



**NEWARK &  
SHERWOOD**  
*DISTRICT COUNCIL*

## Schedule of Communication

**Schedule of Communication Received after Printing of Agenda**

Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
6 (22/02375/FULM)  Lowfield Lane	Local Resident	04.11.2024	<p>Object</p> <ul style="list-style-type: none"> <li>• Too many dwellings that would increase pressure on local services such as doctors etc.</li> <li>• No road safety improvements in these revised proposals. Road network in Newark is already overloaded.</li> <li>• Destruction of what is one of last the few remaining green spaces in the neighbourhood and concerned about effect on local wildlife.</li> <li>• Lowfield Lane area has always flooded - development can only exacerbate this historic problem. Concerned the proposed storm water ponds and pumping station wont cope.</li> </ul>	Noted. Matters are already considered in the committee report.
6 (22/02375/FULM)  Lowfield Lane	Local Resident	04.11.2024	<p>Continue to object with some additional commentary on ecology, flooding and highway matters summarised as:</p> <p>Ecology</p> <ul style="list-style-type: none"> <li>• Field B- realistic management strategy should be secured by condition;</li> <li>• Good that Field E recorded 12 spp and should confer the field is designated as LWS – where there should be no development – it could be linked with the 3 LWS that border the site;</li> </ul>	<p>The majority of these matters express opinion not requiring a response or have been considered in the main committee report.</p> <p>In terms of the final highway comment, the proposed measures to mitigate and avoid highway impacts are suggested by NCC as Highways Authority independently of the applicant. For example measures such as CCTV provision is a legitimate means of managing traffic and was a suggested condition for another scheme in Balderton (housing scheme</p>

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Agenda Page 3			<ul style="list-style-type: none"> <li>• Quantifiable loss of habitat not properly assessed using the Natural England BNG metric;</li> <li>• Off-site mitigation has not been fully explored;</li> <li>• Successive broods of Barn Owls are known to be close to the site (100m) testament to the rich biodiversity;</li> <li>• Destruction of the area is contrary to Environmental Improvement Plan aspiration of leaving nature in a better place than we find it;</li> <li>• Motivation to make profit from this land is abhorrent' when wildlife would suffer.</li> </ul> <p>Flooding</p> <ul style="list-style-type: none"> <li>• Local internal drainage board's consent is needed for discharge. Receiving watercourse is wholly unsuitable in terms of capacity and maintenance and has already backed up this year. The IDB do not maintain it and didn't even know culvert under the road existed.</li> <li>• Water levels of gauging station in Middle Beck near Jericho Road estate have shown record water levels on several occasions last winter.</li> <li>• Episode of flooding in January '24 resulted in foul sewer discharge into gardens and frontages at Lowfield Lane;</li> </ul>	<p>at Highfields School which was refused as recommended) where it would have increased traffic flows. This is not an attempt to mask any issues, but rather allow for a proportionate approach, requiring measures to tackle issues that arise if they are needed in line with the tests set out in the NPPF with regard to conditions and obligations.</p>

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			<ul style="list-style-type: none"> <li>• This Autumn, rain has caused Middle Beck to back up from River Devon.</li> <li>• Current level and flow data used by authorities is 10-15 years out of date.</li> <li>• Development will result in more flow to the bottom of Lowfield Lane and add to higher unacceptable flood risk.</li> </ul> <p>Highways</p> <ul style="list-style-type: none"> <li>• Application does not adequately deal with extra traffic arising from the development.</li> <li>• The bend on the corner of Lowfield Lane (potentially subject to parking restrictions) will become more dangerous;</li> <li>• Applicant has blatantly deferred highway issues, with matters resolved by further surveys or camera's to avoid attribution of further impact to try to obfuscate the whole traffic impact – the council should be clear on this and should not show bias.</li> </ul>	
22/02375/FULM) Lowfield Lane	NCC Policy	04.11.2024	Confirm they have no more comments to make	Noted.
22/02375/FULM) Lowfield Lane	NSDC Conservation	04.11.2024	Previously concluded that the cottage to be demolished did not meet the non-designated heritage asset criteria. No further comments to make.	Noted.

