



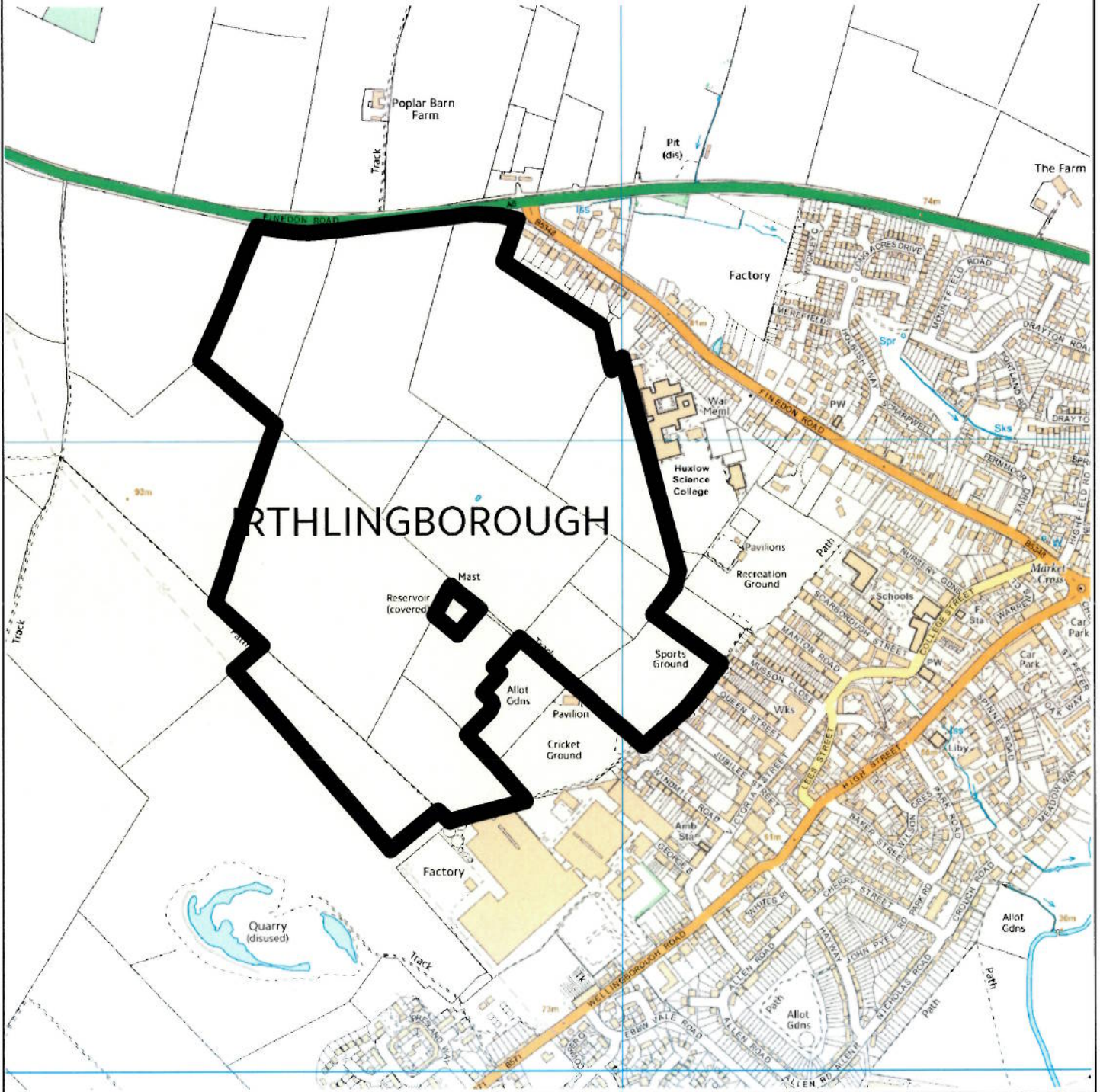
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**APPLICATIONS FOR DETERMINATION**  
**DEVELOPMENT CONTROL COMMITTEE - 24 November 2014**  
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10/00857/OUT

# Irthlingborough West



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# Committee Report

Committee Date : 24<sup>th</sup> November 2014

Printed: 12 November 2014

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Case Officer **James Wilson**

**10/00857/OUT**

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Date received	Date valid	Overall Expiry	Ward	Parish
<b>5 May 2010</b>	<b>25 May 2010</b>	<b>24 August 2010</b>	<b>Irthlingborough</b>	<b>John Pyel</b>

Applicant **Hallam Land Management and BS Pension Fund Trustee Ltd**

Location **Land Between Wellingborough Road and Finedon Road, Irthlingborough Northamptonshire**

Proposal **Mixed use urban extension comprising residential development up to seven hundred dwellings (23.5ha), employment development within use classes B1,B2 and B8 (7.5ha), land for the expansion of Huxlow Science College (7.1ha), open space (11.6ha) and structural landscaping (2.8ha) and associated highway and drainage infrastructure including new roundabout junction on Finedon Road (A6)**

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The application is brought forward for determination by Development Control Committee because it is a major proposal.

## 1.0 Summary of Recommendation

1.1 That the application be APPROVED subject to the following conditions and a s106 Agreement in respect of developer contributions, the final details of both the conditions and S106 to be delegated to the Head of Planning Services in consultation with the Chairman, Vice-Chairman and ward members.

## 2.0 The Proposal

2.1 This is an outline application for an urban extension with means of access provided from the A6. It includes the following mix of land uses:

- Residential 23.45 Ha
- Employment (B1, B2 and B8) 7.5 Ha
- Open space and Structural Landscaping 11.57 Ha
- Huxlow Science College Extension 7.11 Ha

2.2 The residential element of the proposal is for 700 dwellings. The mix of units proposed is indicative at this stage. Affordable housing forms part of the proposal. Section 7.10 considers whether an appropriate percentage is acceptable given the viability constraints of the scheme.

2.3 The application explains that the employment element is to be split equally between B1 (Business), B2 (General Industry) and B8 (Storage and Distribution). It also identifies that 4 hectares of the employment land has been identified as a potential site for the relocation of Whitworths. Members may recall that at the Development Control Committee on 12<sup>th</sup> November 2008 it was resolved to grant planning permission for the redevelopment of the Whitworth's site for residential

development (EN/07/01881/FUL). Sections 7.8.3 and 7.17.10 reviews this scenario in more detail.

2.4 The application further identifies that the employment element will create an estimated 950 jobs.

2.5 The employment site is located within the north western part of the application site adjacent to Finedon Road and was originally accessed from a spur off the main access road serving the development. Subsequently this access has been revised and the spur is directly accessed from the new roundabout on Finedon Road providing better separation of commercial and residential traffic.

2.6 The open space is to include provision for amenity and play, woodland trees and hedgerow planting, wetland habitats and grassland as well as children's play areas and casual informal open spaces.

2.7 The land for the school extension is located to the south west of the existing school. The overall site area for the school expansion and provision for a new primary school has increased during the assessment of the application from 5.79ha to 7.11ha. This includes the relocation of sports pitches to be contained within the school boundary.

2.8 Access will be from the A6 Finedon Road to the north of the site from a three arm roundabout. (This was subsequently amended to provide for a four arm roundabout on advice and discussion with the Highways Authority). A secondary access is facilitated by a link through with the Whitworth's site to the south. A new mini roundabout would be provided on Wellingborough Road. Bus services are to be enhanced on existing routes with a significant bus stop associated with the new employment area. A pedestrian and cycle link has also been subsequently agreed to connect the new development to the existing town primarily through Queen Street. This is facilitated through a proposed land swap between Huxlow Science College and the developer.

2.9 An Environmental Statement accompanies the application which includes the following reports.

- Planning Statement Green Infrastructure Framework
- Phase 1 Habitat Plan
- Tree Plan
- Bat Survey
- Winter Bird Surveys
- Great Crested Newt Mitigation Strategy
- Archaeological Desk Based Assessment
- Geophysical Survey
- Flood Risk Assessment
- Ground Conditions Survey
- Outline Mine Remediation Statement
- Health Impact Assessment
- Hydrological Study
- Air Quality Assessment

The following plans, reports and information also accompany the application

- Design and Access Statement
- Affordable Housing Statement
- Masterplan
- Transport Assessment

- Residential Travel Plan
- Mine Drainage Strategy
- Planning Statement
- Landscaping Design Statement
- Landscaping Plans
- Extended Phase 1 Habitat Survey
- Phase 1 Desk Based Ground Report
- Statement of Local Engagement
- Sustainable Design and Energy Statement
- Waste Management Strategy
- Utilities Assessment and Supplementary Information
- Draft Heads of Terms for Planning Obligations

### **3.0 The Site and Surroundings**

3.1 The application site is located to the west of Irthlingborough. The boundaries of the site are Finedon Road to the north, Huxlow Science College and the existing built up area of the town to the east including recreation land, Whitworth's industrial site to the south and open countryside to the west.

3.2 Most of the site is within arable use. The land was, however, previously quarried for iron ore and limestone.

### **4.0 Policy Considerations**

4.1 National Planning Policy Framework – March 2012

4.2 East Midlands Regional Plan – March 2009

At the time the application was submitted the Regional Spatial Strategy for the East Midlands (RSS8) was still current. This has subsequently been revoked by the present coalition government and came into force on 12<sup>th</sup> April 2013. Therefore the Regional Spatial Strategy no longer forms part of the Development Plan.

4.3 North Northamptonshire Core Spatial Strategy – June 2008

- Policy 1 – Strengthening the network of settlements
- Policy 5 – Green Infrastructure
- Policy 6 – Infrastructure Delivery and Developer Contributions
- Policy 7 – Delivering Housing
- Policy 8 – Delivering Economic Prosperity
- Policy 9 – Distribution and Location of Development
- Policy 10 – Distribution of Housing
- Policy 11 – Distribution of Jobs
- Policy 13 – General Sustainable Development Principles
- Policy 14 – Energy Efficiency and Sustainable Construction
- Policy 15 – Sustainable Housing Provision
- Policy 16 – Sustainable Urban Extensions

4.4 Northamptonshire County Structure Plan  
No relevant saved policies.

4.5 East Northamptonshire District Local Plan, saved policies:  
GEN3 - Infrastructure, Services and Amenities  
H4 - Housing Types and Sizes

RL3 – Open space for New Development  
RL4 – Play areas for New Development

#### 4.6 Other Relevant Policies / Documents

Three Towns: Preferred Options  
Draft Irthlingborough Masterplan – Arup  
ENC SPD – Developer Contributions  
ENC SPD – Open Space  
NCC SPG – Crime and Disorder  
NCC SPG – Parking  
NCC SPG – Planning Obligations Framework and Guidance, March 2011  
North Northamptonshire Sustainable Design SPD  
North Northamptonshire Annual Monitoring Report, December 2009  
Safer Places – the Planning System and Crime Prevention 2004  
Northamptonshire Minerals and Waste Development Framework (MWDF) Core Strategy, May 2010  
Northamptonshire Minerals and Waste Development Framework - Development and Implementation Principles Supplementary Planning Document, September 2011  
North Northamptonshire Biodiversity SPD (July 2011)  
Trees and Landscape SPD (June 2013)

### 5.0 Relevant Planning History

5.1 There is a limited planning history associated with this site. The site and much of the surrounding area was extensively mined between 1915 and 1965 when cessation of mining activities occurred. The mining was underground accessed through a primary tunnel dug into the side of the valley.

5.2 A list of the previous planning applications.  
48/0001/IU - Extraction of ironstone with ancillary and calcining operations.  
56/0049/IU – Overhead lines  
68/0014/IU – Football ground  
76/01160/ADV – Hoarding

### 6.0 Consultations and Representations

6.1 Irthlingborough Town Council –

- i) Lack of infrastructure and facilities to cope with such a large development
- ii) Insufficient services such as schools, medical services, police and dentist.
- iii) Highways – the development will generate extra traffic not only for Irthlingborough but through neighbouring towns as well.
- iv) Concerns about the number of lorry movements generated by the need to fill the cavities in the mines and the impact this will have on the roads.
- v) Concerns of flood risk and water flows, as detailed in a letter from Mr Pack to your council.
- vi) Concerns regarding the safety of families living in houses built on mines, the cavities of which will have been filled with PFA with its acknowledged attendant contaminants.

6.2 Local representations: 126 letters of objection received the concerns being summarised as:

Number of Dwellings

- 700 homes disproportionate to size of Irthlingborough – approx. 20-25% increase
- Number of dwellings so extreme that it would have an incredible effect on Irthlingborough village and surrounding villages
- Cumulative impact with development of Whitworth's site, the quarry site on Wellingborough Road and East Wellingborough.
- Irthlingborough has already been overdeveloped
- Loss of small town feel
- Complete new village but without its own facilities

### Planning Policy

- Size of proposal appears to contradict previously published development plan. There had been a definitive commitment not to build on the west side of Irthlingborough in order to keep a proper division between Irthlingborough and Wellingborough once the WEAST development has been completed
- The proposal includes a road that links through to Wellingborough Road which is contrary to paragraph 7.28 in the Three Towns Plan.
- Proposal is more extensive than that in the Three Towns Plan
- Surely proposal is not to proceed in the light of the revocation of Regional Strategies. South Oxfordshire has decided to defer all matters as has South Northants Council. The revocation appears to have implications for housing numbers. Not suggesting refusal just that application should not be determined until there is clarity.

### Greenfield Development

- Housing should be built on derelict land and waste land not green open spaces; there are plenty of vacant previously developed sites within Irthlingborough which are eyesores.

### Impact on Local Service

- Inadequate local services including shops, schools, health centre
- Development should not happen without an improvement of facilities and services
- Difficult currently to get a doctor's appointment
- The infant and junior schools are nearly full
- All 3 tiers of the schools are over subscribed – rather than provide land all 3 schools should be expanded and this should be ready when the development occurs
- Concerned that a new school would never be built like the one that was planned at Pinetrees
- Inadequate dentist provision
- Leisure facilities will be required for children but providing additional playgrounds is no use as they will just get vandalised like the current ones do.
- Impact on police force
- Lack of jobs currently
- Electricity and water supplies have never been updated
- Need another supermarket
- Lost recreational use of much of the designated play area.
- Impact on library
- Impact on Council services - police; refuse

- Any development should be gradual with infrastructure being developed in line with local services

### Traffic and Transport Issues

- Traffic situation in College Street and Musson Close when parents drop children off is a nightmare without additional vehicles from this development
- Question whether the proposed roundabout on Finedon Road would be sufficient
- A6 already has bottlenecks – reference to Diamonds Bridge
- Concerned about impact on Chowns Mill Roundabout
- Adding second turning so close to the existing Finedon Road turning would cause road safety issues and would prefer to see a roundabout put in which incorporates the existing turn
- Traffic could back up to the proposed roundabout
- Wellingborough Road/Scarborough Street are unsuitable for additional Traffic
- Most of the roads are country lanes
- Public transport is minimal and does not cater for people who work in local towns
- There is already a high volume of speeding traffic on Wellingborough Road
- Roads are gridlocked
- The mini roundabout at Presland Way is treacherous. It is at the bottom of a hill and visibility is poor.
- Lack of parking within the town centre
- Public transport is poor so there will be more cars on the roads
- From Pinetrees would need to walk miles if the school relocates to Huxlow
- Hope Windmill Road is not going to be used for access
- In the summer of 2009 an 11 year old boy was killed on his way from Finedon to Huxlow School
- Will become more dangerous for parents from Addington Road Crossing A6
- Residents of Finedon will also be affected by traffic
- The “Main Street” would become a rat run.
- Could a one-way system be introduced
- Irthlingborough has only 4 exit roads
- Would be advantage not to have Whitworth’s lorries going through town but there would need to be a weight limit placed upon Wellingborough Road
- The proposal includes an alteration to the X45 bus route but no details are provided. Concerned that this will make the journey time to Finedon longer.

### Impact on rural character

- People do not choose to live in rural communities to suddenly find that towns are being joined together.
- Open land views will be spoiled
- Character of the village will change forever
- Loss of green areas
- Impact on landscape

### Noise

- Development would generate noise



## Playspace

- The children's' play areas should be as large as possible. The ones shown look too small

## Mine Shafts

- Concerned that the mine shafts are to be filled with "spent nuclear waste". What guarantees are there that this would be safe?
- New house collapsing from land mines would devalue existing property
- Been advised that the mines will be filled with fly ash and cement – fly ash contains Arsenic, Mercury, Selenium and Lead all of which are toxic. Uranium and Thorium have radio-active elements which are also found in fly ash. Should this be released into the atmosphere concerned that we could have another Corby, with children born with disfigurements
- Detailed information has been submitted by the former Mining Surveyor. He draws attention to water levels within the former underground workings. He highlights that the water from this underground reservoir drains to the Pinetrees area called Lakeside. He suggests that the filling of the underground reservoir could have implications for the residents around the lake and that these residents should be notified. He also highlights that the mined area to the north of the A6 drains to this site via an underground tunnel under the A6 and that if the mines under the application site are filled this water will need to find an alternative route.
- Occupier of Pinetrees also expresses similar concerns. Concerned that the quality of the water in the lake could be affected; that it could dry up causing flooding elsewhere.
- Concern is expressed that it is proposed to fill certain tunnels to assist water flow. It is suggested that the tunnels will have been interrupted by roof falls therefore making it impossible to achieve clear flow paths with any degree of certainty.
- The statement "Any open voids in the flowpaths could be filled with gravel to reduce subsidence should collapse occur. The flowpaths should be below areas that will not be used for buildings" is picked up upon and it is suggested that such danger zones should not be allowed close to schools and houses.
- The injecting of PFA, with its contamination risk, into waterlogged workings. In a similar situation in Hatfield limestone was used instead of PFA.
- If flow paths are not achieved satisfactorily, water will be diverted from flowing into the Lakeside ponds and will reassert its path to the river by rising among existing houses in the town. Quantities involved are in the order of 450,000 m<sup>3</sup> per year.
- The mining company were required to sign an "off-site" drainage agreement before planning permission to work the mine was issued. If permission is granted for this development the developer should be required to sign a similar agreement.
- No details of proposed "Batching Plant". In an earlier submission the developers proposed to place it on the north side of the A6 in a position where the method of mining made it inadvisable to do so on the grounds of instability.
- Lack of understanding of the full extent of the mine; which extended well into Burton Latimer Parish. Perhaps the true watershed affecting the area is not fully appreciated by developers.
- The Abandonment Plan produced by Mr Pack has been distorted; although this is relevant to land outside the site not the application site itself.

- Irthlingborough village has now been designated as a conservation area. This development, together with the redevelopment of the Whitworth's site will destroy the integrity and infrastructure of the village
- Irthlingborough is mentioned in Domesday Book and is obviously an old village. The development will not fit in with its surroundings. A house built in 1910 is being torn down (22 Wellingborough Road)

#### Built Form

- Building style may not be in keeping with the current surroundings

#### Residential Amenity

- Impact on daylight levels
- Overlooking
- Impact specifically on 24 Wellingborough Road referred to

#### Pollution

- The old mine water course runs into the Nene Valley which could cause pollution
- Issues of dust

#### Drainage

- Drains already close to capacity
- Concerned about storm water ponds to be installed adjacent to 185 Finedon Road as there is already a very severe problem in wet weather with water flooding off the field behind 173, 175, 177, 179, 181 and 183 Finedon Road. Could not see where the water from the ponds is to be discharge to. Concerned as the old drainage system is already well beyond capacity. At one time it was planned to install a pipe under Finedon Road/A6 junction which was abandoned.
- Insufficient foul sewage capacity ( see Water Authority letter)
- Risk of flooding
- The eventual water escape route for the development is likely to be above Irthlingborough High Street.

#### Crime and Antisocial behaviour

- This is already a problem at the recreation ground and with more housing would increase.
- Will increase vandalism – already an issue with property at 22 Wellingborough Road. Persimmon Homes have failed to make this property secure.
- Already witnessed crime at new development.
- Considerable problems associated with under-age drinking

#### Impact on Wildlife

- General comment made about impact on wildlife

#### Employment

- This is not adequately addressed. Simply moving a scaled down Whitworth's doesn't constitute a sustainable employment strategy.
- Don't see why Whitworth's has to move away
- Can be no justification to demolish a factory and re-build it on Greenfield land.

