

# 20/02663/FUL

**Applicant** Mr David Shelton

**Location** Land East Of Bottom Green Farm, Bottom Green, Upper Broughton, Nottinghamshire, LE14 3BA

**Proposal** Widening of an existing agricultural access, erection of new gates and post and rail fencing, and formation of hardstanding for agricultural purposes

**Ward** Nevile And Langar

Full details of the proposal can be [here](#)

## THE SITE AND SURROUNDINGS

1. The application site comprises an existing agricultural access on the south side of Bottom Green Lane, to the east of Bottom Green Farm, in Upper Broughton.
2. Residential properties lie to the north, east and west. Agricultural land/ open countryside lies to the south.

## DETAILS OF THE PROPOSAL

3. The application seeks planning permission for the widening of an existing agricultural access, a the erection of new gates and new post and rail fencing, and the formation of hardstanding for agricultural purposes. The application is partly retrospective as some works have already been undertaken in respect of the access without the benefit of planning permission.
4. It is understood that the alterations to the access are proposed to improve access for farm vehicles and enable vehicles to exit the highway without having to stop on the road.
5. During the course of determination, and in response to concerns raised by the Highways Authority and Conservation Officer in respect of the scheme, revised plans were submitted amending the design of the proposal. The revisions are summarised as follows:
  - a. Reduction in the width of the access from 12m to 8m;
  - b. Reinstatement of part of the previously removed Hawthorne/ Blackthorne hedge along the road frontage;
  - c. Additional hedgerow and tree planting;
  - d. Proposed use of bitumen surface with 6mm bound granite chippings instead of tarmacadam.
6. Due to the nature of the changes and the time that had elapsed since the original consultation exercise was undertaken, all statutory consultees and neighbours were consulted on the revised plans/ information for a period of 21-

days.

7. For the avoidance of doubt, the description below is based on the latest iteration of the development proposal (i.e. the revised site layout plan and surfacing details received 15th February 2022).
8. The proposed agricultural access/ track would measure 8m in width and would arc from the highway boundary towards the western boundary of the site (adjacent to the existing conifer hedging). The track would comprise a bitumen surface with 6mm bound granite chippings with camber to soakaway. A metal farm gate (1.2m high) is proposed to be located circa 17.5m southwest of the access.
9. The existing boundary hedging to the front (north) of the site is proposed to be retained. The soft verge and part of the conifer hedging to the front (north) of the site, removed as part of the access works undertaken prior to planning permission being sought, is proposed to be reinstated (new mixed Hawthorne/Blackthorne hedging proposed) and a Rowan tree planted behind. Further south in the site (level with the new gate and new pedestrian style) a new section of mixed Hawthorne/ Blackthorne hedging and a further Rowan tree is also proposed to be planted.
10. A new post and rail fence measuring 1.2m high is proposed circa 16m to the south of the access (at closest approach), including a pedestrian style comprised of two steps plus a support post.
11. The existing dropped kerb (which also serves 'The cottage' to the east) is proposed to be extended by circa 5m (from a total length of 13m to 18m) to facilitate the proposal.

## **SITE HISTORY**

12. None relevant

## **REPRESENTATIONS**

### **Ward Councillor(s)**

13. One ward member, Councillor T. Combellack responded to the originally submitted plans as follows:

*"With the information to hand I object to this application."*

14. On receipt of revised plans (February 2022 consultation), Councillor Combellack responded as follows:

*"As this application would appear to be in contravention of the Neighbourhood Plan, I agree with the Parish Council and must object."*

### **Town/ Parish Council**

15. Upper Broughton Parish Council responded to the originally submitted plans objecting to the proposal. Their concerns are summarised as follows:

