

Report of the Chief Executive

APPLICATION NUMBER:	22/00892/FUL
LOCATION:	Land to west and south of Station House, The Forge, Trowell, Nottinghamshire
PROPOSAL:	Change of use of land to animal sanctuary with 27 guest cabins, reception / spa / retreat / education centre, ancillary restaurant building and animal houses /enclosures, creation of new access and car parking including landscaping

The application is brought to the Committee at request of Councillor D Pringle. The proposal is also a departure from the Broxtowe Part 2 Local Plan 2019.

1. Purpose of the Report

1.1 The application seeks full planning permission for the change of use of land to construct an animal sanctuary and retreat venue with 27 guest cabins, reception, spa, education centre, restaurant and animal houses / enclosures including associated infrastructure.

2. Recommendation

2.1 **The Committee is asked to RESOLVE that planning permission be refused in accordance with the reasons for refusal outlined in the APPENDIX.**

3. Detail

3.1 The application seeks full planning permission for the development as outlined in paragraph 1.1 above.

3.2 The site is an irregular shaped parcel of land and has a site area of approximately 9.24 hectares. The application site relates to vacant grassland located within the Green Belt, south of the A609 Ilkeston Road. A public footpath runs through the site leading from The Forge southwards. The site currently consists of agricultural land and part of the site historically comprised of a blacksmith's forge and a number of dwellings which were demolished with no formal use of the site having taken place since. The area defined for development is largely flat as a result of historic development on the site which slopes downwards towards the River Erewash. The site is characterised as a low lying wetland that functions as a flood plain featuring mature shrubbery and trees. The site is partly located in Flood Zone 2 and 3 and forms Trowell Junction Grassland Local Wildlife Site.

3.3 The main issues relate to whether the principle of development in the Green Belt is acceptable, the impacts on the openness of the Green Belt is acceptable, on visual amenity and the Erewash River Corridor local landscape character area, on the living conditions of neighbouring properties, on

flooding, on town centres, on ecology, on land contamination and sustainability.

- 3.4 What is proposed is considered to be inappropriate development in the Green Belt, due to the fact that the proposal does not fall within any of the exceptions referred to in paragraphs 154 and 155 of the NPPF. The main issue to assess is whether any of the matters within the report contained within **APPENDIX** taken individually or collectively, amount to the Very Special Circumstances (VSC) necessary to outweigh the harm to the Green Belt through inappropriateness. What constitutes VSC will depend on the weight of each of the factors put forward and the degree of weight to be accorded to each is a matter for the decision taker. Firstly, it is to determine whether any individual factor taken by itself outweighs the harm. Secondly, to consider whether a number of factors combine to create VSC.
- 3.5 Moderate weight is afforded to the proposal which contributes to supporting tourism development and the visitor economy in Broxtowe, offering employment opportunities and economic benefits at regional scale. However, limited weight is afforded to animal conservation, education opportunities, building a carbon negative development or biodiversity enhancements. These measures are designed to make the proposal acceptable and do not provide any site specific justification for development of this site.
- 3.6 Substantial weight is afforded to the harm to the openness of the Green Belt and character and appearance of the local landscape. Substantial weight is afforded to the adverse impact on protected species, loss of a local wildlife site, harm to a wildlife corridor and failure to demonstrate a biodiversity net gain. Substantial weight is afforded to the inadequacy of the search area for both the flood risk and retail sequential test, therefore insufficient evidence to justify the proposed development in an area of high flood risk and in an out of centre of location has been submitted.
- 3.7 Overall, it is concluded that there are no VSCs which, taken collectively, are sufficient to outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt, the harm to the character and appearance of the area, the harm to ecology, the harm to flood risk and town centres.

4. Financial Implications

- 4.1 The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

5.1 The comments from the Head of Legal Services were as follows:

The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6. Data Protection Compliance Implications

6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Climate Change Implications

Any climate change implications are contained within the report.

8. Background Papers

Nil.

APPENDIX

1. Details of the application

- 1.1 The application seeks full planning permission for the change of use of land to construct an animal sanctuary and retreat venue. The proposed scheme comprises 27 guest cabins, a reception building containing a spa facility for guest use and an education centre for visitors, a restaurant, a number of animal enclosures and 120 parking spaces.
- 1.2 The proposal is designed to provide an overnight wildlife accommodation experience to increase tourism in the surrounding local areas and includes education opportunities for non-guest visitors.
- 1.3 The development would comprise:
- Reception building (spa, cafe and education classroom) – 2 storeys – ground floor 428 square metres and first floor 127 square metres (555 square metres total).
 - Guest cabins (27 total) – two storeys, ground floor 47 square metres and first floor 44 square metres (91 square metres per cabin / 2457 square metres total).
 - Restaurant – single storey (534 square metres).
 - 10 x animal houses and enclosures (3358 square metres).
 - New vehicle access point.
 - 120 parking spaces.
 - Meandering visitor routes throughout the site.
 - Dedicated 4-metre wide service access route around site.
 - Cycle parking facilities for site users.
 - Landscape and public realm works.
 - Water bodies.
 - Areas of native planting.
 - Fencing.
- 1.4 Access into the site is from the north with the reception building located off the access road. Directly south of the reception building includes two parking areas. The layout of the site comprises of guest cabins overlooking animal enclosures which are all accessible via a meandering private road which runs north to south. There are three larger animal barns spaced out throughout the site from north to south. There are also two smaller animal barns proposed in the south-eastern corner of the site. The proposed development includes a servicing area which is accessed by a private road that surrounds the proposed development. The proposed restaurant building is located in the southern part of the site. The layout includes a mixture of hard and soft landscaping including fencing of varying heights required for the development. The proposed landscape scheme includes retention of existing mature trees and shrubbery throughout the site.

- 1.5 The proposed buildings including the guest cabins and reception would be finished in timber cladding with solar roofs. The restaurant building would be finished in timber cladding including a thatched roof. The animal barns would be constructed using green treated timber cladding with metal roofs.
2. Site and surroundings
 - 2.1 The application site relates to vacant grassland located within the Green Belt, south of the A609 Ilkeston Road. A public footpath runs through the site leading from The Forge southwards. The site currently consists of agricultural land and part of the site historically comprised a blacksmith's forge and a number of dwellings which were demolished with no formal use of the site having taken place since. The area defined for development is largely flat as a result of historic development on the site which slopes downwards towards the River Erewash. The site is characterised as a low lying wetland that functions as a flood plain featuring mature shrubbery and trees. It was noted when visiting the site that a number of storage containers and waste building materials were located in the approximate location of the former housing on site.
 - 2.2 The site is irregular shaped and has an area of 9.24 hectares. To the east of the site is the Erewash Valley railway line and to the west and south the River Erewash forms the site and County boundary. Further west of the site is the Gallows Inn playing fields in the neighbouring Borough of Erewash. These fields comprise sports pitches and recreation grounds. Across the River Erewash is the Erewash Canal and further beyond are commercial buildings off Hallam Fields Road, Ilkeston.
 - 2.3 To the east, beyond the railway line that runs north to south, are the rear gardens of residential properties off Ilkeston Road. Immediately north-east of the site includes Station House, a detached residential property accessed from The Forge. Also served off The Forge includes 1 The Forge which consists of a storage yard and associated building for commercial use. Planning permission was granted for a detached dwelling on part of this land 1 The Forge (21/00775/FUL). To the north-east of the site includes a large industrial building located on the opposite side of Ilkeston Road, and to the north beyond Ilkeston Road lies a building materials storage yard.
 - 2.4 The site lies within the local landscape character area, part of The Greater Nottingham Landscape Character Assessment (GNLCA) under Policy 30 – Landscape of the Part 2 Local Plan. The site covers the Trowell Junction Grassland Local Wildlife Site and along the west and south boundary of the site along the River Erewash includes a Green Infrastructure Corridor which are both environmental assets protected under Policy 28 - Green Infrastructure Assets and Policy 31 – Biodiversity Assets of the Part 2 Local Plan 2019. The site lies partly within Flood Zones 2 and 3.
3. Relevant Planning History

3.1 In 2020 an application was submitted for the change of use of land from agricultural to a recreational use, through the provision of 26 holiday lodges and a reception building. However, this application was withdrawn 23rd March 2021 due to concerns about the impact of the proposal on the Green Belt.

4 Relevant Planning History

4.1 **Broxtowe Aligned Core Strategy Part 1 Local Plan 2014:**

4.2 The Council adopted the Core Strategy (CS) on 17 September 2014:

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 3: The Green Belt
- Policy 4: Employment Provision and Economic Development
- Policy 6: Role of Town and Local Centres
- Policy 10: Design and Enhancing Local Identity
- Policy 12: Local Services and Healthy Lifestyles
- Policy 13: Culture, Tourism and Sport
- Policy 14: Managing Travel Demand
- Policy 16: Green Infrastructure, Parks and Open Space
- Policy 17: Biodiversity
- Policy 19: Developer Contributions

4.3 **Part 2 Local Plan 2019:**

- Policy 1: Flood Risk
- Policy 8: Development in the Green Belt
- Policy 13: Proposals for Main Town Centre Uses in Edge-of-Centre and Out-of-Centre Locations
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 20: Air Quality
- Policy 21: Unstable Land
- Policy 26: Travel Plans
- Policy 28: Green Infrastructure Assets
- Policy 30: Landscape
- Policy 31: Biodiversity
- Policy 32: Developer Contributions

4.4 **National Planning Policy Framework 2023:**

- Part 2: Achieving Sustainable Development
- Part 6: Building a Strong, Competitive Economy
- Part 9: Promoting Sustainable Transport
- Part 11: Making Effective Use of Land
- Part 13: Protecting Green Belt land
- Part 12: Achieving Well-designed Places

- Part 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Part 15: Conserving and Enhancing the Natural Environment

5. Consultations

5.1 **County Highways: *Response to first consultation***; No objections subject to conditions relating to the implementation of proposed access, parking to be provided, maintenance of public footpath and a revised Travel Plan to be submitted.

Response to second consultation; Highways have reviewed the submitted Transport Addendum and amended site layout plan to account for revised increase in staffing numbers 60 to 72 full-time equivalents (FTE). The amended parking numbers have been increased from 115 to 120 to account for the increase staff numbers, this has been reviewed by County Highways and no objections are provided. The amended staff numbers would require 5 additional parking spaces from that previously proposed, which have been included on an updated site plan.

5.2 **County Rights of Way – *Response to first consultation***: further information required.

- Trowell Footpath 3 runs along The Forge and the crosses the application site.
- NCC Public Rights of Way (PRoW) have requested that The Forge is never allowed to be used by vehicles at any time during the construction, development or operation of the site. This will ensure the safety of legal users of the public footpath (those on foot with usual accompaniments).

Response to second consultation: on receipt of further information no objections, maintenance condition of PRoW suggested.

- A condition is recommended to ensure all future maintenance is provided by the landowner for the lifetime of the development.
- It is proposed to widen and resurface the length of the public footpath with pedestrian grade 'breedon' gravel.
- A two-metre strip of planting will be included either side of the PRoW. The width of the new PRoW corridor will be in total 6.5 metres wide, this allows for a 2-metre offset either side of the pathway to the 1.8-metre-high chain-link zoo licence fencing.

5.3 **Broxtowe Environmental Health** – No objections subject to conditions relating to land contamination remediation, operation noise, plant noise, construction noise, odour, lighting and general operation restrictions.

5.4 **Broxtowe Economic Development** – Economic case identified. Notwithstanding this, despite the impact and recognition of the short term and

long term benefits brought by the pre and post project delivery and running of operations, the overall benefits presented are overestimated by:

- socioeconomic impact retention within the borough due to the venue location and its proximity to the boundary of the borough;
- theoretically, looking at the retention rate within a radius distance from the site, the level of retention estimated is largely dispersed to other areas of Nottinghamshire; and
- the estimated human capital value added is theorised/inferred and lacks detail to substantiate the potential educational benefits offered.

5.4 **Tree officer** - No objections. There are no trees on site of any special significance that are worthy of TPO protection, the hedgerows on site do provide habitat for wildlife and could be incorporated into the design with management, currently none of the hedges appear to be subject to any kind of maintenance.

5.5 **Environment Agency** – *Response to first consultation*: objection, as the development does not demonstrate that the risks of pollution to controlled waters are acceptable, or can be appropriately managed. Further information requested, a preliminary risk assessment (phase 1 geo-environmental risk assessment) should be submitted.

Other matters raised:

- Flood risk – no objections subject to conditioning the development is carried out in accordance with Flood Risk Assessment (FRA) and Finished Floor Levels (FFL).
- 17 cabins are located in Flood Zone 2, therefore sequential test required.
- Biodiversity – no objections subject to conditioning 8-metre-wide buffer zone alongside River Erewash. The assessment supplied shows a net loss of habitat units measuring -18.96%. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity in and around developments should be encouraged.

Response to second consultation: no objections, subject to groundwater and contaminated land conditions. The EA have reviewed the Phase I Contaminated Land Desk Study, Report Ref: 27890-GEO-0401, dated February 2024.

Other matters raised:

- The EA have reviewed the application alongside the new Erewash flood model (dated 2023) and the current and potential future flood map for planning, and there are a number of lodges located in Flood Zone 2.
- The proposed finished floor level of 42.91mAOD is acceptable (600mm freeboard).
- The EA advise that the FRA recommended condition should be amended to restrict all vulnerable development restricted to Flood Zones 1 and 2 only.

- The new updated DEFRA Metric 4.0 calculations (prepared by EMEC Ecology, 2023) reduces habitat unit losses slightly to -16.24%.

- 5.6 **Nottinghamshire Wildlife Trust** – *Response to first consultation*; objection, the proposal will impact a recognised biodiversity asset (Trowell Junction Grassland LWS), priority habitats (rivers and streams, lowland wet grassland) and potential several priority species (bats, badgers, riparian mammals, amphibians, reptiles).

Preliminary Ecological Appraisal and Biodiversity Impact Assessment is inadequate as it does not provide the detail needed to support a planning application of this nature.

Response to second consultation; objection and recommend refusal. NWT have reviewed the submitted Ecological Impact Assessment (EclA) and have raised several concerns in relation to the contents of the (EclA), notably the lack of interpretation of the survey results in relation to the implications of the actual proposed development plan, the inadequate impact assessments, and absence of evidence relating to the mitigation hierarchy procedure.

Biodiversity off setting details within the Addendum to Planning Statement have been reviewed by NWT, it is considered that offsetting to a site within the applicant's ownership in Strelley is unacceptable given the distance from the site (3km) and significant barrier between the two locations including the M1. Offsetting is designed to provide habitats for the range of species to be affected by the development, in this case, this includes badger, otter, water vole, breeding birds, bats, amphibians etc. Thus, offsetting on land with no direct connection to the application site, particularly in relation to riparian mammals (otter, water vole) in the absence of a watercourse, will not mitigate for the loss of onsite habitat for these species.