#### Other issues

- The number of houses for sale and rent is already uncomfortable; no one is buying.
- Why not use the land to provide recreational activities such as a cinema instead, or a skate park.
- House next door to us No 22 Wellingborough Road is to be pulled down. This will cause noise disturbance and impact on daylight and privacy
- The fencing between the site and 24 Wellingborough Road is inadequate. Will be loss of privacy when the site is developed
- Perhaps there should be a public meeting so townspeople can have their say
- There are at least 4 other developments planned which will have an impact
- Cost to develop the land will limit the contributions to such things as affordable housing
- Development would cut through existing rights of way
- Loss of farmland
- Impact on land used by local fishing club
- All residents of Irthlingborough and Finedon should have been notified
- No evidence of any positive impact on carbon emissions
- No evidence of any positive impact on energy provision
- All documents focus inwards on the development itself
- It would be better to build industrial units on the land

Comments have also been received from Cllr Andrew Longley (a former NCC Councillor) and Cllr Sean Leaver, (former Councillor for Irthlingborough John Pyel Ward.)

#### 6.3 Cllr Sean Leaver- raises the following objections:

- The high number of homes proposed and lack of infrastructure. The proposals would have a detrimental effect on the available school places, road and highway loadings and primary healthcare provision in the town.
- Irthlingborough has had more than its fair share of affordable housing in the past. 40% affordable is too high a percentage
- The previous mining is an issue. Whilst remediation of the ground might be possible, the longer term disruption, associated risks and costs make this development less attractive both commercially and environmentally.
- As the development plans for our towns and villages emerge it is clear that in the future the distribution of housing will be different. Instead of cramming new units into our crowded small towns, the rural areas will want to play their part in housing our growing population. The protection of the few remaining green spaces in towns such as Irthlingborough has now become critical to their future, and this can work in tandem with development in villages. Rural areas need limited scale new housing to enhance the viability of the local services these communities depend upon.

#### 6.4 Cllr Langley raises the following concerns:

- Education – I am concerned that the impact on the town's schools is not fully addressed by the s106 contributions. Land made available must be remediated fully of any mineshaft issues at the cost of the developer. There are insufficient

funds to fully build a new primary school and little or no provisions for extensions to Huxlow.

- Highways – the development will cause considerable congestion to Chowns Mill and Finedon Road. The build period will necessitate lorry movements that the local roads cannot absorb.
- Town Integration – the development faces away from the town, in that it directs all traffic out of the town. This repeats the mistakes of the past, with the Crow Hill development and Pine Trees. This will become a satellite estate bolted onto the edge of the town.
- Affordable Housing – 40% is too high. Irthlingborough has an oversupply of affordable houses.
- Environmental – grave concerns about building over former mine shafts - especially with the impact of remediation on natural watercourses and underlying springs. I am not satisfied that the necessary evidence has been supplied to demonstrate that there will be no adverse effect on underground water routes, which could have future implications for the town.
- Primary Health provision – I have written to the PCT asking what additional facilities they plan to cater for the extra GP and dentistry demand. I have seen nothing in the plans to suggest any infrastructure spend to meet this demand.
- Policing – I have also written to the Chief Constable asking what extra resources the police will provide to cater for what will be a 20% increase in population.
- The plans do not provide sufficient infrastructure for 700 homes. The development does nothing to bring greater social cohesion to the town. It is built on unstable land and could have a knock on effect on water courses.
- The recent decision taken by Newmarket should be carefully considered.
- The Coalition Government has signalled to all Councils that the growth agenda is no longer relevant and that Councils no longer have a duty to drive through unwanted local developments. I have not spoken to anyone in my division who supports the proposal.
- The Government has signalled that they will bring forward incentives for local councils to accept growth. So if Irthlingborough is to get development at least postpone until the detail of this scheme emerges.
- ENC recently turned down a supermarket that locals wanted. Here we have a development that no one wants and I hope the Council listens to the strength of feeling.
- I realise applications can only be turned down on planning grounds. There are numerous reasons why this application can be challenged, and a very strong steer from the Secretary of State, Eric Pickles, is for Council's no longer to play safe and cave into developers through fear of appeal costs.

6.5 A petition co-ordinated by Mr P Wood (Chairman of Irthlingborough Rejects Expansion (IRE)) was received by the Council on 12<sup>th</sup> October 2010 containing 706 signatures. An e-petition has also been established at <http://www.ipetitions.com/petition/ire/> and this had 440 signatures at August 2013.

## 6.6 ENC Planning Policy and Conservation

### 6.6.1 Planning Policy

- There are a number of generic policies that the application needs to be assessed against.
- The most significant national policy which is of relevance is the requirement under PPS3 to have a 5 year supply of deliverable housing land and under

PPS4 to adopt a positive and constructive approach towards applications for economic development.

- The North Northamptonshire Core Spatial Strategy defines Irthlingborough as a “smaller town” and Policy 7 specifies the need to maintain a deliverable 5 year supply of sites. Policy 10 (table 5) sets a combined target for the completion of 5090 additional dwellings at Irthlingborough, Rushden and Higham Ferrers by 2021. Policy 10 specifies a need to make provision (i.e. land allocations) for the delivery of this target. Policy 9 sets out the overall locational strategy for new development across North Northamptonshire. It allows for the identification of sites for sustainable urban extensions (SUEs) at smaller towns (including Irthlingborough). Paragraph 4.31, which accompanies the Policy specifically states that “smaller SUEs will be brought forward at the smaller town(s) of ...Irthlingborough”. In effect, at least one SUE is expected to be implemented at Irthlingborough. No preferred location or direction of growth is identified.
- The 1996 Local Plan contains unimplemented housing and employment sites (IR1-A, IR1-B and IR2) all broadly within the existing urban area. These contain a capacity of around 220 dwellings and 1Ha of employment land. All are recorded as “existing commitments” and none is of a sufficient size to be regarded as an SUE. Therefore it is considered that the CSS specifies that significant new development is expected to take place in and around Irthlingborough.
- The Irthlingborough West urban extension, as proposed by the Three Towns Plan: Preferred Options was selected following an assessment process undertaken during autumn 2006. Key reference documents are:
  - Urban Extensions Study (UES) – Rushden, Higham Ferrers and Irthlingborough (Aug 2006)
  - Three Towns Plan Preferred Options Sustainability Appraisal Report (Sept 2006) section 6.27
  - Strategy Committee Minutes 18 September 2006 (including Local Development Framework Working Party Minutes 20 May 2006 and 27 July 2006).
- The UES recommended that of 4 possible directions of growth the sector containing Irthlingborough West had the least constraints. The UES also commented that the principal alternative location for a possible urban extension for Irthlingborough would be to the north of the Town, however, it was concluded that this would cause access problems and also have landscape implications.
- Overall findings of the Planning Policy team are that the Irthlingborough West allocation as a Sustainable Urban Extension is supported in policy terms. CSS policy 9 (supported by paragraph 4.31) states that there will be a sustainable urban extension at Irthlingborough although the location is not specified. The Council’s position as set out in the Three Towns Preferred Option and subsequent work through the Irthlingborough Masterplan remains the case that Irthlingborough West represents the most appropriate sustainable location for growth for Irthlingborough subject to the satisfactory resolution of technical issues. The application proposals have been considered against the SUE criteria contained within CSS Policy 16 and it is concluded that these proposals do generally accord with the criteria for a smaller SUE. Therefore in planning policy terms the principle of development is supported.

## 6.6.2 Design

Whilst there are a number of ways in which the illustrative layout could be improved, I do not object to the scheme. Due to the scale of the proposal an independent review by the regional design panel is recommended. I strongly recommend a condition/obligation requiring a design code to be produced for the whole site, which all reserved matters applications will need to comply with.

It is difficult to score outline applications under the Building for Life Assessment, as to achieve a score against a number of criteria more information is required, than provided by an outline application. The scheme, however, with a score of 9/20 is the highest score I have awarded so far to an outline application.

The Design and Access Statement is reasonably comprehensive in its identification of the constraints and opportunities of the site. It would have been beneficial if it had included a greater insight into options explored and the evolution of the illustrative masterplan.

The Design and Access Statement sets out very generic design principles and I would like to see more local ones.

It would have been good if a joint masterplan had been developed for this and the Whitworths site.

The specific elements require further work:

- Physical integration with the town could be improved. Also, does the scheme include an access to the school?
- Built form does not define the street leading into the development from Finedon Road and I am concerned that this would encourage higher than desirable traffic speeds, which has the potential to undermine the traffic environment, and could have a severing effect between the residential and employment uses. In line with Manual for Streets it would be preferable to re-visit the overall spatial arrangement at the access rather than retro-fit an engineered solution. There is also potential to create a greater sense of arrival.
- The spine road which runs from Finedon Road to the Whitworths' site lacks some enclosure and definition at numerous points. I would prefer to see greater enclosure or other design methods for reducing speeds rather than traffic calming.
- The employment area appears to be physically segregated from the rest of the site. Routes in and out are very limited and the area appears to be very enclosed by landscaping. Whilst some employment uses need to be separated, office uses offer greater opportunity for integration.
- Within the employment zone a number of blocks are indicated. Whilst it is accepted that the design of this area will be developed later, the blocks at this stage do not appear to be defining the space and there is no indication of where the fronts and backs of the buildings might be.
- I understand that the area identified as the new public open space is located in that position for reasons of land stability (i.e. it cannot be developed). However,

this appears to be a good location for open space as it is reasonably central and accessible.

- I would however prefer to see greater enclosure of the open space by built form, in order to provide maximum definition and natural surveillance; similar to Victorian Parks.
- Proposed employment development to the north-west does not appear to provide any definition to the space (and appears somewhat segregated) and residential development to the north is well set back from the street which runs around the edge of the space, thus limiting the enclosure this would be perceived to create.
- Despite the topography of the site relative to its context and the resultant views to and from the site across the Nene Valley, I have found little analysis of this within the submission. Views out of the site could bring benefits to the overall design of the scheme and reinforce links with the development beyond.
- Views to the site from across the valley should also be considered.

### 6.6.3 Trees and Landscape

Arboricultural Assessment – The Tree Survey and Constraints Plan provide details in relation to the few existing onsite arboricultural features. The report accompanying these outlines that only some of the onsite trees are to be retained. This is a reasonable approach. The majority of the existing trees are sparsely placed as part of existing field boundaries and comprise mainly of Ash. Unfortunately many of these are not in a suitable condition to enforce their retention and contain structural and physiological issues expected with field based Ash.

I am pleased to see that the illustrative layout includes the retention of many of the more substantial hedgerows. Careful consideration will however need to be given to their protection during construction and to their future management.

Landscape Assessment (setting) – The site slopes up from the western edge of the town, and is prominent from the west and south west. A strong landscape structure must be created. The current landscape proposals do not go far enough. The illustrative layout indicates that the edges of the proposed development will form new open spaces with substantial planting. While there are no details the composition of this planting does need to be considered in detail to ensure that not only does it create an attractive space and a partial screen but is also relatively quick to establish.

I do have some concerns in relation to the north western edge of the site which is proposed for industrial use and how such large units will sit within the landscape when viewed from the west. Whilst a substantial amount of planting has been shown consideration needs to be given to how visually prominent these units will be.

Landscape Assessment (Green Spaces) - the illustrative layout shows a core open space with linked green spaces running through the site. The open spaces to the south of the site do not have the same level of visual cohesion as those in the northern areas and become increasingly “cut-up” by roads.

It is noted that the central area of open space is proposed on land which is less suitable for building. This seems a sound approach particularly as it is centrally located. Unfortunately the illustrative layout does not show a design for the space and

appears to leave it as a grassed space. A design should be developed. Also the space needs to be more enclosed by the built form to create a sense of definition and structure.

Landscape Assessment (Planting Design and Implementation) – street planting should be brought into the design. The addition of avenues and strategic street planting can help generate character areas and a sense of movement. This could feed through into future design codes.

It is also noted that the landscaping does not appear to be part of any particular development phase. This should be reconsidered.

6.7 ENC Housing Strategy: - No initial comments (see Section 7.10)

6.8 ENC Environmental Protection Officers:

Air Quality – I have no objection to the application on air quality grounds. We will need to agree a Construction Code of Practice (CoCP) in respect of noise, dust, light, odour and work hours prior to development.

Contamination - The applicant has submitted a detailed environmental and geotechnical assessment in support of this application. The land is predominately 'Greenfield' but there are discrete areas that may be affected by contamination from landfilling and reinstatement works. Furthermore, there are significant structural problems to overcome because of the vast network of underground adits used to mine the ironstone.

The applicant is proposing that structural problems can be overcome by grouting the adits using stabilised Pulverised Fuel Ash (PFA). This has inherent problems as it will almost certainly change the groundwater regime which may impact on local surface water quality and flows. I am led to believe the Environment Agency is already in discussion with the applicant with respect to this matter.

The contamination assessment was carried out some time ago and the work now needs bringing up to date with current guidance especially with respect to risks to human health. The work already carried out should be reviewed, revised and incorporated into the additional work as recommended in the report. It is suggested that any further investigations at the site should be agreed with the Local Planning Authority prior to them being carried out. This can be dealt with by way of conditions.

Therefore, it is considered that measures can be secured through the use of planning conditions to ensure the development can be safely delivered. Provided conditions are placed on the planning permission to investigate and remediate contamination I have no objection to the planning permission being granted.

Noise – Criticises the submitted noise assessment raising a number of technical points. A full assessment using PPG24 should be carried out for daytime noise, however the night-time noise appears to be dominated by the existing factory, suggesting that a BS4142 assessment should be undertaken. There is very limited detail on the effects of road noise/industrial use on the proposed residential properties. Whilst some conditions have been suggested, there is no detail on the effect at Huxlow School.

6.9 ENC Waste Manager: - No response received.



6.10 NCC (Developer Contributions Project Manager): Makes the following observations in relation to contributions:

Libraries - Local planning and library authorities are recommended to adopt a minimum tariff of £90 per person in new housing. This is adjusted for Northamptonshire to £88 per person, based on BCIS building costs.

The following outlines the cost per dwelling type based on the expected numbers of residents for each type of unit:

One bedroom unit =	£116
Two bedroom unit =	£155
Three bedroom unit =	£229
Four bedroom unit =	£290
Five bedroom unit =	£326

In the “Draft Heads of Terms” document, which was provided amongst the associated documents of the application, there are details of a roof tax payment of £1,500 per unit which will be split between five service areas (Community Facilities, Libraries, Environment and Amenity, Health Care and the Greenway).

If the roof tax option is to be pursued then the county council would require 15% of this contribution to be dedicated to Library Services. This contribution would go towards improvements at Irthlingborough Library including creating extra public space for the increased population created by this development.

Fire and Rescue - New development schemes place additional demand for fire and rescue resources. NCC applies a contribution rate of £92 per household towards local fire and rescue infrastructure costs; this cost is based on the current cost per household of providing Fire and Rescue services.

Fire £92 per Household = £92 x 700 = £64,400.00

This development would also require up to 14 Fire Hydrants.

Whilst this capital contribution can be secured through a planning obligation, it is the preference of NCC that fire hydrants should be designed into the development at the masterplan stage and enforced through a planning condition. Below is a suggested standard condition for securing fire hydrants:

*The fire hydrant(s) served by the mains water supply shall be provided to any service prior to any dwellings being occupied and to the satisfaction of the NCC Fire and Rescue Service. The developer will incur the full cost of the hydrant(s) and its installation by the water company.*

Education - A development of this size would be expected to generate around 170-210 primary school pupils, and 140-170 secondary and sixth form pupils, based on a mix of dwellings and our normal pupil generation multipliers.

Irthlingborough is served by Irthlingborough Nursery and Infant School, Irthlingborough Junior School and Huxlow Science College. As of January 2010 Huxlow had a roll of 816 pupils compared to a capacity of 819. This roll is expected to increase over the next five years as a result of recent and proposed housing developments in the town, taking the school over its current capacity. As a result, we will require a full Secondary and Sixth Form contribution.

The current Department for Education cost multipliers are:

1 bed unit =	£0
2 bed unit =	£588.00
3 bed unit =	£2,757.00
4 bed unit =	£5,010.00
5 bed unit =	£9,828.00

In January 2010, Irthlingborough Infant School, had a roll of 313 compared to its capacity of 360 places. Irthlingborough Junior School had a roll of 382 compared to its capacity of 360. The roll at both schools is expected to increase over the next five years. The County Council has recently extended the infant school from 270 to 360 places and has plans to extend the junior school. This development together with the other developments planned in the town will require significant further accommodation. As a result we shall also be requiring a full Primary Education contribution.

The current Department for Education cost multipliers are:

1 bed unit =	£0
2 bed unit =	£509.00
3 bed unit =	£3,491.00
4 bed unit =	£7,798.00
5 bed unit =	£7,949.00

All three schools are on restricted sites which make significant further expansion unfeasible, hence, to accompany these financial contributions, it will also be necessary to provide viable, usable land on which new accommodation for the primary age groups and an extension to Huxlow School can be undertaken.

In the "Draft Heads of Terms for Planning Obligations" (May 2010) document the Education contribution is accompanied by *land extending a total of 5.79 hectares, adjoining the Huxlow School*. From an education perspective, this is acceptable providing that any remedial works on the land have already been undertaken prior to the land being provided to the County Council. The cost of the remedial works, including the solidification of any open cavities on the allotted land, must be covered by the developer, and not be deducted from the financial contribution which must be independent of any land works.

The County Council would prefer that the area of land allocated for housing adjacent to the proposed extension for the school site is swapped with the area of new public open space to the north-west of this. This would give a larger area in public ownership that would allow more future flexibility in providing school playing field, recreation and open space.

Representatives from NCC have agreed with the Head Teachers and Chairs of Governors for all 3 schools in Irthlingborough that the best model for the future provision of education in the town is a single all through school. This would serve students from 4-18 on the same site. It will require the Infant and Junior schools being relocated and brought together with Huxlow Science College as one extended site. We would hope that the re-distribution of the parcels of land for education purposes would facilitate this.

6.11 Highways Agency:

Directs that planning permission not be granted for a specified period of 6 months as insufficient information has been provided in support of the planning application to ensure that the A45 Trunk Road continues to serve its purpose as part of the national road network.

#### 6.12 NCC Highways:

Advised that the initial Transport Assessment contained insufficient information to enable them to comment on the application.

Technical Note - They asked that their consultant's technical note in relation to the Transport Assessment be forwarded to the applicant.

Wider Consultation - They also highlighted the need for wider consultation with the Highways Agency, Wellingborough and Kettering.

Relationship with Whitworth site - They noted that the Whitworths site does not lie within the application site there can be no guarantee that both will come forward at the same time.

Accident data - In relation to accidents they noted that the Transport Assessment did not include an assessment of recent fatalities.

Internal illustrative layout - In relation to the internal layout, they noted that the drawings were indicative only and could change as a result of geotechnical and other considerations. They suggested that this could be conditioned and recommended the use of a Design Code.

Remediation works - They note that remediation works, under the proposed access and streets would need to be at the sole cost of the developer and would require supervision during the construction period. They advise that suitable conditions will be required in relation to this.

Rights of Way - It is noted that the development affects footpaths UE19 and UE16. The presence of the rights of way, it is suggested, should be addressed at this stage, both in relation to on-site and off-site requirements.

UE19 has an awarded width of 1.3m which will need to be changed to allow for shared use of facilities and cycling. Footpath UE16 has an awarded width of 1.5m this will require widening to 3m to allow for shared cycle pedestrian use.

There is a legal process to officially allow shared use which includes a consultation process.

The existing routes should be retained on their existing positions where practicable.

Details are provided of the type of boundary fencing that should be provided adjacent to rights of way.

Walking and Cycling Accessibility - Plan based layout details of all proposed enhancements and improvements should be obtained, and the scale of off-site works defined.

Cycle facilities - The proposed development cycle track forming a link with the existing cycle way provision adjacent to the A6 will require off-site accommodation improvements. Details are required now.

A dedicated cycle/footpath provision should also be identified to access the existing school/College and also to the expansion site.

Cycle parking - This needs to be included in the Design Code.

Public Transport Link - The proposal refers to a public transport link through the adjacent Whitworths' site. Care needs to be taken to ensure this is deliverable. There is a need to consider what could be provided if this does not happen.

As it stands the LHA has some doubts as to whether the public transport element will yield modal shift. Any improvements will however need to be secured by a service level agreement incorporated within a s106 Agreement.

Travel Plan - This needs to refer to measures and initiatives and also needs to refer to the proposed enhancements to walking and cycling facilities.

Construction - A construction management plan will be required and should be secured by condition.

### 6.13 NCC Archaeology

The application includes an archaeological desk based assessment and a geophysical survey. The assessment concludes that part of the application site has been subject to disturbance due to 19<sup>th</sup> and 20<sup>th</sup> century quarrying. However, not all of the site has been subject to disturbance. The submitted assessment highlights Iron Age and Roman activity within the landscape. The relative close proximity of Crow Hill a fortified promontory of Iron Age and Roman activity suggests the possibility of activity within the application site.