- a. The development is contrary to Policy 22 of the Rushcliffe Local Plan. The proposals seek to remove an existing hedgerow and grassed area and replace it with a wide area of hard paving, The Parish Council does not agree that this seeks to conserve and enhance the existing situation.
  - b. The applicant has provided very little information as to why the works are required and existing double gates are unsuitable for use. The existing access has functioned perfectly adequately for a number of years without incident. No explanation or justification has been given as to why such a large area of hard standing is required.
  - c. The proposals do nothing to conserve or enhance the appearance and character of the area.
  - d. Policy 28 considers the impacts of proposals with regard to Conserving and Enhancing Heritage Assets. The Parish Council wishes to query whether a 300m<sup>2</sup> area of compacted road planings, is appropriate to the character of the area and consequently whether its use is contrary to Part 2 c) of the Policy. The large hole which has been created in the frontage of Bottom Green, has had a significant impact on the historic street pattern (Part 2d). The Parish Council feels it is detrimental in terms of scale and massing.
  - e. Policy UB2 of the Village Plan recognises the previous view over the gate as being locally important. Whilst it could be argued that the view is still there and has been opened up by the works, the Parish Council feels that the previous view punched through and was framed by the existing hedgerow and gate which contributed to that view and which no longer exists, meaning the removal of these features has had a significant detrimental impact on this view.
  - f. Whilst perhaps not necessarily a planning issue it is perhaps worth noting road planings are technically a waste material. The Parish Council has some reservations about the providence of the materials used.
  - g. There has been an enforcement notice issued against this site for the removal of the historic hedgerow (without permission) to the southern boundary. The Parish Council would be grateful to know if the hedgerow has been replaced as instructed by the enforcement notice.
16. On receipt of revised plans (February 2022 consultation), Upper Broughton Parish Council continued to raise objections to the proposal. Their response is summarised as follows:
- a. It has a negative impact on 'important view 5' and is contrary to Policy UB2 of the Upper Broughton Neighbourhood Plan.
  - b. The proposals are not in keeping with the character of Upper Broughton and are contrary to Policy UB5 of the Upper Broughton Neighbourhood Plan.
  - c. A hedge has been removed contrary to policy UB9 of the Upper Broughton Neighbourhood Plan.
  - d. It is contrary to Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy 2014 (presumption in Favour of Sustainable Development) in that the proposal is purely to encourage traffic movements on and off a road that already gives concerns to the residents, when a sustainable proposal would be looking to reduce the traffic movements.
  - e. It is contrary to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy 2014 (Design and Enhancing Local Identity) as the proposal removes an unmade track, which would be a typical feature of Upper Broughton and replaces it with a large hardstanding/ road, so detracting from the local identity of the village.

- f. As Upper Broughton is a Conservation Village, it is disappointing to see that the applicant has removed a considerable stretch of roadside ancient hedge in the centre of the village and tarmacked the large entrance, which now appears to be being used as a car park.
- g. The original hedge should be reinstated as Upper Broughton is a Conservation Village, and this sort of development should not be allowed.

## **Statutory and Other Consultees**

### **The Borough Council**

17. The Conservation Officer objected to the originally submitted scheme on the basis that it would harm the character and appearance of the Conservation Area, primarily due to the development having a suburbanising impact/ significantly altering the low-key rural feel of the area.
18. On receipt of the revised plans/ details (February 2022 consultation), the Conservation Officer removed their objection, confirming that their previously raised concerns have been addressed and that the proposal would not harm the special interest of the Conservation Area.

### **Nottinghamshire County Council**

19. The Highways Authority responded to the originally submitted scheme recommending that the application be deferred to enable the applicant to address their concerns in respect of the proposed width of the access (which was considered excessive for its use) and the proposed surfacing.
20. On receipt of the revised plans/ details (February 2022 consultation), the Highways Authority responded stating that they have no objection to the proposal subject to the imposition of suitable conditions and informatives regarding the widening of the dropped kerb and the surfacing of the access.
21. The Archaeological Officer does not object to the proposal and does not have any recommendations.
22. The Rights of Way Team do not raise any objection to the proposal. A number of informatives are recommended regarding Upper Broughton Footpath No. 6 which crosses the application site.