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Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
6 (22/02375/FULM)  Lowfield Lane	Local Resident	07.11.2024	Part of the site (west of the allocation and east of the LWS) is not allocated for housing. Para.3.5 of the committee report implies only 10 dwellings are on land not allocated which is misleading. It is actually 31 dwellings.	Noted. Clarification on the elements of the site that are <u>not currently allocated</u> is shown in yellow highlight on the image below for the avoidance of doubt:  
(22/02375/FULM)  Lowfield Lane	Applicant	05.11.2024	The applicant has reviewed the published conditions and indicates that all conditions appear reasonable but that condition 17 (Main Access Provision) could present challenges.  They would like the ability to demolish the buildings on site and infill the pond for safety reasons.	Noted. The condition has been requested by NCC Highways Authority to safeguard the bus route and has already been amended to allow for works not affecting this the ability to commence.  In response to the request, the condition has been further revised, noting that the pond would need to form part of a remediation phase so that a CEMP is submitted in advance of any

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				<p>infilling. The revised worded is shown below:</p> <p><b>17 (Main Access Provision)</b></p> <p>Save for any development in relation to Plots 142-151 inclusive, <b>the demolition works (save also for the requirements of condition 12 of this permission) hereby approved and the infilling of the pond,</b> no other development shall be commenced until the northernmost access point on Mead Way shall be constructed and made available for use thereafter.</p> <p>Reason: To ensure the development can be constructed as approved and safeguard the proposed bus route. The pond referred to in this condition relates to that noted in the ecology submissions by Baker Consulting at paragraphs 2.1, 4.3.13 and 5.4.13.</p>
<p>22/02375/FULM) owfield Lane</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Page 6</p>	<p>Case Officer</p>	<p>07.11.2024</p>	<p><b>Clarifications and additional comments by case officer – see final column.</b></p>	<p>Since publication of the agenda, there are a number of matters that require clarity, relating to the footpath numbering, ecology and flooding. These are set out below:</p> <p><b>Footpaths</b></p> <p>The plan incorrectly labels two of the footpaths and the committee report also incorrectly references these. The error doesn't affect the</p>

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<p>Agenda Page 7</p>				<p>recommendation but for clarity the correct footpath numbers are shown on the image below.</p>  <p><b>Flooding</b></p> <p>Some minor anomalies are contained within the submitted Flood Risk Assessment (FRA) where the catchment is referred to incorrectly and should read 'Lower Trent and Erewash'. Anglian Water is also referred to instead of the correct Severn Trent Water.</p> <p>The applicant has confirmed that notwithstanding these typos/errors, the climate change values are correct and consequently the proposed finished floor levels as required by</p>

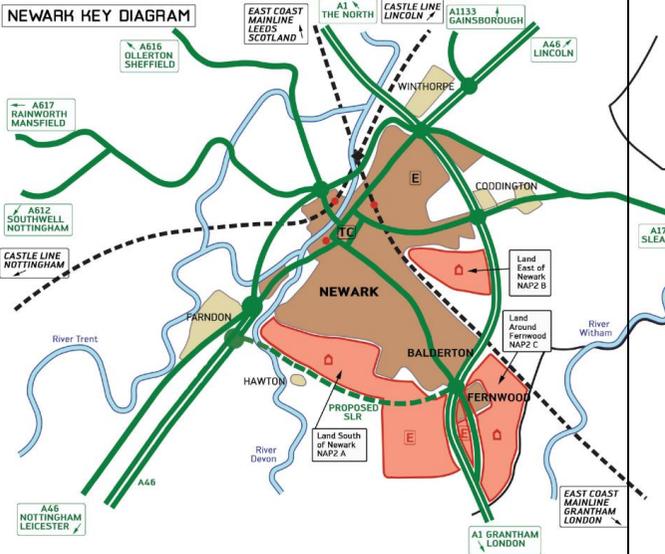
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Agenda Page 8				<p>condition 11 are correct.</p> <p>Please note that the reference in para.7.201 where it refers to Middle Beck running along the southern boundary, I would clarify that its lies beyond the southern boundary and would be the receiving watercourse for surface water from the attenuation swales.</p> <p><b>Ecology</b></p> <p>An important word (in bold below) is missing from paragraph 7.82 which alters the meaning. The paragraph should read:</p> <p>“Mitigation and avoidance measures would be secured via the CEMP but include <b>avoiding</b> vegetation clearance during bird breeding season unless an ecologist is present and the provision of 20 bird nesting boxes on houses to be secured by the BMP.”</p> <p>Officers are conscious that paragraph 7.96 could be viewed as ambiguous. The Ecology Survey stated that the site fell short of having sufficient indicators to qualify Field E to meet the selection criteria. However, this was an error as the Appendix made clear there were 12 indicators, but these occurred rarely across the field, so it is not clear cut. Here the qualification and criteria relate to Local Wildlife Sites (LWS)</p>