The Geophysical survey highlights the presence of extensive areas of medieval cultivation; ridge and furrow. This could be masking earlier activity. In addition, two fields have been omitted from the survey.

Additional Geophysical survey work and trial trenching is required before determination of the application. This is in accordance with guidance in PPS5. Comments on Archaeology from ENC policy officers support the use of conditions in accordance with policy HE6 of PPS5 (now revoked). A written scheme of works should be agreed with the Council and investigatory work should take place prior to the submission of Reserved Matters.

### 6.14 NCC Planning Policy

Makes the following comments in relation to its role as Minerals and Waste planning authority.

- The application should demonstrate how it meets Policies 7 and 8 of the North Northamptonshire Minerals and Waste Development Framework Core Strategy (adopted May 2010)
- Policy 7 states that proposals for new development should seek to utilise the efficient use of resources in both construction and operation
- Policy 8 encourages the integration of waste management facilities in areas of significant new development

- The adopted Development and Implementation Principles Supplementary Planning Document provides more detailed guidance. In relation to Policy 7 it outlines that applications for all developments are required to address site waste management, including waste minimisation measures and management methods as well as identifying the capacity for integrating design for deconstruction and practical measures to be implemented
- Specifically the SPD requires developers to submit a Waste Audit.
- In relation to Policy 8 the SPD requires all forms of development to contribute towards the practical implementation of the Principles of the provision of Waste Management Facilities. Development should include the provision of individual waste management design features (internal and external) that support the separation, storage and collection of waste.
- The SPD also requires development to incorporate a Waste Management Facility strategy

#### 6.15 Anglian Water Services:

Makes the following comments and suggests a number of informatives:

- There are assets close to the development boundary which could affect the layout. An informative advising of this should therefore be included on any decision.
- There is sufficient water resource capacity to supply this development. However, in line with Government policy we would wish to see the inclusion of high water efficiency measures in line with the Code for Sustainable Homes.
- The development can be supplied from the water supply network system that at present has adequate capacity however significant reinforcement mains are required which may take in the region of 12-18 months to deliver. The applicant should contact Anglian Water. The developer may submit a formal requisition for a water supply main or enter into an agreement.
- The foul sewerage system cannot accommodate flows from this proposed development. Please be advised that we are not aware when capacity will become available, but this is unlikely to be within the standard timescales of a planning permission. If a development proceeds before further capacity is provided, it is possible that this will result in environmental and amenity problems downstream. The LPA is advised to consult the Environment Agency for its views on flooding and sewage pollution issues that may arise where capacity is exceeded.
- As surface water is not to be via a public sewer the views of the Environment Agency should be sought
- The foul drainage from this development will be treated at Broadholme Sewage Treatment Works that at present has available capacity for these flows
- Informatives in relation to trade effluent are also provided

Further information was submitted by the applicant which proposed a pumping station with a link to the Broadholme Sewage Treatment Works. Anglian Water has therefore been reconsulted and responded with the requirement for an appropriate condition.

#### 6.16 Environment Agency

Advise that further information will be required for the Environment Agency to provide conclusive advice on both planning application and Environmental Statement. Formal position one of objection pending further assessment.

Foul Drainage – A phasing condition for foul water infrastructure on and off site will be necessary to protect water quality with related biodiversity and amenity.

Ground Water – Concerns about the flows of ground water following the grouting of the former mine workings. The Environment Agency's Ground Water/ Contaminated Land Team have been in consultation with the developers and have already reviewed the hydrogeological assessment and objected on the grounds that it was too simplistic and did not include all possible outcomes.

Agreed a new scope of works with the developer for a revised hydrological assessment along with a risk assessment for the effects of PFA on ground water and surface water.

Flood Risk – We support that the entire surface water drainage system is proposed above ground, however, further work is needed on the FRA and accompanying maintenance mitigations. In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission [with current information] for the following reasons. The FRA does not comply with the requirements set out in Planning Policy Statement 25 and a range of further work and more information is required before an assessment can be made.

SUDs Maintenance Obligations – The s106 is entirely silent on drainage maintenance, which is unlikely to be done in entirety by the water company to PPS25 standards. Environment Statement states that SUDs features are to be operated and maintained by the Local Authority. EA would need to have written confirmation from ENC that they wished to adopt the maintenance. If ENC wishes maintenance to be carried out by a specialist contractor at the developer's expense drainage contributions or the set-up of a drainage company should be addressed in a revised heads of terms for the s106. Suggested heads of terms included. If these issues are adequately covered in a s106 heads of terms the EA would have no objection to the maintenance and operation of the surface water management scheme proposed.

#### 6.17 Ramblers

Whilst not wishing to comment on the merits of the proposed development we are pleased with the amount of work that has been done to prepare Appendix 16 of the Transport Assessment, Pedestrian and Cycle Audit Report, and the way it is envisaged that the development will contribute towards improvements to the existing pedestrian infrastructure. We look for this commitment to be carried forward when designing the layout of the development with suitable wide "avenues" of traffic free pedestrian and cycle routes within and through the development to link to the town, the Whitworths development and the countryside.

#### 6.18 Sport England

The application site includes a playing field. In accordance with PPG17 and its policy we would object to the loss of a playing field unless one of the 5 exceptions is met. In this case the playing field is to be retained as a playing field and there is no issue.

We aim to create sporting opportunities in every community.

The facilities proposed include the provision of children's play and informal open space as well as the retention of existing playing fields. The proposal also includes the provision of car parking in close proximity to the recreation ground and the expansion

of Huxlow College, which it is assumed will provide additional or replacement playing fields.

The development should also seek to address any deficiencies in existing sports facilities identified in the Open Space, Sport and Recreation Study 2006. For example the study advises that there is a shortfall of 23.9 hectares for Junior Football. However, this shortfall is identified from a 2002 study and may be out of date.

Consideration should be given to the provision of a full range of other outdoor sport and recreation facilities including MUGAs (Multi Use Games Area) and Synthetic Turf Pitches. The expansion of the college, the retention of the sports fields, the adjacent recreation and cricket ground gives the opportunity to create a multi-sports hub to the benefit of the whole community and the opportunity to provide linked complementary provision such as an All Weather Pitch (AWP) at the college used by the community out of school hours.

This could also include greens and youth recreation facilities (e.g. skate parks, BMX tracks) in addition to proposals for cycling and walking. The type of provision should relate to your own guidance and local need. It is however noted that the tennis courts at the recreation ground and Huxlow College are heavily used but are of poor quality. Priority OSF 5 of the study is to secure improvements to these facilities.

To calculate the need generated by development for indoor sports facilities such as sports halls and swimming pools, Sport England's Sports Facility Calculator (SFC) can be used. Based upon 700 dwellings this would be £592,000 towards new or improved indoor facilities. This together with local need of existing provision should be used to evaluate the offer of a "roof tax payment" of around £1 million towards community and other facilities, which is assumed includes sports facilities.

Please note that the SFC does not include all types of indoor and outdoor sport.

We also refer you to Sport England's Planning Contributions Kitbag.

In conclusion, the proposal will be of benefit of sport. A condition is recommended requiring the retention of the existing playing field.

6.19 Eon (Central Networks) No objection but advise that statutory safety clearances to their conductors and towers will be required.

6.20 North Northants Badger Group: We have no records of badgers on site but we do have a 1990 record of a sett in the disused quarry adjacent to the site.

6.21 Northants Bat Group: No objection as long as findings and suggestions in ES are followed.

6.22 NNJPU Sustainable Design Advisor

A response was made on 19.06.2012 following the issue of the 2010 OPUN design Review letter. The comments have been prepared for the Option 1 (connected) masterplan a revision to the original masterplan.

Principle of Development – location of development has potential to offer good integration to the existing town and is well located for access to the High Street. Employment uses on the site are well located for access to the road network. The

nature of integration will be the critical factor for this development to successfully integrate with its locality and deliver on wider regeneration aims.

Access and movement to the Site – The routes are sinuous whereas the existing route structure of Irthlingborough is for straighter roads with clear deflections. An effort needs to be made to interpret this in the extension.

Main Entrance – Proposed design of the main access is problematic. The large roundabout with high levels of setback diminish the appropriateness of this as a gateway to a residential area. A better approach would be a separate primary access to the business area leaving a residential street as the primary access to the site with development frontage on both sides.

Integrating with the Town – There are several opportunities to access the site from existing streets that are close to the High Street and town centre, although vehicular access might be problematic. Proposal as presented makes poor use of the opportunity. A more appropriate approach is to put in a straight, well fronted route that draws people through to the town centre and vice versa.

Internal Routes – The internal route structure does not reflect the settlement pattern of Irthlingborough. A clearer gridded layout, with better connections across the site should be considered. More important than buildings and architecture is a varied and interesting street network which derives character.

Quality of the Public Realm – The location and treatment of the public spaces lacks a clear rationale. The large central space in particular is of concern. A central park could work well but the design of the one proposed should be revisited. The linear landscaping feature was a cause for concern in the 2010 Design Review letter but could work well as a feature so long as it is well overlooked and easily accessed from neighbouring development.

Continuity, Enclosure and Active Frontages - Concern over the main routes through this development. The design solution adopted is one of boulevards and service roads with landscaped verges. This is not reflective of Irthlingborough and in execution fails to deliver the requirements of Policy 13 of the CSS. A wholesale rethinking of the design approach is needed to ensure that the development is successful.

Character and Built Form – Little information on detailed form and how streets may vary which is a useful way to provide character. Variations in street types, treatments, parking arrangements and planting will aid place making and should be considered.

Adaptability, Resilience and Environmental Sustainability – There is insufficient information to make detailed comments on this area.

## 6.23 Natural England

No objection because either alone or in combination with other plans it would be unlikely to have a significant effect on internationally important features of the Upper Nene Valley Gravel Pits pSPA, or any of the features of special scientific interest of the Upper Nene Valley Gravel Pits SSSI. Conditions in relation to protected species are recommended.

## 6.24 Wildlife Trust



The Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire made the following comments:

- Welcomes the production of the ecological survey work
- Agree, in broad terms, with the ecological consultant's findings, conclusions and recommendation. Particularly welcome and support the content of paragraph 6.5.5 on the topic of habitat creation.
- However, the survey work in respect of some species, e.g. bats and reptiles, was done 2 ½ to 3 years ago. ENC should satisfy itself that these surveys do not need to be updated.
- Natural England should be consulted
- Conditions or a suitably worded s106 agreement should be used in relation to the protection, enhancement and mitigation of biodiversity. These should address all of the ecologist's recommendations, however, in particular the need for an Ecological Management Plan, as referred to in paragraph 6.5.9 is required. This should include a comprehensive monitoring programme.
- Welcome the treatment that is given to Green Infrastructure (Appendix 6.4) and recommend that this approach be applied and integrated with the evolving plans for this development.
- Concerned that apparently not enough recognition or consideration has been given to the Regionally Important Geological (RIGS) site that will be partly overlapped by the south west corner of the development. This site is known as "Irthlingborough, White Lodge Quarry". The applicant should contact the organiser of this group to discuss any special requirements for the retention, protection and possibly even enhancement of the relevant portion of the RIGS area.

6.25 NHS England: - No initial response received.

6.26 Northamptonshire Police

Safety and security are essential in the creation of sustainable communities. Well planned spaces experience lower levels of vandalism, violence and anti-social behaviour. Sustainable neighbourhoods thrive in areas where communities have a sense of ownership over the surrounding spaces.

We do not consider that this application warrants any particular infrastructure for the Force, but the recommendation of designing out crime should be incorporated within the scheme. There should be consultation with the Crime Prevention Design Advisor.

There is a need to consider the impact of the development on the existing town infrastructure to ensure that it does not have a negative impact with regard to community safety, crime and anti-social behaviour.

Although "Safer Places" and the Northamptonshire Supplementary Planning Guidance "Planning out Crime" is mentioned in the supporting documents there is no reference to "Secured by Design".

Layout, lighting and full boundary treatment drawings should be agreed in consultation with the Police Crime Prevention Design Advisor.

Pedestrian routes should where possible, run alongside vehicle and cycle routes and not be segregated.

Where possible parking should be in curtilage. Where this is not possible and a parking court is the only option, this should have adequate lighting, have one access point that is gated and clear natural surveillance.

Recommend that development is built to “Secured by Design”

Play areas do have the potential to generate crime and anti-social behaviour. Boundaries to such features should be clearly defined to prevent unauthorised motor cycle/vehicle access. In addition, natural landscape used for “adventure” play shall have limited and designed hiding places only, with precedence being given to natural surveillance.

The small clusters of affordable housing are essential and will help to ensure integration of the community.

Excessive permeability should be avoided. The balance needs to be struck between useful routes around and through the development, thus creating a pleasant environment where people feel safe and secure, and reducing provision of numerous paths duplicating each other and providing “escape routes”.

Whilst contributions are not sought for the police, we encourage the use of contributions to ensure that facilities are provided in Lrthlingborough that provide places for all parts of the community.

There is a need to ensure road adoption as quickly as possible as this is vital to ensure response to incidents.

6.27 East Midlands Council: Provided comments in relation to the RSS. These have not been included as the RSS has been revoked.

6.28 Further comments have been made by a variety of agencies, organisations and individuals during the course of the assessment in response to further rounds of consultation. These are all available on the Council’s planning portal and the key issues which have been raised are addressed in the next section of the report.

## **7.0 Evaluation**

The following issues are relevant to the determination of this application:

- principle of development including whether the proposal meets the requirements of a Sustainable Urban Extension;
- five year housing land supply
- the layout and design of the proposed development;
- impact on highway network, means of access to the site and related highway matters, including remediation traffic flows;
- loss of agricultural land;
- housing mix;
- sustainable design and construction;
- mine remediation and water resources (including flooding and drainage);
- ecological issues;
- archaeology and cultural heritage;
- contamination issues;
- noise, dust, and air quality; effect on residential amenity;
- waste management;
- any other material planning considerations.

- scheme viability
- the level of contributions required towards social and community infrastructure (s106);

## 7.1 Principle of Development – The Development Plan

7.1.1 The Development Plan comprises the North Northamptonshire Core Spatial Strategy 2008 (NNCSS) and the saved policies of the East Northamptonshire Local Plan. The Council's emerging Four Town's Plan will also form a part of this Development Plan but at this early stage of its production little weight can be afforded to it. Members will be aware that under S38(6) of the Planning and Compulsory Purchase Act 2004 applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

7.1.2 Policy 1 of the North Northamptonshire Core Spatial Strategy identifies that whilst development is to be focused on the main towns of Corby, Kettering and Wellingborough the smaller towns, which includes Irthlingborough, are to provide secondary focal points. Table 1 identifies the role as:

*“To complement the Growth Town expansion by providing secondary focal points within the urban core. Rushden identified as “other main town centre” in town centre hierarchy, remaining towns identified as “localised convenience and service centres”.*

7.1.3 Policy 9 identifies that Site Specific Development Plan documents may identify opportunities for smaller scale Sustainable Urban Extensions at Smaller Towns and Rural Service Centres. It states within the text that *‘smaller developments must ... make appropriate contributions to local and strategic infrastructure provision..’* No preferred location or direction of growth is given for these smaller Urban Extensions, however, the CSS (paragraph 4.31) in support of Policy 9 states that *‘smaller SUEs will be brought forward at the smaller town[s] of ...Irthlingborough’*. ENC Planning Policy considers that this specifies that at least one SUE is expected to be implemented at Irthlingborough.

7.1.4 Policy 10 of the North Northamptonshire Core Spatial Strategy sets out the distribution of new housing and states that development plan documents will make provision for the stated amounts of housing development (net new dwellings) in the named settlements or groups of settlements. Irthlingborough is included together with Rushden and Higham Ferrers, the indicative housing requirement up to 2021 being 5,090. Within the Core Spatial Strategy review – Emerging Draft for Consultation August 2012 table 5 shows the distribution of housing between 2011 and 2031. Irthlingborough's housing requirement is now separated from other towns at 1,260 and draft Policy 29 indicates that Irthlingborough West is a strategic site or broad location for housing that is not yet committed. Draft Policy 23 relating to the distribution of new jobs also identifies Irthlingborough West as a new strategic site or broad location incorporating employment development.

7.1.5 Policy 16 sets out the requirement for Masterplans to be produced for Sustainable Urban Extensions and what they should make provision for. The accompanying text to this policy indicates that a smaller SUEs will be brought forward at the smaller towns of Desborough, Rothwell and Irthlingborough.

7.1.6 The Design and Access Statement specifies a range of opportunities and community benefits which the development and Masterplan have made provision for. These include;

- The potential relocation and expansion of existing schools in the town providing the opportunity for an 'all through school' (CSS Policy 16(e))
- Provision of new employment opportunities and jobs for the community (Policy 16(c))
- Better pedestrian and cycle links to the town centre, to encourage the use of the existing facilities (Policies 16(f) and 16(i))
- Provision of a softer planted edge to the town improving the link between the open countryside and urban areas (Policy 16(k))
- Protection of rights of way, enhancing access to the countryside (Policy 16(k))
- Increase in biodiversity of the area (Policy 16(j))
- Provision of a vehicular route for public transport serving the development and a commitment to re-route the Stagecoach 45 services and provide 3 bus shelters within the development (Policy 16(g)) (This last point has subsequently been revised)

7.1.7 Originally a commitment within the s106 Heads of Terms existed to provide for 40% affordable housing (Policy 16(a)) as required by CSS Policy 15, however, subsequent viability constraints have reduced this provision. (This will be covered further in section 8). Other contributions towards a range of leisure, social, cultural, community and health facilities (Policy 16(d)) had also been proposed as part of the Heads of Terms. The level of contributions will be further explored within the sections relating to s106 contributions and the overall planning balance.

7.1.8 The Three Towns: Preferred Options identified the need for a large amount of residential growth to support regeneration. It anticipated that around 600 residential units could be accommodated in the town (on top of the large sites identified in the urban potential study). The application site was identified as a potential site.

Paragraph 7.18 of the Three Towns Plan: Preferred Options states:

*“work carried out on the most suitable directions of growth for the town shows that this area is the most sustainable, with good access to the town centre and to a range of services and facilities. There is no known major flooding or biodiversity constraints on the land. However, in depth work and investigation will need to be carried out on the stability of the land considering the past history of mining in the town”*

7.1.9 The preferred options only identified part of the application site as potentially being suitable for residential development. It noted that the preferred approach was to develop part of the land to be developed to accommodate around 500 houses in the Plan period (to 2021), but that the remainder of the land had potential to be developed beyond this period.

7.1.10 The Three Towns Plan Preferred Option has been superseded by the Four Towns Plan (which now includes Raunds). While this is still in early preparation, and therefore little weight can be afforded to it, much of the evidence base for this, together with the emerging Masterplan for Irthlingborough, all identify Irthlingborough West as the most sustainable location for the future growth of the town. Assessments for the direction of future growth have demonstrated that development to the north towards Crow Hill would be detached and remote from the town centre. There are constraints imposed to the east and south by the River Nene and to the South West a greater level of coalescence with Wellingborough would occur.

## **7.2. East Northamptonshire Saved Policies**

7.2.1 The East Northamptonshire District Local Plan was adopted in 1996 and is an old style development plan. The majority of Local Plan policies are now superseded, replaced by policies in the North Northamptonshire Core Spatial Strategy (2008). The NPPF, para 215, states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. There are a number of policies that have been saved relating to Irthlingborough. IR1 makes provision for housing at Addington Road and Finedon Road; IR2 provision for industrial and commercial development in Irthlingborough and IR3 Provision for informal recreation in Irthlingborough. However, none of these policies provide sufficient capacity to accommodate the requirements of a Sustainable Urban Extension or have a bearing on the assessment of the application.

### **7.3 North Northamptonshire Core Spatial Strategy Review 2011-31**

7.3.1 The North Northamptonshire Core Spatial Strategy 2011-31 draft pre-submission plan was issued for consultation in November 2014. Although the Plan has limited weight due the need for further consultation it identifies that Irthlingborough as a Market Town will be required to grow by at least 1,350 dwellings to 2031 (Policy 29). While the plan does not allocate a Sustainable Urban Extension for Irthlingborough it recognises that a site including 700 dwellings at Irthlingborough West is being promoted in line with the policy provisions in the previous CSS. It also states that *'where necessary, the local planning authority will identify additional sources of housing at the Growth Towns, followed by the Market Towns in order to maintain a deliverable 5 year supply of housing sites for the district/ borough.'*

7.3.2 The emerging Strategy requires a considerable level of housing delivery at Irthlingborough and the proposed development at Irthlingborough West is considered to be consistent with the principles of housing distribution and settlement hierarchy as defined by the plan. This would be subject to the resolution of land stability and contamination issues which are the subject of this application assessment.