### **Other Consultees**

23. The Ramblers Association do not object to the proposal. In their response they request that the proposed replacement styles are replaced with kissing gates to make access easier and reduce maintenance.
24. Historic England responded to the consultation confirming that they have no comments to make on the proposal. Instead, they suggest that the views of the Council's specialist conservation and archaeological advisers are sought.

### **Local Residents and the General Public**

25. One representation was received from a nearby occupier, in respect of the originally submitted scheme, providing comments only (i.e. neither objecting to

nor supporting the proposal). A summary of the points raised in the representation is set out below:

- a. Is this a retrospective application, as work has already been carried out? Or is the applicant planning further work, and if this is the case I would like to view the plans.
- b. Unfortunately, I have not been able to download the files outlining the plans!

## **PLANNING POLICY**

26. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the National Planning Policy Framework (NPPF) (2021), the National Planning Practice Guidance (the Guidance) and the Rushcliffe Residential Design Guide. Due to the location of the site, the Upper Broughton Neighbourhood Plan (the Neighbourhood Plan) also comprises part of the Development Plan and requires due consideration.

### **Relevant National Planning Policies and Guidance**

27. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF.

28. As such, the following sections in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:

- Chapter 2 - Achieving Sustainable Development
- Chapter 12 - Achieving Well Designed Places
- Chapter 16 - Conserving and enhancing the historic environment

A copy of the National Planning Policy Framework 2021 can be found [here](#)

A copy of the Planning Practice Guidance can be found [here](#)

29. The Borough Council has a duty under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be paid to the desirability of preserving listed buildings, their setting or features of special architectural or historical interest that they possess; and special attention to be paid to preserving or enhancing the character and/ or appearance of the conservation area.

### **Relevant Local Planning Policies and Guidance**

30. The LPP1 sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the LPP1 are of particular relevance:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 10 - Design and Enhancing Local Identity

- Policy 11 - Historic Environment

A copy of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) can be found [here](#)

31. Under LPP2, the following relevant policies are pertinent to highlight in relation to the proposal:

- Policy 1 - Development Requirements
- Policy 22 - Development within the countryside
- Policy 28 - Conserving and Enhancing Heritage Assets

A copy of The Local Plan Part 2: Land and Planning Policies (LLP2) can be found [here](#)

32. The following policies of the Neighbourhood Plan are of particular relevance to the determination of the application:

- Policy UB2 - Locally Important Views
- Policy UB5 - Local Design and Amenity
- Policy UB9 - Trees and Hedges

A copy of the Upper Broughton Neighbourhood Plan can be found [here](#)

## **APPRAISAL**

33. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

34. The main material planning considerations in the determination of this planning application are:

- a. Principle of Development
- b. Impact on the character/ appearance of the surrounding area (including heritage impacts)
- c. Visual impacts/ impact upon an 'important view' as defined in the Neighbourhood Plan
- d. Amenity considerations
- e. Highway safety

### Principle of the development

35. LPP1 Policy 1 reinforces that a positive and proactive approach to decision making should be had which reflects the presumption in favour of sustainable development contained in the NPPF.

36. LPP2 Policy 22 seeks to ensure that land beyond the Green Belt and the physical edge of settlements is conserved and enhanced. The policy states

that development for the purposes of agriculture will be permitted providing that it complies with the requirements of part (3) of the policy which includes, but is not limited to, the conservation/ enhancement of the appearance and character of the landscape, including its historic character.

37. The development proposal comprises the widening of an existing agricultural access onto Bottom Lane.
38. In accordance with the policies set out above, the development proposal is considered acceptable 'in principle' (as it is a proposal for 'the purposes of agriculture') providing the proposal complies with part (3) of Policy 22 as well as all other relevant Development Plan policies.

