This application is brought before the Planning Management Committee as it is major development. The application is accompanied by an Environmental Statement (ES) as it represents Environmental Impact Assessment (EIA) development.

1 Summary of Recommendation

1.1 That permission is GRANTED subject to the Highways England objection being resolved, and subject to conditions.

2 The Proposal

2.1 This application seeks permission for the construction of a new link road between Ditchford Road and the Rushden Lakes development. There would be associated footpaths/crossings/junctions/lighting etc along the route and there would also be a requirement for alterations to Ditchford Road as well as the A45 east sliproad, which falls outside of East Northamptonshire’s district. The application is accompanied by an Environmental Statement (ES) which contains a multitude of chapters, relating to the various impacts and material considerations, together with a non-technical summary.

2.2 There would be some overlap between the site and the application sites associated with the approved leisure and retail schemes at Rushden Lakes. Where the overlaps occur, the proposed development will provide an alternative development option and would supersede the proposals in the shared areas of land. Outside of the application site, the Rushden Lakes development will continue to be constructed and function as approved.

3 The Site and Surroundings

3.1 The Site is located on land between Ditchford Road and Rushden Lakes, close to the A45 on the northwestern edge of Rushden. The Site comprises a narrow strip of land measuring approximately 3.89 ha in area and is predominately made up of agricultural land as well as a development platform associated with Rushden Lakes at its eastern end.

3.2 The Site is bounded to the east by the existing Rushden Lakes development; to the west by Ditchford Road; to the south by agricultural land and the A45 service station, beyond which is the A45; and to the north by a railway embankment and agricultural land beyond which is the Ditchford Reserve Local Wildlife Site (LWS).
4 Policy Considerations

   National Planning Practice Guidance

4.2 North Northamptonshire Joint Core Strategy
   Policy 1 - Presumption in Favour of Sustainable Development
   Policy 3 - Landscape Character
   Policy 4 - Biodiversity and Geodiversity
   Policy 5 - Water Environment, Resources and Flood Risk Management
   Policy 6 - Development on Brownfield Land and Land Affected by Contamination
   Policy 8 - North Northamptonshire Place Shaping Principles
   Policy 15 - Well-Connected Towns, Villages and Neighbourhoods

4.3 Rushden Neighbourhood Plan
   Policy EN1 – Design in Development
   Policy EN2 – Landscaping in Development
   Policy EN3 – Rushden’s Greenways
   Policy T1 – Development Generating a Traffic Impact

4.4 Other documents
   Designing Out Crime SPD
   Biodiversity SPD

5 Relevant Planning History

5.1 There have been multiple applications at the Rushden Lakes site, some of which partially overlap this site. The most relevant applications therefore are shown below.

5.2 16/01662/FUL – Erection of a leisure building to include a cinema, other leisure uses and restaurant units and erection of retail units, cycle hire facilities together with proposals for access, parking and servicing space, hard and soft landscaping and other associated works – Approved 11.09.2017.

5.3 17/02559/FUL – Erection of retail and restaurant units together with proposals for access, parking and servicing, hard and soft landscaping and other associated works – Approved 17.05.2018.

5.4 Works are already proposed to the A45/A5001 Ditchford Road interchange as part of the Stanton Cross development at Wellingborough. Part of these works fall within East Northamptonshire’s district and have been assessed under the following application:

5.5 17/01072/FUL - Update of the existing A45(T) Ditchford Road interchange including new slip roads, widening works and replacement of existing roundabouts with signal controlled junctions (as previously granted under planning permission 12/01733/RWL) – Approved 14.12.2017.

5.6 In addition to the above, more recently the Council has received a hybrid application for the same site as the link road, which is currently under separate consideration. The reference and description of this proposal are shown below.
5.7 18/01197/FUL – Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units and retail units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works – Pending consideration.

6 Summary of Consultations and Representations

6.1 GENERAL NOTE REGARDING NEW NPPF
During the course of this application, the new NPPF was launched. Some of the responses received to the application cite references to the 2012 NPPF, which was in place at the time the application was submitted and at the time the representations were made. For the avoidance of doubt, the report (Section 7) will refer to the new NPPF’s paragraph numbers, rather than those of the 2012 document, so if there appears to be discrepancies between the paragraph numbers being referred to, this is why.

6.2 Rushden Town Council
Rushden Town Council have no objection to this application but would like to make the following comments:

1. Consideration needs to be given to widening the slip road off the A45 leading to the Ditchford roundabout. At busy times traffic already backs up on the A45 to access this slip road and it would therefore be beneficial to have two lanes to accommodate the predicted increase in traffic.

2. Members were concerned about the adverse effect of an increase in traffic volume on Ditchford Mill Bridge, which is a bridge of historic importance and should be protected from over use.

6.3 Higham Ferrers Town Council
The Council object to the application for the following reasons:

1. Safety concerns in regard to traffic backing up onto the A45 from the increase in traffic on the slip road leading to the Ditchford Lane junction. Consideration needs to be given to widening the slip road off the A45 leading to the Ditchford roundabout. At busy times traffic already backs up on the A45 to access this slip road and it would therefore be beneficial to have two lanes to accommodate the predicted increase in traffic.

2. The adverse effect of an increase in traffic volume on Ditchford Mill Bridge, which is a bridge of historic importance and should be protected from over use.

6.4 Borough Council of Wellingborough
No representations received
6.5 **Irchester Parish Council**
Do not have any major objections to the proposed link road and welcome it as it will alleviate traffic congestion. They are also pleased to see that the link road will have a pathway/cycleway access from Ditchford Lane. We hope that this pathway/cycleway will enable a great linkage to the wider area going forward.

Whilst the Parish Council realise that in due course this new entrance will be tied in with new slip roads to the A45 as part of the development with Wellingborough Stanton Cross, they do have current concerns about pedestrian/cycleway access until this happens.

Currently there is a footpath that runs from Irchester along the High Street to the A45, you can cross the A45 and walk along the footpath on the east bound carriageway to the A45 Ditchford Slip Road where the footpath crosses the slip road and then you can walk into Rushden.

As part of the application for the new link road the Parish Council would ask that a pedestrian island/crossing could be included to allow pedestrians to actually cross the Ditchford Lane from the A45 Ditchford Slip Road to access the new slip road to Rushden Lakes. Without this provision pedestrians will find it very difficult to actually cross the busy Ditchford Lane.

6.6 **Irlingborough Town Council**
Irlingborough Town Council have safety concerns in regard to traffic backing up onto the A45 from the increase in traffic on the slip road leading to the Ditchford Lane junction.

6.7 **ENC Environmental Protection**
Further to my comments of 17.01.18 further information has been received from the acoustic consultant with respect to this planning application. The additional information has separated out the contribution to the overall noise level from the proposed link road. The noise assessment in the Environmental Statement (ES) has assessed noise from the cumulative impact of the permitted development at Rushden Lakes and the proposed road.

The additional information gives a figure for the number of vehicles likely to use the new link road. This will result in a reduction in an equivalent number of vehicles on the A45. HGVs are specifically excluded from using the road and will access the site off the existing A45 roundabout.