### **7.4 National Planning Policy Framework**

7.4.1 The NPPF was published in March 2012 and has replaced the previous national planning guidance which existed in the form of Planning Policy Guidance (PPG) and Planning Policy Statements (PPS). Of specific note in relation to this application are the following paragraphs and references set out below.

7.4.2 Twelve Core Planning Principles are set out to underpin both plan-making and decision-taking. Those of relevance in helping to determine this application include that planning should;

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and good standard of amenity for existing and future occupants of land and buildings;
- promote mixed use developments,
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made to be sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

7.4.3 Paragraph 14 of the NPPF sets out a '*presumption in favour of sustainable development*'. For decision takers (determining planning applications) it says that this means '*approving development proposals that accord with the development plan without delay*'. Government expects Local Authorities to regard this presumption as a 'golden thread' running through both plan-making and decision-taking and to afford it due consideration.

7.4.4 At Paragraph 120 the NPPF states that '*To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects... of pollution on ... general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.*

7.4.5 It goes on to state at paragraph 121 that '*decisions should also ensure that:*

- *the site is suitable for its new use taking account of ground conditions and land instability, including from ...former activities such as mining, ... and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;*
- *after remediation, as a minimum, land should not be capable of being determined as contaminated land ..'*

7.4.6 At paragraph 122 the NPPF advises, referring to the previous paragraph '*in doing so, local planning authorities should focus on whether the development is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes.*' In effect the Local Authority should assume that these regimes will operate effectively and provided the necessary protections.

7.4.7 Further at Paragraph 176 it states that '*Where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. The need for such safeguards should be clearly justified through discussions with the applicant, and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily.*'

## **7.5 Summary/conclusions on principle of development**

7.5.1 In terms of the principle of development it can be demonstrated from the Council's Planning Policy team response and the evidence above that the Irthlingborough West location is considered the most sustainable location for the future growth of the town.

7.5.2 However, this is subject to the development viability of the site and the developer being able to demonstrate that the development can be delivered and made sustainable in planning terms. In the response to the Emerging Joint Core Strategy consultation in August 2012, in which Irthlingborough West was identified as an urban extension, East Northamptonshire Planning Policy Team raised concerns regarding the viability of the site given the former mining activities. The assessment of this planning application will determine whether a scheme can be viable and deliverable in this location.

## **7.6 Five Year Housing Land Supply**

7.6.1 While the adopted Core Spatial Strategy does not explicitly allocate land for development, Policy 9 (paragraphs 3.80 and 4.31) specifically refer to the development of Sustainable Urban Extensions (SUEs) at Irthlingborough and Raunds. In the case of Irthlingborough, the development of an SUE to the west of the town as the preferable direction for growth is now being considered through the current Irthlingborough masterplanning exercise. Furthermore, there is strong evidence that this is the most suitable site as set out above. Accordingly, the development of an SUE at Irthlingborough West, could be anticipated to deliver around 120 dwellings (out of 700) towards the end of the five year monitoring period (2014-19).

7.6.2 However, the incorporation of these housing numbers within the Council's five year housing land supply does not mean that they are a necessary part of the housing land target. The recent Broughton appeal case (Appeal Ref: APP/L2820/A/13/2204628 – Land to the rear of 18 & 20 Glebe Avenue, Broughton, Kettering, NN14 1NE) in Kettering Borough has endorsed the Interim Housing Statement as the basis for calculating a five year housing land supply. The Broughton Inspector's Report concluded that: *'It [the IHS] provides a prudent basis for planning for housing provision in the area and, therefore, carries substantial weight in my Decision as a significant material consideration which outweighs the out-of-date CSS housing figures'* (paragraph 23).

7.6.3 On the basis that the approved IHS (January 2014) is now the source for calculating a five year housing land supply, a revised five year land supply figure (9.89 years, including a 5% buffer) was calculated for the District as part of the recent St Christopher's Drive, Oundle appeal case (13/01245/OUT - Proof of Evidence by Michael Burton, Table 8). Further analysis of these figures has been made in order to assess the implications of excluding Irthlingborough West and the adjacent Whitworths site from the five year land supply.

7.6.4 The conclusion is that exclusion of the two sites from the five year land supply will still enable a five year land supply figure of 9.28 years (or 8.12 years, with a 20% buffer). Overall, East Northamptonshire Council is able to demonstrate in excess of 8 years housing land supply, even in the scenario where the Irthlingborough West and the adjacent Whitworths site are excluded. However, the site would provide a valuable addition to that supply and ease development pressure elsewhere in the District.

## **7.7 Layout and Design of the Proposed Development**

7.7.1 The initial response to the layout and design of the development, as proposed through the original Masterplan, from the Council's Design Officer and the North Northamptonshire Joint Planning Unit, was that further work could significantly enhance the scheme.

7.7.2 The main areas of concern with the Masterplan was that it failed to integrate properly with the High Street in the town centre. This was primarily caused due to a lack of a strong link from the development to the existing town. A further issue was the lack of a clear route structure for the Masterplan with development fronting both sides of the street. Too much land had been designed into the scheme which was public realm but didn't have any real purpose e.g. wide road verges. This creates problems in terms of continuity, enclosure and active frontages. The more detailed grain of the streets could also usefully be designed in more of a grid pattern. A concern also existed over the structural landscaping linear feature.

7.7.3 The treatment of the main access was also seen to be inadequate as ideally it would be better not to have a large roundabout at the entrance and separate accesses to the employment area and residential zones creating a more appropriate gateway with development on both sides.

7.7.4 In order to address these issues the developer agreed to a design review which was facilitated by OPUN, the East Midlands Regional Architecture Centre. This took place in August 2010 and feedback from this was provided to the developer.

7.7.5 From this initial design review further iterations of the Masterplan have been developed and submitted to the Council with further feedback being provided. A final Masterplan [3043-P-11 rev K] (see Appendix 1) was issued and consulted on in March 2013 following extended negotiations with Huxlow Science College and the County Council to agree a land swap to allow current sports pitches to be relocated to an expanded school site. This has overcome the key principal design issue of integration and has allowed for a much stronger and direct link to Irthlingborough Town Centre. A principal pedestrian and cycle route will be provided through Queens Street and secondary accesses are available at Manton Road and Scarborough Street.

7.7.6 The evolution of design of the Masterplan has also addressed the issues of primary access with separate and stronger accesses for the residential and employment areas. The design of the access to provide for a roundabout instead of a T-junction has remained due to highways considerations, however, this is acceptable in design terms as the residential gateway is now much stronger.

7.7.7 Further improvements have also been provided in relation to the internal route structure, this is now much more direct and based on a loose grid pattern. Criticisms regarding public realm and the design of the main open space and central park have largely been resolved due to better enclosure and creating a clear identity of the use of the area with a play area being located centrally for residents to easily access.

7.7.8 The final Masterplan has sufficiently addressed the design issues which have been raised and better legibility of the scheme has been created through the treatment of the principal access to the scheme and through developing a more discernible grid structure. Public realm issues have been improved and the structural landscaping feature will be overlooked and provide a valuable linear park for the scheme linking well to the Whitworth's development to the south. As a result it is difficult to argue that the proposals are now not sufficiently sustainable in design terms and your officers consider it untenable to refuse the application on these grounds. However, a condition to regulate the development through the various phases, to control the design quality, should be added to require a design code for the entire development.

## **7.8 Impact on Highway Network**

### Means of Access

7.8.1 The application is accompanied by a Transport Assessment which has been updated with an addendum in February 2011 and further addendum revision in August 2013. This sets out how the development will be accessed, the traffic flows generated by the scheme and the necessary mitigation to the Highway Network due to the impacts created.

7.8.2 The original development proposals envisaged two points of vehicular access; one to the north directly onto the A6 Finedon Road; and one to Wellingborough Road to the South through the Whitworth's factory redevelopment site.



7.8.3 This development was granted consent (EN/07/01881/FUL) in 2010 but has not yet commenced. Whitworths require a relocation site before this is possible and part of the strategy would be for Whitworths to potentially purchase a site and build a new factory within the employment area of Irthlingborough West. However, there is no agreement in place for this to happen and both sites are independent of each other, therefore, if the Whitworths site is not developed the secondary access for Irthlingborough West may not materialise. There is no condition attached to the consent or obligation within the Whitworths s106 which requires this link to occur. Discussions have been entered into between the applicant and Whitworths to consider how both sites can effectively be developed and whether the relocation of the Whitworths' factory is likely, therefore allowing that development to progress and facilitating the secondary access.

7.8.4 As part of the response to the Highways Authority's comments regarding junction design and also responding to issues of layout and design for the masterplan, a revised 4 arm roundabout on Finedon Road was agreed upon. This new design assists with improved road safety reducing traffic speeds on the approach and exit of the junction and also addresses access issues to the residential and employment areas providing separate approaches. This has given a much enhanced sense of arrival into the new development rather than having a combination of housing, industrial and office developments adjacent to one another.

7.8.5 A further requirement from the Highways Authority regarding the sustainability of the development has been the need to provide a strong pedestrian and cycle link into the existing town centre. Supporting the design flaw set out in 7.7.2 the rationale behind this is to enable as many trips as possible from the new development to take place on foot or cycle and this would not be possible if a strong and positive link from the development could not be established.

7.8.6 Following further design work and consultation with Huxlow Science College (See section 7.17.7 for further details) to enable a land swap of their playing pitches a direct and strong link has been designed to join up with Queens Street. This will have the effect of properly integrating the development to the existing town, something which originally was not proposed, allowing new residents to access the town and also residents within the existing town to access Huxlow Science College and other facilities within the development. This will reduce the dependence on the motor vehicle and reduce the overall number of trips generated from the site.

7.8.7 Further to additional modelling required by the Highway Authority it has been accepted that the remodelled access roundabout on the A6 would have sufficient capacity to service the entire development when fully completed. This would require an emergency access to be provided prior to the occupation of any housing, which would be incorporated within a designated pedestrian and cycleway link east of the proposed roundabout exiting at the junction of B5348 and the A6. This would provide for access for emergency vehicles should the roundabout be blocked. A further secondary emergency access could also be provided by creating a temporary link road through to the employment area to utilise the second arm of the roundabout during the first phases of development. This will be covered by condition as set out below. The capacity of the principal roundabout access on the A6 means that the development does not now need to be phased in relation to the provision of the secondary access through Whitworths. The Council will however work with all parties to achieve this access as it will enhance permeability and the ability to further diffuse the traffic generated by the development more widely across the network.

Impact on Local Highway Network

7.8.8 The Transport Assessment and traffic modelling has been agreed with the Highways Authority following several revisions and clarifications. A detailed assessment of junction capacity has been provided from the modelling and the predicted impact from the traffic suggests that a total of 6 off-site junctions require remedial works to address capacity issues.

7.8.9 Two junctions, the A45/A6 (Chowns Mill) Roundabout and the A6/A510 Roundabout in Finedon have pre-existing capacity issues. The Chowns Mill intersection is the subject of current investigation by the Highways Agency due to its poor performance and present status as the worst bottleneck on the A45. A design proposal for the junction is being worked up which would enable a bid for public funding to be made along with utilising existing developer contributions. Due to the impact of the development on this junction it is considered appropriate that a contribution to this upgrade is provided. Following consultation and discussion with the Highways Authority and Highways Agency a contribution of £376,942 has been agreed based on a scheme to mitigate the impacts from Irthlingborough West and Stanton Cross. A mitigation solution to the impact on the A6/A510 roundabout junction has been proposed and will be implemented through a s278 agreement with the Highways Authority.

7.8.10 Junctions that are impacted from the development by 2021 include the A6/Addington Road staggered crossroad, the A6/Diamond Way/B5348 roundabout, the Ebbw Vale Road/Wellingborough Road roundabout and Junction 10 on the A14. A contribution of £52,904 has been agreed with the Highways Agency in conjunction with several other developments in the process of gaining consent for Junction 10 A14. The first three junctions also have mitigation solutions proposed and will be upgraded by the developer ahead of the development's predicted traffic impact. The agreement of offsite contributions for J10 on the A14 and for Chowns Mill has enabled the Highways Agency to remove their holding direction on the application. With these future improvements in place the Agency no longer has an 'in principle' objection to the proposals.

#### Travel Plan

7.8.11 Current government policy set out in the NPPF and Circular 02/2013 requires developers to demonstrate commitment to 'managing down' the number of trips generated by their development and reduce the impact on the surrounding strategic network. A target for 'modal shift', away from single occupancy car trips to other transport modes, of 20% for all developments over 200 dwellings is set out in Policy 13 of the NNCSS.

7.8.12 To respond to these requirements the developer proposes to support the provision of sustainable transport options within the development through a travel plan strategy. This is likely to include measures to improve the following activities;

- Promote and encourage walking
- Promote and encourage cycling
- Promote and encourage public transport use
- Promote and encourage car sharing
- General measures to promote sustainable transport

The Transport Assessment Addendum 2011 (6.1.3) states that it '*is considered that for the Irthlingborough context, a mode shift target of 20% represents a challenging target, particularly given its size relative to larger settlements such as Corby, Kettering, Wellingborough and Northampton where sustainable transport infrastructure and local services are relatively well-defined and established*'

7.8.13 A contribution to provide a Travel Plan Coordinator and to fund a variety of measures to move towards this mode shift target has been agreed with the Highways Authority. A range of 'hard' and 'soft' measures will be implemented through the funding and monitored by the Travel Plan Coordinator including the delivery of a fully integrated network of walking and cycle routes within and connecting to the development; websites for 'Liftshare' and to promote bus timetables etc; and the provision of enhanced public transport. The achievement of this mode shift target could have been made more challenging due to the requirement of introducing the bus service through the development once the Wellingborough Road access through the Whitworth's development becomes available. However, further consultation and consideration by the Highways Authority in liaison with Stagecoach, the potential end operator, has resulted in a preferred and revised solution for public transport enhancements for the development. This does not require the diversion of the 45 bus service through the development and is explained in further detail in the next section.

#### Public Transport

7.8.14 As stated above the proposals to enhance public transport included the diversion of the Stagecoach 45 bus service through the development connecting also through the Whitworth's development to the Wellingborough Road. At the time the application was submitted it was considered this would provide better coverage of the service for both the Irthlingborough West development and Whitworth's scheme to the south. Public transport provision for Irthlingborough is already relatively well provided for and local links exist to Finedon, Wellingborough, Kettering and Bedford Bus Station.

7.8.15 A contribution had been agreed with the Highways Authority to facilitate this rerouting of the service and extend the operating times to provide an evening and Sunday hourly service for the period of construction of the development. Due to the impact from other consented schemes, principally Rushden Lakes, and considerations of the operational efficiency of the bus route overall the proposals to service Irthlingborough West in terms of public transport have now changed.

7.8.16 Instead of redirecting the service through the development it is proposed to maintain the existing route along Finedon Road and then splitting the service at the Cross to provide access along the High Street and also maintain the service to Crow Hill. In order to make the bus service attractive for residents of Irthlingborough West a new pull-in 'kiss and ride' bus stop will be created at the northern end of the development just off the access roundabout and adjacent to the employment area. This will assist in creating the requisite infrastructure together with a regular half hourly service to make the bus service attractive for local employees on the industrial area and also residents. A further 2 bus shelters are to be built on the High Street to provide better access for those living on the eastern side of the development, subject to pavement and highway capacity. There will still be some areas of the development that will be outside of the 400m standard walking distance to bus stops, however, on balance, it is considered that this revised public transport arrangement and provision will deliver the best enhancements for the new development as well as serving Irthlingborough as a whole.

#### Pedestrian and Cycle Access Strategy

7.8.17 The NPPF and the North Northamptonshire Core Spatial Strategy promote the transport user hierarchy of pedestrian-cyclist-public transport-private vehicle and encourage larger developments to have a mix of uses located within them so as to reduce the need for single occupancy vehicle trips.

7.8.18 Irthlingborough West has the opportunity for residents to access a variety of facilities in the town centre by foot or cycle if there is a strong and desirable link as discussed in 7.7.2 above. The provision of employment land on site and the access to educational facilities at both primary and secondary school level by foot and cycle will significantly enhance the sustainability of the development.

7.8.19 In order to achieve the strong link to the town centre an agreement has been reached in principle to provide for a land swap with Huxlow Science College, as described in 7.7.5, which allows for this connection to the town centre. In addition to this the revised Transport Assessment proposes 16 detailed measures to improve the quality of pedestrian and cycle movement between the Irthlingborough West Development and surrounding destinations. This addresses the Highway Authority's key concerns. In particular the need to provide a wider cycle path and off-site accommodation to make the link from existing facilities adjacent to the A6 across the new proposed access roundabout and on to a remodelled layby to the west of the junction to make this route and cycle way safer.

Impact from remediation traffic

7.8.20 The development of the site will require the grouting and remediation of the majority of the site area. In order to do this a batching plant will need to be established to store and mix the Pulverised Fuel Ash (PFA) and satisfactory access for lorries transporting this material to site will need to be provided.

7.8.21 The Transport Assessment Addendum 2011 identifies that in the worst case scenario the number of lorry movements would be 4 per hour into the site over a 4 year intensive grouting period. In reality this would be phased and spread over a longer period and would fluctuate over the life of the development dependent on grouting activity. Therefore it would not be constantly at this level. Although the Highways Authority accepts that there will be an impact from construction traffic it concedes that the number of movements in relation to the volume and capacity of the A6 in general will be relatively low. This means that the effect on the most sensitive locations e.g. the A6 / A510 roundabout in Finedon will be small. However, it is suggested that the preferred route would be to direct construction traffic to use the A45 and A6 rather than travelling north to Finedon. This is a much shorter route towards the strategic road network and it can be controlled through a Construction and Environment Management Plan condition which will regulate this aspect and a range of other construction impacts.

7.8.22 If excessive damage to the highway was caused due to construction traffic Section 59 of the Highways Act 1980 allows for these expenses, in maintaining or repairing the highway, incurred by the Highway Authority to be recovered from an operator. This would provide protection against any potential degrading of the highway around the site due to excessive heavy loads or inconsiderate driving.

Summary/conclusions on Impacts on the Highway

7.8.23 The application has assessed the impacts of the development on the highway network in detail and significant additional modelling and information has been provided. This has resulted in both the Highways Agency and Highways Authority being satisfied with:

- the predicted trip generation from the development and assignment across network;
- the proposed mitigation of impacts on existing junctions and off-site contributions;
- level of support for public transport, travel plan and pedestrian and cycle measures to achieve a substantial modal shift and

- the potential impacts from construction traffic.

7.8.24 The NPPF states at Paragraph 32 that *'All developments that generate significant amounts of movement should be supported by a ... Transport Assessment. Plans and decisions should take account of whether:*

- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'*

7.8.25 The Transport Assessment has demonstrated that there will not be severe impacts resulting from the development on the transport network and therefore your officers advise that these would not be grounds on which a refusal of the proposals could be sustained.

## 7.9 Loss of Agricultural Land

7.9.1 The Design and Access Statement accompanying the application states that a survey of the land has identified that 46ha of the land is sub-grade 3a, 12.5ha is sub-grade 3b and 4.8ha of the land is grade 4 with the remainder of 5.2ha being non-agricultural. It is stated that this is typical of the surrounding area.

7.9.2 The Department for Food, Environment and Rural Affairs (DEFRA) classifies agricultural land in the following classifications;

1. Grade1 - excellent quality agricultural land
2. Grade2 - very good quality agricultural land
3. Grade3a - good quality agricultural land
4. Grade3b - moderate quality agricultural land
5. Grade4 - poor quality agricultural land
6. Grade5 - very poor quality agricultural land

As there is no loss of the best quality agricultural land it is considered acceptable that the development of this site and subsequent loss of agricultural land does not represent a constraint.

## 7.10 Housing mix

### Achieving High Quality Housing

7.10.1 The applicant's Design and Access Statement states that the development will include a range of housing sizes and tenures and that the housing design will be of high quality. However, no detail of what this mix will be is included apart from them ranging from 1 to 5 bedroom units. The development overall is predicted to deliver an average net residential density of 35 dwellings per hectare which is not uncommon for a large development of this size in an urban setting. It provides an efficient use of the land while at the same time providing sufficient open space and landscaping for the residents. There is no statutory requirement for a minimum net density any more, however, this is consistent with the guidance and policy set out in the CSS.