Impact upon the character/ appearance of the surrounding area (including heritage impacts)

39. Core Strategy Policy 10 states that development should make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce valued local characteristics. Development should be assessed, amongst other things, in terms of its massing, scale, proportions and materials. This is reinforced under Policy 1 of the Local Plan Part 2, which also states that development should be sympathetic to the character and appearance of neighbouring buildings and the surrounding area.
40. Core Policy 11 seeks to ensure that the historic environment and heritage assets and their settings are conserved and/ or enhanced in line with their interest and significance. LPP2 Policy 28 sets out the criteria which proposals affecting a heritage asset and/ or its setting will be considered against.
41. Chapter 12 of the NPPF concerns achieving well-designed places. Specifically, it requires that development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. Chapter 16 discusses the conservation and enhancement of the historic environment.
42. Policy UB5 of the Neighbourhood Plan sets out the design criteria that new development must adhere to. The policy seeks to ensure that new development is in keeping with the scale, form and character of its surroundings, protects important features such as hedgerows and trees and has a safe and suitable access. The importance of the protection of trees and hedges is echoed in Policy UB9.
43. The application site is located within the Upper Broughton Conservation Area. It is close to several Grade II listed buildings within 50 to 125 metres of the proposal site. Two key unlisted buildings are found either side of the proposal site and several others are found nearby. The site is identified as a positive open space and it indicates that a panoramic (wide) view across the Conservation Area and looking out over the countryside is found at the proposal sites north boundary.
44. In light of the above, the impact of the proposal on the special interest of the Listed Buildings and Conservation Area must be given consideration. The Planning (Listed Buildings and Conservation Areas) Act 1990, in particular section 72 relating to Conservation Areas, requires due consideration.

45. The Borough Council's Conservation Officer objected to the originally submitted scheme on the basis that it would harm the character and appearance of the Conservation Area, primarily due to the development having a suburbanising impact/ significantly altering the low-key rural feel of the area.
46. On receipt of the revised plans/ details (February 2022 consultation), the Conservation Officer removed their objection, confirming that their previously raised concerns have been addressed and that the proposal would not harm the special interest of the Conservation Area.
47. The scale and nature of the revised development proposal is such that, in the Officer's view, the special interest of the Conservation Area would be retained. Prior to planning permission being sought, it is noted that a section of hedgerow was removed. The revised proposal includes the reinstatement of a section of hedgerow and the planting of new hedgerow and Rowan trees. The reinstatement of previously removed hedgerow, alongside the planting of new hedgerows and trees, will soften the appearance of the development and reduce its impact on the character and appearance of the area from that as originally proposed.
48. Furthermore, the existing extent of hard surfacing which has already taken place is also to be reduced and replaced with 6mm bound granite chippings as per the proposed plans. This would reduce the originally considered suburbanising impacts through more limited extents of surfacing and informal layout whilst still retaining a more rural character with regards to the new proposed finish of 6mm bound granite chippings.
49. Whilst the site lies between two 'positive buildings' as identified in the Conservation Area Appraisal, it is not considered that the works proposed would cause any harm to the setting of these buildings and therefore the positive impact these buildings provide to the special character of the conservation area would be protected. It is further noted that the site represents a positive open space, and that a panoramic view out across the site to the open countryside exists and is identified as important character features in the conservation area townscape appraisal. The sites agricultural use would remain, and whilst the scheme proposes a greater extent of surfacing and wider access than originally existed, it is not considered that these agricultural works would be to the detriment of the character of the area, and the site would still provide a positive open space and wider outlook, thereby protecting the value of these features and the special character and appearance of the Upper Broughton Conservation Area.
50. In light of the above the special character and appearance of the conservation area is considered to be 'preserved' as is described as a 'desirable' objective within section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990.
51. Overall, the development proposal is considered acceptable in terms of its impact upon the character of the area/ impact on heritage assets and would comply with local and national policies in that regard.