The dominant noise source in the area is and will continue to be traffic noise from the A45, even with a reduced number using the link road. It has been demonstrated the dominance of this is such that any contribution of noise from the link road will have little effect on the overall noise level. However, as fewer vehicles will be using the A45 this may result in a reduction in noise at some receptors. Therefore, I have no objection to the planning application based on operational noise.

Although not mentioned in my earlier email an assessment of noise and vibration has been made for the construction phase of the new link road. The 'ABC' method as per BS 5228-1:2009 has been utilised, which considers the change in the ambient noise level with the construction noise. This has been used for other phases of the Rushden Lakes development.

From 8.5.8 of the ES the hours of work are stated as 08.00 to 18.00 weekdays and 08.00 to 13.00 hours on Saturday. There will be no working outside these hours. The applicant has submitted a Construction Environmental Management Plan (CEMP) in Appendix 4.1 of the ES. The hours of work are repeated in section 1.7.1.
The predicted noise levels during the construction phase should not result in a significant adverse effect on the sensitive receptors. However, they may be audible at times. Based on these predicted values there is no objection to construction works with respect to noise. Providing the hours of work and working practices as stated in the CEMP are adhered to.

These comments only relate to noise during construction and the operational phase of the link road.

Environmental Protection have no concerns in relation to air quality or lighting for this application.

6.8 ENC Planning Policy  
No representations received

6.9 ENC Conservation & Landscape  
Having reviewed the latest Landscape proposals for the site I have no objections as the proposal will yield an attractive route for pedestrian, cycle and vehicular access to the site. The proposed planting produces visual changes from the local mix of rural roads and the larger A45 not only helping with wayfinding but also providing an attractive entrance/exit from the site.

6.10 North Northants Joint Planning Delivery Unit  
The planning statement with application 18/00004/FUL indicates that the proposed link road is needed to aid the operation of Rushden Lakes by providing an alternative access to the site and taking vehicular movements away from Skew Bridge Roundabout. These benefits are recognised. It is, however, difficult to comment on the application without having regard to the current request for an EIA Scoping Opinion (18/00460/SCQ) for an expansion of Rushden Lakes by up to 11,798 sqm of development served off the link road. This is reflected in the officer comments below, but we will wish to respond in more detail to any planning application that follows the scoping opinion.

Landscape  
Please see the response from our landscape consultants, Place Services, provided at Appendix 1. Their key recommendations in relation to 18/00004/FUL relate to the use of a more naturalistic approach to the planting scheme; integration of SuDS; and submission of an amended landscape maintenance plan and specification.

Place Services’ comments pre-date the request for an EIA scoping opinion but you will see that they have flagged concerns over potential landscape impacts arising from development served off the link road. We have requested their comments in respect of the scoping request 18/00460/SCQ and will provide these to you next week.

Connectivity  
Policy 15 of the JCS sets out the need for well-connected towns, villages and neighbourhoods. Policy 8b requires new development to make safe and pleasant streets and spaces. The proposed new link road would help to facilitate a second entrance into Rushden Lakes. However, we are concerned that the detailed design of the link road is poorly resolved. It does not create a legible layout and connects awkwardly to the existing approved street layout within Rushden Lakes making it a poor movement network for pedestrians/cyclists and unclear for drivers.

It is important that vistas and routes are clear and intelligible so that people within
the existing RL complex can easily and safely get around. The JPDU demonstrated through analysis of earlier applications that there were likely to be problems with the internal routing of vehicles and pedestrian conflict, and this appears to have been borne out in the built-out scheme. We would therefore recommend that Space Syntax or other movement analysis of the current proposal is undertaken to help avoid a repeat of these problems.

Legibility of the routes should be enhanced by the landscape strategy, which is not sufficiently resolved (see landscape comments) utilising tree planting, lower planting and SuDS to create a defined character to the link road and to draw people from the existing RL development to this link.

We consider that there is insufficient information to comply with JCS Policy 5, which sets out that development should be designed from the outset with SuDS which should demonstrate amenity and biodiversity benefits alongside the water quantity and quality measures. More detailed comments regarding integration of SuDS and the landscape strategy are provided in Appendix 1.

**Potential for further development**

It is important that any decision on application 18/00004/FUL does not prejudge the acceptability of further expansion of Rushden Lakes.

The scoping report identifies proposals for a major expansion of up to 11,798 sqm of floorspace (the majority being retail). It is noted that this lies in open countryside, whereas the existing Rushden Lakes site involved the regeneration of a previously developed site.

The JPDU will provide strategic policy and design advice on any major planning applications that follow the request for a scoping opinion. We do not, at this stage, wish to comment on the layout shown in the scoping report other than to highlight the JCS Policy 3 landscape issues raised by Place Services and our concern that the illustrated proposals would fail to meet the place shaping principles set out in JCS Policy 8, particularly in relation to connectivity (criteria a & b) and distinctive local character (d).

It is however important to reiterate the JPDU's concerns over the conflict with JCS Policy 12. These concerns were set out in our response on 16/01662/FUL for an additional 12,081 sqm gross retail floorspace (subsequently approved by the Council). Our view is that a further significant increase in retail floorspace at Rushden Lakes should not be permitted until the actual (as opposed to forecast) impacts of the committed scheme, particularly in relation to Wellingborough town centre, have been monitored and the need for additional retail floorspace reviewed in accordance with JCS para 5.34. The first phase of Rushden Lakes began trading in July 2017, so we would envisage the first monitoring to be undertaken in 2019 and repeated once the full development is complete and retail patterns have bedded down.

**Conclusion**

In summary:

1. The JPDU recognises the benefits that the proposed link road will bring for the operation of Rushden Lakes and the Skew Bridge roundabout but considers that the detailed design of the link road and associated landscaping and drainage do not satisfy the requirements of JCS policies 3, 5, 8 and 15.

2. The JPDU considers that proposals for significant expansion of floorspace for retail and other town centre uses at Rushden Lakes (as shown in the scoping report) would currently conflict with JCS Policy 12 and para 5.34. We have also flagged
concerns over landscape impacts and the layout of development shown in the scoping report. For these reasons, it is important that any decision on application 18/00004/FUL does not prejudge the acceptability of further expansion of Rushden Lakes.

6.11 Place Services (Landscape Consultant referred to in JPDU comments above)
In terms of the likely visual effect on the surrounding landscape, the proposal will inevitably have a visual impact on the existing character of Ditchford Lane and the surrounding landscape. From a landscape perspective, the main constraint is the requirement to ensure landscape character is protected and enhanced where possible.

Therefore the following key recommendations have been made:

1) As the site is within the current Green Infrastructure (GI) network, it would be advised that a more naturalistic approach is taken to the planting scheme. Suggested amendments include; alterations to the grass mixes, different tree species and hedgerow trees (see ‘Review on the submitted information’ section for more details).

2) It would be advised that SUDs integration is explored. For example, roadside swales with marginal and wetland planting would both be beneficial from an ecological and landscape perspective. It would also introduce landscape character association between the proposal and the nearby Rushden Lakes (see ‘Likely impact on the surrounding landscape’ section for more details).

3) If approved, an amended detailed landscape maintenance plan and specification will need to be submitted.

6.12 NCC Archaeology
Thank you for your consultation requesting comments in relation to this application including an Environmental Statement.