The application fails to demonstrate that the proposed development will not result in an adverse impact on protected species, as well as the loss of a biodiversity asset (LWS) and fragmentation of a key wildlife corridor and ecological network. Furthermore, the proposal fails to deliver a biodiversity net gain. The application fails to comply with Policy 16 – Green Infrastructure, Parks and Open Space and Policy 17 – Biodiversity of the Aligned Core Strategy Part 1 Local Plan 2014, Policy 28 – Green Infrastructure Assets and Policy 31 – Biodiversity Assets of the Part 2 Local Plan and Part 15 - Conserving and enhancing the natural environment of the NPPF 2023.

- 5.7 **County Planning Policy** – Developer contributions requested.

- Bus Stop Infrastructure contribution of £10,100 would need to be paid to provide improvements to the bus stop denoted BR0018 Stoney Lane and shall include relocation of real time bus stop pole and display including electrical connections, polycarbonate bus shelter and solar or electrical lighting.

- 5.8 **County Lead Local Flood Authority** – No objections subject to conditioning a surface water drainage scheme to be submitted based on the principles set forward by the Flood Risk Assessment (FRA).
- 5.9 **Severn Trent Water** – Observations provided and informative note recommended:
- Foul drainage is proposed to connect into the public combined water sewer. A sewer modelling study will be required to determine the impact this development will have on the existing system and if flows can be accommodated. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.
- 5.10 **Coal Authority** – No objections, the site falls partly within the defined Development High Risk Area. Coal Mining Risk Assessment reviewed and no further coal investigatory works required.
- 5.11 **Network Rail** – No objections subject to conditioning construction methodology, drainage, boundary treatment, landscaping and lighting.
- 5.12 **Cadent Gas** – No objections, informative note recommended.
- 5.13 **Trowell Parish Council** – Objection on the following grounds:
- The site is located in Green Belt and so it should be preserved as Green Belt to maintain the character of Trowell.
 - Ecological impact – loss/disruption of local wildlife.
 - Flood risk – the site is a flood plain. Potential surface water flood risk increased on surrounding areas caused by the proposed development.
 - Litter and pollution into the River Erewash and potential ground water contamination.
 - Highway safety – increased traffic affecting users of A609, proposed access is adjacent to an existing access ‘The Forge’ increasing the possibility of conflict/misunderstanding and increased chance of accidents.
 - Noise and odour pollution related to increased traffic, events and animals on the site affecting living conditions of nearby residents.
 - Potential on street parking affecting areas of Trowell.
 - Character and appearance impact on locality.
- 5.14 **Resident comments:** A total of 965 comments have been received. 462 support in support, 484 objections and 19 comments making observations. Comments received have been summarised below:

Objections:

Principle of development

- Inappropriate development in the Green Belt
- Brownfield land better suited
- Contrary to aims of Green Belt
- Loss of recreation space

Visual amenity

- Adverse impact on landscape / character
- Loss of openness
- Site has historic value

Residential amenity

- Noise disturbance from animals / business operation on neighbouring properties
- Odour pollution from animals / waste on neighbouring properties
- Nearby railway line – noise pollution impact future occupiers

Highway safety

- Increased traffic on a busy road
- Proposed access inadequate in terms of visibility
- There is a public footpath through the site
- Under provision of onsite parking
- Pedestrian safety risk due to new access (no footway on opposite side of Ilkeston Road)

Other matters

- Unacceptable impact on local wildlife – including protected species
- Increased pollution from increased traffic
- Increased flood risk / drainage issues / FRA inadequate
- Site not big enough for a zoo
- Zoo licence required
- Lack of pre-application consultation
- Consultation period should be extended / inappropriate timing over Christmas
- Ethical concerns relating to animal captivity
- Public safety risk for users of public footpath / animals
- No local demand for this type of development in this location
- Security issues
- Café should be publically accessible
- What animals will be housed on the site?
- The proposal could be used as a precedent for future housing in the Green Belt
- Issues of controlling / regulating the proposed development
- Ecology survey inadequate / lack of surveys
- Loss of green space / walking area

- Lower property values in area
- Increased potential of protests in this location
- Business would not be successful in this location
- Should permission be granted the site could be used for housing instead
- Information submitted includes inaccuracies

In support:

- Create jobs
- Educational opportunities
- Increase tourism in Broxtowe
- Supports local businesses
- Provides high standard of animal care
- Helps rescue animals
- Carbon neutral development
- Supports wildlife conservation
- Supports local community

6 Assessment

6.1 The main issues to take into account when assessing this application are:

- Green Belt – Principle
- Green Belt – Openness
- Local and Landscape Character
- Living Conditions
- Access and Safety
- Flood Risk
- Town Centres
- Ecology
- Contamination
- Sustainability

Green Belt – Principle

6.2 Policy 8 - Development in Green Belt of the Part 2 Local Plan states that applications for development in the Green Belt will be determined in accordance with the NPPF, as supplemented by the following Broxtowe-specific points 1-4.

6.3 Paragraph 142 of the NPPF explains that the government attach great importance to Green Belts. The fundamental aim is to prevent urban sprawl by keeping land permanently open. Their essential characteristics are their openness and their permanence. One of their five main purposes is to assist in safeguarding the countryside from encroachment.

6.4 Paragraph 152 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in

very special circumstances. Paragraph 153 states that substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.

- 6.5 Paragraph 154 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and sets out a number of limited exceptions which can be regarded as appropriate development. Paragraph 155 lists further exceptions subject to them preserving the openness.
- 6.6 This proposal does not fall within any of the exceptions referred to in paragraphs 154 and 155 of the NPPF. The development would therefore be inappropriate development and is therefore harmful, by definition, to the Green Belt.
- 6.7 This proposal is unacceptable in principle in the Green Belt since it does not meet any of the exceptions of appropriate development set out in the NPPF. The proposal should therefore be refused unless the harm by definition and any other harm arising from the impacts of the development are clearly outweighed by other considerations. These must, either collectively or individually, amount to the VSCs necessary to outweigh the harm and justify the development. The final section of this report makes this assessment.

Green Belt – Openness

- 6.8 The essential character of the Green Belt is its openness (lack of development) and permanence (enduring in the long term). Paragraph 142 of the NPPF advises that openness is an essential characteristic of the Green Belt and is generally defined as the absence of built form.
- 6.9 The National Planning Practice Guidance (PPG), advises in part 64 paragraph 1 that the matters that require consideration include, but are not limited to:
- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
 - the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
 - the degree of activity likely to be generated, such as traffic generation.
- 6.10 The applicants Planning Statement highlights that the site was assessed as part of the Broxtowe Borough Council's 'Preferred Approach to Site Allocations (Green Belt Review)' (February 2015) as 'Zone 49: West of Trowell'. In the assessment of the sites assistance in safeguarding the countryside from encroachment, the assessment acknowledges the urban context of the site. A grading system was used for the assessment of sites. The score given with regards to the criteria 'Assist in safeguarding the

countryside from encroachment' was 2 out of 5, with higher scoring sites being the most important in Green Belt terms. Notwithstanding this score, the assessment identifies that the site is nonetheless open countryside. Furthermore, the score given with regards to the criteria 'Prevent neighbouring settlements from merging into one another' was 4 out of 5 stating that there would be some significant but not total merging between Trowell Village and Ilkeston.

- 6.11 The site was also assessed as part of the review of potential development sites as part of the Part 2 Local Plan process contained within the Landscape and Visual Analysis of Potential Development Sites – January 2017. The site falls under LS17 – Land to the west of the railway line Trowell and was assessed for its impact on the landscape and its visual impact. The susceptibility of the landscape was rated 15/25.
- 6.12 The applicants supporting Planning Statement indicates that the site is not isolated within the Green Belt or immediately surrounded by open countryside and is well contained by built and natural features on all sides of the site boundary. The railway line to the east, river to the west and south and the existing vegetation (to be retained) to the north of the site, define the boundaries of the site. It is suggested that these established boundaries limit views of the proposal, therefore reducing the impact upon openness.
- 6.13 Whilst it is suggested that the site is well screened from public viewpoints outside of the site, Trowell Footpath 3, runs through the site. It should be noted that the effects on openness are not purely created by built form. 'Openness' is not simply a matter of the absence of buildings from an area – it is also results from the degree of visibility of both built form - and urban activity - within an area. Another consideration is 'the degree of activity likely to be generated, such as traffic generation'. The proposed development would introduce a tourist development comprising 27 guest cabins, reception, restaurant and animal enclosures / barns. However, the applicants Planning Statement suggests that there would be limited visual effects resulting from the development, due to the location of the site in close proximity to the residential settlement of Trowell to the east and nearby industrial units to the north and south of the site.
- 6.14 There are concerns regarding the spatial impact on the openness in this area of the Green Belt. The proposal would result in a significant increase in built form from open undeveloped grassland. The reception, cabins and restaurant are two storey whilst the three larger animal barns are significant in bulk. The creation of the access off Ilkeston Road would cut open the existing hedgerow boundary and open views into the site. It is likely the creation of the vehicular access would increase the prominence of the reception building by increasing its visibility.
- 6.15 Cumulatively these would significantly reduce the openness of this part of the Green Belt. A relatively significant area of site would be filled with the cabins, reception, restaurant, animal barns and associated infrastructure. Spatially

there would be a significant loss of openness due to the presence of buildings, enclosures and associated infrastructure.

- 6.17 In terms of the visual aspect (the visual element of the Green Belt is not an assessment of visual quality) the site is open grassland with hedgerow and trees to some boundaries. The development would impair the visual aspect of the Green Belt through the change in character from a low lying wetland containing natural features into a tourism development comprising of 27 cabins. Buildings, associated infrastructure and equipment relating to the keeping of animals would be introduced across a significant site area where none exist at present.
- 6.18 In terms of mitigation, it is suggested planting would be proposed, however limited details of a screening strategy have been provided in terms of quantity and location of screening. Notwithstanding this, the public footpath which runs through the site makes the site highly visible to the public.
- 6.19 During construction there will be high levels of disturbance to the site as outlined above and this will largely be across all of the red line area. The agricultural nature of the site will be lost and the wetland character changed. Two years is the expected time period required for full construction. During the operation period, the site will be relatively active with guest comings and goings, education visits and servicing and maintenance of the enclosures.
- 6.20 It is noted that part of the site is low lying which slopes near the bank of the River Erewash, however the site is relatively flat and can be viewed from several public vantage points. It was observed from visiting the site that views can be accessed from the bridge which runs over the River Erewash on the northern boundary of the site. A public footpath also runs along the Erewash canal to the west of the site, beyond the Gallows Inn playing fields and it is considered that the proposed buildings which are mostly two-storey in height would be visible. The applicant has indicated that Trowell can be viewed from the site and the proposal would not affect this view, however loss of view is given limited weight in the planning balance. It is considered that the whilst the site is relatively low lying the site has reasonable inter-visibility with nearby public viewpoints. The applicant suggests that Gallows Inn Fields between the application site and Trowell helps with providing separation and avoiding any coalescence of settlements. This forms one of the five purposes of the Green Belt under paragraph 143 of the NPPF 'to prevent neighbouring towns merging into one another'. However, this carries limited weight as the proposal comprises inappropriate development and therefore requires very special circumstances to be weighed in the planning balance.
- 6.21 The fundamental aim of Green Belts is to prevent urban sprawl and keep land permanently open; the essential characteristics of the Green Belts are their openness and permanence. It is concluded that in addition to the harm by reason of inappropriateness, the proposed development would lead to a significant reduction in the openness. Due to the scale and extent of the proposal and the built additions to the site, the development would severely impair the openness of the Green Belt both spatially and visually.

- 6.22 The development would therefore fail to preserve the openness of the Green Belt both spatially and visually and would be contrary to Policy 8 of the Part 2 Local Plan and the NPPF. The degree of harm will be discussed in more detail in the final section of this appraisal.

Local and Landscape Character

- 6.23 This section of the report assesses the impact of the proposed development on the character of the site and wider landscape.
- 6.24 The site is located within local character area (LCA) 'Erewash River Corridor' (NC01) part of the Greater Nottingham Landscape Character Assessment (GNLCA) which is protected under Policy 30 – Landscape of the Part 2 Local Plan. Policy 16 – Green Infrastructure, Parks and Open Space of the Part 1 Local Plan advises that the approach will require that: e) Landscape Character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment (GNLCA).
- 6.25 Relevant policies in respect of the design and impacts on the character of the area include Policy 17 – Place-making, Design and Amenity of the Part 2 Local Plan. Policy 30 – Landscape of the Part 2 Local Plan states all developments within, or affecting the setting of, local landscape character areas should make a positive contribution to the quality and local distinctiveness of the landscape. They should therefore be consistent with the 'landscape actions' for the area concerned, as set out in the GNLCA and in Appendix 7 the Part 2 Local Plan.
- 6.26 The site sits within the GNLCA 'The Erewash River Corridor' as a character area displaying the following characteristic features:
- Narrow low alluvial floodplain lying in a broad valley;
 - The meandering river channel of the Erewash is not visually prominent although the effects of its presence are clearly seen in the landscape e.g. wetland habitats and marginal bank side vegetation;
 - Urban fringe character which is strongly influenced by surrounding built and industrial development along the valley sides. In certain locations, the river is heavily enclosed by urban development;
 - Low lying floodplain pasture is frequently used as grazing meadow primarily for horses and cattle;
 - Typical wetland habitats such as reeds, rushes, ponds and open water are characteristic features;
 - Native woodland dominated by wet woodland species such as alder and willow is characteristic of the area. Young regeneration scrub is also common;
 - Belts of linear woodland are often used on the valley sides and along the railway corridor to screen and filter views of transport infrastructure, industry, large warehouses and residential expansion.

