

# Planning Application – Land at Whatton (In the Vale) – I7/00969/OUT and I7/00970/COU

## INTRODUCTION

This paper is intended to provide background and guidance to those who wish to Object to the above Planning Applications.

**The note is provided in response to the wish of the PARISH MEETING and as such is not in any way connected to the Parish Council.**

The views, interpretations, notes and observations are those of the respective authors and readers should read the appropriate documentation to form their own views. The list of issues addressed in this paper is not exhaustive and there may be other significant issues that have not been addressed.

In the Appendices I have included submissions from Nottinghamshire Wildlife Trust and Stephen Coulter, the latter is especially useful in framing any objections.

## OVERVIEW

In the Rushcliffe, Local Plan – Part 1 (Core Strategy) it is clear that Whatton is not considered a location which is sustainable for this size of development. The emerging Local Plan – Part 2 specifically excludes Whatton (and Aslockton) for any development other than for local needs.

This application is a blatant opportunist attempt to negate the Local Plan because of the shortage in the five-year housing supply and to attempt to develop in an area that has been explicitly deemed as unsuitable and unsustainable by the Local Plan.

The Planning Inspector (in Appeal Reference APP/P3040/W/16/3143126 – see Page 2), not only acknowledged the substantial amount of work involved in creating the ‘spatial strategy’, the extensive consultation with residents during the process and the fact that the Plan had been examined and found ‘sound’ by the Planning Inspectorate, but the on-going effort by Rushcliffe to encourage developers to bring forward their development of already planning approved sites.

It is thought unreasonable and contrary to ‘natural justice’ for land-owners to seek to overturn a ‘sound’ spatial strategy for their own economic interest and completely disregard not only the Local Plan, but the impact in terms of ecology, conservation, social elements and traffic implications.

## APPLICANTS PLANNING STATEMENT

### Introduction

The Applicant included a Planning Statement with the Application. There are a number of issues which are in the opinion of the author at best misleading. Those areas are discussed below.

### Comments and Observations

#### Site and Surrounding

##### *Observations*

(2.5) Asserts that Aslockton and Whatton-in-the Vale function as one settlement and justify that that assertion by reference to the ‘Sustainable Locations for Growth Study’ what the Statement failed to mention was the comment ‘*The constraints to growth, including the need to avoid coalescence of Aslockton and Whatton...*’. Also quoted is the ‘Rushcliffe Additional Background Paper’, again they fail to mention

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the note attached to Aslockton and Whatton ‘Given their proximity to each other, whilst distinctive settlements in their own right, Aslockton and Whatton share some infrastructure and services’.

For the avoidance of doubt Whatton-in-the-Vale and Aslockton are separate and distinct Civil Parishes with separate and distinct Parish Councils. Whilst it is true that the Parish Councils may act together in cases where there is a common interest, the same is true of Granby and Sutton, Barkstone and Langar, Orston and other adjacent parishes. Thus, the assertion that Aslockton and Whatton-in-the-Vale function as one settlement is wrong in fact and should be disregarded.

(2.6) Many of the ‘Local Facilities’ listed in this section are in fact in Aslockton – post office, village shop, primary school, public house, hairdresser and nursing home.

The employment opportunities are grossly overstated, the small industrial estate is better described as a ‘micro’ with very limited employment opportunities the same is true of HMP Whatton.

The ‘sustainable’ transport options are also overstated:

- Cycle Links – there are no dedicated cycle paths (save to a small area by Whatton Bridge) and cyclists share the poorly maintained road network with other motor vehicles (both large and small). The increase in traffic movements as a result of this proposed development is unlikely to make cycling safer or indeed a desirable option.
- Bus Links – the bus service does not provide a viable ‘Commuter Service’ and in any event Trent Barton have announced their decision to stop operating the service from July 23<sup>rd</sup> 2017.
- The Train service does provide some level of a Commuter Service, with earlier and later trains (that buses), but provides little during the day.

The fact that Bingham provides a ‘range’ of facilities is not disputed. However, it should be noted that NatWest have announced the closure of its branch in Bingham, leaving only one bank (Lloyds). Additionally, no mention is made of either the appalling parking situation, especially for Healthcare and Dental visits as well as the fact that Bingham will also have to cope with not only an increase in its own population but also that in Newton and the 75 new dwellings in Aslockton.