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Page 9</p>				<p>and not HPis. Whilst some HPis represent qualifying features for LWS not all do, although generally both are afforded similar weight in planning policy.</p> <p>The term Habitat Action Plan used in para. 7.96 would be better referred to has the Nottinghamshire Local Biodiversity Action Plan – Unimproved Neutral Grassland Habitat Action Plan.</p> <p><u>Off Site Compensation</u></p> <p>Further to paragraphs 7.103 and 7.104 of the committee report, ongoing discussions have taken place with the Council’s Lead Ecologist and on reflection it is considered that identifying a site for off-site compensation should follow a hierarchical approach.</p> <p>Given the Newark Urban Area is urban by nature, on reflection officers consider this is too restrictive and that this should be widened to include the Strategic sites as identified by the map below within the Core Strategy. If a site cannot be identified in this area, land immediately adjacent to the NUA/strategic sites should be considered and after that other land within the district should be considered with a clear preference to providing land at closest</p>

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Page 10</p>				<p>distance to the site but also having regard to where habitat can and should be re-provided.</p>  <p><i>Lighting</i></p> <p>Following ongoing discussions with the Council's Lead Ecologist, the proposed lighting scheme at Condition 35 is suggested to be strengthened and amended as follows:</p> <p><b>35 (all eternal except street Lighting)</b></p> <p>Prior to first occupation of any phase of the development, a Lighting Design Strategy for biodiversity for that phase shall be submitted to</p>

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Page 11</p>				<p>and approved in writing by the local planning authority. The Strategy shall:</p> <p>a) Provide details of the locations, designs, levels of brightness and beam orientation together with measures to minimise overspill and light pollution;</p> <p>b) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and</p> <p>c) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the local bat assemblage using their territory or having access to their breeding sites and resting places.</p> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior</p>

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Page 12</p>				<p>consent from the local planning authority.</p> <p>This condition relates to all external lighting except for the provision of street lighting which is covered by Condition 15 of this permission.</p> <p>Reason: In the interests of visual and residential amenity and to mitigate potential adverse impacts on the local bat assemblage.</p> <p>Additionally, Condition 15 as requested by NCC Highways Authority also includes street lighting so this condition is proposed to be amended as follows:</p> <p><b>15 (Road Provision)</b></p> <p>No development hereby permitted shall commence on any phase of the development, until details of the new roads within that phase (including any access as may be appropriate) have been submitted to and approved in writing by the Local Planning Authority. Details shall include:-</p> <ul style="list-style-type: none"> <li>• Longitudinal and cross-sectional gradients,</li> <li>• Drainage and outfall proposals,</li> <li>• Construction specification,</li> <li>• Provision of and diversion of utilities</li> </ul>

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Agenda Page 19				<p>services,</p> <ul style="list-style-type: none"> <li>• Proposed structural works; and</li> <li>• Street lighting which shall be accompanied by a Lighting Design Strategy that pays particular regard to biodiversity.</li> </ul> <p>The development shall be implemented in accordance with these details for each phase to the satisfaction of the Local Planning Authority.</p> <p>Reason: To ensure the development is constructed to safe and suitable standards and that the biodiversity of the site is safeguarded from avoidable harm.</p> <p>An <b>additional informative</b> is also recommended:</p> <p>No. 12</p> <p>The Lighting Design Strategy in respect of conditions 15 and 35 should be informed by the Institution of Lighting Professionals Guidance Note 08/23 – Bats and Artificial Lighting at Night.</p>
	(22/02375/FULM	Nottinghamshire Wildlife Trust	08.11.2024	Not able to remove their objection. Summarised comments below:

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Lowfield			<p><b>Field B</b>                      Removal of dwellings from field B is positive. The MG4 grassland community within this field is very rare in Nottinghamshire and England, and any MG4 grassland greater than 0.1ha fulfils Criterion 7 of the Local Wildlife Site Criteria guidelines for designating grasslands. This grassland is a Habitat of Principal Importance under the provisions of the NERC Act. We support the intention not to allow people access the field to ensure that the important habitat is conserved. However, it is possible that people will access the site for recreation to the detriment of the meadow. We therefore agree with comments made by N. Law, Lead Ecologist at N&amp;SDC, that the strategy of restricting access should be assessed via reviews of the Landscape and Environmental Management Plan (LEMP) or Biodiversity Management Plan (BMP).</p> <p><b>Field E</b>                      NWT would prefer that Field E is retained within the development and actively restored through appropriate management. However, if that is not considered possible then due to the NVC community present we would expect to see a detailed mitigation/compensation scheme provided by the applicant. We find the donor site strategy to be acceptable, but the receptor areas are smaller in size than the donor area and so if other</p>	<p>Regarding the wording of the NPPF, it doesn't define how to measure net gains, there is no requirement to use a metric and there is nothing in our Development Plan policies to say how this should be achieved where this isn't covered by the mandatory BNG. Officers have considered this application as it would any other application therefore, and is satisfied that, with compensation, the site would deliver a neutral position of no net loss which is still an acceptable position in policy terms.</p>

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<p>Agenda Page 15</p>			<p>locations within the site cannot be found then offsite areas will need to be identified. We would expect to see greater detail submitted on how offsite compensatory habitats would be created, enhanced, managed and monitored to ensure that appropriate habitat creation is delivered.</p> <p><b>Native Hedgerows</b>                      Acknowledge retention hedgerows where possible and note that sections of hedgerow will form boundaries of gardens. There is concern that 2m high fences would be removed to extend gardens.                      Submission indicates the hedgerows will be enhanced through sympathetic cutting regime. We do not think that that will be possible for those lengths bordering gardens and it will be difficult where they border swales. Our concern is that many sections of hedgerow will not be managed properly and that post development further losses are likely.</p> <p><b>Biodiversity Net Gains</b>                      Note the application was submitted prior to BNG but that para.179 of the NPPF seeks opportunities for securing measurable net gains for biodiversity.                      Compensatory habitat should be for 30 years, not 20 years. NWT question the strategy for provision within the Newark Urban Area although believe there are opportunities to achieve net gains within the area.</p>	

**PLANNING COMMITTEE 11 NOVEMBER 2024**

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Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
6 (22/02375/FULM) Lowfield Lane	Local resident	08.11.2024	<p>Builders have been taking measurements before the decision has been taken, which is inappropriate.</p> <p>Construction traffic will pass close to a childrens' playground on Mead Way and also along Lowfield Road, both posing risks to children.</p> <p>Balderton Pathways Nos. 11 and 13 (which have been around for more than 100 years) will be lost, which will be harmful to road safety, especially for children.</p> <p>Can someone check that badgers have not moved back onto the site, as they are in the area.</p>	<p>Noted – does not raise any new issues not otherwise addressed in the committee report.</p> <p>For clarity, no public rights of way will be lost.</p>
7 (24/01261/FULM) and West of staythorpe lectricity ubstation	Case Officer	04.11.2024	<p>For clarification, The White Cottage situated to the west of the National Grid Substation is derelict, uninhabitable and not registered with Council Tax.</p>	<p>Noted.</p>
24/01261/FULM) and West of Staythorpe Electricity Substation	NCC, Highway Authority	06.11.2024	<p>Subsequent to our previous observations, the applicant has submitted revised documents, namely a Transport Note (TN) revision 2 (dated October 2024) and an Outline Construction Traffic Management Plan (OCTMP) revision 2 (dated October 2024).</p>	<p>The no objection of NCC as Highway Authority and the experts on highway safety, are noted, as such the officer recommendation to Committee remains one of approval.</p> <p>On the basis of their comments, officers</p>