### Achieving a Good Mix of Housing

7.10.2 Policy 15 of the Core Spatial Strategy states that *'provision will be made for the delivery of a balanced mix of housing types and tenure'* it goes on to state that for East Northamptonshire a target for affordable housing of 40% will be sought from new developments. Within the Housing Market Assessment for North Northamptonshire the split of affordable housing required between social rented and share ownership, to enable the local resident population to access housing on the basis of affordability, is 75% to 25% respectively.

7.10.3 The original Affordable Housing Statement and Draft Heads of Terms for the S106 agreement submitted with the application indicated that affordable housing could be delivered in line with CSS policy, subject to overall development viability. The affordable units would be distributed across the development but clustered in small groups to promote good management and would be designed to be 'tenure blind' so that affordable housing cannot necessarily be distinguished from open market housing.

7.10.4 Viability assessments (see section 8) now indicate that a policy compliant level of affordable housing is not deliverable and only 5% can be provided. The overall viability issues are primarily caused due to the high costs of remediating the site, however, in respect of the resultant impact on affordable housing it significantly reduces the overall sustainability of the site. A provision of this level will have a bearing on the ability of local people to access housing and be able to transition through the housing market. While viability of schemes, as required by paragraph 205 of the NPPF, is an important consideration in enabling development to progress there is a balance between accepting less affordable housing to make schemes viable and reducing this to the point that developments are unsustainable.

7.10.5 However, Irthlingborough is relatively well-served in respect of affordable housing. Nineteen percent of properties in the town are affordable, compared with 15% in Oundle, 14% in Rushden, 13% in Raunds and 12% in Higham Ferrers and Thrapston and an average of 13.5% across the district. Nevertheless, it is generally accepted that Sustainable Urban Extensions need to deliver a reasonable level of affordable housing in order that they become fully integrated into the town and the Council would therefore normally seek to deliver in the region of 20% in a mixture of rented and shared ownership dwellings. It should be noted that the level of shared ownership in the town is very low at only 0.4% and it was hoped this development would provide an opportunity to increase shared ownership and provide local residents with an opportunity to get on the housing ladder which is not otherwise available. It had also been anticipated that some specialist provision for older people would have been provided as part of the development – options for older people in the town are limited to dispersed affordable rented bungalows - but this is unlikely to be achievable in any significant way given the low numbers proposed.

7.10.6 Further negotiations regarding the composition of the affordable housing have taken place in the context of the viability discussions. In terms of the split between social rented and shared ownership the developer has agreed to the following allocations. This has had a minor negative impact on overall viability which the developer is willing to absorb.

22 social rented units to be:

- 4 x 1 bedroom flats (55-60 m<sup>2</sup>)
- 8 x 2 bedroom houses (c 75m<sup>2</sup>)
- 4 x 2 bedroom bungalows - at least one and preferably 2 of which to be fully wheelchair accessible (size dependant on type 70 – 85m<sup>2</sup>)
- 4 x 3 bedroom houses (c 85m<sup>2</sup>)
- 2 x 4 bedroom houses (c 95m<sup>2</sup>)

13 shared ownership units to be:

- 7 x 2 bedroom houses
- 6 x 3 bedroom houses

This is consistent with the Housing Strategy Manager's view of the optimum allocation of affordable housing within the constraints of the viability assessment and the housing needs identified within Irthlingborough.

#### The Suitability of the Site for Housing

7.10.7 The applicant argues that the site represents a logical extension to the built up area of Irthlingborough and would not detract from the form, character or setting of the town, commenting that it is well related to the town centre and existing facilities.

7.10.8 The applicant further notes that the development would also enable the expansion of Huxlow Science College.

7.10.9 The applicant refers to the Landscape and Visual Assessment, included within the ES, which identifies that there are no unacceptable or overriding landscape or visual effects that would preclude development.

7.10.10 Members attention is directed to the work that was done for the Three Towns: Preferred Options which identified the site as the most sustainable direction for growth (see paragraph 7.1.8 above).

7.10.11 It is therefore considered that this location is the most sustainable and suitable site for housing as part of an urban extension for Irthlingborough. However, the substantial reduction in the overall amount of affordable housing calls into questions the overall sustainability of the development, notwithstanding NPPF Paragraph 173 which requires viability to be taken into account to provide for competitive returns to a willing land owner and developer considering the normal cost of development and mitigation.

#### Meeting Planning and Housing Objectives

7.10.12 The applicant suggests that the proposed development would support wider policy objectives as the District is within a designated growth area, housing provision is currently below target and Irthlingborough is a sustainable location for additional housing development. Also, the proposal would conform to the spatial vision of the Core Spatial Strategy and emerging Four Towns Plan.

7.10.13 The applicant also highlights that the site is deliverable i.e. it is available, suitable and achievable.

7.10.14 Members attention is directed to paragraphs 7.5.1 above. Your officers' view is that the development of the site would accord with the spatial vision set out within the North Northamptonshire Core Spatial Strategy and support the regeneration of Irthlingborough with new housing close to the town centre. The development would also make a valuable contribution towards the 5 year housing land supply for the District albeit there is no immediate shortfall as discussed in 7.6.

### **7.11 Mine Remediation and Water Resources (including Flooding and Drainage)**

#### Introduction to Mines

7.11.1 The site is located above the former mine workings of the Ebb Vale Company which extracted ironstone between 1918 and 1966 at this location. The mines form an extensive area of intensive workings which are typically 20m below ground level and are characterised by a series of intersecting tunnels in general 2.7m high and 4m wide with pillars of ironstone left between the tunnels.

7.11.2 A mine Abandonment Plan has been supplied to the developers by Alan Pack (former Mine Engineer) which shows extensive areas where the original pillars have been 'robbed out'. This was to extract the remaining ironstone and caused collapses and land subsidence at the time and leaves this land in an unstable situation. The land is currently farmed but without remediation it is unsuitable for development.

7.11.3 The ironstone mining was carried out using the pillar and stall method. This involved leaving unworked pillars to support the roof during working of the ironstone. The mine abandonment plan and section of an off-site shaft are included within the ES. This plan shows the position of the pillars, but also indicates that large areas of the pillars were removed or 'robbed out' (area shaded red on plan) on second working of the mines to increase mineral extraction. The plan shows 2 mine shafts P113 and P350 and "steps entrance to the mine". It is possible that there may have been other mine entries. The former mine engineer has highlighted that care needs to be taken interpreting this plan as it might not be wholly accurate.

7.11.4 Over time some parts of the tunnels have collapsed and the voided ground has migrated to the surface and this has led to the creation of some sinkholes at the surface. The land is currently farmed and one of the farmers has confirmed that it has been necessary to import material to fill sink holes and areas of settlement.

7.11.5 The ES includes 2 aerial photographs from the 1970's and notes that when these are compared against the mine abandonment plan there is a clear correlation of surface features (areas of surface settlement) and the areas where pillars have been removed.

The proposed mitigation strategy for the mines

7.11.6 The proposed mitigation, therefore, is to fill the open mine cavities with grout (a mix of pulverised fuel ash/ordinary Portland Cement to create a bulk grout). The ES identifies that this technique has been used on a variety of other sites within the country. Drills are used on a grid, approximately 3m apart, and where broken ground is encountered a grout is introduced under pressure. It is anticipated that grouting would take a maximum of 200 weeks, however, the developer intends to remediate the land in phases and therefore construction work would be able to commence prior to the completion of all of the grouting works. In practice the grouting will be done in advance of a housing phase and development will follow afterwards. This will be repeated phase by phase and can be controlled by a phasing plan.

7.11.7 To enable the grouting to take place it would need:

- an access from Finedon Road
- a compound or batching plant – shipping containers would be stacked 2 high to form a noise and dust barrier
- 36 x 25 tonne deliveries of PFA per day (i.e. 3-4 per hour during the working day). This would be the worst case scenario and would not be for the whole duration of the development, principally during phases when grouting was taking place.

7.11.8 There are two main methods for mixing the grout. The first is from open stockpiles which are damped down with sprinklers to eliminate dust. The PFA is brought to site in sheet covered lorries. The mix of PFA, cement and water is carried out in a large automated mixer with the material transported by conveyor belt open to the air. The other system, more recently introduced, is a fully enclosed mixing plant where the grouting materials are never exposed to the air ensuring dust free operation. The PFA is also supplied to the site dry in sealed tankers.



7.11.9 Objectors (including the former mine engineer) have expressed significant concerns regarding the fact that the land was previously mined. Three main issues have been highlighted:

- Stability of the land
- Contamination from the fill material - Pulverised Fuel Ash (PFA)
- Drainage/flooding

A significant amount of work has been undertaken in relation to these issues. Meetings have been held with the developer, Environment Agency, Councillors, Town Councillors and representatives of Irthlingborough Rejects Expansion (IRE). A site visit was organised by the developer to a site where mining has taken place and the land was being filled and also to a power station to see PFA at first hand.

7.11.10 The issues and assessment of the drainage and grouting are highly technical in nature. In relation to unacceptable risks from pollution and land instability the NPPF advises that Local Planning Authorities should ensure that new development is appropriate for its location. It also states at paragraph 121 that *'Planning policies and decisions should also ensure that:*

- *adequate site investigation information, prepared by a competent person, is presented.'*

The application has been accompanied by a full range of supporting documents including a stage 1 Flood Risk Assessment, hydrological study, Mine Drainage Strategy, Ground Conditions Survey and Geophysical Survey prepared by competent individuals and consultants according to the NPPF's definition.

7.11.11 In order to assess all of the impacts of the development in relation to the future suitability of the land for mixed use development due to the mine remediation works it is helpful to take the key issues and concerns in succession.

#### Stability of the land

7.11.12 The purpose of grouting the mines with the use of PFA is to stabilise the land such that it is safe and secure to build upon. The National Planning Practice Guidance (NPPG ID: 45-001-20140306) states that the planning system has an important role to bring unstable land, wherever possible, back into productive use. The process of filling the mines is set out in some detail in section 9 of the ES and has been described above. This is a well-established method of securing unstable land and back-filling mines which has been in use for over 50 years.

7.11.13 There is a considerable amount of best practice developed by the construction industry in association with government and its statutory agencies. Drilling and grouting works will be undertaken in accordance with the following guidance - Construction Industry Research and Information Association (CIRIA) 'Construction Over Abandoned Mine Workings' and British Research Establishment (BRE) 'Stabilising Mine Working with PFA Grouts'.

7.11.14 The ES provides examples of where grouting has been successfully completed. Further case studies were provided as part of a briefing note circulated to all members on 27<sup>th</sup> August 2014. There is no evidence that land stability issues, post grouting, have posed a problem. For the purposes of granting planning consent the Local Planning Authority needs to satisfy itself that the land is suitable for its new use taking account of land instability and any proposals for remediation. It is the developer's responsibility to ensure a safe development. Information has been submitted with the development which would indicate that this could be the case with the remediation that is proposed.

7.11.15 Nevertheless concerns have still been raised regarding the securing of mortgages for homes above the former mines and in relation to future warranties in the event that any subsidence did occur. While this is not a planning consideration, the developer will need to demonstrate to mortgage lenders that the land has been stabilised and is triggered as such on Land Searches to enable mortgage lenders to be confident to supply financing. The National House Builders Council which covers most new homes provides a standard 10 year warrantee/insurance scheme 'Buildmark' which most house builders sign up to. In addition to this, it is normal for works of this type to be tendered with clear and unambiguous performance related obligations for design and implementation of the remediation. Contractors winning these contracts provide guarantees and warranties on their work to third parties for a period of twelve years from completion of the remediation. These warranties will be insurance backed to ensure that an appropriate amount of professional indemnity and contractors' all-risk insurance is in place to cover all potential risks of defective works (design or implementation) should the organisations involved subsequently fail. In this sense, there will be wide ranging responsibilities on the parties involved that are supported by financial institutions to ensure any problems are remedied without recourse to the local authority. Such arrangements are recognised across the country for this type of work and indeed for very large infrastructure contracts. With a build period estimated at approximately 7 years and the contract warranties providing cover for a further 12 years after completion this would afford a total of 19 years of protection from the commencement of development. If subsidence or defects were to arise from the works it would be normal that they would occur relatively soon after implementation. Therefore it is considered that these arrangement should provide a good level of cover and protection for all parties.

#### Contamination from the fill material - Pulverised Fuel Ash (PFA)

7.11.16 A lot of concern has been raised locally about the use of this material. A range of comments have been made and a detailed letter setting out the potential risks has been received from Councillor Hillson. Responses from the Council's Environmental Health team and the Environment Agency suggest that they are content with the use of this material subject to certain conditions and monitoring.

7.11.17 Environmental Health provided a short guidance note about PFA and this was provided to representatives of IRE it was also attached as an appendix to the briefing note on grouting methods and drainage issues issued to all members. In summary it states that PFA:

- is a by-product from coal fired power stations
- typically contains:
  1. Aluminium iron and silicon (80%)
  2. Carbon (2-16%)
  3. Calcium, potassium, sodium and magnesium (6-15%)
  4. Sulphates
  5. Trace elements such as arsenic, boron, cadmium, chromium, copper, manganese, molybdenum, nickel, lead, sulphur, selenium, titanium, vanadium and zinc
- It has been used since the 1970's to fill disused mines
- It is highly fluid so can fill voids and fissures effectively
- Whilst a proportion of PFA can dissolve in water numerous studies have been carried out in relation to this and incorporated into codes of practice and guidance.
- The guidance requires that an environmental risk assessment be carried out and this needs to be agreed with the Environment Agency.

7.11.18 The Environmental Statement states that approximately 0.9m tonnes of grouting material would be required to backfill the mines. This will be done in phases

prior to the housing phases being developed. The grout would be pumped under pressure into the mine cavities via a series of boreholes drilled across the site in a 3m grid. The ES concludes that likely environmental effect of land contamination risk to substructures would be low and that there would be a minor positive residual impact.

7.11.19 The use of PFA in mine workings is controlled through a best practice guide – ‘Stabilising Mine Workings With PFA Grouts (Environmental Code of Practice)’ produced by the Building Research Establishment as stated above. This was produced in 2006 in response to concerns expressed over the potential for contamination of controlled groundwaters by bleed water and leachate released from PFA grout and disruption and dust arising from the work. Any grouting works undertaken would follow this practice guide and also the Construction Industry Research & Information Association (CIRIA) special publication ‘Construction Over Abandoned Mine Workings’.

7.11.20 The Guidance states that there are three potential mechanisms for polluting groundwater which can be identified during the use of PFA/cement grout and need to be addressed in any risk assessment:

1. Release of bleed water upon emplacement
2. Initial mixing of the grout with mine water when pumped into water-filled mines
3. Leaching of contaminants from the set grout monolith, either from its surface or by permeating through its bulk.

7.11.21 Considerable concern has been voiced regarding these risks in particular the potential break-up of the grout through ground water flows and the subsequent contamination of the ground water or controlled water courses due to bleed water or leachate. The Environmental Code of Practice sets out a risk assessment methodology for the use of PFA grout and the Environment Agency would oversee the process. A multiplicity of factors could influence the potentiality for contamination to occur. This can include the composition of the PFA and grout, the hydrological features of the site such as the water table, presence of aquifers and permeability of the surrounding ground. The risk assessment models the likely pathways from source to receptor and the monitoring of concentration levels in the leachate during and after the grouting process will be important to help assess whether there is an impact on water quality and if remedial action is required to bring this back up to acceptable standards.

7.11.22 Further concerns have been raised specifically in relation to the potential for high levels of heavy metals, particularly hexavalent chromium, which are toxic at certain levels and carcinogenic. As part of the initial risk assessment the applicant has undertaken analytical tests both on samples of the PFA from Radcliffe on Soar power station, which is where the material is likely to come from, and of PFA grout made from a PFA/cement mix. The developer asserts that these tests and modelling together show that grout and the groundwater conditions combined will not result in contamination of springs. Continued monitoring of ground water quality during the process will enable the Environment Agency to determine whether drinking water standards (DWS) and environmental quality standards (EQS) are being met and adhered to. Should this not be the case the Environment Agency would have the power to halt the process to enable redress. The applicant has also indicated that hexavalent chromium can be added to the suite of elements that will be monitored to provide additional protection and screening.

7.11.23 The Code of Practice identifies a number of factors that can be used to control the concentration of contaminants and the rate of leaching. These include altering; the composition of the PFA through changing the source of origin; the cement

ratio; the water ratio and engineering methods. In respect of bleed water which would occur as the grout is settling and bonding the guidance states that this *'will contain elevated concentrations of certain species as a result of leaching soluble salts from the PFA and the early stages of the cement hydration process. In some circumstances it may be possible to remove bleed water by pumping after emplacement of the grout in order to mitigate its effect on the groundwater'*. Therefore, it is likely that any potential contamination during this stage of the grouting process can be avoided.

7.11.24 The applicant subsequently submitted a 'Strategy for Monitoring the Effects of Grouting of Ironstone Workings on Groundwater' in September 2013 which sets out the monitoring regime that will be applied and overseen by the Environment Agency. This provides a more in-depth statement of how the grouting and subsequent monitoring will be undertaken. The Council's Environmental Protection Team has commented that they consider that measures can be secured through the use of planning conditions to ensure that the development can be safely delivered. The Environment Agency initially requested further information on potential ground water contamination but has subsequently indicated that they are of the opinion that the project is feasible based on the fact that ground water flows are low and following a review of groundwater and contamination issues by Atkins.

7.11.25 The NPPF paragraph 121 and 122 provides guidance as to how Local Planning Authorities should consider ground conditions, land stability (including former activities such as mining), pollution and land remediation. In undertaking this assessment it advises that authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of the processes or emissions themselves where these are subject to approval under pollution control regimes. Local Planning Authorities should assume that these regimes will operate effectively.

7.11.26 It is clear that the control of the grouting process and any potential contamination via leachate to controlled water sources is of great local concern but will ultimately be the responsibility of the Environment Agency. Both this body and the Council's Environmental Protection Team has indicated that sufficient safeguards exist to control this process subject to conditions set out at the end of this report. As a further measure to allay community fears regarding potential contamination, ground water seepage and surface water drainage issues a liaison group will be established. This will work with the Environment Agency and the Developer to receive the required monitoring reports and information regarding changes to the remediation regime. Suitable representatives from the community and local council's will be asked to participate.

7.11.27 It is therefore considered that the potential contamination issues associated with the remediation of the land through the use of PFA grouting are adequately covered by conditions. These will be applied requiring a suitable monitoring regime and the mitigation measures that can be taken should water quality levels show signs of deterioration.

#### Drainage/Flooding

7.11.28 The issue of mine drainage and the potential for surface water flooding or the changes to the hydrogeological nature of the ground following the remediation, and how groundwater will flow through the area, is a matter of great concern.

7.11.29 The ES is accompanied by a Preliminary Flood Risk Assessment (FRA). This identifies that the site's topography is characterised by a high point of approximately

91.3 AOD at its western boundary with levels falling away to the north and east to a point of approximately 70.6m AOD adjacent to the Irthlingborough Infant School.

7.11.30 The geology of the site is described as superficial deposits of Boulder Clay overlying the solid formation of Oolitic Blisworth Limestone, mudstone and Northampton Sand with ironstone and the Jurassic Inferior Oolite series. There are no watercourses of any note across the site and site specific soil infiltration tests support the potential for infiltration drainage at the site.

7.11.31 In terms of risk from fluvial flooding the development area is located outside of the River Nene 1 in 100 year flood plain and as such lies in flood zone 1 which is low risk. Therefore no specific flood resilience measures for fluvial flooding are necessary.

7.11.32 The pre-condition for infiltration drainage would be that the proposed system mimics the current infiltration rates so that ground water and surface water run-off characteristics are the same as greenfield rates. This requires a Sustainable Urban Drainage system (SUDs) to be created across the site to retain storm water run-off.

7.11.33 The Environment Agency's remit is to consider flooding from rivers and not groundwater. However, another of the Environment Agency's responsibilities is to consider contamination to water courses and they advised that to understand this they had to consider the groundwater within the mines. The Environment Agency therefore undertook its own assessment of groundwater and the mine drainage proposals. In order to ensure the Planning Authority had properly considered this issue the Council also commissioned its own assessment of the drainage proposals which was carried out by consultants WSP.

7.11.34 The drainage proposals include the SUDs features at surface level to hold back any storm water through a series of basins, soakaways and infiltration trenches. A series of drainage channels within the mines will also be established that will allow any water permeating to this level and groundwater movement from north of the A6 to flow through and around the grouted area. These main drainage channels will be backfilled with a combination of sand and gravel instead of the PFA grout. The design of the gravel drains are such that they can provide double the capacity of the maximum theoretical ground water flow from north of the A6. This provides a considerable margin of safety.