### Visual impacts/ impact upon an 'important view' as defined in the Neighbourhood Plan

52. Policy UB2 of the Neighbourhood Plan identifies a locally important view ('View 5: From Bottom Green', opposite the old Saddlery, looking south) which crosses the site. The view is described as a "...panorama from south east to south west of arable land...The view is important as it shows the view of the end of the Vale of Belvoir and the relationship between the village and surrounding countryside...".
53. The concerns of the parish council regarding the impact of the proposal on Important View No. 5 are noted. They state that "...*the previous view punched through and was framed by the existing hedgerow and gate which contributed to that view...*".
54. As stated previously, the revised proposal includes the reinstatement of a section of hedgerow to the site frontage and the planting of new hedgerow and Rowan trees. In the officer's view, the reinstatement of previously removed hedgerow, alongside the planting of new hedgerows and trees, will assist in 're-framing' the view and softening the appearance of the widened access. It is not considered that the development would significantly alter or that the development would reduce the significance of the view. The 1.2m tall metal farm gates would also retain the agricultural character of the site and view.
55. Overall, the visual impact of the proposal including the impact on Important View No. 5 is considered acceptable.

### Impact upon residential amenity

56. Core Strategy Policy 10 states that development should be assessed in terms of their impact on the amenity of nearby residents. This is reinforced under policy 1 of the Land and Planning Policies document, which states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties.
57. As the proposal is for the widening of an existing access only, the impact upon the residential amenity of nearby occupiers is considered to be limited. It is understood that the alterations to the access are proposed to improve access for farm vehicles and enable vehicles to exit the highway without having to stop on the road. There is no suggestion that the use of the site/ access will intensify as a result of the proposal.
58. Taking the above information into account, officers are of the view that the proposed development would not have a detrimental impact upon the residential amenity of nearby properties.

### Highway Safety

59. LPP2 Policy 1 (2) notes that all development must include a suitable means of access without detriment to the amenity of adjacent properties or highway safety. The application proposes the widening of an existing agricultural access only.
60. The Highways Authority responded to the originally submitted scheme recommending that the application be deferred to enable the applicant to

address their concerns in respect of the proposed width of the access (which was considered excessive for its use) and the proposed surfacing.

61. On receipt of the revised plans/ details (February 2022 consultation), the Highways Authority responded stating that they have no objection to the proposal subject to the imposition of suitable conditions requiring 1. provision of a widened dropped kerb; and 2. suitable surfacing of the access. They also recommended that an informative relating to the dropped kerb be included on any grant of permission.
62. Subject to the imposition of suitable conditions (as referenced above), officers are of the view that the proposal would not be detrimental to highway safety.

### Third Party Representations

63. During the consultation process, a number of objections have been received regarding the proposed development. Objections have been received from a ward councillor, the parish council and members of the public. The objections have been summarised below and will now be addressed:
64. Very little information has been provided as to why the works are required/ why the existing double gates are unsuitable for use.
  - As the proposal is acceptable 'in- principle' it is not necessary for the applicant to provide justification for the proposed development/ explain why the existing arrangement is unsuitable. In this instance however it has previously been confirmed that the works are required to improve the site access, enabling modern agricultural vehicles to enter the site without waiting on the highway.
65. The proposals do nothing to conserve or enhance the appearance and character of the area.
  - This is covered in the section titled 'Impact upon the character/ appearance of the surrounding area (including heritage impacts)'. The Borough Council's Conservation officer does not object to the revised scheme.
66. It has a negative impact on 'important view 5' and is contrary to Policy UB2 of the Upper Broughton Neighbourhood Plan.
  - This is covered in the section titled 'Visual impacts/ impact upon an 'important view' as defined in the Neighbourhood Plan'.
67. The proposal is purely to encourage traffic movements, when a sustainable proposal would be looking to reduce the traffic movements
  - There is no suggestion in the application that the use of the access would intensify. The alterations to the access are proposed to improve access for farm vehicles and enable vehicles to exit the highway without having to stop on the road.
68. Road planings are technically a waste material. The Parish Council has some reservations about the providence of the materials used.
  - The revised scheme proposes a bitumen surface with 6mm bound granite chippings.