- 6.27 The landscape condition is identified as 'moderate'. There is evidence of management of the landscape with consideration towards the sensitive ecological habitats which have a naturalistic appearance. The various urban influences surrounding and within the river corridor have an effect on the overall perception of the landscape. The landscape strength is identified as 'strong'. This area is a narrow floodplain lying in a broader valley associated with the River Erewash. The wetland habitats and scrub woodland are distinctive features of the valley floor. The overall landscape strategy is to 'conserve' and 'enhance'. The overall LCA covers land alongside the River Erewash from the south-west of Toton to north-west of New Brinsley.
- 6.28 The identified 'Landscape Actions' are:
- Conserve the distinctive flood plain character of the river valley;
 - Conserve and enhance the enclosed feel of the river corridor along the valley sides;
 - Conserve the predominantly pasture grazing on the valley floor;
 - Conserve and enhance the long views along the valley by managing the distribution of woodland to ensure views are not obscured;
 - Conserve and enhance the diversity of wetland habitats which add visual interest to the area;
 - Conserve and enhance the areas of linear woodland and riparian vegetation along the river corridor;
 - Ensure that further built development does not affect the character of the valley and suitable mitigations measures are put in place for larger developments, such as woodland planting to soften and screen it; and
 - Conserve historic features associated with the former use of the area such as the viaduct railway bridge near Awsorth.
- 6.29 Paragraph 180 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by a) protecting and enhancing valued landscapes; and b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 6.30 In terms of the impact on the character of the area, the application has been supported by a Landscape and Visual Appraisal (LVA). The LVA comprises a description of existing baseline conditions, an assessment of the landscape character and the effects on identified visual receptors. The applicant has identified that the site has been assessed previously by Broxtowe Borough Council for its landscape and visual sensitivity under reference LS17 of potential development sites as part of the Part 2 Local Plan process (Landscape and Visual Analysis of Potential Development Sites – January 2017). The assessment concluded that: 'The study area is relatively degraded and has been influenced by industrial and residential development. Overall, there is a low landscape sensitivity and visual sensitivity to development of the site.'

- 6.31 Overall, it scored 29/50 for landscape sensitivity stating that the site is low value and medium susceptibility to change resulting in a low landscape sensitivity. The applicant suggests that comments within the 2017 assessment indicate that despite the PRoW through the site, the busy road and railway line and the degraded nature of the site means that it contributes less to the experience of receptors.
- 6.32 The LVA suggests that potential construction and operational effects upon landscape character is considered at two levels; firstly, effects on the site itself as a standalone resource and secondly, effects on the local context and subsequent indirect effects on defined landscape character areas within or adjacent to the site. The submitted LVA identifies the site as having a low a low sensitivity to change.
- 6.32 The LVA states although the development presents a complete change to the character of the site, that overall, it will have very low levels of adverse effect. There are concerns with this assessment. The proposed development represents wholesale change to the landscape of the site. The agricultural floodplain character will be lost and replaced with built elements.
- 6.33 As a result of the wholesale changes to the site, it is considered that loss of the agricultural wetland character would represent a significant adverse impact on the landscape in this location. Based on the supporting information, the site may have a low sensitivity to change and have a low - medium landscape quality, however the proposed development fails to conserve or enhance characteristic features of this LCA. Whilst the site may be influenced by its urban fringe character, the proposal would increase the perceived coalescence of the settlements of Trowell and Ilkeston. The proposed design includes use of timber cladding on the elevations for the reception, restaurant and cabins to be sympathetic to the agricultural character of the site. However, a development of this scale would nonetheless detract from the open character in this location.
- 6.34 The LVA suggests that the layout helps to maintain pockets of openness through the use of the animal enclosures. However, the openness of the site would be fragmented by the installation of fencing and infrastructure. Furthermore, there is potential for the proposal to expand if granted permission. 'Area 23' within the submitted Landscape Design Statement shows the southern plot of open space currently proposed as an enclosure could be a further development of the site. The LVA advises that the magnitude of the effect on the site is high with moderate significance. There are concerns with this appraisal, given the proposal results in wholesale changes due to the amount of built form proposed in an area free of development, the significance of this is high.
- 6.35 The LVA uses a number of viewpoints to assess the visual impact of the development in the surrounding area. It is agreed that views within the site on the PRoW are the most sensitive receptors to the development as the PRoW passes through the core of the development. Comments have been provided

about the experience of the PRow that runs through the site suggesting that it feels 'insecure' and 'not welcoming' due to the fact the route is open and the path is not delineated, however it is considered that this judgement is subjective. The changes to views from the PRow within the site would be highly sensitive to change when walking through the development site. The agricultural wetland character would be lost and the PRow would be formalised and enclosed in fencing. The resulting impact is likely to detract from the sense of openness when walking through the site.

- 6.37 There are concerns that some relevant receptors have not been considered. The LVA has failed to include the potential impact post development taken from Ilkeston Road looking into the site when the access is created which will be a significant break in the mature hedgerow along this road. Furthermore, views can be achieved into the site from Ilkeston Road on the north boundary of the application site. This comprises a footway which forms the bridge over the River Erewash. It is agreed that views are limited from the east from Trowell and south beyond the site boundary along the PRow due to the extensive vegetation. Directly to the west, is a playing pitch used by local communities which is used for local sports teams and by dog walkers. As such, views of the development site would be highly sensitive from Gallows Inn recreation ground which runs parallel southwards. Views from the Erewash Canal are in part screened by the existing trees and the separation distance would lessen the visibility of the development. However, views into the development site will be possible from various points along this long footpath and as such this would have a moderate to high sensitivity to change.
- 6.39 The LVA concludes that in the balance there will be a moderate adverse impact on the site but this reduces to minor in the immediate locality. Notwithstanding the conclusions of the LVA, there are concerns regarding the adverse landscape and visual effects. Whilst inter-visibility is variable due to the site being partly screened and low lying, the construction period would amount to significant harm to the landscape and there would be harm to the immediate receptors. Whilst the site may include a varied natural landscape and is influenced by its urban fringe location, the proposal would result in the loss of this agricultural wetland landscape. The formalising of the PRow within the site would change the user experience and is likely to detract from the sense of openness in this location.
- 6.40 No screening strategy has been provided which may lessen the magnitude of the impact from nearby receptors. The proposal would represent wholesale redevelopment of the site with the potential for further expansion which would add to the sense of the merging of neighbouring settlements. The proposal fails to demonstrate compliance with the landscape actions associated with the Erewash River Corridor LCA. Whilst the site is a relatively smaller parcel of the wider LCA, its floodplain characteristics are lost which would result in harm to the overall strength of this LCA.
- 6.41 Given limited details have been provided demonstrating the potential mitigation effects of screening the development by use of planting, it is

considered that the scheme will have a materially adverse impact on the character and appearance of the area due to the significant scale of the proposal and the change in character of the wetland landscape. The degree of harm will be weighed up within the planning balance in more detail in the final section of this appraisal in regard to any benefits that may outweigh any harm with regards to Policy 30 – Landscape of the Part 2 Local Plan.

Living Conditions

- 6.42 This section of the report assesses the impact of the proposed development on the living conditions of existing or future occupiers.
- 6.43 Policy 10 - Design and Enhancing Local Identity of the Part 1 Local Plan requires that development is assessed in terms of its treatment of the impact on the amenity of nearby residents or occupiers. Policy 17 - Place-making, Design and Amenity of the Part 2 Local Plan states that permission will be granted to new development which ensures a satisfactory level of amenity for neighbouring properties. Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Part 2 Local Plan states that permission will not be granted for development that would result in an unacceptable level of pollution, contamination to groundwater resources. It also seeks to ensure that contaminated land is investigated and handled appropriately.
- 6.44 To the east of the site, beyond the railway line, includes residential properties off Ilkeston Road. To the north of the site, on the opposite side of Ilkeston Road, includes an industrial building. To the west of the site, beyond the River Erewash, includes Gallows Inn playing fields. To the south of the site, beyond the River Erewash includes mature trees and shrubbery that borders the Erewash Canal. Beyond the Erewash Canal includes industrial units. As such, the site is relatively contained with few residential properties within the immediate vicinity.
- 6.45 The nearest residential property to the proposed development lies along The Forge - Station House. The proposed new access, which will serve all vehicular access to the site, is from Ilkeston Road approximately 50 metres north-west of The Forge. The Forge will not be used by the proposed development which will reduce any potential disturbance caused as a result of comings and goings on Station House. The outlook for the residents of Station House would change to a degree with the creation of the car parking to the west of the property and the change of use from grazing land to the animal retreat facility. The Forge is bordered by mature planting on its western side which will provide screening from the proposed car park. The change of use of the site will create a higher level of activity than its current use which has the potential to create disturbance. To lessen the impact of the guest cabins and animal buildings/enclosures, they have been sited further to the west and south of the site. Comprehensive landscaping throughout the site would limit the inter-visibility and limit any potential privacy concerns. The nearest cabin to Station House would be sited to the west set behind the proposed car park and existing mature vegetation that runs along The Forge.

Whilst the cabins are two-storey, the layout has been designed to reduce any potential loss of privacy or any potential overbearing impact.

- 6.46 The nearest animal enclosure to Station House is to the south at the edge of the storage compound. The building has been positioned to have its open aspect facing southwards with guest cabins positioned around the enclosure. Due to the separation distances and intervening structures, this would lessen potential disturbance caused by the proposed development. To limit any potential disturbance caused during the operation of the site, it is considered that plant, lighting, odour and ventilation details could be conditioned in the interests of protecting the living conditions of any neighboring properties.
- 6.47 There would be some temporary noise during the construction phase, given the scale of the proposed development comprising 27 cabins, reception, restaurant and enclosure buildings. To limit potential disruption on any nearby residential properties a construction and demolition statement, construction hours and any noise and vibration mitigation measures could be conditioned to help to lessen any potential impact on residential properties during the construction period. The construction activities may increase noise levels within the vicinity of the site however any related noise during construction would be intermittent, localised and temporary in nature.
- 6.48 Environmental Health have reviewed the application and have provided no objections subject to conditions relating to noise, construction noise, plant noise, lighting, odour and restrictions relating to the general operation of the premises. Environmental Health have assessed the application as an application for a zoo. As such, it is a reasonable expectation that as the site evolves and legislative and care standards change, it is likely that additional facilities would be required to maintain safety and animal welfare conditions. As a result, potential alterations or expansion of the premises is likely in the future. Due to the nature and extent of the proposal, further clarification about the facilities was required by Environmental Health, however this information has not been provided by the applicant. Notwithstanding this, the applicant has confirmed that the facility will be subject to the Zoo Licensing Act 1981 and the implementing Standards of Modern Zoo Practice and thereby governed by separate legislation.
- 6.49 Due to the location of the proposed cabins near to a railway line and any nearby road traffic, Environmental Health have also requested that a scheme for protecting the proposed cabins from potential noise and vibration should be conditioned ensuring mitigation is installed prior to the use commencing.
- 6.50 Given the size, siting and design of the proposed development and its relationship to neighbouring residential properties (including separation distances and screening) it is considered that the proposed development would not have any adverse effects on living conditions. Having regard to the above and subject to the aforementioned condition, it is considered that the impact on residential amenity would be acceptable in accordance with Policies 10 of the Part 1 Local Plan and Policies 17 and 19 of the Part 2 Local Plan.

Access and Safety

- 6.50 This section of the report assesses the impact of the proposed development on the capacity and safety of the local highway network including an assessment of parking provision on site.
- 6.51 Paragraph 108 in the NPPF encourages developers to consider the potential impacts of development on transport networks, and how these can be addressed, and opportunities to promote walking, cycling and public transport use. Paragraph 115 in the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.52 Policy 17 - Place-making, Design and Amenity of the Part 2 Local Plan advises that for all new development, permission will be granted for development which; i) Provides sufficient, well-integrated, parking and safe and convenient access. The applicant has submitted a Transport Assessment including swept path analysis for larger vehicles entering and exiting the site.
- 6.53 There is an existing site access via The Forge, a private road off Ilkeston Road approximately 100 metres north-west of Stoney Lane. The Forge serves one existing dwelling and a builder's storage yard. The Forge also includes a public footpath which continues across the site to the Erewash Canal south of the site. Ilkeston Road is an A-road (A609). In the vicinity of the site, it connects Ilkeston and Trowell and is subject to a 30 mph speed limit, with regular street lighting, and frontage accesses. Ilkeston Road has a footway on its southern side, providing pedestrian connection between Trowell and Ilkeston along the site frontage.
- 6.54 The site can be accessed by public transport, there are two bus stops located south-east of the site 90 metres from the Forge on both sides of Ilkeston Road. The nearby bus stops are served by the 'two', 111 and 'my15' bus routes. These combine to provide a comprehensive daily service linking the site with Ilkeston, Wollaton, Nottingham City Centre, Stapleford, Long Eaton and destinations to East Midlands Airport. The closest railway station to the site is Ilkeston station, located approximately 3 kilometres equating to a 40-minute walk from the site. Ilkeston station has services to Nottingham to the south and Chesterfield to the north, both of which provide connections to multiple lines.
- 6.55 It was originally proposed that The Forge would provide access for deliveries and maintenance for the zoo element, with all other vehicular access to be provided through a proposed new access; however, given its geometry, County Highways have requested that no vehicular access be made via The Forge. The proposed new access, which will serve all vehicular access to the site, is from Ilkeston Road approximately 50 metres north-west of The Forge.