Section 13: Historic Environment of the ES provides details of the archaeological background of the proposed application area and the Rushden Lakes development as a whole. It contains the results of the various archaeological investigations carried out by ULAS in 2015 and 2016 (Appendix 13.3) in conjunction with geotechnical works within the larger development area. It also contains the results of the more recent Oxford Archaeology South evaluation undertaken August 2017 also listed in Appendix 13.3.

The most recent evaluation covers the entire field in which the proposed road corridor lies. The nature and the extent of the archaeological assessment was subject to pre application discussions between the environmental consultant, Marion Cameron and the County Archaeological Advisor (CAA). The CAA advised that the assessment should include geophysical survey and trial trenching. It is clear from the evaluation results that the proposed road passes through an area which contains archaeological remains. The evaluation identified several archaeological features associated with a middle-late Iron Age settlement. It also identified further archaeological features, consisting of a few ditches and a pit in the far eastern part of the evaluation area. The evaluation could not identify a function for this activity although the authors suggest the recovery of a small amount of Roman pottery suggests that they may have been features of this date.

In light of our pre application discussions before and after the evaluation I am surprised that the documentation; the Planning Statement and the Heritage Statement do not reflect the findings of the evaluation report or any discussions which followed the submission of the report. I disagree with the comments within Paragraph 6.37 of the Planning Statement which basically say that there will be no or little archaeological
survival due to the previous farming regime. I would advise that the Iron Age site within the application area rather disproves this hypothesis. The Heritage Chapter suggests that the road scheme will not impact on any archaeological activity and as such no mitigation will be required see below:

"13.6.2. The site investigations carried out within the Application Site concluded that there is an absence to low potential of archaeology within the Application Site (Appendix 13.3). Therefore, it has been concluded that no additional mitigation measures are required in terms of archaeology unless specifically requested by the County Archaeologist."

The CAA has provided comments to the applicant’s consultant, Marion Cameron regarding potential archaeological mitigation within the scheme and has advised that a condition would be appropriate. It is accepted that most of the proposed route avoids the area of dense archaeological activity however there is still the potential for the road corridor to impact on the archaeology identified in the eastern extent of the road corridor and also on the northern extent of the Iron Age settlement.

Ms Cameron suggested in late November 2017 that the area of Iron Age settlement could be preserved in situ and that the road could be positioned to avoid it. I had no issue with this however I stressed that any preservation in situ proposals would need to include the whole settlement not just a convenient part of it. I was provided with a proposed area for preservation in situ which I commented on and with a revised plan showing the areas which I believe should be included in any preservation in situ scheme. I have attached a copy of the proposed preservation in situ area for information. These discussions have not been included in the Heritage Statement.

I clearly advised the applicant to avoid the Iron Age settlement as part of the road scheme. It is however currently unclear to me if the proposed road layout misses the archaeological activity as requested. It would be helpful if the applicant could provide a plan showing the preservation in situ area as advised by this office superimposed on the proposed road plan. This would clearly demonstrate where the proposed road is in relation to the archaeology. This would allow any conflicts to be clear which then could be discussed in an informed manner and appropriate mitigation identified.

Notwithstanding the road location issue the evaluation identified archaeological activity to the east where the road comes in and this also needs to be subject to mitigation by condition.

The proposed development will have a detrimental impact on any archaeological remains present. This does not however represent an over-riding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. In order to secure this please attach a condition for an archaeological programme of works as per NPPF paragraph 141 to any permission granted in respect of this application.

6.13 Northamptonshire Fire & Rescue
No representations received

6.14 Northamptonshire County Council (Waste Authority)
No representations received

6.15 NCC Local Highway Authority
The LHA has no objection to the application subject to appropriate conditions regarding the access works including a speed limit change, A45 / Ditchford Road North Roundabout improvements, link road including cycle provision, Delivery and Servicing Management plan (including strategic signing), and bus service infrastructure.
The application provides wider benefits to the highway network as it provides a second point of access to the Rushden Lakes development, opportunities for improved bus services, and will help to relieve congestion currently experienced at the existing access.

Since our last comments the applicant has provided comments in a technical note titled "Final Post Application Response dated 16 March 2018", and further emails regarding bus provision. We comment as follows.

**Speed limit change on Ditchford Road**
We support the proposal to extend the 40 mph speed limit on Northampton Road along Ditchford Road to include the new junction. This has been approved by the speed limit review panel however a traffic regulation order is required for this change and all costs should be borne by the developer. NCC will progress the order on payment.

**New junction on Ditchford Road**
The form of the junction proposed has been demonstrated to be acceptable and is accepted in principle subject to detailed design as part of a future S278 agreement. It is not clear that the junction would be adequate to accommodate the future “Rushden Living” development which we understand is to be submitted shortly.

**Delivery and Servicing**
A Delivery and Servicing Management Plan will be provided to include HGV routing strategy. Signing to accompany this strategy will need to be agreed by the LHA. The access road is to remain private and barriers details and management, and HGV routing to be approved at reserved matters application stage.

**Swept Path Analysis**
Has been completed and agreed.

**Strategic Signage**
To be agreed at reserved matter application stage in conjunction with the Delivery and Servicing Management Plan, and detail design carried out for future S278 works.

**Pedestrian and Cycle Provision**
We welcome the provision of a Tiger crossing on the link road to accommodate cyclists. Although off carriageway cycle facilities along Ditchford Road are provided by the application, we remain concerned with the link between these facilities and Northampton Road over the A45 overbridge, where cyclists are forced to use the carriageway. Some initial discussions with the applicant have been held and we consider there is sufficient highway width to achieve an off-carriageway route, although we acknowledge there are significant constraints regarding the bridge structure itself (which is owned by Highways England) and departures from standard may be required.

For this application we consider that this link would be difficult to justify as the application is only for the new link road and no additional development is proposed. The most direct route to the site for most cyclists would be along the Skew Bridge shared use bridge to the east of the site, although Northampton Road (A5001) is not an attractive route for cycling.

It is considered that the cycle route via Ditchford Road will become an attractive cycle route as much of it will be off-carriageway, and as the site expands to the west it will be more accessible from this direction. Therefore although we cannot justify requiring the off-carriageway link over the A45 for this application, we will...
recommend that it is provided should any future development of the Rushden Lakes site be consented, such as the future “Rushden Living” development.

**Bus service Provision**
The applicant has agreed to extend the current bus license to cover the link road and bus stops at the eastern end of the link road have been provided, with turning provision for buses demonstrated to allow services to terminate at this point if necessary. An additional west-bound stop is to be provided on the service road between Terrace A and B as shown on 110277/A/121. Regarding the bus stops provision and infrastructure, we are satisfied with the proposals, however shelters and Real Time Information displays within the bus stop flags at the western end of the site and on the service road, will be required.

**Ditchford Interchange – A45 / Ditchford Road North Roundabout**
The junction modelling shows that the junction would operate above capacity in the 2031 scenario. A proposed improvement scheme has been provided and shown on Drawing VD17598-SK004. This provides adequate mitigation.

**Ditchford Interchange – A45 / A5001 Northampton Road South Roundabout**
This is predicted to operate over capacity in both forecast scenarios assessed, i.e. both with and without Stanton Cross flows. However there are limitations presented by the A45 overbridge, so there is little scope to improve this junction in its current format. We note that as part of the approved Stanton Cross development, this junction will be redesigned as part of a major improvement scheme. The roundabout will be removed and converted to a signalised junction, and a new westbound off-slip will be constructed from the A45.

