planning application and previously considered by the Council's Contamination Officer.

In section 6.3 of the desk study report, Rodgers Leask include a table of potential contaminants in the landfill material, including asbestos. The report goes on to say that 'Targeted investigation of the made ground should be undertaken to determine the presence of contaminants.' This is further confirmed in section 7.14, which sets out the risk register which specifically includes asbestos as an item, with a recommendation for 'Intrusive ground investigation testing in areas of landfill'. As the Council's Contaminated Land Officer notes (and has reconfirmed in the latest consultation response) this does not need to be done before the grant of an outline planning permission and will be secured by the conditions proposed.

Having reviewed the Phase 1 Geo- Environmental Desk Study conclusions that there is a low to moderate risk of contamination, the Committee Report sets out that the Council's Contaminated Land Officers has no objections, subject to the conditions proposed which require the submission, implementation and verification of a remediation scheme to deal with potential ground contamination. There is no evidential basis to depart from this conclusion.

Best and Most Versatile Land

A Soils and Agricultural Quality Report was submitted with the planning application setting out that 97% of the site comprises subgrade 3a agricultural quality land. There is no question that this is Best and Most Versatile (BMV) Land and this has been clear throughout the application.

There is no embargo on the use of BMV land for development and therefore this loss of BMV agricultural land is to be weighed in the planning balance as set out in the Committee Report. The comment attributed to us that the loss of BMV agricultural land is inevitable has been taken out of context. This was stated in the context that Natural England's Agricultural Land Classification Map



East Midlands Region (ALC005) shows large swathes of similar land in and around the district, including Sutton-in-Ashfield and therefore the loss of some BMV land is evitable as the Council attempts to address its chronic housing supply position.

Please ensure the information above is shared with Members to assist with their deliberations and ensure they have all the information necessary to inform their decision.

Yours Sincerely,

Clare Clarke

Director
clare.clarke@pegasusgroup.co.uk

Enc.

From: [David Cummins](#)
To: [Clare Clarke](#)
Cc: [Sam Muir](#)
Subject: bus services for V/2022/0629 Newark Road, Sutton in Ashfield
Date: 07 August 2024 18:27:26



Hi Clare

Please see below an email exchange with NCC's bus team that confirms the various ways the £220,000 bus contribution secured by the S106 could be used to make the development accessible by bus. The precise mechanism would be determined at the appropriate future time. We can therefore take this as an area of common ground with NCC, the local highway authority, and I recommend it be provided to the planning case officer to inform their response to questions raised by planning committee members.

Best wishes

David Cummins BEng(Hons) MSc CEng MCIHT MCILT
Director – **ADC Infrastructure Limited**
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From: David Cummins
Sent: Wednesday, August 7, 2024 6:16 PM
To: Robin Riley <robin.riley@nottsc.gov.uk>
Cc: Stella Euerby1 <Stella.Euerby1@nottsc.gov.uk>; Transport Network <TransportNetwork@nottsc.gov.uk>
Subject: RE: bus services for V/2022/0629 Newark Road, Sutton in Ashfield

Many thanks Robin, that is very helpful.

Sorry, I knew it was Trent Barton, not Arriva, a senior moment. And I'm grateful for the extra information about their vehicle investment and service 90. I will relay this to back to Hallam Land, who I expect will pass it to the planning officer.

Many thanks

David Cummins BEng(Hons) MSc CEng MCIHT MCILT
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From: Robin Riley <robin.riley@nottsc.gov.uk>
Sent: Wednesday, August 7, 2024 5:27 PM
To: David Cummins <david.cummins@ADCInfrastructure.com>
Cc: Stella Euerby1 <Stella.Euerby1@nottsc.gov.uk>; Transport Network <TransportNetwork@nottsc.gov.uk>
Subject: RE: bus services for V/2022/0629 Newark Road, Sutton in Ashfield

Good afternoon, David

We've reviewed the information that you supplied. The planning officer's committee report comments reflect the current position. Their references to Highway widths reflect the guidance for bus service access; the appropriate dimensions should be determined in liaison with HDC.