- 6.56 County Highways are satisfied with the location and design of the proposed access with regard to the Nottinghamshire Highways Design Guide. The proposed access includes corner tapers of 1:5, corner radii of 10 metres and an access width of 6 metres. The submitted Transport Assessment includes swept path analysis for maximum legal length coaches (15 metres) which would be the largest vehicles attending the site. The submitted visibility plan demonstrates splays of 2.4 x 61.8 metres achieved to the nearside kerb line in both directions from the proposed site access. Automatic traffic count surveys were undertaken which recorded an 85th percentile southbound traffic speed of 36 mph and a northbound traffic speed of 31 mph. No personal injury traffic collisions are identified as having occurred within a 400-metre drive of the site access during the previous five years. Visibility splays demonstrated and the access width comply with minimum standards contained within the Highways Design Guide.
- 6.57 The Applicants Transport Assessment advises that the cabins will each house up to four guests, generally families. Guests would typically stay for two to three nights, checking in from 13:00 to 15:00 and checking out by 11:00. It is envisaged that there may be some overlap between guests arriving at the site before their cabin check-in, and guests remaining on-site until after their cabin check-out. Travel to and from the site by cabin guests on local roads would generally be outside of the network peak hours. Guests would utilise the on-site restaurant for meals, while the restaurant would also be open to the general public during the evenings. The restaurant would be open to guests only from 07:00 to 10:00 for breakfast and from 11:30 to 16:00 for lunch and to the public from 18:00 to 22:00 for dinner. The Transport Assessment suggests that the general public will make up 75% of covers for evening meals, which would equate to approximately 40 cars.
- 6.58 Use of the restaurant by the general public and guests choosing to eat elsewhere would mean some trips occurring on the local roads towards the end of the PM network peak hour. The proposal has been designed with the entrance to the zoo itself only available to those staying at the cabins, with just occasional non-residential visitors allowed, such as for school educational days, with pupils travelling to the site by coach. On such days the cabins would not be bookable by the general public.
- 6.59 As the proposed use does not neatly conform to land use classes, a bespoke approach has been taken, informed by the Nottinghamshire Highways Design Guide parking standards. The approach to determine appropriate parking provision had regard to 'sharing' of spaces between the different elements of the site, as the cabins and restaurant have differing peaks in parking demand. County Highways parking standards for restaurants comprises a space per two FTE plus a space per five square metres of open public area. In subsequent working up of the proposal, including establishing the economic case, additional staffing requirements were identified. A revised site layout plan has been submitted and a Transport Addendum was provided. Staffing requirements have increased from 60 to 72 FTE. Staffing numbers have been summarized below:

Table 1: Updated staff requirements

Full Time Equivalent		
Type	Use	No.
Animal staff	Animal Keepers	16
Restaurant	Catering	12
	Waiting Staff	10
Maintenance	House Keeping	8
	Maintenance and Grounds	6
Reception	Spa	6
	Reception	4
	Education	2
Other (work from home)	Marketing, Social Media, Administration	4
	Management	4
Total	-	72

- 6.60 The Transport Addendum confirms that the maximum staff on-site at any given time would be 41 comprising: 16 animal staff, 12 restaurant staff, 7 maintenance staff and 6 reception staff.
- 6.61 It is important to note that the restaurant would only be open to the general public in the evening, meaning that at other times, the restaurant guest requirement would be met by parking for the cabins. The restaurant includes 396 square metres of public space and has the capacity of 175 covers. Data from the 2011 Census was used to ascertain the likely modes of travel by staff of the proposed site. Modal share data showed that 70.8% of people employed within the local area reported driving to work at the time of the 2011 Census. This information has been used to assist calculating parking requirements for staff. County Highways have accepted this methodology used to calculate demand for parking. It is proposed that up to 75% of covers might be used by the general public, taking 75% of the 396 square metres open public area gives 297 square metres, or 59 spaces for restaurant guests in the evening (with all other restaurant guests parking demand being provided by the cabin guest parking).
- 6.62 The proposed 22 FTE restaurant staff would require 11 parking spaces (a space per two FTE staff), while the maximum of 29 non-restaurant staff that would be present on-site at any given time would require 23 parking spaces (1 space for 80% of staff, which exceeds the 71% modal share of local journeys to work being undertaken by driving from the 2011 Census). This totals 34 staff parking spaces, in addition to 59 spaces for attendees of the on-site restaurant who are not staying overnight, plus 27 spaces for guests staying overnight at the site; this totals 120 on-site parking spaces. In the daytime there would be no parking demand for non-cabin restaurant guests, hence allowing additional spaces for any overlap between arriving and departing cabin guests.

- 6.63 The Transport Assessment concludes that the proposed site access has sufficient capacity to accommodate the proposed development. In the absence of any comparable sites being available in the TRICS database, a more bespoke method of trip generation is given based on likely shift patterns and visitor arrival/departure times. The Transport Assessment identifies development traffic flows will largely take place outside of the AM and PM peak hours which is reasonable given the proposed use and so any impacts on the network are unlikely to be severe.
- 6.64 The site layout includes 2 parking areas for staff and visitors equating to 120 spaces. A coach drop-off bay is also proposed to facilitate trips by schools. A servicing area is included in the eastern part of the site. Swept path analysis of a 15-metre coach, pumping appliance and delivery vehicle show that site provides acceptable turning facilities. It is envisaged that these delivery and servicing trips would be undertaken by 7.5-tonne vans or similar. On this basis, suitable access throughout the site will also be achievable by ambulances. Restaurant waste would be transferred to the main car park area using a maintenance vehicle. A commercial refuse vehicle would access the main car parking and swept path analysis has been provided to show this. Animals taken to or collected from their enclosures would be carried out by either a 4x4 car with a trailer, or a 7.5-tonne van travelling through the site to the enclosure. It is expected that animal waste from the enclosures would be collected 1-2 times per month, animal medicine delivery 1 per month and restaurant food delivery 4-7 times per month.
- 6.65 Staff and visitor cycle storage would be provided. It is proposed that 10 cycle spaces would be provided for all staff on site (i.e. for 25% of the maximum number of staff on-site at any one time); 20 spaces for cabin guests; plus 10 short-stay spaces for external/non-cabin restaurant guests.
- 6.66 County PRow have advised that Trowell Footpath 3 runs along The Forge and the crosses the application site. The proposed layout includes the creation of paths that would connect the various elements of the site, including one looping along the southern boundary of the site. The paths within the site cross the public footpath at four points within the site, which will also be managed to ensure sufficient site security, while also ensuring that the public footpath is never blocked: guests staying at the site as well as staff would be provided with a code to open the gates, which would have a self-closing mechanism. The public footpath is currently maintained to a level commensurate for its use. NCC PRow team have provided no objections to the proposed development subject to a condition requiring any areas of the PRow to be maintained for the lifetime of the development.
- 6.67 County Highways have provided no objections subject to conditions relating to the implementation of proposed access, parking to be provided, maintenance of public footpath and a revised Travel Plan to be submitted. Having regard to the above and subject to the aforementioned conditions, it is considered that the impact on the safety or capacity of the highway would be acceptable.

Flood Risk

- 6.67 This section of the report assesses the impact of the proposed development on flood risk including an assessment of the submitted sequential test.
- 6.68 Policy 1 - Climate Change of the Part 1 Local Plan states that development will be supported which individually or cumulatively does not increase the risk of flooding elsewhere and where possible, reduces flood risk. It also states that all new development should incorporate measures to reduce surface water runoff whilst managing surface water drainage in a sustainable manner and that Sustainable Drainage Systems should be incorporated into all new development unless it can be demonstrated that such measures are not viable or technically feasible.
- 6.68 Policy 1 – Flood Risk of the Part 2 Local Plan states that development will not be permitted in areas at risk from any form of flooding unless:
- 1) There are no suitable and reasonably available alternative locations for the proposed development in a lower-risk area outside the Green Belt; and
 - 2) In the case of fluvial flooding, the proposal is protected by the Nottingham Trent Left Bank Flood Alleviation Scheme or other flood defences of equivalent standard of protection; and
 - 3) Provision is made for access to watercourses (8 metres for ‘main river’) and flood risk management assets; and
 - 4) Measures are included to:
 - a) mitigate any residual fluvial flood risk;
 - b) provide flood compensation where it is appropriate; and
 - c) ensure, including by the use of Sustainable Drainage Systems (SuDS), that:
 - i) developments on greenfield sites maintain greenfield (pre-development) surface water run off rates;
 - ii) developments on brownfield sites reduce surface run off by a minimum of 30% compared with pre-development rates.
- 6.69 In applying these tests, the minimisation of development in the Green Belt in Broxtowe will be treated as a ‘sustainability benefit’ and the Green Belt will be treated as a major constraint with regard to whether other sites are ‘reasonably available’. In all cases where the Exception Test is applied a site-specific flood risk assessment must be submitted, in accordance with NPPF and PPG requirements, and this must address the impact of potential breaches of the flood defences.
- 6.70 Paragraph 165 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 6.71 Paragraph 167 of the NPPF states that all plans should apply a sequential, risk-based approach to the location of development – taking into account all

sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test.

- 6.72 The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 6.73 Paragraph 169 of the NPPF states that if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3 of NPPF.
- 6.74 Paragraph 170 of the NPPF states that the application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Paragraph 171 of the NPPF states that both elements of the exception test should be satisfied for development to be allocated or permitted.

- 6.75 Paragraph 173 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and

- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 6.76 Paragraph 175 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.
- 6.77 The site lies partly within flood zone 2 and 3 along the northern-western, western and southern boundaries that lie adjacent to the River Erewash. The proposed access and some central and eastern areas of the site are located in flood zone 1. It would appear that 17 of the 27 cabins are located either partly or completely in flood zone 2, and 4 of the cabins are partly in flood zone 3 by a small extent. The reception building and 3 out of the 5 animal buildings are located partly within flood zone 2. The restaurant is located in flood zone 1. The application has been supported by a Flood Risk Assessment and Drainage Strategy. In accordance with NPPF Annex 3: Flood risk vulnerability classification, it is considered that the cabins and education facility fall under 'more vulnerable' classification. It would appear nature conservation falls under 'water compatible development'. Table 2: Flood risk vulnerability and flood zone 'incompatibility' within the NPPF advises that more vulnerable development is permitted in flood zone 2. Vulnerable development is only acceptable in flood zone 3a, subject to an exception test. No vulnerable development should be permitted in flood zone 3b (functional floodplain).
- 6.78 The applicant has submitted a sequential test as part of the development lies within flood zone 2. The sequential test provided has been produced in line with the Broxtowe Part 1 Local Plan (2014), Preferred Approach Site Selection Report – Appendix A Broxtowe (2022), the Brownfield Land Register (2017) and the SHLAA (2021/2022). Windfall sites with planning permission have also been assessed alongside land that is for sale on the market. It should be noted that limited information has been provided to explain why the applicant has chosen this specific site in the first instance.
- 6.79 PPG part 7 paragraph 24 states the sequential test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the sequential test should go on to compare reasonably available sites:
- Within medium risk areas; and
 - Then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.

- 6.80 PPG part 7 paragraph 28 advises that ‘reasonably available sites’ are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered ‘reasonably available’. PPG part 7 paragraph 29 advises that the planning authority will need to determine an appropriate area of search, based on the development type proposed and relevant spatial policies.
- 6.81 The submitted sequential test identifies that it would not be reasonable to divide the proposed tourism development into multiple smaller sites and therefore this approach would be inappropriate. The sequential test suggests that larger sites than required for the proposed development may not be viable and therefore should be discounted also.
- 6.82 The applicant has suggested that the sequential test can only fully assess the information provided by Broxtowe Borough Council, ‘as legally required’, in full, alongside further research into sites that are for sale within the borough. If the borough has no clear available, deliverable, and developable sites after assessing all of the quoted housing information as well as online platforms; it is evident that no sites are available to facilitate the proposed development.
- 6.83 Concerns are raised regarding this approach, as PPG advises that it is for the local planning authority to determine the search area and the onus is on the applicant to undertake a sequential test of reasonable available sites. The applicant has been previously advised during the course of the application about the potential scope of the search area. Reasonably available sites would relate to sites that are available, suitable and viable.
- 6.84 Paragraph 27 of part 7 of PPG advises that for individual planning applications subject to the sequential test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. As the proposal is for a bespoke use including overnight accommodation and a zoo which are not allocated in the Part 2 Local Plan, it is a reasonable expectation that the nature of this development would include a bespoke search area. For nationally or regionally important infrastructure the area of search to which the sequential test could be applied will be wider than the local planning authority boundary. It is considered that on the basis of the location of the site on the border of Erewash Borough Council and the potential regional economic impact the application is likely to generate; it is considered that the search area of the borough only is insufficient and unjustified.
- 6.86 It is considered that the sequential test search area should be based on the identified need associated with the proposed tourism development. There is an expectation that the search area would be extensive. The Economic Benefits Statement submitted by the applicant identifies that jobs would be provided for residents across the East Midlands. If the potential catchment area for employment and customers is greater than the borough, the search

area for reasonably available sites should be consistent. The Planning Statement submitted advises that zoo visitors are prepared to travel up to 100 miles for a day visit and further for an overnight stay. Limited evidence has been submitted to demonstrate an identified need in the location of the site for the proposed use. As such, it appears contrived to restrict the search area to only the borough when the identified need for the proposed use has not been established, whilst staff and / or visitors could be travelling from outside the borough.

- 6.87 The sequential test identified that out of 257 sites that were assessed from the Brownfield Land Register 2017, Preferred Approach Site Selection Report 2022 and the Broxtowe SHLAA 2021-2022; only two sites were considered suitable in terms of size and flood risk.
- 6.88 The first site assessed includes SHLAA reference 138 - Walker Street, Eastwood which is an allocated housing site under Policy 6.1 and is allocated informal open space under Policy 28 of the Part 2 Local Plan. This was discounted as it conflicts with the residential allocation. Further to this the site was discounted based on other planning constraints including the sensitivity of the location of the site in a predominately residential area which is wrapped around Lawrence View Primary School. The site was also discounted based on the potential impact on Grade 2 listed building 28 Garden Road north of the site.
- 6.89 The second site assessed includes SHLAA reference 192 - West of Awsworth Lane and South of Newtons Lane which is not allocated under the Part 2 Local Plan, however the site is located within the Green Belt. This site was discounted on the basis that the development would have considerable ecological and arboricultural impact. Further to this, it is suggested that this site would not be suitable due to its proximity to residential properties. Notwithstanding this, there are concerns that SHLAA Site 192 was discounted on the basis that it would result in significant potential ecological harm. However, the purpose of the sequential test is to find reasonably available sites in areas of lower flood risk. As such, the sequential preference for the application site appears unjustified given it is in the Green Belt, in flood zones 2 and 3 and contains multiple ecological constraints.
- 6.90 The sequential test is accompanied by an exception test, which is required for 'more vulnerable' development located in flood zone 3a. The applicant has submitted a flood risk assessment which assesses the impact of flooding on the proposed development. The FRA provides a number of flood mitigation design measures such as restricting the finished floor levels of the cabins to at least 42.91 metres above Ordnance Datum and an 8-metre easement from the left bank of the River Erewash.
- 6.91 The Environment Agency have reviewed the FRA and have provided no objections subject to conditioning the development to be carried out in accordance with the mitigation measures. Notwithstanding this, as some of the cabins (more vulnerable development) will be located in flood zone 2, the

EA have amended the recommended condition to ensure all vulnerable uses restricted to areas of Flood Zone 1 and 2 only.

- 6.92 The County Council Lead Local Flood Authority have raise no objections to the proposed development after reviewing the submitted FRA, subject to conditioning a detailed surface water drainage scheme.
- 6.93 Having regard to the above, it is considered that the submitted sequential test search area is inadequate for a development in this location and of this nature. Further to this, whilst the FRA may demonstrate that the development would be made safe, there are concerns as to whether the development would provide wider sustainability benefits to the community that outweigh the flood risk. The degree of harm will be weighed up within the planning balance in more detail in the final section of this appraisal in regard to any benefits that may outweigh any harm with regards to Policy 1 – Flood Risk of the Part 2 Local Plan.

Town Centres

- 6.94 This section of the report assesses the impact of the proposed development on the viability and vitality of town centres including an assessment of the submitted sequential test.
- 6.95 Policy 6 - Role of Town and Local Centres of the Part 1 Local Plan states that main town centre uses should be located in centres. Development should be appropriate in scale and nature to the role and function of the centre. If no suitable sites are available in centres then edge of centre locations should be used, and only if there are no suitable sites will out of centre sites be considered. Proposals for edge of centre and out of centre sites should satisfy the sequential test and show how the development will not have a severe adverse impact on any centre.
- 6.96 Policy 13 - Proposals for Main Town Centre Uses in Edge-of-Centre and Out-of-Centre Locations of the Part 2 Local Plan states permission will be granted for retail, leisure, office or food and drink uses in edge of centre and out of centre locations providing:
- a) It does not result in a unit of 500 square metres gross floor space or more; and
 - b) It is in an area of deficiency and meets local needs, including that generated by major new housing development; and
 - c) Such a use does not result in a significant adverse impact on the vitality and viability of any nearby centre taking account of both extant permissions and the cumulative effect of previous increases in floor space in edge-of-centre and out-of-centre locations.