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Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
<p>Agenda Page 17</p>			<p>It is noted that both documents are included in the Committee Report's Condition 14, but neither are fully acceptable and have some inconsistencies between them. The Highway Authority (HA) would suggest that these are removed from the approved list, to be replaced in due course by documents and drawings to be submitted in response to conditions.</p> <p>It should be noted that details for a construction phase are normally finalised subsequent to planning permission being given, with the imposition of pre-commencement conditions. It is noted that a condition for a Construction Environment Management Plan (CEMP) has been drafted by the LPA and we endorse this, with some recommended amendments/additions (indicated in red within the suggested condition).</p> <p><u>Access 1 – Staythorpe BESS</u>                      Access 1 is via the access approved under the appeal for the Staythorpe BESS, for which delivery is secured for that approval. However, this is a separate planning application and whilst it is stated that the two applications would be constructed concurrently, this cannot be secured by planning, and we would require a condition for its delivery related to this application.</p>	<p>recommend the two new conditions listed and the revised wording to Condition 03 stated and revision of Condition 014 to delete the reference to the Outline Construction Traffic Management dated October 2024 by Optima and Transport Note dated October 2024 by Optima be included/amended in the recommendation to Members.</p>

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Page 18</p>			<p><u>Access 2 – existing field access (within bus stop layby)</u></p> <p>This access is at the point of an existing field access within a bus stop layby. It appears that the applicant is promoting use of this to gain access to the land otherwise cut off by ditches as opposed to providing temporary culverts to enable access to this land via Access 1 or 3.</p> <p>It has become apparent that whilst initially framed as Junction 1 being the main access to the site with Junction 2 &amp; 3 providing additional access for the works, Junction 2 appears to now being indicated as the main access to the works, showing an estimate of more vehicles accessing here than at Junction 1, along with the compound for the construction of all cable connection works.</p> <p>The Transport Note identifies this compound as a temporary Horizontal Directional Drilling compound. It shows temporary offices etc alongside a materials laydown area, both of which would require that deliveries are made to this compound by HGVs from the north, utilising the A roads set out in the routing information and turning left in/right out, rather than the 3 specific construction vehicles shown on the swept path analysis as turning right in/left out to link Junction 1 with Junction 2. It is also likely that if Junction 2</p>	

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Page 19</p>			<p>gives access to the compound, similar movements would also be required between Junction 2 and Junction 3.</p> <p>This would not therefore be in accordance with the information provided to the HA by the applicant and for clarity, it has not therefore been demonstrated that the existing dropped kerb arrangement is suitable for vehicles from the north, which may include Abnormal Loads for delivery of offices, HGVs for deliveries etc and the same construction vehicles shown on the swept path analysis, but turning the other directions, to and from Access 3.</p> <p>It is not thought likely that the existing dropped kerb would be suitable so further details of this access would therefore be required as part of the CEMP otherwise the proposed use is likely to result in damage to the highway and highway safety issues if vehicles are not able to access or egress in a controlled manner. Please note that whilst amendments are likely to be required, they are possible and therefore a condition is considered appropriate.</p> <p>Furthermore, whilst the applicant has stated that there is no requirement for internal access tracks, clearly there is a need so that vehicles can access and egress the construction compound. This</p>		

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Page 20</p>			<p>requirement is covered by the LPA's proposed CEMP condition.</p> <p>This access is too narrow to accommodate 2-way vehicle movements and was initially demonstrated by the swept paths submitted to be also too narrow for one-way construction vehicles. Improvements to the width of this to enable 2-way traffic would mean removal of lengths of established hedgerow to enable use for only up to 8 weeks, and as such the applicant has forwarded widening of the access by removal of the existing gate and a length of fencing to enable a width suitable for one-way traffic.</p> <p>Whilst the applicant has suggested that the use of stop/go boards are to mitigate visibility, suitable visibility is available subsequent to trimming of hedges and the stop/go boards are in fact to mitigate against the access being suitable for one-way traffic only. An indicative layout has been proposed for temporary stop/go boards to control the use of this access, but details will need to be agreed with the Highway Authority at the time.</p> <p>It is noted that a temporary gate is to be erected. This is required to be left open during working hours or details provided with regards to its re-siting and setback from highway and its management. The response to this should be</p>		

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Page 21</p>			<p>dealt with under Condition 3.</p> <p>It is also required that the bus stop within the layby is suspended for the duration of its use as a construction access. This is deemed acceptable for the stated 6-8 weeks and will be subject to formal arrangements made with Nottinghamshire County Council's Public Transport team. We would advise the applicant to make contact as soon as possible, to ensure that any required notification periods do not delay construction commencing.</p> <p>However, it should be noted that it may not be acceptable for the bus stop suspension to continue for more than 8 weeks, and the applicant should factor in measures to enable the ditches to be crossed from Access 1 should the build programme exceed 8 weeks. (It is noted that the LPA have included a condition for the works via this access to be restricted to 8 weeks, which we would endorse for the above reason).</p> <p><u>Access 3 – NGET Compound (gated)</u>                      This further access is an existing minor access point to Staythorpe Power Station. Similar to Access 2, this access now appears to be proposed for more traffic than initially suggested and would also require access to the compound via Access 2.                      However, swept paths have not been submitted.</p>	