## Conclusions

- The Applicants assertion that the two parishes function as one is clearly and factually incorrect.
- Viable Sustainable Transport options either do not exist or will be adversely affected (cycling) by this proposal.
- The parking facilities in Bingham (required to access the ‘range’ of facilities) are already severely overstretched which will only be exasperated by the application.

## Planning Policy

### Introduction

Section 5 recites the Applicants view of the relevant planning policies.

### Development in Other Villages

(5.29) This paragraph states ‘For clarity it is noted that no specific housing allocations are proposed in Whatton’. For absolute clarity, the Consultation document stated explicitly that ‘Local Plan Part 2 should not allocate greenfield land for housing development at Aslockton and Whatton’ (Question 15 – Page 33).

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## Housing Supply

### Introduction

This section deals with in the main the shortfall in the five-year housing supply and through that seeks to negate the value of the Rushcliffe Local Plan – Part One (Core Strategy) and in particular Policy 3.1.

### Shortfall

(6.7 et al) The allowed appeal at Aslockton (APP/P3040/A/I4/2227522) is cited to justify that relevant policies for the supply of housing in the Local Plan (in particular 3) should not be considered up to date. Whilst the failed appeal at Aslockton (APP/P3040/W/I6/3143126) is mentioned in Section 7, the Inspectors view at that enquiry in regard to the Shortfall is not mentioned.

The Inspector considered in point 21 that ‘Considerable effort is being expended by the Council to make progress with the ‘sustainable urban extensions’ and to encourage development on the identified ‘key’ strategic sites (ID8).

Point 29 is a wider point, which goes to both the Spatial Strategy and sustainability in that:

*‘Moreover, much effort has been expended on devising a ‘spatial vision’ to ensure that the pattern of housing provision is sustainably distributed not just across Rushcliffe, but also across the wider ‘housing market area’. The Greater Nottingham Accessible Settlements Study and the Sustainable Locations for Growth Study (CD35 and CD36) both show that Aslockton is not a preferred location for substantial housing growth. I realise that my colleague (CD34) found the location ‘sustainable’. The village does benefit from some services and facilities; there is a railway station, a bus service, a primary school, a nursery, a small shop-cum-post office, a public house, a hairdresser’s, several local clubs and a village hall. But, the trains and buses are infrequent (except at commuting times) and the shop is limited. There is precious little local employment (save for the prison), there is no supermarket, no secondary school and no higher order services. It is thus inevitable, as the Council suggest, that this scheme would be likely to entail more car-borne travel, notwithstanding the provision of the ‘travel packs envisaged. Several higher order facilities are available in Bingham, or further afield, but that is why Bingham and other places, rather than Aslockton, have been identified to accommodate ‘strategic levels’ of additional housing. That is the whole point. The studies, and consequently the Core Strategy, identify and build on the relative ‘sustainability’ of settlements across the ‘housing market area’. So, the fact that Aslockton turns out to be the 18th most accessible place out of 67 (or perhaps 60) settlements in Rushcliffe, and 1st within the ‘rural east housing market sub-area’, simply demonstrates that Rushcliffe is blest with few places suitable to cater for ‘strategic’ levels of housing and none within the ‘rural east housing market sub-area’. Indeed, there are levels in the wider settlement hierarchy that do not exist anywhere in Rushcliffe. In relative terms (the relevant consideration here, in my view), Aslockton is not a ‘sustainable’ location to accommodate substantial cumulative additions of new housing. Hence, I consider that this proposal would not only contravene the aims and requirements set out in policy 3 of the Core Strategy, but also be fundamentally at odds with the ‘spatial vision’ on which that Plan is based.’*

Point 30 sets the context of the Housing Supply question and the Spatial Strategy.