Impact assessments will be required for all edge-of-centre and out-of-centre retail, leisure, office or food and drink uses of 2,500 square metres gross or more.

- 6.97 Paragraph 91 of the NPPF advises that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 6.98 Paragraph 94 of the NPPF advises that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored. A sequential test is required for the application as the proposal comprises tourism and leisure which are main town centre uses in accordance with Annex 2: Glossary of the NPPF.
- 6.99 The sequential test provided has been produced in line with the Broxtowe Part 1 Local Plan (2014), the Brownfield Land Register (2017) and the SHLAA (2021/2022). All sites within the Council's SHLAA were assessed to determine whether any suitable alternate sites were available within the borough. A commercial land search was also carried out to assess suitable sites, including sites not allocated within the local plan but sites which have been granted planning permission, as well as sites which have not been granted planning permission but would likely be acceptable in principle based on the adopted Local Plan.
- 6.100 There are concerns with the proposed search area limited to the borough only. It is considered that the sequential test search area should be based on the identified need associated with the proposed tourism development. The search area for flooding and town centres should be consistent. Similar to flooding, there is an expectation that the search area would be extensive. Given the location of the site on the border of Erewash Borough and the regional economic attraction the proposed development is likely to cause; it is considered that the search area of the borough is insufficient.
- 6.101 Any sites larger than 11.10 hectares would be discounted from the search as the site would be too large to accommodate the proposed development and be unviable. The sequential test concluded that no alternative sites were located within town centre or edge of centre locations that were between 7.39 and 11.10 hectares.
- 6.102 The Planning Statement submitted shows that the floor space of the restaurant is 534 square metres and the reception building (including a spa, café and classroom) comprises 555 square metres. As such, it is considered that the proposed development would not require an Impact Test. Notwithstanding this, the above buildings would exceed the 500 square metres limitation for out of centre development for town centre uses. No information has been submitted to evidence that the site is located within an identified area of deficiency and meets local needs; and that such a use would not result in a significant adverse impact on the vitality and viability of any

nearby centre. However, the applicant has highlighted that given the bespoke use proposed offering a unique overnight zoo experience; the site has been chosen for its serenity detached from nearby settlements. Further to this, it is a reasonable expectation that alternative sites of a suitable size (+/- 9.24 hectares) are unlikely to be available in a town centre location.

- 6.103 In summary it is considered that the submitted sequential test search area is inadequate for a development in this location and of this nature. The degree of harm will be weighed up within the planning balance in more detail in the final section of this appraisal in regard to any benefits that may outweigh any harm with regards to Policy 13 – Proposals for Main Town Centre Uses in Edge-of-Centre and Out-of-Centre Locations of the Part 2 Local Plan.

Ecology

- 6.105 This section of the report assesses the impact of the proposed development on protected species, environmental assets and biodiversity.
- 6.106 The application has been supported by Preliminary Ecological Appraisal and Biodiversity Impact Assessment. Further to this, an Ecological Impact Assessment (EclA) has been provided. There are no statutory ecological sites on the site. However, to the south-east adjacent to the site includes Trowell Marsh Local Nature Reserve (LNR) which is a statutory designated nature conservation site under the National Parks and Access to the Countryside Act 1949. The site for the proposed development is Trowell Junction Grassland Local Wildlife Site (LWS) which is non-statutory designated nature conservation site. Along the western and southern boundary of the site includes the River Erewash which is a Green Infrastructure Corridor protected under Policy 28 - Green Infrastructure Assets of the Part 2 Local Plan. To the west and south of the site also includes the Erewash Canal which is a LWS. To the north, on the opposite side of Ilkeston Road includes Erewash Grassland LWS. Beyond the site, 170 metres north-east includes Nottingham Canal LNR which also functions as a Green Infrastructure Corridor. Grange Wood LWS is also located north-east of the site.
- 6.107 Policy 16 - Green Infrastructure, Parks and Open Space of the Aligned Core Strategy states that existing and potential green infrastructure corridors and assets are protected and enhanced. Furthermore, where new development has an adverse impact on green infrastructure corridors or assets, alternative scheme designs that have no or little impact should be considered before mitigation is provided (either on site or off site as appropriate). The need for and benefit of the development will be weighed against the harm caused. Policy 17 - Biodiversity of the Aligned Core Strategy states that development on or affecting other non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that the need for the development outweighs any harm caused by the development and that adequate mitigation measures are put in place.
- 6.108 Policy 28 – Green Infrastructure Assets of the Part 2 Local Plan states that permission will not be granted for development that results in any harm or loss

to the Green Infrastructure Asset, unless the benefits of development are clearly shown to outweigh the harm. Green Infrastructure Assets include: Green Infrastructure Corridors and nature reserves. For the purposes of the Part 2 Local Plan, Green Infrastructure is defined as a network of living multi-functional natural features, green spaces, rivers, canals and lakes that link and connect villages, towns and cities. The corridors that are identified bring a variety of environmental and socio-economic benefits and any loss of assets within them would have serious implications.

- 6.109 Policy 31 – Biodiversity Assets of the Part 2 Local Plan states that permission will not be granted for development that results in any significant harm or loss to the Biodiversity Asset, unless the benefits of development are clearly shown to outweigh the harm. All development proposals should seek to deliver a net gain in biodiversity and geodiversity and contribute to the Borough's ecological network. Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation or geological value, together with species that are protected or under threat. Support will be given to the enhancement and increase in the number of sites and habitats of nature conservation value. Policy 31 lists Local Wildlife Sites as Biodiversity Assets.
- 6.110 Paragraph 186 of the NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 6.111 The site is greenfield that is used for grazing cattle with large areas of scrub and grassland. Trowell Junction LWS is located on the site, which is designated for its grassland with a flood meadow character and scrubby herb-rich areas, with botanical interest. The site comprises a variety of habitats including riparian habitat alongside the River Erewash, scrub, hedgerows, and grassland. The EclA has confirmed that 21 Habitats of Principal Importance (HPI) forming deciduous woodland were observed on site.
- 6.112 The EclA includes a number of surveys that have been undertaken on the site to identify habitats occurring within the site, identify the presence of or the potential for the site to support legally protected and/or notable species, identify any potential impacts of the proposed development on protected or notable habitats and species, assess biodiversity losses and gains on site and provide recommendations for mitigation, enhancements and further surveys relating to the proposed development.
- 6.113 Trowell Marsh LNR lies directly adjacent to the southern boundary of the site. There is potential for indirect impacts as a result of the proposal, such as pollution and dust caused during the construction phase drifting onto the LNR, resulting in the destruction of habitat or the killing and/or injuring of species utilising the LNR. The site lies within the Trowell Junction LWS and therefore the proposed works will result in direct habitat removal during construction and degradation during the operational phase. Also, increased disturbance to any retained areas of the LWS during the operational phase is likely. The

EclA advises that impact avoidance measures should be utilised to minimise any impacts upon the LNR to the south. These should include pollution prevention measures to prevent pollution run-off into the river and dust control to prevent dust from ground work activities drifting on to the neighbouring land. Notwithstanding this, the EclA advises that the proposed development will likely result in the entire loss of the Trowell Junction LWS.

- 6.114 The EclA demonstrates that the site accommodates a variety of habitats which provide appropriate conditions for breeding birds and foraging grounds for bats. Other legally protected / notable species which could be affected by the proposed development include badgers, great crested newt, otter, water vole, white-clawed crayfish, hedgehogs and brown hare; unless appropriate precautionary working measures are implemented.
- 6.115 The EclA has identified that a native hedgerow was present in the northern section of the site. It is considered the proposal would directly and negatively impact this Habitat of Principal Importance, either by complete or partial loss of the habitat to facilitate the proposal, or due to gradual degradation during the operational phase.
- 6.116 In light of the above, where possible the proposal has been designed to retain in part areas of dense scrub, grassland and mature trees that help assist retain biodiversity. To increase biodiversity net gain, extensive tree planting is proposed as well as scrub planting throughout the site. The proposal includes a 10-metre fenced buffer from the River Erewash to minimise impacts upon the river and its bank. Ecological enhancements are proposed which comprise of bat and bird boxes and invertebrate hotels in areas of open grassland or close to scrub and hedgerows.
- 6.117 Notwithstanding this, Nottinghamshire Wildlife Trust (NWT) have objected to the proposal and have raised significant concerns in relation to the contents of the EclA, notably the interpretation of the survey results in relation the implications of the proposed development plan, the impact assessments, and absence of evidence relating to the mitigation hierarchy procedure. Concerns have been raised in relation to the level of detail of assessment provided notably in relation to the potential impact on bats as a result of the proposal. In total (transects & static monitoring), at least 7 species of bat were recorded on site.
- 6.118 The EclA suggests that there is a significant reduction in the overall plant species and the number of LWS qualification species on site since previous LWS surveys undertaken in 2018. NWT have raised concerns with this assessment of the current condition of the LWS. The degradation of a LWS is not sufficient cause to develop the site. A LWS cannot be de-designated unless the site is irreparably damaged, which NWT have advised is not the case with this site. As such, the site must be considered as a LWS during the planning process and measures should instead be made to restore the habitats on site and protect the biodiversity asset. Furthermore, NWT have raised concerns with the proposed pre-cautionary working measures which include conflicting timescales.

- 6.119 A main badger sett has been discovered on site. The location of the badger sett is proposed to be fully enclosed within one of the animal enclosures, and as a result the badger sett will no longer be accessible to the local badger population. Furthermore, a badger sett with almost complete loss of adjacent foraging habitat will no longer be viable. Concerns have been raised by NWT as the EclA has not provided any impact assessment in relation to the location of the sett (within a proposed enclosure), nor have they provided any recommendations in relation to avoidance and re-design of site layout. As a direct consequence of the above impacts, a sett closure will likely be required, and a Natural England license obtained. To be eligible for a badger sett closure license, the applicant must be able to demonstrate that they have tried so far as is reasonably practicable to avoid affecting the sett. There appears to be no evidence to support this. The EclA has advised that further surveys are undertaken in April-May 2024 to determine the activity status of the sett. Badgers are a material consideration in planning. Consequently, these surveys should be undertaken prior to the determination of the application.
- 6.120 Three breeding bird surveys have been undertaken on site. NWT have raised concerns that the EclA does not provide any strong measures to avoid, mitigate and compensate for effects upon the breeding bird assemblage, to facilitate compliance with legislation, aside from recommending a range of bird boxes. Though some of the habitats are proposed to be retained, these habitats will be confined within animal enclosures and therefore will not provide the same level of opportunities for the local bird populations.
- 6.121 The headline scores return a -16.24% biodiversity net loss of habitat units. It is suggested that the proposal could deliver a net gain of 296.21% for hedgerow units, however no detailed plan demonstrating this quantum of hedgerow planting has been provided. NWT, have raised concerns that the net loss is likely to be significantly higher given that many of the retained habitats will be inaccessible to 'native wildlife' and confined within animal enclosures. To provide a biodiversity gain, habitats must be accessible to the local wildlife and offer opportunities for nesting, foraging, and commuting etc. In its current form, the proposals will result in considerable fragmentation of habitats, a green corridor and a biodiversity asset (LWS). Furthermore, losses or changes to these habitats will likely have significant impacts on those species confirmed as being present including European Protected Species, Species of Principal Importance for conservation (NERC 2006), and Nottinghamshire priority species (Species Action Plans; SAPs).
- 6.122 As compensation, the applicant has suggested a smaller site (approximately 3.6 hectares) within Strelley could be used to deliver offsite biodiversity gains to mitigate any net loss of habitat units secured by a legal agreement. Notwithstanding this, no biodiversity net gain metric which supports the proposed offsite biodiversity gains has been provided. NWT have reviewed this proposal in principle and have raised concerns. Based on the biodiversity off setting details provided, it is considered that offsetting to this site in Strelley is unacceptable given the distance from the site (3km) and significant barrier between the two locations including the M1. Offsetting is designed to provide

habitats for the range of species to be affected by the development, in this case, this includes badger, otter, water vole, breeding birds, bats, amphibians etc. Thus, offsetting on land with no direct connection to the application site, particularly in relation to riparian mammals (otter, water vole) in the absence of a watercourse, will not mitigate for the loss of onsite habitat for these species.

- 6.123 The EclA has not provided any level of impact assessment in relation to the loss of a local biodiversity asset nor has there been any evaluation of local and national planning policy. NWT have advised that as per the mitigation hierarchy, it must first be demonstrated that efforts have been made to avoid impacting on the LWS. Planning should only be granted if the development will not adversely affect the integrity of the designated site, or if there are imperative reasons of overriding public interest.
- 6.124 The submitted landscaping masterplan does not appear to show planting ecological enhancements. As such, it is not clear what would be the overall functionality and appearance of such planting that is required to reduce the overall net loss caused by the development. Whilst nesting boxes are proposed as an enhancement, they should not be a substitute for 'real' habitat creation. Artificial nesting boxes have a limited lifespan and not all species will utilise them.
- 6.125 Overall, it is considered that this application fails to demonstrate that the proposed development will not result in an adverse impact on protected species, as well as the loss of a biodiversity asset (LWS) and fragmentation of a key wildlife corridor and ecological network. Furthermore, the proposal fails to deliver a net gain to the detriment of the locality. The degree of harm will be weighed up within the planning balance in more detail in the final section of this appraisal in regard to any benefits that may outweigh any harm with regards to Policy 28 - Green Infrastructure Assets and 31 – Biodiversity of the Part 2 Local Plan.

Contamination

- 6.127 This section of the report assesses the impact of the proposed development on ground water and land contamination.
- 6.128 Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Part 2 Local Plan states that permission will not be granted for development that would result in an unacceptable level of pollution, contamination to groundwater resources. It also seeks to ensure that contaminated land is investigated and handled appropriately. Paragraph 180 of the NPPF advises that planning decisions should contribute to and enhance the natural environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.