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Page 22</p>			<p>These would be required to be submitted in response to a CEMP condition with traffic management measures put forward if the turning manoeuvres are constrained by the existing layout.</p> <p>It is currently gated and intended to be left closed and opened by a banksman when required. There is no apparent reason for this but it is not acceptable as the gate is set back approximately 9m from the edge of carriageway and any larger vehicles waiting for the gate to be opened will obstruct highway. The CEMP condition requested includes for details of gates to be submitted, to include locations and any management.</p> <p>Whilst there are a number of issues highlighted, it is considered that all can be addressed with suitable pre-commencement conditions, as would normally be the case for construction of development, and so in consideration of this the Highway Authority have <b><u>no objections</u></b> to the development subject to the following conditions:</p> <p>1. No development shall take place until the layout of site access 1 has been submitted to and approved by the local planning authority and shall include details of necessary vegetation clearance and culverts. The approved works shall be carried out prior to any works commencing.</p> <p>Reason: to ensure a safe and suitable access is</p>	

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Page 23</p>			<p>available in the interests of highway safety.</p> <p>2. No development shall commence until the visibility splays as shown on Drawing Numbers 23065/IN/02 rev A and 23065/IN/04 are provided and kept clear for the duration of construction. Reason: In the interests of highway safety.</p> <p>3. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should be prepared <b>broadly</b> in accordance with the Outline Construction Traffic Management dated October 2024 by Optima and shall contain the following details <b>as a minimum</b>:</p> <ul style="list-style-type: none"> <li>i) A scheme to control noise and dust;</li> <li>ii) Construction working hours and all deliveries, which shall be limited to 08:00 to 18:00 hours Mondays to Fridays and 08:00 to 14:00 hours on Saturdays;</li> <li>iii) Loading and unloading of plant and materials;</li> <li>iv) Storage of plant and metal used in constructing the development;</li> <li>v) Details of the temporary Access 2 and <b>layout of the</b> compound area, including new boundary treatments, permeable hard surfacing;</li> <li>vi) <b>Details of Access 3 including swept paths and traffic management measures if necessary;</b></li> </ul>	

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<p>Agenda Page 24</p>			<p>vii) Details of gating along with their management at all accesses;  viii) Proposed numbers of site operatives;  ix) Full details of any temporary external lighting;  x) A construction stage flood incident plan;  xi) Construction stage emergency response plan and incident response system(s), including responsible persons and lines of communications;  xii) Full dimensions, design and materials of any temporary buildings required to be sited during the construction;  xiii) a programme of the number of HGV and Articulated Indivisible Load (AIL) movements, identifying the associated access; and  xiv) wheel washing facilities to prevent mud and debris from migrating on to the adjacent highway alongside details of deployment of road sweepers if required.</p> <p>The construction of the development shall be carried out only in accordance with the approved CEMP.  Reason: In the interests of residential amenity, highway safety and flood risk.</p> <p><u>Informatives</u>  Planning permission does not include permission to work within the public highway. Please contact licences@viaem.co.uk to ensure all necessary licences and permissions are in place.</p>	

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			<p>The proposals involve the suspension of a bus stop. Please email PTDC@nottscc.gov.uk with regards to commencing the process for this.</p> <p>The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151 of the Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or deleterious material is transferred onto the highway from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land.</p>	
<p>7 Agenda Page 25 (24/01261/FULM) and West of staythorpe Electricity Substation</p>	<p>Applicant</p>	<p>30.10.2024</p>	<p>We are happy to commit to providing a local taxi service to those residents for whom the temporary suspension of the bus stop would affect their service area.</p>	<p>Members can consider whether they think this is appropriate, which could be included within the S106 legal agreement.</p>
<p>(24/01261/FULM) Land West of Staythorpe Electricity</p>	<p>Applicant</p>	<p>06.11.2024</p>	<p>Comments on Officer Report: 3.1 The application does not propose a BESS. The BESS is approved; 7.35 The WSI does not commit to an additional 38 trenches;</p>	<p>Noted.  Noted, Archaeology investigations are to be controlled by condition.</p>

