

LINBY PARISH COUNCIL

TOP WIGHAY MEETING MINUTES

4th September 2020 11:00am

Meeting held remotely via Zoom

Present: M Spencer MP, B Minichiello
Linby Parish Council - D Ireland (Chair), S Molson, L Gretton (Clerk)
H Barter (Planning Consultant), Urban Vision (Representing LPC)
C Bancroft (Traffic Consultant), Bancroft Consulting (Representing LPC)
Gedling Borough Council - M Avery (Planning), M Hill
NCC Highways - S Gill
Ashfield District Council - C Sarris
NCC, ADC - Cllr P Rostance
Papplewick Parish Council - S Roberts (Chair), S Walker

M Spencer advised the meeting has been arranged due to concerns in relation to flooding and traffic management in Linby, Papplewick and roads surrounding the proposed Top Wighay development.

Cllr D Ireland advised Linby PC has employed Hannah Barter, Planning Consultant and Chris Bancroft, Traffic Consultant to offer their expertise on responding to the outline application at Top Wighay. She advised the biggest issues raised during the Neighbourhood Plan process was the volume of traffic coming through the village. She advised there are a lot of issues with flooding, particularly concerning problems with the old culverts in the village. The Parish Council have previously met with NCC and Highways to discuss the flooding issues but are no further forward. She advised there are many areas in the parish that are un-adopted and therefore not the responsibility of one authority, however, these flooding issues cannot be ignored. The PC want to work positively with both the Borough and County Council to address some of these real concerns.

In relation to the Top Wighay Development, S Gill of Highways commented that Highways are Gedling's consultee on the Planning application so instructions they have must involve Mike Avery and the Planning Authority (GBC).

M Avery, GBC advised of the significant representations made by Linby Parish Council and their Planning and Traffic Consultants. He advised they will have further dialogue with the Highway Authority who are a statutory consultee on the planning consultation. He advised GBC are seeking professional advice from Highways Authority in relation to transport and highways safety related matters. He gave his assurance that before the application is determined and a report is taken to the planning committee, all matters raised by Linby Parish Council and their Consultants will be thoroughly considered by the Borough with Notts County Council.

H Barter (Planning Consultant), commented that Linby Parish Council are a proactive, pro-growth, Neighbourhood Plan and Parish Council area and have always planned positively for the development, hence the reason for bringing this meeting together. She advised they want to positively involve Highways. They know the roads are going

to be at capacity so it is important to ensure the highways infrastructure is updated so it can cope with the amount of vehicle movements.

She advised they use the evidence that the Parish Council acquired during the Neighbourhood Plan process including infrastructure to encourage people to walk and cycle to Hucknall and support the high street shops, to walk to school safely and to the tram station. She advised that Wighay Road is a challenge to cross, so this should be made safe. She advised the Parish Council want to work with Highways to create positive solutions.

C Bancroft (Traffic Consultant) advised there is a huge gap in the traffic data presented. He advised it is frustrating to receive very little detail in response to the comments made and advised Linby PC are still seeking information. He advised there is no evidence in the application to clearly show what the change in conditions will be through Linby and on to Papplewick. He commented that based on his own predictions, there would likely be 600 peak hour movements passing through Linby and Papplewick (B6011) which is far too significant increase to ignore. He advised there are concerns regarding the sustainability of the site for instance there are generic statements regarding bus stop locations. He advised the PC need to see more information on how this development will be sustainable from day one. He has also raised concerns about the site access junction and how they are being improved and the road safety audit problems that haven't been addressed. He advised they need to see more detail on the transport assessment.

S Gill, NCC Highways advised in terms of Highways, they have to respond to what comes in through the application consultation process, so hopefully all the concerns raised by Linby PC have been raised with Mike Avery and his planning team at GBC and those concerns then come back to NCC Highways.

M Avery GBC, commented he expects that before the application is referred to the Planning Committee, each comment raised by Linby PC and Highways consultants are thoroughly investigated and any reports that go before the Planning Committee would need to address all the comments raised.

C Bancroft advised that first and foremost they need to see the study area extended and what capacity issues might be there. The whole of the B6011 corridor and all the junctions need to be included in the study area and a sensible assessment to show the increase in traffic predicted. If there are 600 movements then this is a significant increase and will have a huge impact at some junctions where there is limited land take. It is important the right improvements are implemented to make them safe in the future. It is also important to be mindful of other developments in the area and the ACS. We need to see consultants advising the application and providing the right level of assessment to then start talking about what can be done. At the moment, it's speculation and that shouldn't be the case for an application like this.

H Barter commented it is about working together to make sure that the final development is sustainable. The policies within the Linby Neighbourhood Plan need to be considered together with the local plan. She advised the Greater Nottinghamshire Consultation points out that the roads are at capacity. They already have an independent report from AECOM stating the roads are at capacity.

She advised it is important that sufficient information is provided to allow for intelligent consideration and that we can't respond positively or negatively or identify for opportunity for change until we have that information. It is also important to allow sufficient time to work together and assess truthfully what the impact will be and how to mitigate against it.

She advised of the case law where in 1985 Stephen Sedley QC proposed a clear set of rules for public consultation that were accepted by the judge in the case *Gunning v LB of Brent*. The case related to a school closure consultation and Sedley defined that consultation is only legitimate when these principles have been met. The *Gunning Principles* form a strong legal foundation from which the legitimacy of public consultation is assessed. *Gunning Principles*:

1. Consultation must take place when a proposal is still at a formative stage;
2. Sufficient to allow for intelligent consideration and response;
3. Adequate time for consideration and response; and
4. Product of consultation must be conscientiously taken into account when decision making.

These principles were reinforced in the 2001 'Coughlan Case (*Rv North and East Devon Health Authority ex Parte Coughlan*) and are often used in Judicial Review decisions. This case law has been fundamental in influencing consultation in any context not just planning. There are many references to *Gunning Principles* throughout legal best practice and these should be applied in any consultation practice.

C Sarris advised that Ashfield District Council has no comments at this stage of the application process.

M Avery commented the impact on the Highway needs to be thoroughly considered before the application is determined. He pointed out that the site is allocated for residential development, a proposal of 805 dwellings. He advised from GBC's perspective, they want to work with the PC to actively engage with them and need to ensure that all concerns raised have been thoroughly addressed. He advised he and Nigel Bryan, the Case Officer would be happy to meet with the Parish Council, the Consultants and the Highways Authority to have further in-depth discussions in relation to the issues raised.

Cllr D Ireland responded that though the site is allocated for housing, it should not be an automatic assumption that it can pass planning approval. The PC has raised valid concerns and want to work positively to get a solution that will last for years to come. She advised the PC would welcome a meeting as offered by Mr Avery and asked that BWB are also invited.

Meeting ended: 11.43