- 6.129 Paragraph 191 of the NPPF advises that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 6.130 The Environment Agency have identified that the site is situated on Secondary A aquifers and Secondary B aquifers and is adjacent to the River Erewash which is located to the south and southwest of the site; therefore, in a highly sensitive location with respect to controlled waters.
- 6.131 The Environment Agency have identified that the previous use of the site as an industrial forge with extensive industrial buildings, industrial waste dumps and more recently a site visit showed waste storage stockpiles and evidence of previous burning of waste. Overall these activities present a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is located immediately adjacent to the River Erewash and is in close proximity to the Erewash Canal. The applicant has submitted a Phase 1 Contaminated Land Desk Study. The Phase 1 report recommends a Phase 2 Site Investigation and Generic Quantitative Risk Assessment, and the EA have provided no objections to the proposed development subject to conditions including a remediation strategy and verification report demonstrating the completion of works set out in the approved remediation strategy.
- 6.132 Having regard to the above and subject to the aforementioned conditions, it is considered that the impact on the groundwater and land contamination would be acceptable.

Sustainability

- 6.133 This section of the report assesses the sustainability of the proposed development, in terms of its location and design.
- 6.134 Policy 1 – Climate Change of the Part 1 Local Plan states that all development proposals will be expected to mitigate against and adapt to climate change, to comply with national and contribute to local targets on reducing carbon emissions and energy use unless it can be demonstrated that compliance with the policy is not viable or feasible. Furthermore, this policy advises that development should demonstrate how carbon dioxide emissions have been minimised:
- a) using less energy through energy efficient building design and construction;
 - b) utilising energy efficient supplies; and
 - c) maximising use of renewable and low carbon energy generation system.

- 6.135 Policy 20 – Air Quality of the Part 2 Local Plan states for any development proposals, all reasonable steps will be required to be taken to provide effective alternatives for users of the development to utilise modes of transport other than the private car. Permission will not be granted for development which would directly result in a significant deterioration in air quality either through poor design or as a consequence of site selection.
- 6.136 The applicant has submitted a Sustainability Plan and Sustainability Statement in support of the application. It is suggested that the facility will be energy-positive by design - it will produce electricity to meet the demand on site. The proposed development is based on low energy design principles and follows a 'fabric first' approach, incorporating passive design measures to help reduce the energy demands of the site. The use of building materials with high grade thermal performance is proposed to assist reducing energy consumption on site. The layout of the proposed development has been designed to maximise daylight and solar gain. It is proposed that soft landscaping including use of trees would assist energy conservation to screen buildings on site. With regards to viable forms of renewable energy technologies to be utilised on site during the operation of the proposal, solar photovoltaic panels and ground source heat pumps would be integrated into all buildings on site.
- 6.137 The submitted Sustainability Statement provides estimates of expected energy demand of all the buildings proposed on site. These energy demands, combined with the installed PV arrays on site, mean the site is expected to generate more energy than it uses over the year, making it a net carbon negative development. Furthermore, the proposal has been designed to reduce carbon emissions during the construction period by adopting sustainable building principles including reducing material quantities, using materials which have lower emissions and use of recycled materials. Water reduction and retention principles will be applied to buildings. Blue roofs would be installed to assist water collection and it is proposed that all rainwater on the site will be captured for re-use.
- 6.138 In terms of the sustainability of the location, the site can be accessed by public transport, there are two bus stops located south-east of the site 90 metres from the Forge on both sides of Ilkeston Road. The site is also in 40 minutes walking distance of Ilkeston train station. It is proposed that a Travel Plan Coordinator would be appointed to support the development, implementation, and review of the site's Travel Plan, including raising awareness of the sustainable travel initiatives on the site. The Sustainability Statement suggests that most staff members would be recruited locally and all members of staff will be provided with a local bus pass or bike to enable and encourage them not to drive to the site. Furthermore, electric vehicle car sharing points would also be provided on the site for both staff and visitors. Notwithstanding the above, due to the location of the site outside of neighbouring settlements of Ilkeston and Trowell and given the expected catchment area for visitors it is a reasonable expectation that the majority of customers would travel by private vehicle.

Other Matters

- 6.139 The application site falls partly within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The planning application is accompanied by a Coal Mining Risk Assessment (CMRA) report (October 2022). The Coal Authority have reviewed the CMRA and have provided no objections. The report concludes that historic coal mining activity poses a negligible risk to stability of the site. As such, the report advises that no specific coal mining legacy related investigations or mitigation measures are required.
- 6.140 The application site is situated to the west of an active railway line. Network Rail have been consulted and provided no objections subject to several conditions in the interests of protecting the adjacent railway assets and future occupiers from noise from the railway. Conditions have been recommended to cover construction methodology, drainage, landscaping, boundary treatment and lighting to protect the ongoing use of the adjacent railway asset. Railway noise mitigation is also recommended to ensure future occupiers of the cabins are protected from potential railway disturbances.
- 6.141 As this application is for tourism development, no financial contributions towards affordable housing will be sought. No open space contribution has been requested. A transport contribution of £10,100 has been sought for improvements to the bus stop BR0018 Stoney Lane but has not yet been agreed. No health contributions have been requested as the proposal is not for full time residents.

Planning Balance

Very Special Circumstances

- 6.142 What is proposed is inappropriate development in the Green Belt. The main issue to assess is whether any of the above matters taken individually or collectively, amount to the VSC necessary to outweigh the harm to the Green Belt through inappropriateness.
- 6.143 The weight to be given to any particular factor will be a matter of degree and planning judgement. There is no formula for providing a ready answer to any development control question on the Green Belt. Neither is there any categorical way of deciding whether any particular factor or factors would constitute VSC but the case must be decided on the planning balance qualitatively rather than quantitatively.
- 6.144 In weighing up any of the circumstances put forward, the positive measures outlined in the above paragraphs to mitigate the impacts of the development, do not contribute collectively to VSC to be weighed up in the planning balance. These are simply to secure a satisfactory development. Therefore, the acceptability or not of this development in the Green Belt is based on an assessment of VSC.
- 6.145 The applicant's Planning Statement and VSC Addendum suggest the very special circumstances to be considered include: economic benefits; promoting animal conservation through education; rescue of animals at threat of disposal; relocation of wild animals from Strelley and restoration of existing wild animal enclosure; promoting health and wellbeing; sustainable design and biodiversity enhancements.

Economic Benefits

- 6.146 The development constitutes inappropriate development in the Green Belt as it does not fall within any of the list of exceptions of appropriate development set out in paragraphs 154 and 155 of the NPPF. The application has been supported by an Economic Benefits Statement (August 2023) which considers the quantifiable economic impact as well as the additional social benefits that will be generated by the proposed development during both its initial construction phase and subsequent operational lifetime.
- 6.147 Paragraph 85 of the NPPF advises that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 88 of the NPPF advises that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 6.148 The Economic Benefits Statement (EBS) identifies tourism as a key sector which can lead to economic growth and prosperity of the UK's economy. A

Tourism Sector Deal was agreed by the government in 2019 (HM Government (2019) Industrial Strategy – Tourism Sector Deal: Building a world-class experience economy). The Deal sets out how the government and industry will work in partnership to boost productivity in the visitor economy, develop the skills of the sector’s workforce and support destinations to enhance their tourism offer. The EBS suggests zoos and safari parks are noted as generating a number of positive socio-economic impacts. The British and Irish Association of Zoos and Aquariums (BIAZA) report that as of 2019, their members generated an annual £658 million contributions to the UK and Irish economies and attracted combined visitor numbers of over 35.7 million.

- 6.149 At sub-regional scale, the D2N2 Local Enterprise Partnership (LEP) covers the areas of Derby, Derbyshire, Nottingham and Nottinghamshire, aiming to connect employers, education and government to promote investment, identifying unique opportunities for innovative partnership working. The D2N2 Recovery and Growth Strategy highlights that that around 3 million visitors – generating approximately £475 million in visitor spending – are attracted to the area each year (70% above the Midlands average); as such the visitor economy is highlighted as a ‘priority sector’.
- 6.150 The Nottinghamshire County Council Visitor Economy Strategy (VES) 2019 and Visitor Economy Framework (VEF) 2022 set out the means by which Nottinghamshire County Council seek to add value and stimulate market growth in the visitor economy, aiming to provide people with more opportunities to “explore and enjoy the Nottinghamshire countryside, market towns and villages”. The VES 2019 highlights that, whilst Nottinghamshire’s visitor economy is worth £1.75 billion annually, and supports around 15,000 jobs, over the last decade the volume and value of tourism in Nottinghamshire has been growing much more slowly than the national average. It is therefore stated that there remains work to be done to re-energise the visitor economy, boost performance and realise potential, including more bookable product and more accommodation to enable the County to grow its number of overnight trips and its short break market. Focusing on quality experiences is highlighted as fundamental towards ensuring that Nottinghamshire is competitive in the marketplace.
- 6.151 The VEF 2022 considers the wider visitor economy landscape in the context of recovery from Covid-19, which had a significant impact on the sector. The VEF seeks to identify how the short-term recovery of the sector as a whole could be supported, whilst maintaining long-term resilience. The VEF continues to emphasise the importance of increasing visitor dwell-time and spending in the county, and states that “we want to create an environment that stimulates and supports small businesses to thrive – now and in the future”.
- 6.152 Policy 4 – Employment Provision and Economic Growth of the Part 1 Local Plan advises that new employment development is vital to the growth of the plan area’s economy and this can be achieved by encouraging economic development of an appropriate scale to diversify and support the rural economy. Policy 13 - Culture, Tourism and Sport of the Part 1 Local Plan

advises that new cultural and tourism facilities of more local importance will be located in or adjoining town or district centres, or existing facilities will be improved. Policy 13 highlights that maintaining a critical mass of attractions and facilities is an important part of the tourism and visitor 'offer', also stating that such facilities are important in the ongoing economic development of the area.

- 6.153 The EBS has demonstrated the functional economic geography for labour market containment, this analysis has resulted in economic impacts of the proposal measured at 3 spatial scales: local impact area i.e. Broxtowe, sub-regional impact area i.e. Nottinghamshire, and the wider impact area i.e. East Midlands. The 2011 census showed that around 38% of people who work in Broxtowe also live in the borough. Around 71% of people working in Broxtowe live in Nottinghamshire, indicating a relatively high level of containment at this geography. The vast majority around 96% of all jobs in Broxtowe are taken by people residing in the region, suggesting a high level of containment. It is considered, this data highlights that the majority of socio-economic effects would be concentrated within the East Midlands. This data also highlights that a reasonable proportion of people who work in Broxtowe travel to work from outside the borough.
- 6.154 Further to this, the EBS suggests that economic activity and employment rates are slightly higher in Broxtowe than recorded across wider spatial scales. As per the 2021 Census, an average of 80% of the working-age population of Broxtowe were recorded as economically active, which is higher than the rates across Nottinghamshire (75%) the East Midlands (79%) and England as a whole (79%). Manufacturing is the largest employment sector in Broxtowe (employing 5,000 jobs, or 13% of the local workforce). Other high-representation sectors include retail (4,500, 12%), health (3,500, 9%), construction (3,000, 8%). The accommodation & food services sector employs 2,500 people (7%).
- 6.155 Strategy at all spatial scales identifies that tourism and the visitor economy can be a significant contributor to economic growth, with more accommodation to enable the area to grow its number of overnight trips and its short break market being highlighted as a key priority for Nottinghamshire. Economic outcomes in Broxtowe are generally positive in comparison with the wider Nottinghamshire and East Midlands area, with higher rates of economic activity and wages. It is suggested that the delivery of new growth opportunities should therefore help Broxtowe to continue its relatively strong recent economic performance in the context of inflationary pressures and the ongoing cost-of-living crisis.
- 6.156 The EBS identifies employment would be generated within the local, regional and wider impact areas. The economic benefits are quantified with regards to the construction phase and operational phase below.
- 6.157 The EBS projects 60 construction-related FTEs would be created throughout the approximate two-year construction period. The creation of temporary construction jobs during the build period would provide new employment

opportunities for the local and wider labour force in Broxtowe and across the county of Nottinghamshire and the wider East Midlands region. It is suggested that an average of 60 direct, indirect and induced net additional FTE employment opportunities in the East Midlands throughout construction, inclusive of 40 for residents of Nottinghamshire and 20 for Broxtowe residents. The proposed development would contribute to a total net additional £8.2 million GVA to the East Midlands economy during construction, of which £7.2 million will be concentrated in Nottinghamshire, inclusive of £6.4 million in Broxtowe. GVA measures the value of output created (i.e. turnover) net of inputs purchased and used to produce a good or service (i.e. production of the output). GVA therefore provides a key measure of economic productivity.

- 6.158 The operation of the proposed development will be supported by a total of 72 gross on-site FTEs, in a wide range of occupations and skills types. It is estimated that the proposed development once delivered and fully operational will generate a total of 75 direct, indirect and induced net additional FTEs in the East Midlands, including 55 in Nottinghamshire and 35 for Broxtowe residents. Proposed development will contribute £3.3 million GVA to the regional economy each year, including £3.1 million in Nottinghamshire and £2.3 million in Broxtowe.
- 6.159 The EBS indicates that proposed development could deliver overnight visitor capacity in Broxtowe and has the potential to accommodate up to 31,540 visitors per annum. It is suggested that this number of visitors staying overnight will have an additional impact on the local economy over and above the effects derived from the direct operation of the proposed development. Visitors will generate additional economic impacts through their expenditure on wider leisure and tourism activities, for example in local shops, and on transport. It is suggested that guests accommodated could be expected to spend a total of £5.3 million annually in the local and regional economy. The applicant has confirmed that guests will be provided with free use of bicycles during their stay, which they can take off-site, encouraging expenditure on day-trips at other local businesses in the area. The EBS also identifies that it is estimated that the proposed development could generate business rate payments of £160,000 per annum to be collected by BBC.
- 6.160 Furthermore, it is suggested that the proposed development would deliver social impacts over the long term. By providing employment in the construction and operation phase it is indicated the proposed development would provide wellbeing benefits for both individuals and society as a whole. An education facility would be delivered as part of the proposal and would be staffed by qualified teachers and deliver educational courses for visitors of all ages, from pre-school through to adult learners, including visitors with special educational needs. The education unit will provide a location for classroom-based teaching, which will be supplemented by use of the site and its animals for 'outside the classroom' learning opportunities. These sessions will be linked to the national curriculum and learning packs will be provided to teachers. In collaboration with further and higher educational institutions, both formal teaching and vocational practical teaching will be provided on-site at

the proposed development once operational. The applicant has confirmed that this includes the delivery of apprenticeship programmes in partnership with Nottingham Trent University and Derby College. It is suggested that the delivery of the proposed development in terms of its educational offer is likely to benefit individuals and the economy as a whole through increasing access to education and skills.