The East Northamptonshire District Council Decision Notice (Planning Reference 17/01072) associated with this application states that construction of proposed works must commence prior to 15 years following the granting of the consent i.e. works must commence prior to December 2032.

On this basis and in recognition of its wider benefits on the highway network we would be prepared to accept the delay at the Northampton Road junction in the non-Stanton Cross scenario. However any intensification of development or further development may require mitigation works to be carried out at this junction.

6.16 **Lead Local Flood Authority**
Having reviewed the applicant’s submitted surface water drainage information located within

1) Flood Risk Assessment document reference 12348 MCAH 181217 FRA -F2, dated 18.12.17, Prepared by Campbell Reith Consulting Engineers

2) Drainage Design Philosophy document reference NWK 160027-RT-Drainage Design Philosophy, dated 10.11.17, Prepared by Built Environment Design Partnership

We can confirm that, provided that the scheme is constructed according to the Flood Risk Assessment referenced above, the impacts of surface water drainage have been adequately addressed.

Please note that our comments only cover the surface water drainage implications of the proposed development.

6.17 **NCC Ecology**
Overall I’m satisfied with the ecological reports, Construction and Environmental
Management Plan (CEMP) and Landscape and Ecological Management Plan provided with the application. I would suggest that the Reptile Method Statement ('Land west of Rushden Lakes Ditchford Link Road Method Statement for Reptile Mitigation Measures, 4 December 2017’ by Campbell Reith) be included within the CEMP itself, and at least referred to in Table 7.4 of the CEMP under the appropriate section.

I do have some concerns about the species mixes proposed in the landscaping plans, e.g. dwg V14924 L03. Despite the presence of Rushden Lakes this is otherwise quite a rural setting and the Mixed Native Hedge Planting mix in particular includes a lot of holly and privet, which because of their shiny leaves will give the hedge quite an urban look. Ideally I would not like to see more than 1-2% of each of these in the mix. The Mixed Native Boundary Planting mix (dwg V14924-L05) is similar, and includes 20% guelder-rose which also seems very high.

I understand the NNJPU will be reviewing the landscape aspects of this application. I have let them know my concerns and will defer to their expertise on these mixes but did want to make them known to you directly.

The landscape plans also refer to unspecified ‘Embankment Seed Mix’ and ‘Species-rich Grassland’. These should be identified in the plans, and should be ecologically appropriate to this part of the county.

6.18 Northamptonshire Police Crime Prevention Design Advisor
The proposed private link road provides an alternative means of vehicular, cyclist and pedestrian access to the Rushden Lakes retail and leisure complex via Ditchford Road. The link into the western end of the site has two access points into the proposed Leisure Building car park area. It also provides access for service deliveries via direct access onto the main service road south of the site, running east to west from the Skew Bridge roundabout.

Currently the applicant has failed to fully demonstrate what measures have been applied to design out crime, therefore this proposal may not comply with National Planning Practice Guidance or the North Northamptonshire Joint Core Strategy (2016) Policy 8 ev lv. Northamptonshire Police fully support this application in principle to help relieve congestion on the A45 but we would like to bring to the attention of the planning authority certain concerns and strongly suggest that the following observations/recommendations are considered prior to any decision being arrived at. Our main concerns are with regards access control and the potential increased vulnerability for incidents of crime and anti-social behaviour to occur.

Lighting - The lighting scheme submitted is acceptable in terms of lux levels and uniformity. Dependant on an agreed access control policy the lighting scheme should have any switching policy revised and agreed.

Parking - Some means of parking control must be implemented. This should be considered in line with any agreed access control policy to prevent mainly HGV delivery vehicles parking up overnight on the proposed link road or existing service road.

During the Rushden Lakes design process consultation took place between relevant parties and Northamptonshire Police to ensure security measures at all periods of the day were introduced. The majority of these measures were controlled via access control measures introduced at the main ingress/egress point at the eastern end of the site. This was further enhanced with appropriate perimeter fencing and a comprehensive CCTV/ANPR system. There are no new proposals re the vehicular traffic, cycle and pedestrian flow restrictions. A paper should be submitted to explain how the two site ingress/egress points work to ensure the security of the site. In addition to providing security measures for the retail/leisure facilities within the site the proposed link road must have closed access to all vehicular movement, secure
barriers/bollards or similar, near to the public highway. This will help prevent unobserved attacks to the site but also prevent the road being used for anti-social activity or unauthorised encampments occurring.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact myself on the number below. We ask to be involved with any discussions with the applicant and then re-consulted with any amendments submitted. Our concerns will be maintained until an adequate solution has been agreed and or appropriate conditions applied.

6.19 Environment Agency
We have reviewed the relevant parts of the Environmental Statement by Campbell Reith Consulting Engineers, including the Desk Top Study and Land Quality Statement (ref: 12348) dated November 2017, which is included as Appendix 10.1 of the ES.

Based on the available information, we have no objection to the application, as submitted, subject to the imposition of the following conditions on any subsequent planning approval. Without these conditions we would object to the proposal in line with paragraph 109 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

**Condition 1**
If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

**Condition 2**
No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reasons**
To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

Section 12.7 of the Desk Top Study and Land Quality Statement indicates that soakaway drainage may not be suitable for the proposed development and that further infiltration testing may be required to establish feasible drainage options. No infiltration drainage should take place in ground that is potentially contaminated, due to the potential for mobilising contamination and polluting controlled waters.

Infiltration drainage, such as soakaways, should therefore not be constructed in any areas of potential infilled ground without appropriate mitigation measures to ensure there are no unacceptable risks to controlled waters.

As you are aware the discharge of planning conditions rests with your Authority. It is, therefore, essential that you are satisfied that the proposed draft conditions meet the
requirements of paragraph 4 of the National Planning Practice Guidance (Use of Planning Conditions, section 2). Please notify us immediately if you are unable to apply our suggested conditions, as we may need to tailor our advice accordingly.

6.20 **Highways England**
Recommend that planning permission not be granted for a specified period (see Annex A - further assessment required)

**Annex A Highways England recommended further assessment required**
HIGHWAYS ENGLAND ("we") has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard to application reference 18/00004/FUL and has been prepared by Martin Seldon.

Highways England has previously reviewed information submitted by the applicant in support of this application in January 2018 and provided a holding recommendation response dated 1 February 2018. In the response we noted that additional information was required from the applicant for us to review the impacts of the proposed development on the SRN in the area suitably. Following the response, the applicant's transport consultant provided additional information to us in April 2018 which aimed to address concerns raised in our formal response.

To allow us to review the additional information submitted by the applicant's transport consultant, we recommended an extension of the holding by 3 months in our response letter dated 30 April 2018.

Having reviewed the additional information, while most of our concerns have been addressed, there are ongoing discussions with the applicant's transport consultant regarding details of the proposed mitigation scheme for the northern roundabout (A45 eastbound off-slip/ A5001 roundabout) of A45 Ditchford Interchange.

Considering the above, we recommend that the application is not determined for a period of three months from the date of this notice (27 July 2018), pending the outcome of discussions regarding details of the proposed mitigation scheme at A45 Ditchford Interchange.