69. There has been an enforcement notice issued against this site for the removal of the historic hedgerow (without permission)
- The hedgerow removal notice represents a separate matter, not related to this application for planning permission.
70. Contrary to planning policy including the Neighbourhood Plan.
- Officers have carried out a complete assessment against all relevant planning policies and are of the view that the development is acceptable.

### Conclusion

71. In conclusion, as set out above, the development proposal would not result in an unacceptable impact on the character/ appearance of the surrounding area (including the Conservation Area) nor would it result in an unacceptable impact on residential amenity or highway safety. Furthermore, it would not result in an unacceptable impact on important views or vistas. Accordingly, the proposed development is considered to conform with the objectives of Policies 1, 10 and 11 of the LPP1, Policies 1, 22 and 28 of the LPP2 and the relevant policies of the Neighbourhood Plan. The application is therefore recommended for approval subject to conditions.
72. Negotiations have taken place during the consideration of the application to address adverse impacts identified by the officer and raised in representations submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in an acceptable scheme and the grant of planning permission.

### **RECOMMENDATION**

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
  
[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].
2. The development hereby permitted shall be carried out strictly in accordance with the following approved drawings/ information:
  - Proposed Site Plan (Rev. D, dated 07/09/18) – received 15/02/2022;
  - Proposed Road Surface (No reference) – received 15/02/2022;
  - Cover letter from Agent detailing revisions – received 15/02/2022.  
[For the avoidance of doubt having regard to policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies]
3. Within six-months of the approval of the application, the dropped kerb serving the access shall have been widened in accordance with the approved plans to the Highway Authority specification to the satisfaction of the Local Planning Authority.

[In the interests of highway safety and to accord with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

4. Within six-months of the approval of the application, the access shall have been surfaced in the materials set out in 'Proposed Site Plan (Rev. D, dated 07/09/18)', and shall have been constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway. The hard-bound surfacing and provision to prevent the unregulated discharge of surface water to the public highway shall thereafter be retained for the life of the development.

[In the interests of highway safety.]

5. The hard and soft landscaping shown on the 'Proposed Site Plan (Rev. D, dated 07/09/18)' must be carried out and completed in accordance with those approved details not later than the first planting season (October – March) following approval of the application. If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved plan is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

[To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy; and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

## **NOTES TO APPLICANT**

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining landowner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

The owner of the neighbouring property claims that there is a legal right of access to your ground in order to maintain that property. You may wish to seek legal advice as to whether that is the case. This grant of planning permission does not override or supersede any such right.

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact the Environmental Health Officer on 0115 9148322.

The development makes it necessary to extend a vehicular crossing over a footway of the public highway. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at [licences@viaem.co.uk](mailto:licences@viaem.co.uk) to arrange for these works to take place.

### Public Right of Way

The width of the existing grassed surfaced footpath should remain at, at least 2 meters through the entire length that it passed through the site. There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team.

The footpath should remain open and available at all times and should not be obstructed or impacted by vehicles, machinery, waste or storage associated with the proposed development.

The safety of the public using the path should be observed at all times.

A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5-weeks notice is required to process the closure and an alternative route on should be provided if possible.

Where the right of way runs across the site, there is currently an open field to the West. There are also view across fields with an open aspect to the South, beyond the site boundary delineated by the existing post and rail fence, gate and stile. These open aspect should be retained as far as is practicable as part of any development, with good practice design principles applied to either ensure that the route does not become enclosed and/ or is incorporated it as part of a greenspace corridor.

The new stiles must be located in the same position as existing and must be construct to BS standards, alternatively pedestrian access gates would be a permissible, providing increased accessibility with reduced maintenance. Further information may be obtained by contacting the Rights of Way section.

If a skip is required and is sited on a highway, which includes a RoW then the company supplying the skip must apply for a permit. <http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit> and also ensure that the RoW can still be accessed appropriately by the users permitted by its status i.e. equestrians if a on bridleway, motorised vehicles if on a byway open to all traffic