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*The Core Strategy has been examined, found to be sound and adopted less than 2 years ago. It is the result of much effort, several years of study, severe scrutiny and extensive consultation. And, of course, the Framework sets out as the first ‘core planning principle’ that decisions should be genuinely plan-led and empower local people to shape their surroundings, an aim reiterated in the letter from the DCLG sent to local people here (document 8.7). This Plan is certainly recent, even if the housing policies should not now be considered up-to-date, and it is certainly based on joint working and co-operation designed to address ‘larger than local issues’. Indeed, the ‘spatial vision’ on which the Plan is based is designed to contribute to meeting the housing requirements from Nottingham in a ‘sustainable’ way. And, as my colleague has observed (document 7.2), a central purpose of the plan-led system is to deliver sustainable development in the right place at the right time in accordance with the vision and aspiration of local communities. As this scheme would be contrary to the aims and requirements of policy 3 and fundamentally at odds with the ‘spatial vision’ entailed, it would undermine the approach of a recently adopted Core Strategy to delivering ‘sustainable development’. The scheme would thus confound both the ‘core planning principle’ that decisions should be genuinely plan-led and the ‘golden thread’ of pursuing ‘sustainable development’, set out in the Framework. Such development would be very damaging. Hence, I consider that the contribution that this scheme would make to the 5-year supply of housing would be insufficient to overcome the serious disadvantages and significant harm due to seeking to make that provision in the ‘wrong’ place (contrary to the ‘spatial vision’), namely at a village identified in policy 3 to accommodate local needs only rather than significant growth.*

### **Conclusion**

- The Inspector in Appeal APP/P3040/W/16/3143126, found in Point 29 found that Aslockton was NOT sustainable. Given that Whatton has less facilities than it clearly follows that the proposed site is not sustainable and therefore any argument about whether the Core Strategy is out of date or not is moot. The application must fail.
- Whilst the Appeal APP/P3040/W/16/3143126 relates to Aslockton and recognizing that the Appeal does not create a precedent it is difficult to argue with the Inspectors view in terms of sustainable development and the spatial strategy.
- Even if this proposal was allowed, on balance given that there is not a developer ‘on-board’ it is unlikely to improve the housing shortfall and even if it did the ‘harm-caused’ would greatly outweigh, what would be a small contribution of the Supply shortage.

### **USE OF AGRICULTURAL LAND**

The National Planning Policy Framework is clear in Paragraph 112 ‘...that significant development of the best and most versatile land should only occur when it is demonstrated to be necessary...’. It has not been demonstrated, neither can it be that the development of 90 dwelling, in an area that has been deemed ‘unsustainable’ by the Borough Council and inferred by a Planning Inspectorate Inspector – Appeal APP/P3040/W/16/3143126 (see Page 2) can be in any way or for any ‘necessary’.

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## **GROWTH IMPACT**

The number of proposed dwellings of 90. Equates to a 23% in households in the parish and depending on the proposed housing mix will have at least that (probably significantly more) impact on the increase in population. The number is wholly disproportionate to the size of the current settlement. The impact on the local road network will be substantial and unsustainable.

## **IMPACT ON AND ACCESS TO AMENITIES**

### **Introduction**

There are no 'essential' amenities (Education, Healthcare etc.) located in the parish. There are educational facilities in the neighbouring parish of Aslockton (see below), but for Healthcare etc. travel to Bingham is required to access them. As there is no viable public transport, visits to Bingham must be by motor car, parking in Bingham is already a severe problem especially at Surgery times and would be worsened by this application.

### **Primary Health Care (including optical and dental)**

Healthcare is typically provided from the Bingham Health Centre; anecdotal evidence indicates that there are already difficulties in arranging appointments (in particular in the evenings). The planned increases in Bingham and Newton are likely to exacerbate the situation. Visits to the surgery or other healthcare facilities (Dentist, Optician etc.) given the absence of viable public transport must be made by motor car. Clearly, the additional population generated by this proposal will increase the level of traffic and consequent parking problems and add additional stress to the Healthcare provided.

### **Schools and Pre-school Facilities**

#### **Pre-School**

The local (Aslockton) pre-school facility (Cranmer Pre-School) is currently over-subscribed. Additionally, the availability of places at this facility will be adversely affected by the building of 74 new properties on land South of Abbey Lane in Aslockton (Aslacr Park – Avant Homes). Anecdotal evidence also indicates that Pre-school places in Bingham are severely limited and will be more so with the planned growth in that town.

#### **Primary School**

It is understood that there are places available at the Archbishop Cranmer Church of England Primary School. However, the impact of the new housing in Aslockton (Aslacr Park) has yet to be realized.