6.21 **Natural England**

**Internationally designated sites - No objection**
The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is immediately adjacent to the Upper Nene Valley Gravel Pits Special Protection Area (SPA) which is a European site. The site is also listed as a Ramsar site and also notified at a national level as a Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

**SSSI No objection – no conditions requested**
This application is in close proximity to the Upper Nene Valley Gravel Pits Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the
application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

6.22 National Grid
No representations received

6.23 North Northants Badger Group
In this instance, although the proposed road will impact on badgers using the area, the fact that it is a private road and the main usage will be times of lower badger activity, the Group does not object to the application.

It is hoped that the operators will implement strict speed controls to reduce badger casualties.

6.24 Ramblers Association
We welcome the provision of a Pedestrian Crossing for Public Footpath UK1 and the provision of a cycleway/footpath along both sides of the proposed Link Road.

6.25 RSPB
No representations received

6.26 Campaign for Dark Skies
From the Lighting Design Statement CFDS notes that the site location has been identified as an Environmental Zone E2 Low District Brightness. CFDS agrees with this clarification.

WE note that the proposed lighting for the roadway in the LDS document is LED HOLOPHANE D SERIES with a zero upward waste light ratio.

As a result, CFDS does not consider that the proposed lighting in this application will cause additional glare and energy waste from light pollution.

6.27 Cadent Gas
Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified. Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

If the application is refused for any other reason than the presence of apparatus, we will not take any further action.

Please let us know whether Plant Protection can provide you with technical or other information that may be of assistance to you in the determination of the application.

6.28 Stagecoach
Are in support of the application.

6.29 Health & Safety Executive (HSE)
Advise that a link road, with no other development, that is not a motorway or dual carriageway, would be a Level 1 sensitivity and the HSE would not advise against the application.
6.30 Site Notices
Posted on the 22nd January in the car park at Rushden Lakes, at the top of the A45 sliproads onto Ditchford Road and in the public car park for Ditchford Lake and Meadows. Public representations received to the application raise the following points:

- The width of the carriage on Ditchford Road appears unsuitable for egress from a retail park, as away from the proposed exit, the road reverts back to a rural lane.

- The proposals appear to impede the commercial vehicles wishing to traverse the A45 bridge when exiting Aegis Park, as traffic turning into the retail area would be stationary. Should a queue persist, the HGVs may pass onto the roundabout outside the main retail park entrance, creating a problem that the application was trying to resolve.

- The proposed layout seems to point to an easier application to a future development of the bisected field and takes no account of the existing hotel, petrol station and café. (A sketch of an alternative proposal is provided).

- Hope that the application allows for passage of traffic that may not wish to partake the services of the retail park.

- Concerns about the safety of cyclists on Ditchford Road given the increase in traffic, and asks whether an early completion of the Greenway link to Wellingborough could be a solution.

- Concerns about cumulative impact on the highway network from Rushden Living and Rushden Gateway.

6.31 Neighbours
Thirty local businesses were notified. One representation was received from the operator of the Buddies restaurant on the A45 and the points raised are summarised as follows:

- There is no road or pedestrian entrance to the Travelodge site (within which Buddies is situated). The site becomes an island when there is an accident or congestion, which happens more often now that Rushden Lakes is open.

- Congestion on the A45 puts visitors off visiting Buddies, particularly during the daytime. An access from the link road into the site would give them a better chance of recovering lost revenue which has been experienced since the construction of Rushden Lakes began.

7 Evaluation

7.1 Introduction & Principle of Development
This application relates to primarily agricultural land/countryside between Ditchford Road (also referred to as Ditchford Lane) and the Rushden Lakes development. For the avoidance of doubt, this application is only for a link road and its associated works, and is not to be confused with the more recently submitted hybrid application (18/01197/FUL), which will be considered separately.

7.2 The site is close to (but not within) the Upper Nene Valley Gravel Pits Special Protection Area/Ramsar site which was formally classified by the UK government in 2011. This is situated to the north and east of the application site. To the south is the A45 trunk road and service area, which comprises a hotel (Travelodge), restaurant (Buddies) and filling station.
7.3 There is no specific policy with the Joint Core Strategy which identifies this site for development, so the proposal will be viewed in the normal context that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

7.4 For the purposes of this application, the development plan comprises the Policies within the North Northamptonshire Joint Core Strategy (2016) (JCS) and the Rushden Neighbourhood Plan (2018) (RNP).

7.5 At a national level, the newly launched National Planning Policy Framework (NPPF) and Planning Practice Guidance are also of relevance, as these set the overall framework for the planning system. The new NPPF retains the presumption in favour of sustainable development, which means approving development proposals that accord with an up-to-date development plan without delay. Both the JCS and RNP are considered to be up-to-date and so their policies can be afforded full weight in the determination of this application.

7.6 In this context, the proposal would involve the loss of agricultural land in the countryside. Planning policies are generally more resistant to development in the countryside, and accordingly the proposal may not be acceptable in principle unless the applicant is able to demonstrate that material considerations indicate otherwise.

7.7 **Details of the Proposal**
The application is for earthworks and to create a new single carriageway link road across the agricultural land between Ditchford Road (Lane) and the Rushden Lakes development. Its purpose would be to provide a second point of access into Rushden Lakes, and to alleviate congestion at and in the vicinity of the A45 Skew Bridge roundabout.

7.8 In terms of detail, the road would require upgrades to Ditchford Road (Lane) and the eastbound slip road of the A45. Ditchford Road would be widened to accommodate a vehicle turning lane and central island for pedestrians & cyclists to cross and there would be a new footpath/cycleway along its eastern side, which would link to the existing footpath at the north roundabout at the A45 interchange. The upper section of the A45 slip road would be widened to two lanes where it meets the Ditchford Road roundabout, with associated alterations and improvements to the footpaths and crossing points, to ensure that pedestrians are able to safely cross Ditchford Road. The speed limit along Ditchford Road is expected to be lowered to 40mph, whilst the speed limit on the new road is expected to be 30mph.

7.9 Regarding the link road itself, this would be single carriageway and would have two points of access at the Rushden Lakes end. One would be a northbound spur into the main public car park and the other would link into the service road that runs along the rear of the Terrace A/Garden Square retail units. There would be two bus stops (one either side of the road) and a zebra crossing close to the Rushden Lakes entrance. At the Ditchford Road end, there would be two lanes on the westbound approach and a central island for pedestrians and cyclists to be able to cross safely.

7.10 There would be foot/cycle paths along both sides of the road, which would be separated by grassed verges. There would be a loss of landscaping to facilitate the development, but new landscaping is proposed along the entire length to mitigate the visual impact. The road would be privately owned, and would be lit.

7.11 **Highway Impact**
As the application is primarily for a road, highway impact is one of the key considerations. Ditchford Road is within the County Council’s control, whilst the A45 is the responsibility of Highways England. Both parties have been consulted on the application.
7.12 There has been extensive dialogue between the applicant and both highway authorities during the course of the application. At the time of writing, the County Council are raising no objections to the proposed layout in its amended form, but Highways England still have a holding objection, which is valid until the end of October.

7.13 It is likely that this objection will be removed shortly, as the applicant’s most recent plans for the A45 slip road now show additional widening close to the roundabout with Ditchford Road, to allay concerns about queuing on the slip road.