- 6.161 The Councils Economic Development team have reviewed the EBS and have provided observations. It is recognised that the proposal would contribute to economic growth by creating new job opportunities in the short and long term. This could lead to increased consumer spending which in turn stimulates other sectors within the borough and the economy through the multiplier effect. The proposal could also attract further local investment through demand and supply boosts in areas that directly complements the tourism sector and generate further revenue streams. These contribute to continued economic growth through entrepreneurial activity. In terms of human capital offered by the proposal, in principal, it is noted that the intention to increase education provision would be a benefit to the proposed development. However, there are concerns regarding the level of detail provided to substantiate educational benefits. In terms of any wider impacts, it is noted that the proposed development could drive competition and foster innovation with particular focus on sustainability which encourage market expansion to more remote parts of the borough.
- 6.162 Broxtowe Economic Development have advised that despite the impact of the short and long term benefits brought by pre and post-delivery of the development, the overall benefits are overestimated by the socioeconomic impact retention within the borough due to the site location and its proximity to neighbouring authorities. Based on the analysis provided, the level of retention estimated is largely dispersed to other areas of Nottinghamshire. Furthermore, the estimated human capital value is inferred and lacks detail to substantiate the potential educational benefits offered. Whilst there is a potential overestimation this does not outweigh the scale at which the project can deliver most of the acknowledged benefits. As such, an economic case is identified for this project which is afforded weight.
- 6.163 Notwithstanding the economic benefits associated with the development, limited justification has been given to identify why this site in the Green Belt, is more economically preferable to alternative sites potentially outside of the Green Belt. It would appear no identified need for the bespoke proposal has been given to justify the proposal in this location. It is noted that policy at national, regional and local scale supports tourism growth and investment generally. Weight is afforded to the creation of on-site employment as well as direct and non-direct jobs which benefits the borough and beyond, however there are concerns with the magnitude of the economic benefits offered as a VSC. Given the nature of this bespoke proposal, on the border of Erewash Borough it would appear appropriate to undertake a search of alternative sites outside of Broxtowe given the catchment area of potential employment and visitors which extends to as far as Nottinghamshire the East Midlands. However, the application has not been supported by an alternative site

assessment which considers sites of a similar size not in Green Belt within a suitable catchment area. As such, it is considered the locational justification for the proposal has not been demonstrated.

Animal Conservation and Education Opportunities

- 6.164 The applicant proposes to relocate rescued wild animals from a separate site in the borough. It is proposed that these animals would be relocated and a legal agreement would be made to cease the use of the existing private wild animal site located in Strelley with the option of the site to return to its former condition. It is suggested that animals that would be housed at the retreat would be those that would normally be euthanized that could not be housed elsewhere. Under the Zoo License Act 1981 Zoos must participate in one of the following: research from which conservation benefits accrue, training in conservation skills exchange of information relating to species conservation, captive breeding or repopulation into the wild. It is a requirement that there is a conservation, research and education strategy. The proposal will run education programmes in accordance with the Zoo Licensing Act 1981, staffed by qualified teachers. It is proposed to work with Derby college in providing educational opportunities. A conservation organisation will be established with the zoo providing office space and project management staff to manage a portfolio of conservation programmes funded from zoo profits, external grant funding and private donations. It is proposed that the zoo will initially support five conservation programmes with further projects being developed.
- 6.165 Notwithstanding this, based on the information provided it is considered that animal conservation and education opportunities would not contribute collectively to VSC. The above measures are designed to make the proposal acceptable and do not provide any site specific justification for development of this site. As such, educating people in animal conservation is given limited weight as VSC.

Climate Change Agenda working towards Net Zero

- 6.166 In 2019, the Council declared a Climate Emergency and made an ambitious commitment to become carbon neutral by 2027. The Climate Change Strategy and the Climate Change and Green Futures Programme followed, providing a framework and strategic direction to achieve this ambition. Primarily the report is aimed out reducing Broxtowe Councils carbon footprint but it acknowledges that the Council cannot tackle climate change in isolation and will need to encourage and influence positive behaviour change with regards to reducing carbon emissions. In October 2021 the Government published the Net Zero Strategy. This set out the government's vision for transitioning to a net zero economy and the policies and proposals for decarbonising all sectors of the UK economy to meet the net zero target by 2050, making the most of new growth and employment opportunities across the UK. The Sustainability Statement outlines the approach to 'passive design' in order to achieve a net zero development. It is proposed that the buildings utilise the 'fabric first' approach and renewables and grounds source

heat pumps are installed to make the operation of the site self-sufficient and therefore a carbon negative development.

- 6.167 Notwithstanding the above, it is considered that sustainable building design and use of renewable energy to support on site operation would not contribute collectively to VSC. The above measures are designed to make the proposal acceptable and do not provide any site specific justification for development of this site. As such, use of sustainable building technologies is given limited weight as VSC.

Biodiversity Enhancements

- 6.168 The proposed development offers ecological enhancement measures including use of bat and bird boxes to be used on buildings. It is suggested that invertebrate hotels could be installed across the site in areas of open grassland. Notwithstanding this, the proposed development would amount to - 16% biodiversity net loss of habitat units. As compensation, the applicant has suggested a site within Strelley could be used to deliver offsite biodiversity gains to mitigate any net loss of habitat units secured by a legal agreement. Notwithstanding this, no biodiversity net gain metric which supports the proposed offsite biodiversity gains has been provided, and as such limited weight is afforded to biodiversity enhancements as VSC.

Other harm

- 6.169 The proposal would fail to preserve the openness of the Green Belt both spatially and visually and would be contrary to Policy 8 of the Part 2 Local Plan and the NPPF. As such, weight should be afforded to the impact upon the openness of the Green Belt in this location. The harm arising from the development includes the harm to the character and appearance of the area which is located within the Erewash River Corridor local landscape area under Policy 30 – Landscape of the Broxtowe Part 2 Local Plan. No screening strategy by way of planting has been provided in support of the application. Notwithstanding this, it is considered the proposed development would amount to wholesale changes to the site resulting in a significant change to the landscape in this location. As such, it is considered that significant weight is attached to any potential harm to the character and appearance of the landscape in this location.
- 6.170 The application fails to demonstrate that the proposed development will not result in an adverse impact on protected species, as well as the loss of a biodiversity asset (LWS) and fragmentation of a key wildlife corridor and ecological network. Furthermore, the proposal fails to deliver a net gain to the detriment of the locality. It is important to note that from 12th February 2024 for major planning applications it is a legal requirement to deliver biodiversity net gain of 10%. Whilst this application was made prior to this new legislative requirement and is therefore exempt, the proposed development amounts to - 16% net loss and as such the proposed development would be unlawful contrary to Schedule 7A of the Town and Country Planning Act 1990. In the absence of demonstration that such impacts can be avoided; mitigated or

adequately compensated, it is considered that significant weight is attached to any potential harm to ecology in this location.

- 6.171 The proposed development would be located on land which is identified by the Environment Agency as being within flood zones 2 and 3. It is national and local policy that development should be directed away from areas at the highest risk of flooding and that if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding that development should not be permitted. In this case, it is considered that the submitted sequential test search area is inadequate for a development in this location and of this nature. As such, insufficient evidence to justify the proposed development in an area of high probability to flooding has been submitted. It is considered that substantial weight is attached to any potential harm to flood risk.
- 6.172 The proposed development includes tourism and leisure which are main town centre uses. The proposed development would be located on land outside of any nearby town centre or edge of centre. It is national and local policy that main town centre uses should be located in town centres then in edge of centre locations; and only in edge of centre if suitable sites are not available. In this case, it is considered that the submitted sequential test search area is inadequate for a development in this location and of this nature. As such, insufficient evidence to justify the proposed main town centre use in an out of centre location has been submitted. It is considered that substantial weight is attached to any potential harm to the vitality and viability of any town centres.

Balancing whether VSC

- 6.173 Moderate weight is afforded to the proposal which contributes to supporting tourism development and the visitor economy in Broxtowe, offering employment opportunities and economic benefits at regional scale.
- 6.174 Limited weight is afforded to animal conservation, education opportunities, building a carbon negative development or biodiversity enhancements.
- 6.175 Substantial weight is afforded to the harm to the openness of the Green Belt and character and appearance of the local landscape.
- 6.176 Substantial weight is afforded to the adverse impact on protected species, loss of a local wildlife site, harm to a wildlife corridor and failure to demonstrate a biodiversity net gain.
- 6.117 Substantial weight is afforded to the inadequacy of the search area for both the flood risk and retail sequential test, therefore insufficient evidence to justify the proposed development in an area of medium to high flood risk and in an out of centre of location has been submitted.
- 6.178 It is considered that, the above factors taken collectively do not amount to VSC and are insufficient to outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt and the harm

to the character and appearance of the area, the harm to flood risk, the harm to town centres and the harm to ecology.

Conclusion

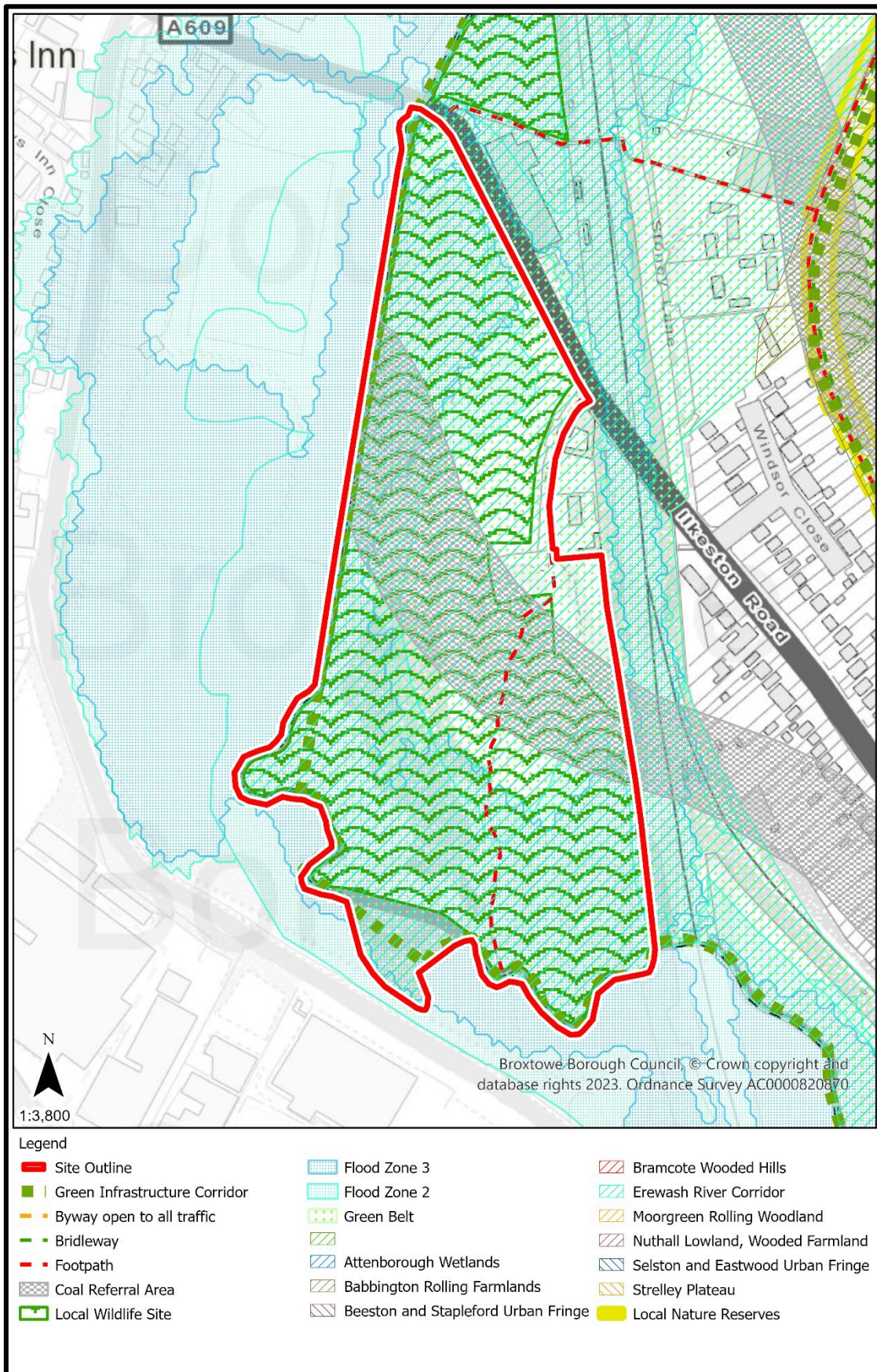
- 6.179 The application proposes the change of use of land to construct an animal sanctuary and retreat venue. The proposed scheme comprises of 27 guest cabins, a reception building containing a spa facility for guest use spa and an education centre for visitors, restaurant/café, a number of animal enclosures and 120 parking spaces. The development would be inappropriate development in the Green Belt resulting in harm by definition to which substantial weight is applied. In addition, there would be harm to the openness of the Green Belt both spatially and visually.
- 6.180 The impacts of the development are acceptable with respect to residential amenity, highway safety, drainage and contamination.
- 6.181 The proposed development would be harmful to the character and appearance of the locality.
- 6.182 The development would also be harmful to ecology in this location.
- 6.183 Insufficient evidence to justify the proposed development in an area of high probability to flooding and in an out of centre of location has been provided.
- 6.184 Overall, it is concluded that there are no VSC which, taken collectively, are sufficient to outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt, the harm to the character and appearance of the area, the harm to ecology, the harm to flood risk and town centres.
- 6.185 The application forms inappropriate development in the Green Belt and Very Special Circumstances are required to approve it. Should the Committee be minded to grant planning permission, the application would be referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2024 with the Planning Committees’ resolution to support it.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be refused in accordance with the following reasons:	
1.	The site lies within the Nottinghamshire Green Belt where inappropriate development is by definition harmful and should not be approved except in very special circumstances. In the opinion of the Local Planning Authority the proposed development represents inappropriate development and it is considered that very special circumstances have not been demonstrated to justify the granting of planning permission in this instance. The application is therefore not in accordance with

	Policy 3 - The Green Belt of the Broxtowe Aligned Core Strategy Part 1 Local Plan (2014), Policy 8 - Development in the Green Belt of the Broxtowe Part 2 Local Plan (2019) and Part 13 – Protecting Green Belt land of the National Planning Policy Framework 2023.
2.	The submitted scheme, by virtue of its siting, size, scale and design would represent an unsatisfactory form of development to the detriment of the character of the Erewash River Corridor landscape area and the openness of the Green Belt in this location. The proposed development is therefore contrary to Policy 10 - Design and Enhancing Local Identity and Policy 16 - Green Infrastructure, Parks and Open Space of the Broxtowe Aligned Core Strategy (2014) and Policy 17 - Place-making, Design and Amenity and Policy 30 – Landscape and of the Broxtowe Part 2 Local Plan (2019).
3.	The proposed development would be located on land which is identified by the Environment Agency as being within flood zones 2 and 3. It is considered that the submitted sequential test search area is inadequate for a development in this location and of this nature and insufficient evidence to justify the proposed development in an area of high probability to flooding has been submitted. The application is as such contrary to the aims of Policy 1 - Climate Change of the Broxtowe Aligned Core Strategy Part 1 Local Plan (2014) and Policy 1 – Flood Risk of the Broxtowe Part 2 Local Plan (2019).
4.	The proposed development is a main town use and would be located on land outside of any nearby town centre and edge of centre. It is considered that the submitted sequential test search area is inadequate for a development in this location and of this nature and insufficient evidence to justify the proposed development in an out of centre of location has been submitted. The application is as such contrary to the aims of Policy 6 - Role of Town and Local Centres of the Broxtowe Aligned Core Strategy Part 1 Local Plan (2014) and Policy 13 - Proposals for Main Town Centre Uses in Edge-of-Centre and Out-of-Centre Locations of the Broxtowe Part 2 Local Plan (2019).
5.	The site lies within Trowell Junction Grassland Local Wildlife Site (LWS) and is bordered by the River Erewash which forms a Green Infrastructure Corridor. The proposal would result in an adverse impact on protected species, as well as the loss of a biodiversity asset (LWS) and fragmentation of a key wildlife corridor and ecological network. Furthermore, the proposal fails to deliver a biodiversity net gain to the detriment of the locality. The application is as such contrary to Policy 16 - Green Infrastructure, Parks and Open Space and Policy 17 - Biodiversity of the Broxtowe Aligned Core Strategy Part 1 Local Plan (2014) and

	Policy 28 - Green Infrastructure Assets and 31 – Biodiversity of the Broxtowe Part 2 Local Plan (2019).
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.