#### **Secondary School**

It is understood that Toothill School may transfer some of its pupils to the Newark Toothill Free School in September 2017 freeing up available places at the Bingham Site. However, the planned growth in Bingham and Newton and the increase in housing in Aslockton will all impact on the potential of available.

#### **Food Shopping**

The nearest centre for food shopping is Bingham (3 miles) that provides access to small and medium sized supermarkets Sainsbury Local, Aldi Lidl and the Co-operative. There are also fresh veg and a butcher. There is no viable public transport option.

Major supermarkets (ASDA, Morrisons etc) are situated at least 13 miles distant in West Bridgford, Grantham or Newark. There is no viable public transport option.

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## **Conclusion**

In an age when ‘double-income’ is a requirement for a ‘decent’ mortgage the lack of Pre-school facilities is clearly a severe limitation for considering any major development. The need to use a motor car to access any essential service is also considered a significant negative issue.

## **CONSERVATION AREA**

### **Introduction**

Whilst the proposed site is not within the Conservation Area, the proposed junction does impact on both the visual amenity of the iconic ‘Avenue of Trees’ both leading to and from the Conservation Area. The Parish Council maintains the wide verge on the south of Old Grantham Road (were the junction is proposed), but it is maintained leaving a substantial ‘natural’ margin to encourage wildlife, the potential harm to this habitat is more than adequately described in the Nottingham Wildlife Trust submission.

### **Comments from James Bate – Rushcliffe Conservation and Design Officer**

‘As such my concerns relate to lack of information on the one matter for detailed consideration and as such at this time I have concerns about the impact of the access on the special architectural and historic character and appearance of the conservation area and would have to suggest that the proposal results in harm, giving rise to a strong and statutory presumption against granting planning permission under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The same lack of clear information and detail prohibits me from quantifying the scale and extent of this harm.’

## **ECOLOGY**

The full text of the response of Nottinghamshire Wildlife Trust is attached in Appendix I. This provides a full and fact-based assessment of the impact of the application.

## **EMPLOYMENT**

- There are no meaningful Employment opportunities within walking (or cycling) distance of the proposed development.
- Employment Centres are:
  - Nottingham
  - Newark
  - Grantham
  - Leicester
  - Bingham (to a significant lesser extent)
- With the except of Bingham all employment centres are in access of 13 miles.

## **SUSTAINABLE TRANSPORT**

The issue of Sustainable Transport was dealt with in the Application Planning Statement, it however worth restating.

- Cycle Links – there are no dedicated cycle paths (save to a small area by Whatton Bridge) and cyclists share the poorly maintained road network with other motor vehicles (both large and

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small). The increase in traffic movements as a result of this proposed development is unlikely to make cycling safer or indeed a desirable option.

- Bus Links – the bus service does not provide a viable ‘Commuter Service’ and in any event Trent Barton have announced their decision to stop operating the service from July 23<sup>rd</sup> 2017.
- The Train service does provide some level of a Commuter Service, with earlier and later trains (that buses), but provides little during the day.

It is the authors view that there is NO sustainable transport options. It is clear therefore that the occupants of the proposed new development will need to rely on the Motor Car to access Employment or any of the essential services.

### **TRAFFIC IMPLICATIONS**

Given there are no viable public transport options, 90 new dwelling will equate to at least 90 motor cars, possibly 180. Given that the car will need to be used to access employment areas there would be at least 180 (possibly in excess of 360) additional traffic movements per day.

The junction of the A52 and Grantham Road is already considered ‘unsafe’ by many residents, the addition of at least 90 traffic movements using that junction in the morning would have a serious negative effect on that junction.

The Old Road (shown as Dark Lane on the Applicants Map) is extensively used by dog walkers, residents accessing Aslockton Station and children going to school in Aslockton on what is currently a car free safe route would be adversely impacted by vehicles crossing it to and from the proposed development.

The development would give raise to a significant rise in CO2 emissions.

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## **SUSTAINABILITY**

The development cannot be considered sustainable for the following reasons:

- There is no local economic benefit.
- There are no meaningful employment opportunities locally.
- There is not a viable public transport option.
- There are no essential facilities within walking (or cycling) or viable public transport distance of the development.
- The reliance on the private car for accessing employment and essential services will increase CO2 emissions and be quite contrary to the general intention of the National Planning Policy Framework.
- The proposed development would have a negative impact of the ecology of the area.
- The proposed development would have a negative impact on the view from and to the Conservation Area.