7.14 Local opinion is mixed on the application with regard to its highway impact. Some consultees/respondents have welcomed the proposal, whilst others have objected and/or are sceptical that it will displace existing congestion onto this part of the road network instead, as opposed to in & around the existing A45 Skew Bridge (Rushden Lakes) roundabout.

7.15 The concerns and scepticism are understood to a degree, as when the A45 Skew Bridge roundabout was adapted to facilitate Rushden Lakes, this would have been agreed by Highways England and the County Council at the time. Anecdotally at least, this layout has not proven to be a success so far, and this is before the Rushden Lakes development is completed.

7.16 If the link road is approved it will undoubtedly change traffic flows in and around the A45 corridor. The A45 slip roads and Ditchford Road would be busier than they are at present, whilst Rushden Lakes-related traffic on the A45 between Ditchford Road and the Skew Bridge roundabout would be likely to decrease, which should partially alleviate congestion issues at the Skew Bridge roundabout. It would also provide a much easier route into Rushden Lakes from the new Stanton Cross development at Wellingborough.

7.17 Officers are confident that the Highways England objection will be resolved in the near future and, notwithstanding the concerns from local Town Councils/residents regarding highway matters, it would be difficult to refuse the application on highways grounds without evidence to the contrary. Paragraph 104 of the 2018 NPPF is clear that

\[\text{Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.}\]

7.18 **Landscape & Visual Impact**

The proposal would effectively urbanise/suburbanise an area of open countryside, on the outskirts of Rushden and in a somewhat elevated position relative to its surroundings in parts. Ditchford Road would be widened and the overall width of the road, including its verges and foot/cycleways would represent a significant amount of hardstanding in this rural location.

7.19 As with highways, comments relating to landscaping and visual impact are mixed. The Joint Planning and Delivery Unit (JPDU) have raised concerns about the application in this regard, citing that it does not adequately meet the requirements of JCS Policies 3 (Landscape Character) and 8 (Place Shaping Principles). NCC Ecology, whilst not objecting to the application, also have some concerns over the mix of species proposed.
7.20 The Council’s Senior Tree and Landscape Officer has raised no objections to the proposal, citing that

\[ \text{The proposed planting produces visual changes from the local mix of rural roads and the larger A45 not only helping with wayfinding but also providing an attractive entrance/exit from the site.} \]

7.21 Considering what the proposal is for, and how heavy traffic will be at times, on balance it is considered to be acceptable in terms of its landscape and visual impacts. But following further dialogue with the Council’s Senior Tree and Landscape Officer, the concerns regarding species are acknowledged and therefore it is considered that a condition to require further details relating to landscaping will be necessary. Subject to appropriate details being agreed through this condition it is considered that it will represent a visually attractive secondary route into the Rushden Lakes development. A “rural lane” approach to the development would appear as more contrived, and would not satisfy other aims of the proposal, such as connectivity, which is discussed later in the report.

7.22 Biodiversity/Protected Species

The ES submitted with the application includes a chapter on Biodiversity and this has been assessed by the relevant consultees (Natural England/NCC Ecology/North Northants Badger Group. Given the site’s proximity to the SPA and SSSI, it is reassuring that none of the above consultees have raised any objections to the application on the grounds of harm to biodiversity or protected species. The Council has carried out a Habitat Regulations Assessment screening and this can be found at Appendix 1.

7.23 The only conditions considered to be necessary in this regard relate to landscaping and inclusion of the Reptile Method Statement within the Construction Environment Management Plan, which are reasonable requests.

7.24 Flood Risk/Water Quality/Contamination

The ES includes chapters relating to water environment, land & contamination and a flood risk assessment. The site falls within Flood Zone 1, so there is a considerably reduced risk of flooding when compared with Zones 2 and 3. Sustainable drainage forms part of the design and will include storage underneath the road. There may be scope within the proposed conditions to include more natural drainage within the landscaping scheme, as referred to by the JPDU, and this will be subject to further consultation with the Environment Agency.

7.25 As with biodiversity, given the site’s proximity to the SSSI and SPA, it is again reassuring that no objections have been raised to the application from the Environment Agency, Lead Local Flood Authority or from our own Environmental Health team.

7.26 Precautionary contamination conditions have been requested by the Environment Agency and the Lead Local Flood Authority want to ensure that development is carried out in accordance with the details in the Flood Risk Assessment. These are reasonable requests.

7.27 Connectivity/Layout/Crime Prevention

There are several elements to this part of the proposal. Firstly, the road has been proposed on the basis that it will provide a second route into Rushden Lakes, so this is its primary purpose. In this regard, the proposal is considered to represent an improvement when compared to the existing arrangements.

7.28 Whilst it would represent an improvement in terms of access to Rushden Lakes, the new route would not be ideal in some respects. Rather than a direct, or free-flowing link from the A45 into Rushden Lakes, it would involve a left turn at the top of the A45
slip road, a right turn into the link road, a further left turn toward the car park and then very soon afterwards, a left or right turn into the car park itself, at a point where pedestrians will also be crossing. The reverse route to the A45 is similar. The route is not necessarily difficult in either direction, but given the expected amount of vehicle movements to and from Rushden Lakes, it is likely to involve a lot of stop-start movements at the junctions/roundabouts, particularly during peak times, and this is likely to have an impact on the surrounding road network, which already suffers with queuing traffic on the A45 slip road.

7.29 Adequate signage for motorists/pedestrians/cyclists will be vital to ensure that visitors don't become lost and end up on the service road rather than in the Rushden Lakes car park.

7.30 Whilst the layout is not ideal from a convenience/movement point of view, nor is it considered to be so deficient that it would warrant a refusal of planning permission. It is disappointing that the layout is not better, as concerns were raised before the application was submitted, so the applicant had the opportunity to make improvements, but in the main they have not done so. That said, during the course of the application there have been improvements to the layout, particularly to improve public transport and pedestrian/cycle links.

7.31 Pedestrians walking from the Garden Square to the Cinema complex would have a more coherent and safe route than they would previously have done, and the most recent set of revisions also include an additional footpath from the northern bus stop to the Garden Square section of Rushden Lakes. Where the link road meets Ditcheard Road, improved crossing points are also now proposed, as they also are at the top of the A45 slip road. The applicant has also clarified that the footpath will connect into the existing footpath at the A45 Ditcheard interchange.

7.32 With regard to wider linkages to the surroundings, the proposal is better in this regard. Footpath/cycle links to and from Rushden are improved and there would be safe crossings on the link road itself and Ditcheard Road, as well as an improved crossing on Ditcheard Road at the northern roundabout with the A45.

7.33 The pedestrian/cycle link on the north side of the new road also connects well to the west side of Ditcheard Road, which is desirable in that it provides another section of Greenway, and will make future phases toward Wellingborough more easy to achieve.

7.34 The JPDU's concerns regarding the layout and connectivity are noted and understood to a degree, but there have been small improvements to the layout since their comments were received, and on balance it is considered that it would not be reasonable to refuse the application on these grounds.

7.35 Consultee comments, including those from the Ramblers Association and Stagecoach, are generally positive with regard to connectivity. There is no connectivity proposed to the Travelodge/Buddies site to the south which is a shame, but there has been no correspondence from the hotel. Were they to be in favour of a footpath link this would be both desirable and achievable and if this happens in due course, it may be able to be treated as a non-material amendment.