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Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
Substation			<p>7.73 They do not agree that a legal agreement is necessary to control the BNG.</p> <p>Additional clarification provided:-</p> <ul style="list-style-type: none"> <li>• The cable cannot be constructed using the main BESS access only because there is a watercourse between the BESS access and the field accessed by Access 2.</li> <li>• There is a need for 3 separate access points as one is for works on the western side of the watercourse, one is for works on the eastern side of the watercourse and the other is for the NGET works.</li> <li>• Like Access 2, Access 3 is only required for the 6-8 week period of construction.</li> </ul>	<p>Officers consider a S106 is necessary to secure the BNG, rather than via a condition.</p> <p>Noted.</p>
<p>7 (24/01261/FULM) and West of Staythorpe Electricity Substation</p>	<p>Averham, Kelham and Staythorpe Parish Council</p>	<p>07.11.2024</p>	<p>The Parish Council consider it highly unusual to attempt to determine any planning application before its published consultation period has elapsed and they therefore request that it be deferred to the next available planning committee meeting.</p> <p>They note the proviso in the officer's recommendation regarding consultation responses received between proposed determination and the consultation closing date and wish to ask The Development Management Business Manager the following:</p>	<p>Whilst unusual, this process of considering applications when the consultation period extends beyond that of the Planning Committee date has taken place previously and is not considered to unacceptably prejudice any interested party.</p>

**Schedule of Communication Received after Printing of Agenda**

Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
			<ul style="list-style-type: none"> <li>- Will predetermination be a feature in future planning applications and if so, which applications will it be attempted to be applied to?</li> <li>- In this case the predetermination attempts to approve the application 24 hours before the expiry date of consultation, what minimum period following validation does NSDC consider is acceptable?</li> </ul>	
<p>7 (24/01261/FULM)  Land West of Staythorpe Electricity Substation</p>	<p>The Environment Agency</p>	<p>07.11.2024</p>	<p>The area containing the above ground works (the substation infrastructure) is outside the relevant flood event – 1 in 100 year plus 20% climate change. The EA therefore confirm that they have no fluvial flood risk concerns with this element of the development. They state their previous comments and condition remain relevant.</p>	<p>To be noted.</p>
<p>7 (24/01261/FULM)  Land West of Staythorpe Electricity Substation</p>	<p>Local Resident</p>	<p>07.11.2024</p>	<p>The revised plans are not fully acceptable to Highways. Until amended plans have been properly considered, the recommendation for approval from the Planning Department should be retracted and the Planning Committee meeting deferred.</p>	<p>The Highway Authority have considered the proposals and found them to be acceptable, subject to conditions.</p>
<p>7 (24/01261/FULM)  Land West of Staythorpe Electricity</p>	<p>Local Resident</p>	<p>07.11.2024</p>	<p>The following outstanding issues need to be addressed before the Planning Department recommended this application for approval by the Planning Committee. The Planning Committee meeting therefore needs deferring.</p>	<p>The Highway Authority have considered the proposals and found them to be acceptable, subject to conditions.</p>

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Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
Substation			<p>I intend to add these mismanagement issues by NSDC Planning Department to a formal complaint which if not suitably addressed will be taken further to the ombudsman.</p> <p>Primary Access Changes: Access 2 is now indicated as the main access point, showing more vehicles accessing here than Access 1. Compound for cable connections works at Access 2, involving deliveries by HGVs from the north, contradicting initial information.</p> <p>Transport Note and Vehicle Movements: Inconsistency in vehicle movements between Access 1 and Access 2 and likely between Access 2 and Access 3. Concerns about the suitability of the existing dropped kerb arrangement for vehicles from the north including Abnormal Loads.</p> <p>Potential Highway and Safety Issues: Further details are required as part of the CEMP to ensure controlled access and egress to avoid damage and safety issues. Narrow access is not suitable for 2-way vehicle movements and initially too narrow for one-way construction vehicles.</p> <p>Need for Internal Access Tracks: The applicant's statement of no requirement for internal access tracks is contradicted by the</p>	