GR Redford

1<sup>st</sup> June 2017

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## APPENDIX I – NOTTINGHAMSHIRE WILDLIFE TRUST

**17/00969/OUT | Outline planning application with all matters reserved other than access for the residential development of up to 90 dwellings and associated infrastructure | Land Off Old Grantham Road Whatton Nottinghamshire**

And

**17/00970/COU | Change of use from agricultural land to public open space| Land Off Old Grantham Road Whatton Nottinghamshire**

Thank you for consulting Nottinghamshire Wildlife Trust on the above planning applications. Our comments are as follows:

### Loss of habitat connectivity

We are extremely concerned about the loss of habitat connectivity along Dark Lane and Old Grantham Rd, which will clearly result from the construction of the proposed new road to serve the residential development. The road would bisect the tree-lined avenue (Old Grantham Road), hedgerows, a green lane (Dark Lane) and an area of permanent grassland, which would adversely impact bats, birds and small mammals, including hedgehogs; the latter is a

We consider this to be contrary to Core T b fh Q d 28- f h i b gbh f b gif Green Infrastructure network is avoided wherever possible and improvements to the network benefit biodiversity, including at a landscape scale, through the incorporation of existing habitats and the cfb g f i b c b / U i f b e c f d i f f b f e d i b h f g f application (application ref 17/00970/COU) is mainly grassland and, whilst it does provide some additional grassland habitat on part of the field currently under arable cultivation, it is proposed that part of this will be a formal play area, which is of no value as a habitat corridor. Further losses are proposed to the existing grasslands through this change of use application due to the location of an allotment site and access road for the allotments. For these reasons, we do not consider the benefits of this scheme outweighs the damage caused by loss of existing grassland habitats and the break in habitat connectivity along Dark Lane and Old Grantham Lane.

### Bat activity/ roost potential survey of bridges

No detailed bat activity surveys have been carried out and we would strongly advise that such a survey is essential to inform the ecological impact assessment. We completely disagree with the table at page 5, which states the application site contains very limited foraging f ; E f i f b f g i f B d b T f - g b h h f b f restricted to the surrounding hedgerows, which are likely to be retained, and along the River Smite corridor, which will be offsf b b g i f i f f h b g i f B d b T f /

The Preliminary Ecological Assessment (PEA) lists 6 species of bats at Table A3.3 and local residents frequently see foraging bats in the area. Also, the site is of a substantial size (over 10ha) and will be severely impacted by the construction of a new road, fragmenting well-defined habitat corridors. Some of the habitats affected by the proposal are very high-quality habitats for foraging bats, especially at the northern end of the proposed site (including the grassland, Dark Lane, Old Grantham Road and the River Smite).

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Furthermore, bats could roost in Old Grantham Rd and Dark Lane road bridges over the River Smite and these structures should be surveyed for bats. There is a strong possibility that works to the bridges (e.g. laying of new services etc.) could be carried out in connection with the planning application. We would wish to be assured that no works to the bridges will be carried out without a full bat survey, as there is the potential for significant harm to bat roost(s).

### Otters

We understand that no otter survey has been carried out on the River Smite at this location. An increase in local traffic could in theory pose an increased risk to otters. Otters are known to be present on the River Smite and they are occasionally found dead on roads at/ near bridges. We therefore strongly recommend a riparian mammal survey should be carried out.

### Breeding birds

Increased traffic movement and traffic noise along with increased recreational disturbance, which will also be over a wider area, could adversely affect breeding birds. Although bird records do not appear to have been presented in the ecological report, it has been reported to us that Amber listed bullfinch is known to visit local gardens. Page 5 states that such surveys b f f fe h if f b e fe b f g i b c b f f - i f B db T f is considered unlikely to support a notable bird assemblage, and no further breeding bird or winter surveys were consid f e b b f / X f e b h f f b e e f i f f g i f f (over 10ha), variety of habitats impacted (grassland, scrub, lane, hedges, a local river corridor which birds move along, arable), we would expect to have seen a full breeding bird survey carried out. Furthermore, we do not see how mitigation proposed at paragraph 5.31 (10 nest boxes) will provide any meaningful gains as it will have no meaningful impact at all on a proposed development of this scale.