7.36 With regard to crime prevention, our consultee at Northamptonshire Police, whilst supportive of the application in principle, has raised concerns on the following grounds:

- Parking controls – what management measures will be in place to ensure that the road remains free-flowing and isn't used for parking by HGVs
- CCTV/ANPR – there doesn't appear to be any proposed
- Lack of measures to prevent anti-social-behaviour, attacks and unauthorised encampments
7.37 These are all reasonable concerns to raise and a condition or conditions will be necessary to ensure that these matters are adequately considered and resolved.

7.38 **Archaeology**
The ES covers this issue and there has been dialogue between the applicant’s consultant and the County Archaeologist. They have not reached full agreement on the way forward for the application.

7.39 The County Archaeologist is concerned with an Iron Age settlement along the route of the new road and has concluded that the proposed development will have a detrimental impact on any archaeological remains that are present. They further conclude though, that this does not however represent an over-riding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. Accordingly they recommend a condition for an archaeological programme of works if permission is to be granted. This would need to be a pre-commencement condition in the circumstances, but is considered to be necessary in order to make the development acceptable in planning terms.

7.40 **Adverse Effects/Other Matters**
The ES submitted with the application has highlighted a number of adverse effects created as a result of the development, most of which will be during the construction phase only. These are as follows:

- Changes to a number of views associated with construction activities from the A45, local roads and footpaths including Public Right of Way UK1;

- Local changes to landscape features and character as a result of the construction activities;

- Temporary disruption to users of the surrounding road network, especially along Ditchford Road and at the A45 Ditchford Road Interchange;

- Potential for mobilisation of contaminants resulting in the deterioration of surface and groundwater quality;

- Potential for dust emissions resulting from the construction activities; and

- Potential for dust, lighting and noise disturbance for species within the Upper Nene Valley Gravel Pits SPA, Ramsar and SSSI and Ditchford Reserve LWS.

7.41 There would also be a loss of agricultural land, although access to the remainder of it would be retained. All relevant consultees have responded to the application and subject to the Highways England objection being removed, the above matters are not considered to be so severe that they would warrant a refusal of permission. Some disruption is inevitable during construction works, and mitigation in the form of conditions is considered to be reasonable and proportionate in this case.

7.42 As referred to above, the application has been accompanied by an Environmental Statement, which covers a range of issues, such as air quality, contamination, flood risk, landscape, ecology/habitats, lighting, noise and transportation.

7.43 In the main, no significant adverse comments have been received from consultees. Conditions can be imposed where necessary to control the details of matters such as lighting, landscaping, materials, drainage and archaeology.
7.44 **Conclusion**  
In conclusion and on balance, the recommendation is that the application should be 
approved. To date, Rushden Lakes has generated more vehicular traffic than 
envisaged and it is not yet fully built out. Once the leisure complex and Garden Square 
are open, it is likely that traffic will increase further. On that basis, a second access into 
Rushden Lakes not only seems sensible, but in reality will be vital. It should alleviate 
some of the congestion at the A45 Skew Bridge roundabout, but is likely to create more 
congestion elsewhere.

7.45 On the grounds of highway convenience rather than safety, there is some scepticism 
as to whether the proposed link road and improvements to the A45 sliproad/Ditchford 
Road will be a success. The layout is also somewhat disjointed. What is clear though 
is that a second point of access to Rushden Lakes would represent an improvement 
over the current arrangements. The proposal before us is not perfect, but would 
represent an improvement and would also offer better connectivity to both Rushden 
and Wellingborough for motorists, pedestrians and cyclists.

7.46 The County Council Highways team are satisfied with the proposal in highway safety 
terms and it is anticipated that Highways England will remove their objection once they 
have assessed the latest plans.

7.47 Subject to a range of conditions to control matters raised by consultees, the design and 
layout are, on balance, considered to be acceptable, and to outweigh the loss of 
agricultural land/countryside in this case.

8 **Recommendation**

8.1 That permission is **GRANTED** subject to the Highways England objection being 
overcome, subject to the following conditions and any other conditions required by 
Highways England.

9 **Conditions**

1. The development permitted shall be begun before the expiration of 3 years from the 
date of this permission. 
   Reason: To comply with the provisions of Section 91 of the Town and Country 
Planning Act 1990, as amended by Section 51 of the Planning and Compulsory 

2. Except where otherwise stipulated by Condition, the development shall be carried out 
strictly in accordance with the details outlined in the application form and the following 
plans/documents:

- **GIS215-A Rev A – Site Location Plan**
- **14924-119 Rev 00 – Existing Site Plan**
- **14924-120 Rev B – Proposed Site Plan**
- **P172-723 Access Rev B – Proposed Lighting Plan**
- **NWK 160027-EX-00(00)-P200 Rev B – Link Road Layout and Long Section**
- **NWK 160027-EX-00(00)-P062 Rev B – Proposed Levels Layout**
- **NWK 160027-EX-00(00)-P220 Rev B – Link Road Gas Protection Slab 1**
- **NWK 160027-EX-00(00)-P221 Rev B – Link Road Gas Protection Slab 2**
- **VD17598-SK004 Rev C – A45 Exit Slip Proposed General Arrangement**
- **VD17598-S278-100-GA Rev C – Ditchford Road Priority Junction General 
Arrangement**
- **Flood Risk Assessment (FRA) 12348 MCAH 181217 FRA -F2, dated 18.12.17, by 
Campbell Reith Consulting Engineers**
- **Drainage Design Philosophy document reference NWK 160027-RT-Drainage Design 
Philosophy, dated 10.11.17, by Built Environment Design Partnership**
• Construction Environmental Management Plan 12348, dated December 2017, Campbell Reith Consulting Engineers, to also include the Reptile Survey Reports and Method Statement (Appendix 7.4 of the Environmental Statement)
   Reason: In order to clarify the terms of the Planning Permission and to ensure that the development is carried out as permitted.

3. Notwithstanding the details submitted with the application, once development has commenced, a hard & soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
   (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
   (b) details of any existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
   (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, any crossing points, bollards, steps.
   (d) details of boundary treatments, including elevations of any walls/fences/railings/bollards etc.
   All agreed boundary treatments shall be in situ before the road opens and all planting shall take place no later than the first planting season following the opening of the road. Within the first 5 years any species which die, become damaged, diseased or are removed shall be replaced in the current/next planting season with others of similar size and species unless written consent is obtained from the Local Planning Authority to any variation.
   Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development.

4. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 12348 MCAH 181217 FRA-F2, dated 18.12.17, Prepared by Campbell Reith Consulting Engineers and the Drainage Design Philosophy document reference NWK 160027-RT-Drainage Design Philosophy, dated 10.11.17, Prepared by Built Environment Design Partnership
   The mitigation measures shall be fully implemented prior to the link road opening.
   Reasons: To prevent flooding elsewhere by ensuring that compensatory storage of floodwater is provided.

5. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
   Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

6. No construction work (including deliveries to or from the site) that causes noise to be audible outside the site boundary shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays or Bank Holidays unless otherwise agreed with the local planning authority.
   Reason: To protect residential amenity and the ecology of the locality.
7. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
   Reason: To ensure if any previously unidentified contamination is encountered during development that it is dealt with appropriately.

8. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
   Reason: To ensure that features of archaeological interest are properly examined and recorded, in accordance with NPPF (July 2018) Paragraph 199.

9. The new link road shall not be opened to vehicular traffic until full details of:
   - Signage (on and off-site, including strategic signage further away from the site)
   - Bus stop facilities
   - Measures to prevent HGV parking and unauthorised encampments along the link road
   - CCTV
   - HGV delivery management & routing (during and post construction)

   have been agreed in writing by the Local Planning Authority. The road may only open to vehicular traffic once these details have been agreed and, where relevant, fully implemented.
   Reason: In the interests of crime prevention, highway safety and convenience.

10. The new link road shall not be opened to any traffic until the agreed highway improvements and lighting scheme listed in Condition 2 have been fully implemented.
    Reason: In the interests of crime prevention, highway safety and convenience.
Informatives

1. Reason for Decision

   In reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraph 38. The scheme has been amended during the course of the application to overcome issues relating to highway safety/capacity, and to improve pedestrian/cycle routes and integration with public transport.

2. Reasons for Approval

   The application was accompanied by an Environmental Statement. The local planning authority has taken this, and representations made in relation to it, into account when determining this application.
APPENDIX 1
HABITAT REGULATIONS ASSESSMENT

The Conservation of Habitats and Species Regulations 2017 - Stage 1: Screening

Competent Authority: East Northamptonshire Council

Site: Land West Of Rushden Lakes Ditchford Lane Rushden Northamptonshire

Applicant: LXB3 Partners LLP

Proposal: Construction of a new link road between Ditchford Lane and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works.

European Designated Site: Upper Nene Valley Gravel Pits Special Protection Area

Conservation Objectives: A021 Botaurus stellaris; Great bittern (Non-breeding)
A051 Anas strepera; Gadwall (Non-breeding)
A140 Pluvialis apricaria; European golden plover (Non-breeding)
Water bird assemblage

Consultation Response Summary (Natural England):
Internationally designated sites - No objection
The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the ‘Habitats Regulations’). The application site is immediately adjacent to the Upper Nene Valley Gravel Pits Special Protection Area (SPA) which is a European site. The site is also listed as a Ramsar site1 and also notified at a national level as a Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

SSSI No objection – no conditions requested
This application is in close proximity to the Upper Nene Valley Gravel Pits Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Assessment:
Paragraph 63 of the Habitat Regulations states:

63.—(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which —

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

It has been demonstrated through information included within the Environmental Statement (Chapter 7 and Appendices 7.1 to 7.8 by Campbell Reith Consulting Engineers) that the proposals would not result in a significant effect on the European site. Natural England as advisor to the Local Planning Authority has confirmed it has no objection to the application in its present form.

Decision:
The proposal is not likely to adversely affect the integrity of the European site and therefore can be screened out from requiring appropriate assessment.

Principal Planning Officer
East Northamptonshire Council
Date: 29.08.18
### Land West Of Rushden Lakes, Ditchford Lane, Rushden

**Update**

**Additional Conditions**

The following conditions are proposed by Environmental Protection:

- **Landfill gas**
  
  (a) Prior to commencement of development a site investigation shall be carried out to fully and effectively characterise the nature and extent of any landfill gas. 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.

  (b) Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to ensure that significant risks associated with landfill gas affecting the site are mitigated shall be submitted to and approved by the LPA.

  (c) 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.

  (d) 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 risks from landfill gas have been carried out in accordance with the approved remedial scheme. Post remediation sampling and monitoring results shall be included in the closure report, if required.

**Reason** - In order to protect public safety, because the site is located within 250 metres of a former landfill site.

**Unforeseen contamination**

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 significant risks association with contamination are mitigated.

**Officer Response**

These conditions can, and should be added to those already proposed.

**Request from Applicant to Vary Condition 8 (Archaeology)**

The applicant has requested to vary this condition, as follows: (new text in italics & underlined)

No development shall take place within the area indicated as 'Area of further archaeology evaluation' on Archaeology Survey drawing GIS250-A until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded, in accordance with NPPF (July 2018) Paragraph 199.

**Officer Response**

This amendment is considered to be reasonable as only parts of the site have archaeological value.

**Highways Attendance**

Officers invited a Highways Officer from Northamptonshire County Council to attend tonight’s meeting, but unfortunately nobody was available. It is understood that the applicant’s highway consultant will be in attendance.

**Updated Response from Higham Ferrers Town Council**

The Council previously objected to the construction of the new link road for the following reasons:

1. Safety concerns in regard to traffic backing up onto the A45 from the increase in traffic on the slip road leading to the Ditchford Lane junction. Consideration needs to be given to widening the slip road off the A45 leading to the Ditchford roundabout. At busy times traffic already backs up on the A45 to access this slip road and it would therefore be beneficial to have two lanes to accommodate the predicted increase in traffic.

2. The adverse effect of an increase in traffic volume on Ditchford Mill Bridge, which is a bridge of historic importance and should be protected from overuse.

In addition to the objection lodged the Town Council would comment as follows:

There is concern with regard to the objection from Highways England and the Town Council wish to see the all points by Highways England clarified and dealt with prior to a decision at planning committee as to
whether to grant permission.
Good Evening Chair, Councillors & Officers.

Unfortunately, I cannot be at this meeting due to prior commitments with the residents. This statement is being read out on my behalf.

I am Councillor Dorothy Maxwell and I represent Spencer Ward. On behalf of the residents, I would like you to address the following concerns that the residents and myself have over this latest application for hybrid extension comprising of retail units, restaurants, offices (Rushden Living) and access to Ditchford Lane.

The residents' concerns are that this extension of the Rushden Living Plan does not take into account the impact this will have on traffic flows along this Ditchford Lane, leading up to the entrance of this site and the existing impact to the A45/A5001 Northampton Road.

The 6,000 houses being constructed at the Stanton Cross site will create massive traffic issues on Ditchford lane which the residents are already experiencing along the A45/ Northampton Road A5001 road every day.

The Northamptonshire Highways report clearly explains their concerns about this application, which will result in no gaps in the traffic. The small medieval bridge along this road, which is managed by traffic lights, will not cope with the additional traffic, including extra-large HGVs. The report states that the road will not cope with an increased volume of traffic, and that no mitigating measures have been proposed. This is unacceptable.

Highways England has put a stop notice on this application and has yet to submit their findings, therefore the question has to asked, how can this application be considered without approval from Highways England?

Northamptonshire Highways concerns over layout, traffic flows and vehicles sizes, means we must not be governed or pressurised by LXB or Crown Estates into making a decision over this road which could have a massive impact on this area in future years. No one predicted that 5 million cars would go into Rushden Lakes in a year at the other entrance and you only need to observe the issues there every weekend.

Lastly, Northampton Highways are objecting to this development on the grounds of failure to demonstrate that the impacts of the development can be suitably mitigated on the local highways. Councillors should be given the opportunity speak on behalf of the residents and be listened to, therefore, please WAIT UNTIL Highways England submit their report on traffic flows and local impact. This extension of Rushden Living is the same size of Rushden Lakes as it stands now, another 5 million vehicles here would be unacceptable!

On behalf of the residents, thank you for listening.

Dorothy Maxwell Cllr

Spencer Ward