Scenarios - We support the comments covering the potential scenarios - scenario 1 refers to Arriva which should be amended to state trentbarton. All three scenarios could apply. The withdrawal of the service along Sotheby Avenue coincided with the operator's capital investment in new vehicles on the route and related PVR, and to promote punctuality on the 'threes' routes which is commercially operated. Any enhancement of the 'threes' to revert to serving Sotheby Avenue would require the support of the operator and is likely to require an additional vehicle resource and associated cost. The Council's planning response also referred to the trentbarton [Service 90](#). In August 2023, the service was extended from Sutton-in-Ashfield to Mansfield via Oakham Business Park and West Notts College, funded by a partnership led by the County Council. Any enhancement of Service 90 is more likely to be supported by trentbarton, and likely to be a more cost-effective use of the proposed S106 contribution. The proposed turnaround area in the centre of the site is important to promote the option of bus access into the site.

To summarise, we support your assessment, subject to the above feedback. More than one scenario could be delivered as you have suggested, and this will be guided by phasing and build-out arrangements, including any development of adjacent sites. Please do not hesitate to get in touch if you have any queries.

Best regards,
Robin

Robin Riley
Development & Funding Manager | Transport and Travel Services
Place Department | Nottinghamshire County Council

From: David Cummins <david.cummins@ADCinfrastructure.com>
Sent: Monday, August 5, 2024 2:10 PM
To: Robin Riley <robin.riley@nottscc.gov.uk>
Cc: PTDC <PTDC@nottscc.gov.uk>; Stella Euerby1 <Stella.Euerby1@nottscc.gov.uk>
Subject: bus services for V/2022/0629 Newark Road, Sutton in Ashfield

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Afternoon Robin

We have been working with Hallam Land on their development proposal at Newark Road in Sutton in Ashfield (Ashfield District Council application number V/2022/0629). The application went to planning committee last week and was deferred. One item on which further information was sought was the bus services. Hence I write to you, assuming you to be the author of NCC's consultation response (the latest being 19 February 2024). Should it be a colleague, I would be grateful if you could pass this to them. I come direct, rather than through Stella, given the time of year and because we seek a quick response in advance of the next committee meeting.

The planning officer's committee report summarises bus access from your consultation response as follows:

"The closest existing bus stops are located Kirkby Folly Road approximately 840 metres from the centre of the site. A summary of the current services that serve the closest stop(s) are detailed below:

In August 2023 Trent Barton withdrew their 3's (C variant) along Searby Road/ Sotheby Avenue with a revised line of route serving the Kirkby Folly Road stops, situated more than 800 metres from the centre of the site. This exceeds the guideline walk distance. The internal roads within the proposed development would be designed to facilitate bus access (minimum 6.2m width) and provide suitable locations for bus stops within the development, should they be required in the future. The current linear spine road configuration, as submitted, appears to terminate within the site with no through access. Any through access in the future would allow for a service to be extended through the development. The current closest stops exceed the Highway Design Guidance, so any service access into the site would make the site acceptable in terms of access to sustainable transport.

A 6.75 metre highway width is required to support future bus access, and potential two-way operation. Any future bus access will be subject to appropriate funding and agreements with local bus operators in context with the prevailing local network, including the details of any future extension through adjacent sites or loop, and identified travel needs.

The Council request that a Planning Obligation be added to state: A Bus Service contribution of £220,000 is paid to provide improvements to the local bus services to serve the site."

Hallam Land have accepted that contribution request, and it is one of the heads of terms items for the S106 agreement that was in the committee report, along with the contribution to enhance bus stop infrastructure. Hallam Land also accept the request for new bus stop infrastructure to be installed close to/within the development through Section 38 and 278 agreements.

Given that context, we wish to go back to Ashfield District Council to explain why the accessibility of the development by bus would be appropriate.

We anticipate the following future scenarios.

[1] As bus patronage continues to recover post Covid, Arriva may decide that it becomes commercially viable again for them to run the 3's service along Searby Road, bringing the service within walking distance of the development's residents. Additional patronage and hence income from the new residents would assist the viability.

[2] Nottinghamshire County Council can use the £220,000 contribution to subsidise the 3's service, to allow it to once again run along Searby Road, bringing it within walking distance of the new residents.

[3] The development would be built with a spine road capable of taking a bus, which includes a turnaround area in the centre of the site. Hence Nottinghamshire County Council can use the £220,000 contribution to subsidise the 3's service and allow it to route into the development before coming out and return to its original route.

The scenario that is implemented will depend on the situation at the time. Further, as building 300 dwellings will take some years, more than one scenario could be delivered as the development is built and residents occupy, creating revenue. Whichever scenario emerges, the development would be adequately served by a bus service that was within walking distance of the development's residents.

We would be grateful if you would confirm that our understanding is correct, so that we may report back to the planning officer.

Many thanks
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