### Reptile survey

We strongly recommend that a reptile survey should be carried out, focusing on the grassland field between Old Grantham Road and Dark Lane. The PEA states that grass snake has been sighted to the north east. A resident of Azimghur Road has reported seeing grass snake in their garden during the last 10 years and a record of grass snake from Aslockton has been sent to NWT this year. It is therefore highly possible that a population of grass snake (afforded protection under The Wildlife and Countryside Act 1981, as amended, in relation to killing and injury) is present at the proposed site.

We strongly disagree with the statement on page 5 that no suitable habitats are present for reptiles. Grass snake is highly likely to be associated with the river and there is the potential that grass snake will be foraging or breeding in the field between Old Grantham Road and Dark Lane. As well as suitable wide and mature hedges, there is an area of scrub, present at the location of the proposed road serving the development and not mapped on the phase one map. This could provide a location for breeding grass snake (as well as breeding sites for hedgehogs, nesting birds etc.). We would argue that the entire field and its surrounding would be subject to major disturbance should a new road be constructed. Impacts will not be limited to the road corridor, as a greater area of land is always disturbed when large construction projects of this nature are undertaken (for storage of plant, construction materials and spoil, to enable construction vehicle movement etc.). Therefore, we strongly recommend that a reptile survey should be carried out of this road verge and field, in order to inform the ecological impact assessment.

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## Hedgehogs

Uif OhibifXefU Nb b ebbcbfi e 67 fde f hedgehogs for the period 2006-16 within 5km of the application site. As tracking studies have shown that hedgehogs can roam 2-3km in a single night, the majority of these hedgehogs will utilise roads and gardens in Whatton. In fact, 20 sightings of hedgehog have been reported to the Trust in Whatton itself, on land south of the railway and north of the A52. Hedgehogs are a UK BAP /S41 SPI and receive Section 6 protection under The Wildlife and Countryside Act 1981 (as amended).

Many of the dead hedgehogs have been seen on Old Grantham Rd and any increase in local traffic is only likely to result in more casualties and put additional pressure on the local hedgehog population. Given the number of road casualties the local hedgehog population is clearly under pressure and we strongly recommend that a survey should be carried out of the local hedgehog population, using methodologies summarised by Chartered Institute of Ecology and Environmental Management, CIEEM in their Technical Guidance Series. This should comprise habitat assessments as well as field survey, to assess where high quality habitats and breeding sites are likely to be present, and to inform the ecological impact assessment.

## Introduction of artificial lighting

We are concerned about lighting impacts on wildlife from introducing new lighting to a largely unlit location. This will adversely affect invertebrates, disrupting their natural (daytime/ night) rhythms and certain species will be attracted to new light (e.g. moths), affecting foraging behaviour etc. Research has shown that song birds can expend extra energy singing under artificial light and artificial lighting can disrupt foraging behaviour of small mammals, including bats. Bat Conservation Trust has produced guidance on this subject [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html).

Lighting will no doubt illuminate or bisect important foraging corridors, such as the river and hedgerows on this site, which can create a barrier to the movement of bats. Studies have shown that, although d f - f f - f f b e M f cb db b f be b bhf g insects (moths) attracted to white street lights, other species such as long-eared bats and N fdf ) i di d ef C b e - i f fe-Eb cf -Ob f f b e Cf di f bats) generally avoid external lights.

Whilst there is a statement about a wildlife friendly lighting scheme at paragraph 5.33 of the ecological survey report, in our view the ecological assessment does not give enough consideration to the impact of lighting on wildlife and we recommend that a detailed assessment should be made, following BCT and Buglife advice.

## River Smite Local Wildlife Site

The proposals could result in an adverse ecological impact on the River Smite Local Wildlife Site (both on water quality and flow), which has the potential to harm wildlife e.g. changes in flow regime effecting fish and water vole or pollutants entering the river system from the proposed development, via surface water flow or sewer misconnections etc.). Local Wildlife Sites are identified and selected using locally determined criteria and detailed ecological information. The River Smite is an important corridor for wildlife, forming key components of local ecological networks and should be safeguarded from any inappropriate development.