7.11.35 Concerns have been raised regarding the potential of some of these channels being blocked through roof collapses and thereby diverting water along other channels. While some blockages may exist it is considered that the additional capacity will be sufficient to allow water to flow through or around these obstacles. This material will also be permeable to some degree and therefore water will also flow through.

7.11.36 It should be borne in mind that ground water flow rates, the majority of which exit the mine at Pinetrees (S2), via the main mine drain adit, are relatively small. The average flow rate for the monitoring period between 2008 and 2012 was 8 litres per second. The other surface water monitoring points S1, S3 and S4, which are located on existing drainage channels within the town, were also all very low. This varies depending on the time of year, average mean rainfall in a given year etc., however, it is not proposed to increase the level of water that is travelling through the grouted mines. The amount of surface water reaching the Ironstone formation will also be limited due to the more impermeable Rutland Clay/Mudstone layer which sits above it. As water permeates through the ground a proportion, as it does now, will saturate the Blisworth Limestone layer which is more porous than the Clay and mudstone below and move horizontally exiting at existing springs and water courses.

7.11.37 The 'Strategy for Monitoring the effects of Grouting of Ironstone Workings on Groundwater' referred to above sets out the monitoring regime and remedial actions that could be taken should the flow rates not be in line with the hydrological drainage model and be at variance with the base data that has been built up since 2008. The type of measures that could be considered to mitigate high groundwater levels include;

- provision of additional underground or surface drains to divert water to suitable discharge points
- pumping of groundwater and discharge to a suitable drain

7.11.38 The independently commissioned reviews of the drainage proposals by Atkins (for the Environment Agency) and WSP for (East Northamptonshire Council), mentioned above, has provided useful challenge and testing of the proposals. It has also assisted in the formulation of specific conditions to ensure the monitoring of the grouting and drainage works.

7.11.39 The WSP report raised various issues including the infiltration capacity of storage basins to the north of the development located above areas of grouted mines. The EA also required the developer to undertake further modelling work to demonstrate the drainage proposals were robust. As a result the EA has demanded a greater level of surface water storage at the northern edge of the development around the new roundabout access. Following a meeting with the EA and WSP in June 2014 the outstanding mine drainage issues were resolved subject to the agreement of the draft conditions and the acceptance of wording for a s106 clause to ensure the SUDs system is properly maintained. These conditions ensure a stringent monitoring regime for both ground water flows and water quality and require further detailed information prior to reserve matter applications in the form of a surface water drainage scheme.

#### Summary/Conclusion on Mine Remediation and Water Resources

7.11.40 The remediation of the abandoned mines and the subsequent potential impact on the drainage characteristics of the site and effect this may have on existing properties within Irthlingborough is the most concerning aspect of this application for the local community.

7.11.41 The use of PFA grout as a material to fill and stabilise mines has been proven to work in numerous locations around the country and there is well established best practice guidance which controls its use and application. Without prior stabilisation the land will not be safe and development of this area could not proceed.

7.11.42 The Environment Agency is the body responsible for groundwater pollution. Through the imposition of detailed planning conditions to control the grouting process and to monitor the potential impacts on water quality they consider that the development can be delivered without adverse effects on human health or environmental contamination.

7.11.43 Equally, following detailed assessment of the drainage proposals for the site, both by the Environment Agency and by independent consultants, it is agreed that this strategy is appropriate and acceptable. The combination of surface drainage measures and provision of main drainage channels within the mines will be sufficient to attenuate storm water run-off and accommodate groundwater flows so as not to adversely impact on the new development or existing properties within Irthlingborough. Monitoring requirements imposed through conditions will enable the Environment Agency to require the developer to take remedial action should there be any indication of a future risk of groundwater flooding prior to this happening. As the grouting of the mines will be undertaken in phases over an extended period of time any impacts which

are not as predicted by the drainage modelling will be gradual and will be able to be rectified before it creates an issue.

7.11.44 Your officers therefore consider that following the advice from the Environment Agency, and taking into account the independent assessment of the proposals, there would not be sufficient grounds on which to refuse this application.

## **7.12 Ecological Issues**

7.12.1 The Environmental Statement (ES) considers the impacts of the development on designated and non-statutory sites, the habitats it supports and the protected species. The application site is located within 1km of the Nene Valley Gravel Pits Special Protection Area, an EU designated site with protection for wintering birds and RAMSAR site protecting wetland habitats. The area of the Nene Valley also has national designation as a Site of Special Scientific Interest (SSSI) and consideration of the development's impact on this habitat also needs to be assessed. Also within 2km of the site are 4 County Wildlife Sites.

### Habitats Regulation Assessment (Appropriate Assessment)

7.12.2 The Conservation of Habitats and Species Regulations 2010 affords a high level of protection to sites classified as SPA. The Local Planning Authority must ensure that any plans will not adversely affect the integrity of the site concerned. The use of 'Appropriate Assessments' enables the implications of developments on the SPA to be thoroughly considered. The UK is also a signatory to the Ramsar Convention which protects wetlands of international importance. Ramsar sites must be treated in the same way as SPAs and proposed developments must have an Appropriate Assessment undertaken if there are significant impacts. This requirement is considered more fully below.

7.12.3 The application site is dominated by arable land which is in production with smaller areas of species poor semi-improved grassland which are of negligible ecological importance. Hedgerows and mature trees form important linear habitats for many species on the site and although none of the hedgerows qualify as species rich hedgerows under the Hedgerow Regulations 1997 they are considered to be of county value. The impact of the loss of some hedgerows is not considered significant and planting schemes within the development will help to offset initial losses.

7.12.4 The ES assesses a range of potential impacts in respect of ecological issues specifically in relation to the impact on European Protected Species. A range of protected species were identified through desktop and an extended Phase 1 Habitat Survey as having the potential to be on site or that the site provides a wider habitat and foraging area for the species. These included bats, badgers, great crested newts, grass snakes, breeding birds and wintering birds.

7.12.5 Surveys conducted in 2007 and 2013 identified that 3 species of bat were commuting across the site and that no bat roosts were found on site but 3 trees had the potential for being bat roosts. These trees will be retained within the green corridors within the site and other mitigation will be provided such as the provision of bat boxes on trees and wall boxes on suitable gable end buildings along with the provision of 14.3ha of public open space and structural landscaping to mitigate for the loss of habitat.

7.12.6 There was no evidence that badgers were present on the site and limited potential that the site would offer habitats for the species other than limited foraging. Grass snakes were sighted on 2 occasions during the surveys, but no other reptiles

were observed, and it is considered that these populations would be very small and localised given the inhospitable arable environment. There is no significant impact identified for this species or other reptiles. Proposed mitigation for great crested newts, in the form of enhanced pond and habitat areas away from the main development is proposed and this is considered in more detail below.

7.12.7 Surveys for breeding birds recorded 45 species on the site most being widespread and common within Northamptonshire except for the turtle dove which are declining. Negative effects were only expected for Skylarks as this species does not cope well in close proximity to humans. All other species there were negligible effects expected or minor positive effects in respect of some birds. The provision of significant landscaped corridors, open space and gardens along with the retention of hedgerows and trees, where possible, is proposed to deliver mitigation for the loss of habitat for these species.

7.12.8 A wintering bird's survey was undertaken between 2007 and 2008 and it was concluded that the presence of wintering birds on the site was minimal. Two small flocks of Lapwing were recorded and no Golden Plover were identified. Evaluation of the species recorded in the survey concluded that the assemblage of wintering birds was typical of the area and habitats on site and that there would be negligible impact for these species.

7.12.9 Great Crested Newts were identified on site at 2 ponds in the 2007 survey with medium sized populations. A further survey in 2010 to update information and accompany the planning application indicated that the population size had reduced dramatically and that no Great Crested Newts were recorded at pond 2. A mitigation strategy has been agreed between the applicant, Natural England and Northamptonshire Wildlife Trust and was submitted to the Council as an addendum to the ES in September 2013. Principally the mitigation will be to remove all Great Crested Newts from the development area and translocate them to 2 ponds within the western landscape buffer zone. Measures will be put in place to prevent this species from re-entering the site. The Mitigation Strategy method statement forms the basis for a licence application to legitimise the development at this site without affecting the conservation status of Great Crested Newts in the area. Natural England requested that a further update survey for Great Crested Newts was produced before the application is determined to ensure that the mitigation is adequate for the population on site. This survey was submitted to the Council in June 2014 and indicated that a medium population size-class of Great Crested Newts still existed on the site. A condition is required to ensure that this mitigation is delivered ahead of the development becoming operational.

7.12.10 Concerns have been raised that the PFA grout which has high alkali levels (normally >9) at the time of production will cause impacts for the Newts and potentially kill them. While Newts prefer neutral or slightly alkaline ponds<sup>1</sup> the level of alkalinity would certainly be a problem should the PFA be directly in contact with them. This would also be the case for all plants, animals and reptiles. Given that the PFA is to be bonded within the cement grout and any leachate is likely to be diluted and carried through the sub-strata by groundwater it is highly unlikely that pH levels will be affected. Natural England will require testing of the new pond and habitat before translocation and the monitoring of boreholes and water sources will ensure that pH on site or in the water quality are not outside of acceptable levels.

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<sup>1</sup> Great Crested Newt Conservation Handbook – Froglife, Langton, Beckett & Foster 2001



7.12.11 A chapter of the ES considers the potential impact of the development on the SPA. The key issues are assessed as being increased visitor pressure from new residents and specifically dog walking within the SPA. The proposed mitigation measures are for the applicant to provide a commuted sum for the Northamptonshire Wildlife Trust to contribute funds towards access management for the Irthlingborough Lakes and Meadows. This is a nature reserve within the SPA that NWT currently manage. A s106 contribution will be agreed for this purpose. Information packs are also proposed to be issued to all residents of the new development informing them of the SPA and the need to respect it and providing alternative locations for them to visits to reduce visitor pressure.

#### Summary/conclusions on Ecological Issues

7.12.12 In summary, the applicant's screening on the Appropriate Assessment together with responses received from Natural England and the Local Planning Authority's assessment of the potential impacts on the SPA and Ramsar site satisfies your officer's that an Appropriate Assessment is not required. Impacts to biodiversity, protection of fauna and nature conservation can adequately be mitigated through the imposition of appropriate conditions, as outlined above, and therefore these would not represent sufficient grounds on which to refuse the application.

### **7.13 Contamination issues – Landfill sites**

7.13.1 Issues relating to contamination have been covered in depth by the applicant in the Environmental Statement (Vol. 1) in sections 9.1 - 9.4 and the more detailed desk based studies and geo-environmental investigations in Vol. 2.

7.13.2 The assessment of ground conditions has been undertaken in two parts as mentioned above which includes a desk top study to construct a conceptualised model of the site for assessment purposes and the physical excavation of trial pits and boreholes to chemically analyse samples. There are various different recorded uses of the land including a quarry, cement works, tramways etc. associated with the mining. Part of the quarry was landfilled which was licenced to accept inert waste. Sinkholes, which have occurred from subsidence, have also required imported fill material to make the ground suitable for continued arable working.

7.13.3 Contamination testing was carried out on 47 soil samples for a full suite of contaminants listed in the Desk Top Conceptual Model. Leachates have also been undertaken on 7 soil samples to assist in the assessment of risks to the minor and major aquifers that underlie the site.

7.13.4 The results of the assessment demonstrated that generally on non-landfilled areas contaminants were found to be at levels that would not pose a risk to a residential use. However, arsenic levels in the general site area were found to pose an unacceptable risk. In addition, within the made ground that comprised the former landfill area a number of other contaminants were found in concentrations that were unacceptable risks to human health. The former landfill contained negligible quantities of putrescible material and initial gas monitoring suggests that this would not be a significant issue for future buildings.

7.13.5 The initial leachate testing indicated that there were slightly elevated levels of Ploy Aromatic Hydrocarbons (PAH) when compared against drinking water standards, however these levels are consider to represent background concentrations and as there is no drinking water abstraction in the area it is considered that PAH levels pose a negligible risk to groundwater.

7.13.6 In respect of mitigation for the levels of arsenic in the general site area, the ES suggests that, if further testing and quantitative risk assessment does not prove it be a negligible risk an inert capping layer of 175mm of clean topsoil will be used in residential areas. In order to mitigate against the unacceptable risk of the contaminants in the former land-filled area it is proposed to break the pathway by either placing a hardcover over this area or if soft landscaping is proposed then inert capping to a maximum depth of 750mm if for rear gardens for residential areas.

7.13.7 The Council's Environmental Protection team consider that measures can be secured through the use of planning conditions to ensure the development can be safely delivered and several conditions have been attached to this report to this end. Contamination of groundwater is the responsibility of the Environment Agency and they have agreed a regime, as described above, with the applicant which will monitor groundwater levels and water quality and have required a suite of conditions to provide for this both pre and post construction.

## **7.14 Noise, Dust and Air Quality; Effect on Residential Amenity**

### **Noise**

7.14.1 A noise assessment accompanies the application as part of the Environmental Assessment. This sets out the noise impact of the proposed development on existing receptors as well as the impact of the existing noise climate upon the proposed development.

7.14.2 The conclusion of the assessment is that during the construction phase there is likely to be a variety of noise sources including ground drilling and grouting operations, construction plants and vehicles and heavy goods vehicles delivering supplies to site.

7.14.3 A variety of mitigations are proposed to control these effects and the main mechanism to ameliorate and limit the impact from construction noises is the requirement of a Construction and Environmental Management Plan. This would be agreed by the Local Planning Authority and will be controlled by condition.

7.14.4 In response to the initial noise assessment the Council's Environmental Health Officers requested further information regarding the potential impact on new houses from existing noise sources and the proposed new employment area. An addendum to the Noise Assessment was issued in December 2010 which provided further clarification in respect of the likely impacts from the Whitworth's factory, the A6 road and the proposed industrial area to the north of the site.

7.14.5 It is considered that these issues can be controlled through the design code stage and reserved matters applications when detailed design issues can be used to mitigate the potential noise impacts. In the case of housing nearest to the Whitworth's factory, it is not guaranteed that the factory will relocate and therefore a minimum 'set back' distance of 118 metres has been requested. These requirements will be secured through conditions.

### **Dust and Air Quality**

7.14.6 The effects on air quality from the proposed development are set out in the Environmental Statement air quality chapter. In respect of the impacts of the future development it is predicted that this will have a minor adverse effect on air quality.

7.14.7 The construction phase is predicted to have a minor temporary adverse effect. Construction activities can typically create dust through site preparation, earthworks, movement of construction traffic, construction and fabrication of infrastructure. These

are also typically controlled through a Construction and Environmental Management Plan imposed as a condition which will be the case in this instance.

7.14.8 However, the operation of grouting the mines will also require the establishment of a batching plant for the stockpiling, storage and mixing of the PFA. Concerns exist regarding the potential for this material to be dispersed via the wind and to cause harm to human health. PFA is made up of a variety of components some of which could be harmful to humans at high levels. However, PFA can be pre-treated with the addition of a percentage of water at source before transportation which reduces the ability for particle dispersion and control measures would be employed at the batching plant to ensure that any stockpiles of the material are dampen by the use of sprinklers. Other measure will also be employed and it is consider appropriate that a condition requiring further detail on the location and screening proposals for the batching plant are submitted to the Council prior to development commencing to ensure it is located as far away from existing receptors as possible (i.e. housing and Huxlow Academy). A further condition would also require the production of and adherence to a PFA Dust Action Plan which would complement the Construction and Environment Management Plan. This would ensure that any environmental impacts from the use and handling of the PFA in the grouting process could be minimised.

7.14.9 An alternative process for grouting mines has been developed in recent years by certain contractors which provides for a completely sealed procedure. The PFA is transported to the site dry in seal tankers, similar to cement tankers and has been specifically designed for environmentally sensitive operations. The 'Groutmaster' plant mixes and then pumps the grout through pipes to the injection points in completely sealed conditions. Both systems would be acceptable subject to mitigation and controls to be imposed by condition. The precise nature of the grouting therefore will be a procurement issue for the developer once outline planning consent has been obtained.

## **7.15 Waste Management**

7.15.1 Planning Policy Statement 10: Planning for Sustainable Waste Management (2011) sets out the government's policy to be taken into account by waste planning authorities. It remains extant following the publication of the NPPF and forms part of the national waste management plan for the UK. A key objective is progressing waste management 'up the waste hierarchy' in order to reduce the environmental impact of waste.

7.15.2 The Environmental Statement has a chapter dedicated to waste issues. In general terms the waste strategy for development at the Irthlingborough West site will be designed to;

- Minimise the production of waste during construction
- Segregate, recycle, reuse and dispose appropriately of all construction wastes
- Provide facilities within the proposed development to encourage the composting, recycling and appropriate disposal of household wastes in accordance with local and national policy.

7.15.3 The Northamptonshire Minerals and Waste Development Framework Development and Implementation Principles Supplementary Planning Document sets out the requirements for developments in respect of waste management. This is both in the construction phase and operation phase of the development when house owners and tenants are occupying houses. The impacts from the construction phase are considered to be low with up to 90% of all materials being recycled on site. There is no major demolition involved or contaminated land clearance (any contaminated

land remediation is likely to be via an inert capping – see above). A provision within the Construction and Environment Management Plan will cover the control of residual construction waste.

7.15.4 In respect of the impacts arising from the use of the development the Waste and Minerals Planning Authority stated in their consultation response that the development should include provision of individual waste management design features that support the separation, storage and collection of waste. The response goes on to state that development of this nature should incorporate a Waste Management Facility strategy. It is therefore considered appropriate to require such a strategy prior to the commencement of development via condition.

## **7.16 Sustainable Design and Construction**

7.16.1 The NPPF paragraph 93 sets out the government's position in relation to the role of planning in securing radical reductions in greenhouse gas emission, minimising vulnerability and providing resilience to the impacts of climate change supporting the delivery of renewable and low carbon energy infrastructure.

7.16.2 The CSS Policy 14 also establishes the local requirements that development should achieve in respect of energy efficiency and sustainable construction. The North Northamptonshire Sustainable Design Supplementary Planning Document provides developers with more guidance on achieving good design and energy efficiency within new developments. A check list, based on the national Building for Life assessment, is provided to ensure that development proposals can demonstrate that their implementation will consider and also deliver sustainable development which is high quality and also low carbon.

7.16.3 The planning application was accompanied by a Sustainable Design and Energy Statement and Renewable Energy Statement. The former addresses the Sustainable Design SPD checklist and the latter provides more details on the types of Renewable technologies that could be introduced within the scheme to improve the energy efficiency of housing and commercial premises. These include;

- Cavity wall improvements
- Improved insulation in the roof and floor
- Better quality doors and windows
- Improvement of air permeability
- Minimum 75% LED/low energy lighting
- Consideration of solar water heating, air & ground source heat pumps and micro combined heat and power technologies
- Biomass and photovoltaic technologies should be the best considerations for employment areas.

7.16.4 At outline stage it is not possible to know the full extent and the precise details of all the proposals which will combine to achieve a high level of sustainable design and deliver low carbon development. Much of this will be considered and agreed at the reserved matter stage. However, in response to the application the Council's Design Officer carried out a Building for Life assessment which reflects the ability of the scheme to achieve the requirements set out in the Sustainable Design SPD. On this assessment the Officer commented *'that whilst there is still some potential to enhance the overall score at the outline stage, the score of 9/20 is the highest score I have awarded to date for an outline planning application.'*

7.16.5 In order to monitor and ensure that the overall quality is translated into all reserved matter applications in each phase of the development, it adds further weight

to the recommendation to develop a design code for the whole site to guide future applications.

7.16.6 A condition has been included to provide for this prior to the submission of reserve matter applications. It is considered therefore that the proposals adequately address the sustainable design and construction requirements as required in policy 14 of the CSS and further guidance set out in the Sustainable Design SPD.

## **7.17 Any other material planning considerations**

### Landscaping and Trees -

7.17.1 The Environmental Statement contains a chapter on Landscape Character and Visual Resources. The assessment's summary is that the landscape character to the north west of Irthlingborough is relatively uniform comprising a number of medium sized fields under arable rotation with a low network of well-managed hedgerows and occasional trees.

7.17.2 The assessment goes on to conclude that the site does not perform an important role in separating the built up areas of Irthlingborough and Finedon and that there are relatively few visual receptors with close range views of the proposed development.