Map



Photos



View from Ilkeston Road (north) into site



View of Station House - The Forge, from inside the site



View of wetland habitat on site



View of rubble piles and storage containers

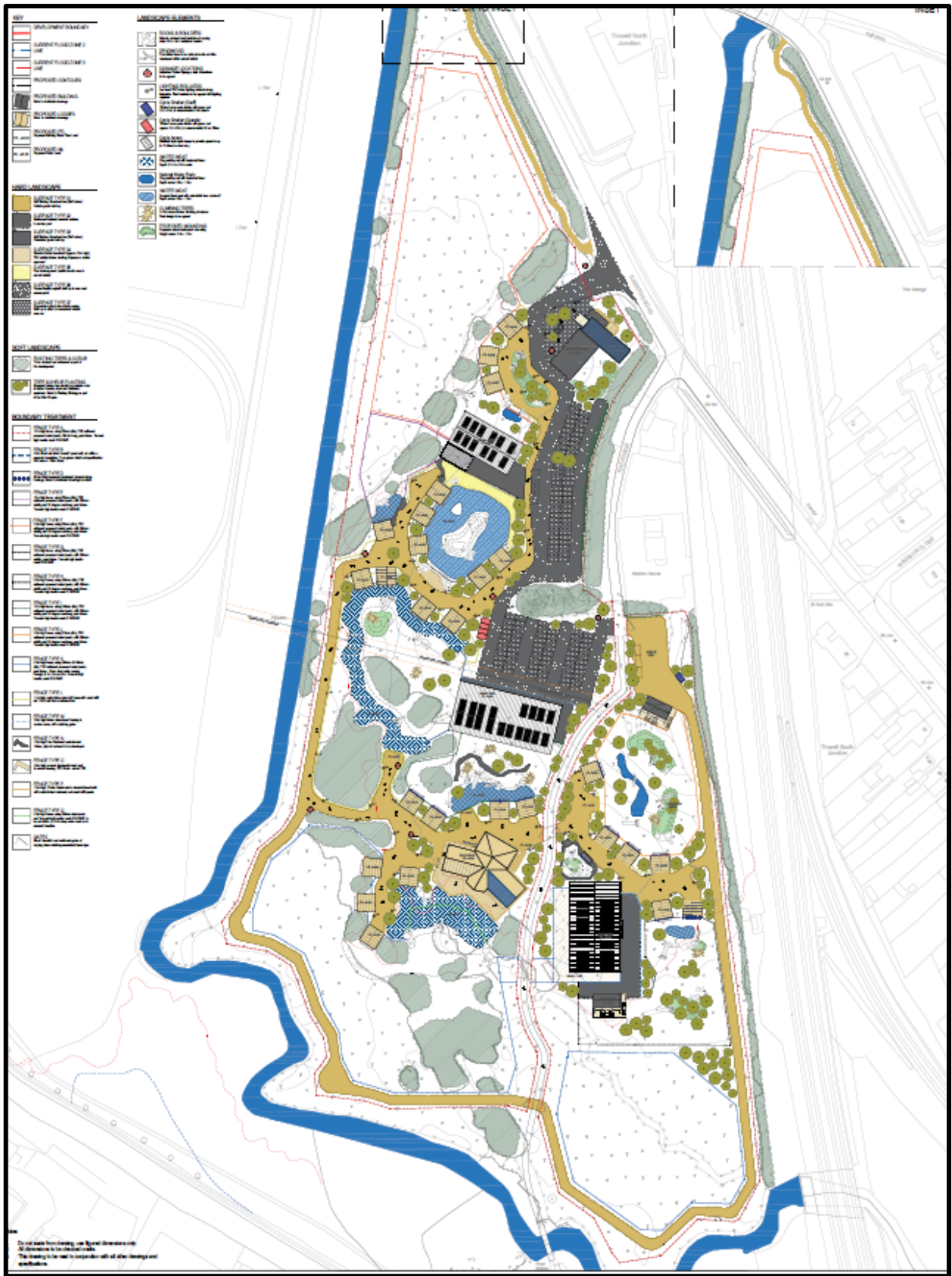


View of The Forge and public right of way leading into site

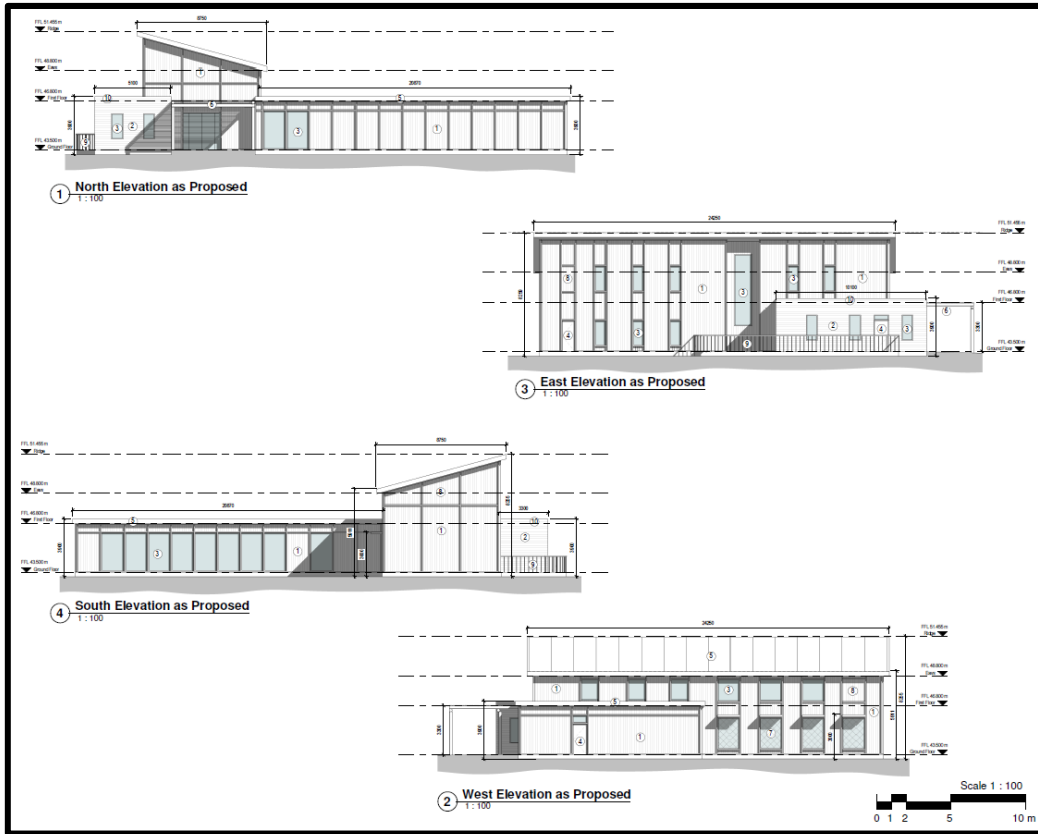


View of River Erewash around southern boundary of site

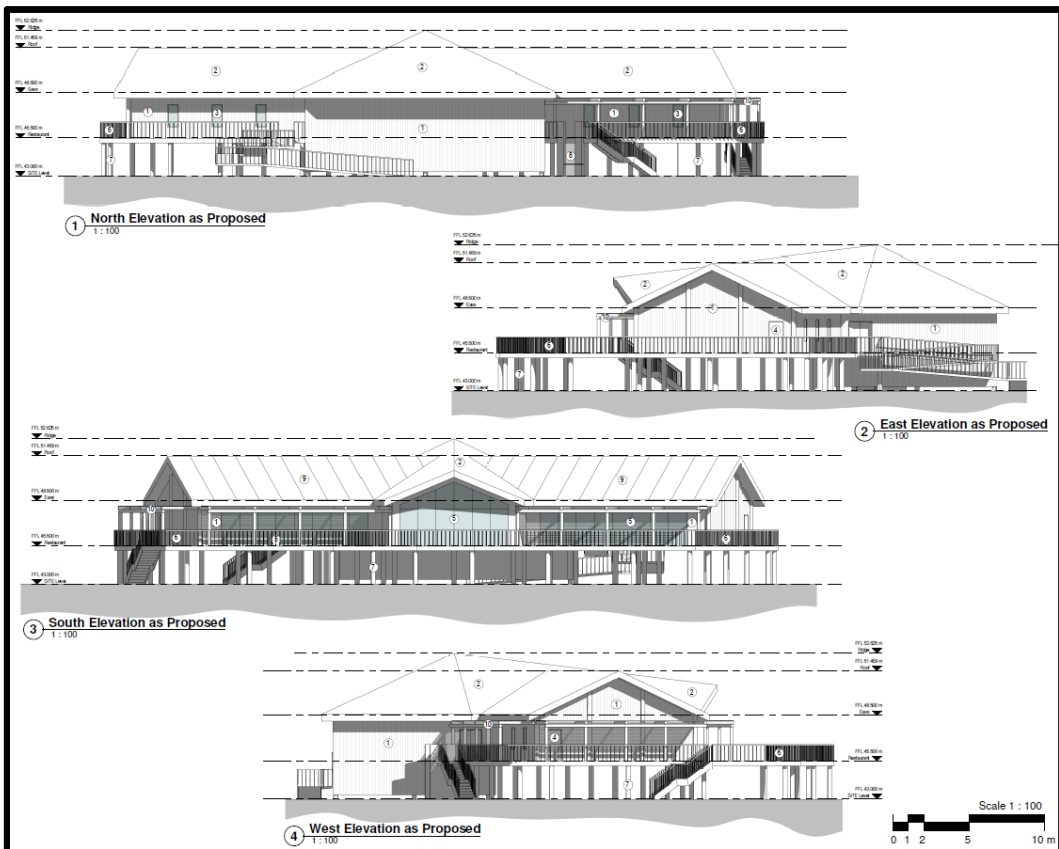
Plans



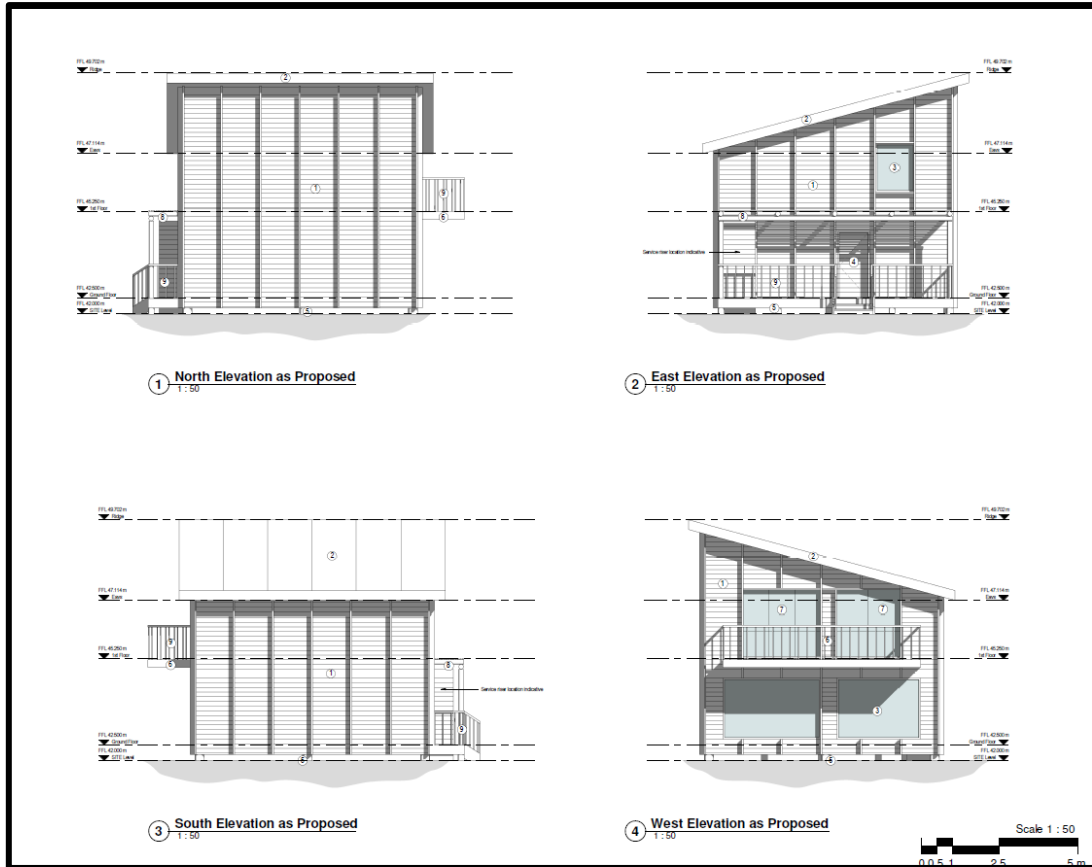
Proposed Site Layout Plan



Proposed Reception Building Elevations



Proposed Restaurant Building Elevations



Proposed Cabin Building Elevations