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## Summary

In summary, we are very concerned about impacts on the River Smite LWS and wildlife corridor, riparian mammals (otter), breeding and wintering birds, bats and other mammals (including S41 species hedgehog and protected badger). Due to the variety of habitats impacted (grassland, hedges, scrub, river, trees and arable) by the proposals we would expect the ecological survey to have been based on a greater survey effort, with detailed surveys for breeding birds, hedgehog and bats having been carried out and not solely rely on a single visit (Preliminary Ecological Assessment).

Further surveys are required to be carried out prior to determination, in line with the (extant) Biodiversity Circular 06/2005. The presence of protected species is a material consideration and in this instance, we do not consider level of ecological survey is sufficient to assess the level of impact on protected species/ biodiversity. Rivers are a Nottinghamshire BAP habitat and bats, reptiles, otter are local BAP species. Because their status has not been adequately assessed, it is impossible to say if the mitigation measures proposed are adequate, contrary to policy 17 -4 E f f f b g f d h i f - -designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an f e h f f e g i f e f f f b e i b b e f b f h b f b f b f b d f /

As the proposals adversely impact on habitat connectivity and due to the ecological assessment being based on insufficient survey effort, we **object** to these proposals.

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## APPENDIX 2 – SUBMISSION FROM S. COULTER

I7/00969/OUT

Outline Application for up to 90 Dwellings and Associated Infrastructure

Land off Old Grantham Road Whatton

Current Planning law requires that applications for planning permission must be determined in accordance with “The Development Plan” unless material considerations indicate otherwise. The constituent documents of the Development Plan vary in time and place as the process of preparing, reviewing and replacing plans is a continuous one which occurs at different times and speeds according to the needs of local councils across the country.

The current stage in the preparation of the Development Plan in Rushcliffe is a significant issue in this application as the Borough does not have a full, detailed Local Plan which is one of the major constituent documents in any Development Plan. Local Plans are prepared in two parts - Part 1 is called the Core Strategy and sets out an overall strategic vision for an area, whilst Part 2 - the Land and Planning Policies document translates the vision of the Core Strategy into specific site allocations and detailed policies.

Rushcliffe does have a Part 1 Core Strategy for the borough which was legally adopted in 2014. This document sets out a vision for the Borough in the period up to 2028 and outlines where and when new homes, employment and infrastructure are expected to be delivered, the steps that will be taken to ensure that the development is sustainable, together with policies to conserve the historic and cultural heritage and the villages and countryside of the area. The Council is now working on the Part 2 - the Land and Planning Policies document and I will return to that shortly.

The Core Strategy includes a requirement that, in the period 2011-2028, Rushcliffe Borough will need to allocate sites to allow for a minimum of 13,150 new homes to be built (some of these will already have been built between in the past 6 years). Policy 3 of the Strategy sets out the general locations in which these homes will be located, namely:

- through urban regeneration in those parts of Rushcliffe which are within the Greater Nottingham area;
- Urban extensions to the south of Clifton, around Edwalton and east of Gamston/north of Tollerton.

These locations above are expected to accommodate around 7650 homes by 2028.

A further 5500 homes will be built elsewhere, namely:

- North of Bingham
- Former RAF Newton
- Cotgrave Colliery
- East Leake

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- Keyworth
- Radcliffe-on-Trent
- Ruddington.

In all other villages development would be solely to meet local needs.

Returning now to the Part 2 -Land and Planning Policies document, the council published an Issues and Options Report in January 2016. This is the first stage in translating the vision of the Core Strategy into specific site allocations and detailed policies. The document went out for consultation with the public and with all other relevant parties in March 2016. The document reiterated the intent from the Core Strategy that, in all villages other than those referred to above, housing development would be small sites for local needs only and sought opinion on this issue.

Following from that consultation and in the light of the requirement that Local Plans must be underpinned by robust evidence, the Council has undertaken further studies and updated its evidence base during the past 12 months. This has revealed that there are delays in bringing forward housing development on 5 of the 6 large sites referred to in the Core Strategy. This presents a problem insofar as, in addition to having to meet the Borough housing target of 13,150 dwellings, the Government's National Planning Policy Framework (NPPF) requires all councils to maintain a 5-year supply of housing sites at any point during the plan period, so that there is a continuous supply of new housing year by year. Unfortunately, the delays in the development of the 5 large sites has created an expected shortfall both in the total number of homes to be built by 2028 and also in the 5-year supply from 2019 - 2024. The shortfall is in the order of 900 homes.