7.17.3 A Tree Assessment Report submitted along with the application identifies that there are no Category A trees of 'High Quality and Value' on the site. Relatively few Category B and C trees are identified all being common ash. It is anticipated that some trees would need to be removed either to provide access or because they are diseased or damaged. A mitigation strategy in respect of replacement trees would be implemented through a Landscape Strategy that will be secured by condition. Protection for those trees and hedgerows that are worthy of retention will also be safeguarded by condition.

7.17.4 The Council's Landscape Officer expressed some concerns regarding the boundary landscape proposals and in particular the impact of the north western corner which is allocated for industrial uses with potential high bays. Measures to mitigate the impact of large warehousing and other buildings have advanced over recent years and the Landscape Strategy will also provide a strong tree belt in front of the employment area which will help to screen the buildings. The principle views will be that from approaching vehicles along the A6 and it would not be considered untypical of similar views or approaches to settlements across the County which are regarded as acceptable.

### Education and Sports Provision

7.17.5 The development makes provision for expanded education facilities at the Huxlow Science College adjacent to the scheme. Discussions between the Heads of Schools within the town and the County Council's education department have agreed that the best model for future education in the town is a single all through school. This would serve students from 4 to 18 on the same site.

7.17.6 Originally an area of land was allocated to provide for a new 2 form entry primary school which would be required by students generated from the development and also expansion land for secondary provision accommodated by the expansion of Huxlow. The plan is for the existing Infant and Junior Schools, which are located nearby, to ultimately be integrated on the expanded site once further funding is secured.

7.17.7 The first masterplan accompanying the application envisaged the retention of the sports playing pitches in their original location. However, the issues relating to the integration of the development with the existing town has meant that the development of these playing pitches and relocation of them is essential to ensure the overall sustainability of the urban extension. Negotiations between Huxlow, the County Council and the Developer have allowed for an 'in-principle' land swap which will see the transfer of the playing pitches for development and provision of a strong pedestrian and cycle link via Queen Street to the Town Centre. In return the playing pitches will be transferred to a larger expanded site area for the expansion of Huxlow and the accommodation of a new primary school. The total site area that has now been agreed to be transferred is 7.11 hectares. A separate land transfer contract will be required subject to agreement between the parties.

7.17.8 The achievement of an all-through school to secure the future education provision of the town with sufficient expansion land with the ability to integrate primary education on site is considered to be a major benefit for Irthlingborough. Future sports and community facilities may also be able to be accommodated over time on the site and the school(s) will become more central to the town serving the new development but also the existing town through currant and new entrances.

7.17.9 Sports England in originally responding to the application requested a condition to secure the retention of the existing Huxlow School playing fields. These were included within the redline application boundary but were intended to remain as playing fields. As stated above these are now being relocated and re-provided for therefore this condition is unnecessary.

#### Whitworth's Relocation

7.17.10 As set out above Whitworths have been considering the possibility of upgrading their production facilities for several years and the advent of new owners now makes this more likely if it can happen in the near future. The retention of up to 500 jobs in the local area would be an important objective for the Council. The ability to provide an alternative local site with planning consent will be a crucial starting point to enable the company to make an assessment of viable alternatives. There will be a range of factors which will influence any move, if it were to happen, however the allocation of this level of employment land within Irthlingborough West can provide that opportunity.

7.17.11 Should Whitworths decide not to relocate or to move elsewhere the allocation of up to 30,000 sqm of employment floorspace will provide a location to attract new investment and jobs to the areas to support the regeneration and growth of the town.

## **8 Scheme Viability**

8.1 NPPF paragraph 173 states that *'Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking.'* It continues *'to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.'*

8.2 A draft Heads of Terms accompanied the application when it was submitted in 2010. This set out the potential planning obligations which could be expected to be agreed. However, it was stated clearly within this document that it was expected that the remediation works would have a bearing on the final level of s106 contributions

and that an open book viability assessment would be required to determine the final level of planning obligations.

8.3 As the development proposals started to crystalize with the agreement of the final master plan in March 2013 further work was undertaken by the developer in relation to the overall viability of the scheme. In October 2013 a Development Financial Appraisal was submitted to the Council with the standard agreement that it would not be published given the commercially sensitive information contained within it. The developer has produced a commercial house builder appraisal seeking to express the realistic costs of what will be built rather than a traditional land value appraisal. Due to the complex nature of the scheme and remediation required the Council appointed BNP Paribas to undertake an independent assessment of the appraisal and provide advice as to whether the assumptions on cost and conclusions regarding viability were reasonable. BNP Paribas were chosen due to their in depth knowledge of local schemes and cost parameters from their work with the Joint Planning Unit on CIL proposals and scheme viability assessments for neighbouring authorities.

8.4 Over an extended period BNP Paribas analysed the Development Financial Assessment produced by Hallam Land and sought clarification regarding cost information or assumptions used within their financial modelling. The following paragraphs are a summary of the results of this work.

8.5 The key conclusion of the Development Financial Appraisal is that the scheme is viable subject to the provision of 5% affordable housing and a contribution for community and environmental improvements of £400,000. The principal reason is the large abnormal costs for remediating the mines and stabilising the land which cost in the region of £17m. The implications for the s106 are looked at in more detail in the next section, however, the appraisal identifies that overall these contributions amount to £9,853/dwelling which is not untypical of other large developments in this area and which also may have significant infrastructure burdens.

8.6 In order to test the assumptions used by the developer's viability consultants in their model BNP Paribas reviewed the key elements of the appraisal to check that these were reasonable. In respect of build cost, infrastructure contributions per dwelling, land value return per hectare for the landowner, financing and marketing and disposal costs these were all agreed to be realistic at the time the appraisal was produced. However, the last two items were tested for sensitivity as the market rate for debt was considered to be slightly low and marketing and disposal costs were also deemed to be under represented. The main areas of variance therefore in the models was the apportionment and allocation of contingency funds and the amount identified for preliminaries, overheads and contractors profits. These are the costs associated with on-site construction methods such as supervision, site establishment, methodology of construction and plant and programme requirements. The amount of variance or surplus between the models once a sensitivity analysis was taken into account was approximately £2.3m.

8.7 Further clarification of the way that preliminaries and overheads were being applied in the model revealed that the 19% being used, which was considered to be excessive, was not being applied against all costs. It was not, for instance, calculated against the grouting costs which are the largest single development cost and therefore the degree of potential double counting was significantly reduced. BNP Paribas concluded that they were satisfied with this explanation and that this variance on a much reduce cost base would not significantly influence the scheme's viability.

8.8 The other main variance, the contingency costs, at 10% was also considered to be too high. BNP Paribas advised that 5% would be a reasonable level for residential development. After reviewing the model the outcome reduced the probable likely surplus to somewhere nearer to £1m. However, since the development viability appraisal has been issued it was agreed by both parties that build costs have increased significantly from £74/sq. ft. to somewhere equating to £84/sq. ft. or higher. This is partly due to the upsurge in development and the increased demand for materials and construction labour. If these costs were remodelled it was agreed that any potential surplus which could be considered available to either support higher levels of affordable housing or additional community benefits would be removed.

#### Development Viability Conclusions

8.9 BNP Paribas has undertaken a detailed and robust assessment of the developer's development viability appraisal. This has identified that the majority of cost assumptions within the model are reasonable and that where differentials have arisen over contingencies and preliminaries these have been removed due to clarification and the increase in build costs.

8.10 It is clear that the single biggest cost for the development is the remediation costs to stabilise the land. These are essential for the development to proceed. If a fixed cost approach is taken to the tendering of this contract the scheme is considered to be deliverable albeit at the expense of providing higher levels of affordable housing, closer to the policy target, and additional community facilities.

### **9 Land and Infrastructure to be provided (including financial contributions) from the Development**

9.1 NPPF Paragraph 204 states that *'Planning obligations should only be sought where they meet all of the following tests:*

- *Necessary to make the development acceptable in planning terms;*
- *Directly related to the development; and*
- *Fairly and reasonably related in scale and kind to the development'*

9.2 The NPPF goes on to state at 205 that *'Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.'* This helps to set the context of the Government's approach to planning obligation post the financial recession.

9.3 As stated above a draft Heads of Terms for S106 Planning Obligations was submitted alongside the planning application in 2010. This set out the possible areas where obligations might be provided which included;

Education,  
Transport,  
Affordable Housing,  
Open Space Sports and  
Recreation and Community Facilities, Libraries, Environment and Amenity,  
Health Care and the Greenway.

It was acknowledged that the draft obligations would be affected by the remediation costs of grouting the mines making the land stable and suitable for development. Therefore it was anticipated that an open book viability assessment would be required to determine the final level of the obligations.



9.4 The development viability appraisal, explained above, sets out the total amount of s106 contributions which amounts to £6.9m. This represents a contribution per dwelling of £9,853 which is considered to be average or slightly above the norm for this type and scale of development. The apportionment of these funds, at present, is set out below following discussion and negotiation with statutory consultees and other bodies to determine the requirements which are necessary to mitigate the impacts of the development and those which would be desirable to achieve a contribution towards.

	£*
• Public Open Space	
○ Provision of Local Equipped Area of Play	40,000
○ Provision of Playing Fields – lay out, levelling and drainage	250,000
○ Provision and maintenance of Open Space and landscaping to required Council standards	
○ Provision and maintenance of Sustainable Urban Drainage Systems	
• Education	
○ Provision of 7.1ha of land for education (including provision of services) – comprising 1.93ha 2FE primary School, 2.37ha sports pitch relocation, 2.81ha expansion land for Huxlow Science College	
○ Primary and Secondary Education (Contribution amount to be agreed based on final housing mix)	
• Highways and Transport	
○ Preparation and coordination of Travel Plan	105,000
○ Provision and maintenance of up to 2 Bus stops on Wellingborough Road/High Street (in addition to the provision of a bus interchange facility within the site)	50,000
○ Public Transport (bus service improvements)	511,000
○ Off-site junction improvements (including £52,904 for J10/A14 and £376,942 for Chowns Mill A45 junction), contribution to improvements to A6/A510 roundabout at Finedon, and improvements to A6/Addington Road (N) Priority Junction, A6/Diamond Way/B5348 Station Road Roundabout, and Wellingborough Road/Ebbw Vale Road mini roundabout)	1,175,000
○ Variety of offsite highway improvements (extension of 40mph limit at A6/B5348 Finedon Road priority junction, road surface improvements and additional signing on Ditchford Lane, installation of traffic calming measures on approach to Wellingborough Road site access roundabout, and relocation of layby on A6)	200,000
○ Streetlighting along A6	150,000
○ Pedestrian and Cycle improvements within the town	100,000
○ Provision of car park for existing recreation ground	67,500
• Other	
○ Community Facilities	400,000

- o Environmental mitigation & Improvements 110,000  
(Irthlingborough Lakes and Meadows)

\* figures have been rounded

In terms of the headline figure, the above financial contributions (taking into account education contributions estimated through the Development Financial Appraisal) the total contribution equate to c.£6.9m (or c.£9,853 per dwelling).

9.5 The s106 agreement will also provide for an amount of affordable housing which represents 35 dwellings or 5% of the total, 22 of which would be affordable rented and 13 shared ownership as set out in section 7.10.6.

9.6 In addition to the contributions set out above which have been assessed as part of the viability appraisal in order to make the development acceptable other requests have been made as part of the consultation process. Contributions which would be desirable include requests from Fire & Rescue of £64,600 (£92/dwelling) towards capital infrastructure costs (an additional request for 14 fire hydrants within the scheme has been secured through a condition); library contribution of £157,500; contribution towards sports facilities (Sport England) in the order of £592,000; contribution towards a community hall and a contribution towards the greenway project could be sought (normally £524/dwelling).

9.7 Contributions towards healthcare improvements have also been requested. Recent funding made available from other s106 agreements have not been quite sufficient to relocate the dentist from the Spinney Brook Surgery and to refurbish rooms to provide additional capacity to serve the growth in population of Irthlingborough. Other s106 agreements may provide resources for this need as they come forward, for example the Whitworth's development, however this is not guaranteed.

9.8 This level of request for contributions is in excess of the amount (£400,000) which has remained unallocated following the development viability exercise and is available from the overall s106 'pot' of £6.9m. However, the test in the NPPF at paragraph 204 (see above) needs to be met in full in order to allow the s106 requests to be justified. In the case of the requests in 9.6 your officers do not consider that all of these tests are met in these instances. Therefore, it is considered that the lesser sum of £400,000 can be prioritised by members, in due course, according to their perception of greatest need and the ability of projects to attract additional funding.

9.9 In respect of the level of affordable housing proposed for the site the Government issued updated guidance on s106 affordable housing requirements in April 2013. The Growth and Infrastructure Act (clause 7) also inserted new clauses into s106 of the 1990 Town and Country Planning Act that introduces a new application and appeal procedure for the review of planning obligations on planning permissions which relate to the provision of affordable housing. The changes require a council to assess the viability arguments, to renegotiate previously agreed affordable housing levels in a s106, and change the affordable housing requirement or face an appeal. A developer will need to demonstrate that the current affordable housing obligation makes the scheme unviable in current market conditions, which the applicant has done in this instance, and a revised proposal should "*deliver the maximum level of affordable housing consistent with viability and the optimum mix of provision.*" Your officers consider that the proposed level of affordable housing is consistent with what can be provided by the site given the viability constraints and necessary mitigation of other impacts.

9.10 Taken as a whole your officers consider that, while there is a reduced ability of the scheme to deliver the affordable housing and contribute fully to community infrastructure for the town, the development does provide sufficient contributions overall to mitigate its impacts and deliver sustainable development. The scheme delivers the significant benefits of bringing forward previously mined land and providing significant economic regeneration for Irthlingborough.

## **10 Overall Planning Balance and Conclusions**

10.1 It has been demonstrated that the principle of development in this location would be acceptable subject to the resolution of technical issues ensuring the remediation and stabilisation of the land to enable development to take place. The development will also contribute to the overall housing supply within the District.

10.2 In design terms significant improvements have been made to the original illustrative masterplan and the proposed layout of the scheme to ensure that the development becomes as integrated as it can be with the existing urban area. This provides the best opportunities for regeneration and revitalisation of the town centre and High Street.

10.3 While a through route is not required in highway terms it would be desirable and the development would facilitate this together with the consent already granted on the Whitworths site. A potential relocation of Whitworths to the employment site will allow this consent to be implemented and discussions are taking place to investigate the viability of this move. This would provide an opportunity to safeguard up to 500 local jobs.

10.4 Following the remediation of the mines and stabilisation of the land the transfer of 7.1ha of land to Huxlow Academy will provide for the future educational needs of the town for the foreseeable future. All schools within the town have agreed that an all-through school from 4 to 18 would be the best model to achieve educational improvements. The co-location of the new primary school and provision of enough additional land would provide for the possible relocation of the existing infant and junior schools when and if funding became available.

10.5 Considerable concerns have been raised regarding the potential contamination and drainage proposals associated with the development. In considering these issues your officers have had regard to the requirements of the NPPF and have taken advice from the Environment Agency and independent experts as to the efficacy of the developer's proposals. PFA has been used extensively across the Country to backfill mines over the last 50 years and more with no recorded impacts or consequences. A considerable body of best practice has also been established to control and standardise this remediation process. The amount of surface water, through infiltration, that will reach the mine drains is considered to be relatively small. Additional capacity has been built into the drainage channels to ensure that water can easily flow through the grouted mine area and not pose a risk to existing residential areas. The Environment Agency will require stringent monitoring of water quality and flows during every phase of the grouting and development. Should results in reality not conform to the predicted models or water quality standards then remedial action would be required and grouting could be stopped by the Environment Agency until this had been addressed to their satisfaction.

10.6 The development offers a number of significant benefits for the town with the potential to support regeneration and jobs growth. However, given the viability constraints, the creation of a sustainable development through the delivery of a range

of community facilities and affordable housing is challenging. The viability appraisal has demonstrated that not all desirable requirements can be met and the level of affordable housing would be significantly lower than the policy target and that which has been achieved on other nearby sites, albeit without the land remediation issues. However, the scheme does enable an overall s106 contribution per dwelling of £9,853 or approximately £6.9m in total which, according to BNP Paribas, is considered average or slightly above the norm for a development of this type. Significant contributions will be made towards future education needs of the town, highway improvements and public transport (including a substantial sum towards the Chowns Mill junction) and public open space. Some contributions will be available for community facilities and these would need to be prioritised by the Council in liaison with the various stakeholders.

10.7 In coming to an overall recommendation on the assessment of these proposals your officers have taken note of the advice of the statutory consultees, the policy guidance in the NPPF and Development Plan and other guidance on development viability. While the constraints in respect of community infrastructure and affordable housing are recognised there are no technical issues, that cannot be properly mitigated, that are outstanding which would offer valid grounds for refusal. Therefore while the assessment is balanced, overall, the development will have significant positive impacts for the town and should be granted consent.

## **11. Recommendation**

11.1 It is recommended that the application be APPROVED subject to the following conditions and a s106 Agreement in respect of developer contributions, the final details of both the conditions and S106 to be delegated to the Head of Planning Services in consultation with the Chairman, Vice-Chairman and ward members.

## **12. Conditions**

### Time Limits

1. Application for approval of all the reserved matters, except for access, must be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be begun not later than whichever is the later of the following dates:

- i) Three years from the date of this permission; and/or
- ii) The expiration of two years from the date of approval of the last reserved matters to be approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

### Plans, Drawings and Documents

3. All reserved matters and other schemes and details that are required to be submitted pursuant to the conditions attached to this planning permission shall accord with the following documents and plans:

- Site Location Plan 3615-P-13 [dated May 2010]
- Site Plan 3043-P-12 [dated May 2010]

- Illustrative master plan 3043-P-11 rev K [dated March 2013];
- Site Access Roundabout Plan 19003 26-P1A [dated 25<sup>th</sup> June 2013]
- Environment Statement [dated 05 May 2010];
- Environment Statement Addendum – Chapter 6 Ecology including revised appendices 6.1 – 6.6, Great Crested Newt Survey Report, Reptile Survey Report, Breeding Bird Survey Report [dated September 2013]
- Environmental Statement Addendum Appendix 6.3 – Great Crested Newt Mitigation Strategy & Great Crested Newt Survey Report [dated June 2014]
- Noise Assessment Addendum [dated February 2011]
- Preliminary Flood Risk Assessment 1321-FRA-01 rev 5 [dated May 2014];
- Transport Assessment Rev 1 [dated February 2011];
- Addendum Report to the February 2011 Transport Assessment [dated August 2013];
- Residential Travel Plan Issue 2 [dated February 2011]
- Design and Access Statement [dated 05 May 2010];
- Strategy for Monitoring the Effects of Grouting of Ironstone Workings on Groundwater BS2/1.2/MIC [dated September 2013]

Reason: To ensure that the development is implemented in accordance with this planning permission.

4. Prior to the commencement of development, a phasing plan for the construction and implementation of the development hereby approved shall be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure an appropriate form of development which is satisfactorily served by infrastructure in accordance with Policies 7 and 16 of the North Northamptonshire Core Spatial Strategy.

5. The proposed development shall follow a Design Code with guidance for each phase of development linked to infrastructure provision which follows the design objectives set out in the Design and Access Statement to the illustrative masterplan as approved under condition 3. The Design Code shall be submitted to and agreed in writing by the Local Planning Authority prior to the approval of any reserved matters application. The Design Code shall set out the design principles and objectives for the development and the reserved matters applications shall be submitted in accordance with the approved Design Code.

Reason: To ensure a satisfactory and safe form of development which is satisfactorily served by infrastructure in accordance with Policies 7 and 16 of the North Northamptonshire Core Spatial Strategy.

6. The development hereby permitted shall not be for any more than 700 residential units and 30,000 sqm of commercial (B1/B2/B8 use classes) floorspace.

Reason: To ensure that the development is consistent with the submitted supporting documentation, to ensure that consideration of highway matters has been adequately considered and to ensure that adequate consideration can be given to any proposed increase in numbers on the site.

#### Drainage

7. Prior to the commencement of development, a detailed mineworking stabilisation strategy based upon the principles illustrated on drawing number BS/D48 dated July 2013 (or any revision to this drawing which may be approved in writing by the Local Planning Authority), shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include amongst other matters:-

- Identification and details of pre-grouting works, including phasing;

- Details of grouting works required to support the mineworking stabilisation strategy, including phasing and trigger points for the delivery thereof, relative to individual development tranches
- Details of the proposed mine drainage channels which shall include the layout and cross sectional elevations of the drains, calculations to show the adequacy of the proposed drains, the method of investigation of the proposed drainage routes and the method of construction.
- A method statement for the installation of mine drainage channels and for grouting of mineworkings. The statement shall include details of construction methods, materials, a programme showing the sequence of works and any actions to be taken if groundwater monitoring shows potential for adverse impacts on groundwater levels or surface water flow and/or quality.
- Details of access and transportation arrangements for each phase

The development shall thereafter be carried out in accordance with the approved scheme including the timescales and trigger points set out therein, unless any variation to the approved details is agreed in writing by the Local Planning Authority. Reason: To stabilise the underground mineworkings and to ensure that the site can be safely developed; to prevent the risk of pollution to groundwater; and to minimise the risk of flooding to third parties, in accordance with the policy 13q of the North Northamptonshire Core Spatial Strategy and the National Planning Policy Framework.