In order to address this shortfall, amongst other matters, the Council published a Further Options document in February this year and I understand that this has been the subject of very recent consultation. The document includes a proposal for a wider range of towns and villages than previously to include sites in Cotgrave, Cropwell Bishop, East Bridgford, East Leake, Gotham, Keyworth, Radcliffe on Trent, Ruddington, Sutton Bonington, Tollerton and West Bridgford. Significantly, on page 32 of the document, there is a specific statement concerning housing development in Aslockton and Whatton where it states: "At Aslockton planning permission has recently been granted for the development of up to 75 new homes on a site to the south of Abbey Lane. Consequently, this site already contributes to the supply of housing land available for development over the next few years. As a site with planning permission we intend to include it in Local Plan Part 2 as a housing allocation. However, in our view it would not be sustainable, based on existing service and infrastructure provision, for any further greenfield sites to be identified for housing development at Aslockton or Whatton."

It has to be accepted that this Part 2 Local Plan is still under preparation and that until it is adopted, it is not formally part of The Development Plan and therefore it has only limited weight in terms of its importance to the determination of this application.

## **Planning Application – Land at Whatton (In the Vale) – I7/00969/OUT and I7/00970/COU**

Returning at this point to the law, you will note that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. (my underlining)

There are many matters which can be material considerations and a very important one is the government's National Planning Policy Framework (NPPF) which was published in 2012. Paragraph 14 is relevant in this case and states:

“At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. ....

For decision-taking this means.....where the Development Plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.”

Freeths Planning and Environmental Group Statement on behalf of the applicants places significant emphasis on the NPPF as a determining factor to be considered in deciding this application. They draw attention particularly to paragraph 49 of the NPPF which states: “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

I have referred above to the fact that Rushcliffe Council acknowledges a shortfall in its land supply. Freeths argue that the shortfall is greater than the Council's figures suggest and in these circumstances, they argue that the presumption in favour of sustainable development in the NPPF should prevail and that permission should be granted. They argue that Aslockton and Whatton function together as settlement with sufficient facilities and services, including a train station, to be regarded as a sustainable location.

The significance of all of the foregoing is that, in my opinion, this is an opportunistic application which seeks to exploit the unexpected delay in the preparation of the Part 2 Local Plan in order to obtain permission for a substantial development in a location which Rushcliffe Council does not regard as sustainable and does not propose to include as such in its emerging Local Plan.

I do not have the local knowledge or the time to assess the sustainability of the location, but this and other local matters such as the traffic impact of the proposals, are clearly matters which the Borough council will have to consider in their determination of the application and as many people as possible using their rights to object to the application, is obviously an important part of the democratic element which is embodied in planning legislation.

## **Planning Application – Land at Whatton (In the Vale) – I7/00969/OUT and I7/00970/COU**

My specialism was in planning policy and strategy and I would certainly wish to see the Borough Council opposing this application on grounds that include the following:

1. That the application conflicts with Policy 3 of the Adopted Part 1 Core Strategy in that it proposes a significant housing development in an unsustainable location in a village where the Core Strategy limits housing development to that required for local needs only;

2. Excepting one housing site allocation in Aslockton, that village and Whatton are not being considered for further greenfield housing development in the emerging Part 2 Local Plan, because services and infrastructure provision is inadequate to cater for further significant development and the location is unsustainable. Approval of this application would be prejudicial to the proper consideration of further housing locations through the Local Plan process.

3. The application would involve the development of part of the site which is Grade 2 agricultural land, which is amongst the best and most versatile productive land. Paragraph 112 of the National Planning Policy Framework makes it clear that significant development of the best and most versatile land should only occur when it is demonstrated to be necessary and that is not the case here.

There will undoubtedly be other grounds on which local people may wish to see this application rejected, e.g. traffic, impact on local services/facilities and local environmental impact, but I hope the foregoing is helpful in giving some insight into the policy context in which the application will be considered.

Stephen Coulter

29 May 2017