8. The submission of the reserved matters application for each phase as identified on the Phasing Plan to be approved under Condition 4 (or any revision superseding this), shall be accompanied by a detailed scheme for its remediation.

The scheme shall include as appropriate:

- A statement detailing how the scheme for the relevant phase of development complies with the approved mineworking stabilisation strategy (as approved under condition 7 above)
- An implementation plan including construction timings.
- Where any temporary measures are proposed, phasing and timing for reinstatement to permanent measures and removal of temporary measures;
- Details of how SUDs features relate to re-established areas and how any overlap may be managed;

The development shall thereafter be carried out in accordance with the approved details and implementation programme.

Reason: To ensure that the site can be adequately remediated as development comes forward and to prevent the risk of pollution or flooding to third parties in accordance with policy 13q of the North Northamptonshire Core Spatial Strategy and the National Planning Policy Framework.

9. No development shall commence until further details for monitoring the quantity and quality of the groundwater and spring water on and off the site, in general accordance with the Strategy for Monitoring the Effects of Grouting of Ironstone Workings on Groundwater [Roundhay Environmental Consulting BS2/1.2/MIC] [dated September 2013] has been submitted to and approved in writing by the Local Planning Authority. The additional information shall include;

1. Details of monitoring frequency during and immediately after grouting works, and frequencies following grouting for a period of least two years following substantial completion of the development unless quality and level results do not show stability. If variation is still observed after two years then monitoring will continue for a further 6 month period and thereafter until it is agreed that the results demonstrate stability.

2. Identification of critical sample result thresholds and level thresholds that will trigger immediate notification to the LPA and/or Environment Agency of such results.

3. After completion of monitoring in any phase, details of decommissioning of the boreholes, including phasing and timescales.

The applicant shall submit a single annual report for the site to the Local Planning Authority showing monitoring results (as detailed above) and progress with drain construction and grouting up to that date. Where any agreed critical sample thresholds are reached the developer shall notify LPA and Environment Agency within 24 hours of the critical sample results. The frequency and timing of the monitoring and the submission of the monitoring report shall thereafter be reviewed, agreed in writing by the Local Planning Authority and implemented thereafter.

The applicant will establish a Liaison Group including the District Council, Town Council and nominated community representative to review the monitoring data and to be present at any monitoring meeting with the Environment Agency

Provision shall be made to enable the Local Planning Authority to consider if any remedial measures are necessary as a result of evaluating the submitted monitoring results, including a provision for the Local Planning Authority to serve notice on the applicant requiring a scheme of remedial measures and further monitoring. The remedial measures and monitoring shall be fairly and reasonably related in scale and kind to the proposed development. Within one month of receiving such written notice, the applicant shall submit such a scheme of remedial measures and monitoring (including a timeframe for implementation) and the approved scheme shall be implemented in accordance with the approved details and programme unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to protect groundwater quality and to prevent an increase in flood risk to third parties in accordance with policy 13q of the North Northamptonshire Core Spatial Strategy and the National Planning Policy Framework.

10. Prior to the commencement of development a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to and approved in writing by the local planning authority. The drainage strategy shall demonstrate the surface water run-off generated up to and including the 1% (1 in 100) probability critical storm with climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall be based on the principles set out in the Flood Risk Assessment 1321/FRA/01 Rev 5 and shall also include:

- a programme for phasing the delivery of the strategy in line with the phasing of the development
- design for exceedance and overland flow routes, including mitigation if required
- details of how the scheme shall be maintained and managed after completion

Reason: To prevent the increased risk of flooding, both on and off site in accordance with the National Planning Policy Framework 103.

11. Any reserved matters application must demonstrate accordance with the surface water drainage strategy agreed under Condition 10. The application will also need to consider designing for exceedance and overland flow routes from the surface water drainage system in relation to the detailed site layout.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with National Planning Policy Framework 103.

12. No development shall be permitted within a 15 metre exclusion area, if the development is sensitive to noise or other disturbances, from the boundary of the water storage point (as identified at 5 on illustrative master plan 3043-P-11 rev K). Reason: To avoid causing future amenity problems in accordance with Policy 13 I) of the North Northamptonshire Core Spatial Strategy.
13. Prior to the commencement of any phase of the development hereby permitted full details of a scheme including phasing, for the provision of mains foul sewage infrastructure on and off site shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the approved scheme.  
Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure, irrespective of the provisions of the Water Industry Act 1991.

#### Contaminated Land

14. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:
- a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the LPA without delay upon completion.
  - b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA.
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'. Reason: To ensure potential risks arising from previous site uses have been fully assessed.

15. Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the LPA.  
This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'. Reason: To ensure the proposed remediation plan is appropriate.

16. Remediation of the site shall be carried out in accordance with the approved remedial option. No deviation shall be made from this scheme without the express written agreement of the LPA.  
Reason: To ensure site remediation is carried out to the agreed protocol.



17. On completion of remediation, two copies of a closure report shall be submitted to the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation has been carried out to the required standards.

18. If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA.

Reason: To ensure all contamination within the site is dealt with.

#### Noise

19. No residential dwellings shall be constructed within 118m of the boundary of the development site that adjoins with the existing factory use to the south of the site unless and until the use has permanently ceased, or a scheme detailing arrangements to protect residents of the dwellings from excessive noise from the use has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: To protect residents of the development from the adverse effects of noise from outside the development in accordance with Policy 13(l) of the North Northamptonshire Core Spatial Strategy and Paragraph 123 NPPF.

20. The level of noise emitted from the employment uses hereby permitted shall not exceed 5dB when measured as a 15 minute LAeq above the background noise level, as measured at the boundary of the nearest existing or proposed dwelling within the development hereby permitted.

Reason: To protect residents of the development from the adverse effects of noise from outside the development in accordance with Policy 13(l) of the North Northamptonshire Core Spatial Strategy and Paragraph 123 NPPF.

#### Dust/PFA

21. Prior to commencement of the development details of the location, facilities and screening requirements for the PFA batching plant shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall thereafter be adhered to throughout the remediation works.

Reason: To protect the residential amenity of nearby occupiers and in accordance with Policy 13(l) of the North Northamptonshire Core Spatial Strategy and Paragraph 124 NPPF.

22. Prior to the commencement of the development, a detailed PFA dust control plan shall be submitted to and agreed in writing by the Local Planning Authority and this shall include the following:

- i) measures to include and monitor dust including fine particulate matter
- ii) the provision of visible wind indicators to ensure that operators are aware of wind conditions
- iii) the provision of weather monitoring
- iv) details of dust monitoring

- v) the wind conditions including wind speed and direction which will result in temporary cessation of relevant operations, if necessary, to prevent the transmission of dust to areas outside any part of the site
- vi) details of clean up measures to be implemented should, in the opinion of the Local Planning Authority, there be excessive transmission of dust to areas or properties outside the site.
- vii) details of water bowsers to be available at all times during the unloading and mixing of PFA to prevent the raising and dispersal of dust outside of the batching plant area

The PFA Dust Control plan shall be adhered to throughout the remediation and construction works and reviewed annually.

Reason: To protect the residential amenity of nearby occupiers and in accordance with Policy 13(l) of the North Northamptonshire Core Spatial Strategy and Paragraph 124 NPPF.

#### Construction and Environment Management

23. No development shall take place on any phase approved under Condition 4 of this permission until a Construction and Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority for the relevant phase. The approved statement shall be adhered to throughout the construction of the relevant phase. The plan shall provide for but not be limited to:

- (a) The overall strategy for managing environmental impacts which are likely to arise during the construction phase, including details for site management and dealing with complaints.
- (b) Construction traffic access route strategy
- (c) The parking of site operatives and visitors vehicles
- (d) Loading and unloading of plant and materials
- (e) Management of construction traffic and access/haul routes
- (f) Condition surveys and maintenance of all access/haul routes
- (g) Storage of plant and materials used in constructing the development
- (h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (i) Measures for maintaining the cleanliness of roads
- (j) Measures to control the emission of water pollution, sediment, dust and dirt during construction
- (k) Measures to control noise levels during construction including the hours construction activity will be permitted
- (l) A scheme for recycling/disposing of waste from demolition and construction works
- (m) A signage strategy for construction traffic.
- (n) Proposed lighting of the site during construction.
- (o) Noise form construction work
- (p) Proposed houses of work

Reason: To ensure that residential amenity is protected in accordance with North Northamptonshire Core Spatial Strategy Policy 13 l).

#### Miscellaneous

24. Prior to the commencement of the development a scheme and timetable for the provision of a minimum of 14 fire hydrants shall be submitted to, and agreed in writing by, the Local Planning Authority in consultation with the Chief Fire Officer and the provision of fire hydrants shall be made in accordance with the scheme and timetable.

Reason: In the interests of fire safety and to accord with Policy 6 of the North Northamptonshire Core Spatial Strategy.

## Highways

25. No development shall be commenced in a phase until full engineering, drainage, street lighting, phasing and construction details of the streets for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.  
Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways and private street infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with North Northamptonshire Core Spatial Strategy Policies 13 d).
26. No development shall commence until a scheme and timetable of improvements to enhance existing and proposed pedestrian/cycleway facilities, as set out on plan 19003/040/001 B and in accordance with the development phasing plan, has been submitted to and approved in writing by the Local Planning Authority.  
Reason: To ensure that onsite and offsite pedestrian and cycleway improvements are completed in the interests of highway and pedestrian safety and convenience to users of the public highway.
27. The development shall not commence until details of the following works have been submitted to and approved in writing by the Local Planning Authority, including the timing of the construction and completion of the works in accordance with the approved details:
- a) Remediation works to provide the substrate upon which the site access roundabout and connecting development roads will be constructed as set out in [Peter Brett Associates] drawing No.19003 26-P1A dated 25.06.13 Drawing Title Site Access and such amendments required by the Local Planning Authority as a result of the Stage 1 Road Safety Audit or otherwise approved by it in writing.
  - b) Construction of a new roundabout on the A6 forming the access to the development as set out in [Peter Brett Associates] drawing No. 19003 26-P1A dated 25.06.13 and such amendments required by the Local Planning Authority as a result of the Stage 1 Road Safety Audit or otherwise approved by it in writing.
  - c) The provision of an emergency access into the development from the A6 adjacent to the A6-B5348 Finedon Road priority junction and such amendments required by the Local Planning Authority as a result of the Stage 1 Road Safety Audit or otherwise approved by it in writing.
  - d) The provision of a bus shelter and layby adjacent to the site access roundabout off the A6 and such amendments required by the Local Planning Authority as a result of the Stage 1 Road Safety Audit or otherwise approved by it in writing.
  - e) Improvements to the junction of the A510 and A6 at Finedon development as set out in [Peter Brett Associates] drawing No Figure 16 revision A dated 16.12.09 Drawing title – Proposed EnhancementsA6/A510 Roundabout, Finedon and such amendments required by the Local Planning Authority as a result of the Stage 1 Road Safety Audit or otherwise approved by it in writing.
  - f) Improvements to the junction of the A6 and Addington Road (N) Priority Junction as set out in Peter Brett Associates' drawing No. Figure 21 revision A dated 16.12.09 Drawing Title – A6 – Addington Road Staggered Crossroads and such amendments required by the Local Planning Authority as a result of the Stage 1 Road Safety Audit or otherwise approved by it in writing.
  - g) Improvements to the junction of the A6 and Diamond Way/B5348 Station Road Roundabout, Irthlingborough as set out in Peter Brett Associates'

drawing No. Figure 18 revision B dated 20.12.09 Drawing Title – Proposed Enhancements Diamond Way and such amendments required by the Local Planning Authority as a result of the Stage 1 Road Safety Audit or otherwise approved by it in writing.

- h) Improvements to the junction of the B571 Wellingborough Road/Ebbw Vale Road Mini Roundabout, Irthlingborough as set out in Peter Brett Associates' drawing No. 17 dated 15.12.09 Drawing Title – Proposed Enhancements – B571 Wellingborough Road/Ebbw Vale Road Mini Roundabout and such amendments required by the Local Planning Authority as a result of the Stage 1 Road Safety Audit or otherwise approved by it in writing.
- i) The provision of an adoptable turning head adjacent to Queen Street, Irthlingborough at the end of the proposed access road within the development and such amendments required by the Local Planning Authority as a result of the Stage 1 Road Safety Audit or otherwise approved by it in writing.
- j) Provision of hard standing car park to accommodate 20 vehicles to serve the existing recreation ground.

Reason: In the interests of highway safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

#### Archaeology

28. Development shall not take place on any phase approved under Condition 4 of this permission until a scheme for the implementation of a programme of archaeological recording for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation. The scheme shall be implemented before construction commences at the site on any phase approved by Condition 4 of this permission.

Reason: To ensure that archaeological matters are adequately considered in each phases of the development in a manner that is pursuant to NPPF paragraph 141.

#### Waste Management

29. Development shall not take place on a phase approved under condition 4 of this permission until a waste management facilities strategy for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The strategy shall provide details (including accompanying layout and design plans) of the following:

- a) identification of responsible person (including contact details),
- b) description of the development (proposed buildings, site area, curtilage, future use, and occupancy),
- c) estimation of the type and quantity of wastes anticipated to be produced during occupation of the development,
- d) identification of appropriate neighbourhood waste management design features (internal and / or external) and facilities,
- e) demonstrate adequate space and access provisions for waste management features and facilities,
- f) assessment of neighbourhood waste management facility capacity,
- g) demonstrate how the provision of facilities and design features:
  - i. is in accordance with the SPD principles, other relevant Plan policies, and the Northamptonshire Joint Municipal Waste Management Strategy,
  - ii. complements and contributes towards the existing waste management infrastructure network and sustainable waste management, and
- h) requirement and provision made for ongoing facility management and maintenance, including the collection and use of recycled & composted materials.

The development shall be carried out in accordance with the approved strategy. Reason: To ensure that the development is suitable in accordance with national government advice contained in PPS10, Policy 14 of the adopted North Northamptonshire Core Spatial Strategy and the Northamptonshire Minerals & Waste Development Framework.

#### Biodiversity

30. The biodiversity mitigation measures as detailed in the approved Great Crested Newt Mitigation Strategy dated [June 2014] shall be implemented in accordance with a time table to be submitted to and agreed with the Local Planning Authority prior to commencement of development. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

31. Prior to the commencement of any works which may affect reptiles, bats and breeding birds identified during the surveys or their breeding sites or resting places, a detailed evaluation and where necessary a mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

32. Prior to the commencement of development a detailed Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Natural England and Northamptonshire Wildlife Trust. The approved Plan shall be implemented as agreed by the Local Planning Authority in consultation with Natural England and Northamptonshire Wildlife Trust thereafter monitored and maintained to ensure the nature conservation objectives are integrated into the overall management of the site.

Reason: To ensure adequate protection and management of wildlife conservation in compliance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010.

#### Housing

33. The reserved matters applications to be submitted under Condition 1 shall provide a mixture of housing size and types for each phase (in the form of one, two, three, four and five bedroom homes), lifetime and wheelchair homes and the applicant shall detail on the submitted plans the specific dwelling units that are to be considered the lifetime and wheelchair homes.

Reason: In order to ensure that the housing requirements are provided in accordance with North Northamptonshire Core Spatial Strategy Policy 13 a) and 15 e)

#### Landscaping

34. No phase of the development shall take place until a landscaping scheme for the relevant phase of the site (including boundary treatment) has been submitted to and approved in writing by the Local Planning Authority. This landscaping scheme shall be implemented in accordance with the approved details in the first planting season following the occupation of the phase of the development. Any trees or plants which within a period of five years of planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with

others of a similar size and species (or as otherwise agreed in writing by the Local Planning Authority).

Reason: To be in accordance with North Northamptonshire Core Spatial Strategy Policy 16 (j) and (k) and Policy 13

#### Trees and Hedgerows

35. No phase of the development shall take place until a detailed plan has been submitted to and approved in writing by the Local Planning Authority indicating the position of existing landscape features to be retained. This to include trees and hedgerows both within the site and overhanging the phase boundary. The extent of the canopy shall be plotted accurately and the plan shall specify protective measures to existing trees and hedges to be retained on that part of the phase in accordance with British Standard 5837. The approved measures shall be implemented prior to development of the phase area or infrastructure element to which it relates and retained until the completion of the development. Any land so enclosed shall be kept clear of all materials, machinery and temporary buildings at all times.

Reason: To protect existing landscape features and wildlife in accordance with North Northamptonshire Core Spatial Strategy Policy 13 o) and NPPF 118.

#### Sports Playing Pitches

36. No development shall commence [or other specified time period] until the following documents have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]:

- i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
- ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority [after consultation with Sport England]. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with North Northamptonshire Core Spatial Strategy Policy 13 f).

### **13. Informatives**

#### Notes – Highway Authority

##### Note – Structures abutting or supporting a highway

The applicant's attention is drawn to the requirement to obtain the express written agreement from the local highway authority for any structure that would retain the highway or would retain land abutting or adjacent to a highway. The local highway authority requires full engineering and structural details, Approval in Principle (AIP) documentation etc. All costs associated with any agreement, licence and structural design checks and approvals by the local highway authority shall be met by the developer.

##### Note - Works affecting existing highways

The applicant's attention is drawn to the fact that no works may commence within the existing highway without the express written permission of the local highway authority. This planning permission does not give or imply such consent which may be forthcoming subject to the completion of an appropriate licence or Agreement under the Highways Act 1980. Any works within the highway shall comply with the local highway authority's standards and specifications.

#### Note - Works affecting Public Rights of Way

The applicant's attention is drawn to the fact that no works may commence within or immediately adjacent to existing Public Right(s) of Way (PRoW) without the express written permission of the local highway authority and landowner. This planning permission does not give or imply such consent which may be forthcoming subject to the completion of an appropriate Order or Agreement under the Highways Act 1980. Any construction or improvements works on a new or existing PRoW would require a temporary closure via a Traffic Regulation Order in the interests of public safety. Any works within or immediately adjacent to the PRoW shall comply with the local highway authority's standards and specifications.

#### Note - Sewer Connections

The applicant's attention is drawn to the requirement that any new sewer connection required for this development within the highway will require a licence from the local highway authority under Section 50 of the New Roads and Street Works Act 1991.

#### Note – Road Space

The applicant's attention is drawn to the Traffic Management Act 2004 where three month notice periods to allocate road space (for works within the highway) is required prior to the commencement of works. Such notice cannot be submitted or commence until the completion of an appropriate license or Agreement with the local highway authority.

#### Note - Management and Maintenance of Estate Streets

The applicant is advised that to discharge condition 25 that the Local Planning Authority requires a copy of a completed agreement between the applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

#### Note – Submission of Details of Streets

The applicant is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge Condition 25 of this consent.

#### Anglian Water

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car

parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

In order to satisfy condition 13, an adequate scheme would need to be submitted demonstrating that there is (or will be prior to occupation) sufficient infrastructure capacity existing for the connection, conveyance, treatment and disposal of quantity and quality of water within proposed phasing of development. A review may be required depicting how the infrastructure operates within environmental limits and in light of forecast demand for these facilities.

#### Environmental Protection ENC

Noise from the industrial units at the north end of the site must not exceed +5dB above the background noise level at any existing or proposed dwellings when measured as a 15 minute LAeq at any residential property or any other location as agreed with the LPA.

When the final layout is considered through the Design Code process the applicant must position housing and gardens appropriately to ensure that gardens areas are habitable. The final layout (including internal layout) must be approved by the LPA to ensure residents amenity is protected from noise. The applicant must also carefully consider the layout at other locations i.e. properties alongside the A6 and also those at the North end of the site nearest the proposed industrial development.

#### Sport England

The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011) see link below

[http://www.sportengland.org/facilities\\_\\_planning/design\\_and\\_cost\\_guidance/natural\\_turf\\_for\\_sport.aspx](http://www.sportengland.org/facilities__planning/design_and_cost_guidance/natural_turf_for_sport.aspx)

It is recommended that the drainage assessment and improvement scheme is undertaken by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.



# Appendix 1