**Schedule of Communication Received after Printing of Agenda**

Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Page 29</p>			<p>necessity for vehicles to access and egress the construction compound. Covered by the LPA's proposed CEMP condition.</p> <p>Access Width and Visibility Mitigation: Improvements to the width of the access involve the removal of established hedgerow and fencing. The use of stop/go boards to mitigate access width issues rather than visibility which can be addressed by trimming hedges. Temporary stop/go boards proposed with details to be agreed with the Highway Authority.</p> <p>Temporary Gate Management: Temporary gate to be left open during working hours or details provided regarding its re-siting and setback from the highway.</p> <p>Bus Stop Suspension: Bus Stop suspension for construction access, with formal arrangements needed. May not be acceptable beyond 8 weeks, requiring alternative access measures if construction exceeds this period.</p> <p>Access 3 (NGET Compound): Increased traffic through Access 3. Wept paths required and potential highway obstruction if larger vehicles wait for gate opening. Gate management details required.</p>	

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Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Page 30</p>			<p>Visibility Splays: No development shall commence until visibility splays are provided and kept clear for the duration of the construction.</p> <p>Construction Environmental Management Plan (CEMP): CEMP to include detailed measures for noise and dust control, working hours, loading/unloading, storage, access layout, gating, site operatives, lighting, flood incident plan, emergency response, temporary buildings, HGV movements and wheel washing facilities.</p> <p>Planning Permission and Licences: Planning permission does not include work within the public highway; necessary licences and permission must be obtained. Process for bus stop suspension to be commenced with the relevant authority.</p> <p>Deposit of mud or Items on Public Highway: Ensuring no deposit of mud, spoil, or other items, not discharge of water onto the public highway, to avoid offences under Sections 149 and 151 of the Highways Act 1980. Legal consequences include potential prosecution by the Highway Authority.</p>	

**Schedule of Communication Received after Printing of Agenda**

Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
<p>7 (24/01261/FULM)</p> <p>Land West of Staythorpe Electricity Substation</p>	<p>Local Resident</p>	<p>7.11.2024</p>	<p>It is requested that this application is deferred and not considered on 11 Nov for the reasons set out below:</p> <ol style="list-style-type: none"> <li>1. Predetermination: The consultation period and last date for receiving comments is the 12th Nov as confirmed in the letter from NSDC Planning Business Development Unit dated 29th Oct and distributed to all local residents.</li> <li>2. Revised details were uploaded by the applicant on to the NSDC planning portal on 1st Nov, leaving insufficient time for residents to review and comment prior to the Committee Report.</li> <li>3. A late Consultee Report (NCC Highway Authority Report) uploaded on 6th November - Detailing several issues and material planning matters not addressed by the applicant nor fully accepted by HA.</li> <li>4. Incomplete (misleading) Committee Report: As the Committee Report was prepared and submitted prior to the Highways Authority response to the revised documents, it fails to the consider 'key' concerns raised and the request to remove two key (approved) documents. Regarding the HA report in particular, this raises many issues with the latest revised documents and specifically requests that two key documents are removed from the approved list contained with the Committee Report and replaced with more accurate and acceptable information.</li> </ol>	<p>Whilst unusual, this process of considering applications when the consultation period extends beyond that of the Planning Committee date has taken place previously and is not considered to unacceptably prejudice any interested party.</p> <p>The Highway Authority have considered the proposals and found them to be acceptable, subject to conditions.</p>

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Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
Agenda Page 32 24/01261/FULM) Land West of Staythorpe			<p>As highlighted by the HA (and previously in public comments and by the AKS Parish Council) these revised documents, and the previous iterations, are confusing, contradictory and contain several inconsistencies regarding key details of the construction traffic management plan and transport.</p> <p>The HA advised that neither the Transport Note (revision2) nor the Outline Construction Traffic Management Plan are fully acceptable.</p> <p>As a result, the Planning Committee are unable to consider the full extent of the application and the potential disruption to the local community and environment as it is likely that new material planning considerations could be included within any revised information and further representations and comments are also probable once these have been published.</p> <p>It would be unreasonable to assume that any revised information could be addressed under conditions attached to an approval.</p> <p>Therefore, this application should not be considered until these matters have been addressed fully and coherently to enable a fully democratic and comprehensive review by the PC.</p>	
	Local Resident	07.11.2024	I would like to note my objections to this planning application and the way this application appears to have been dealt with by the planning department.	Whilst unusual, this process of considering applications when the consultation period extends beyond that of the Planning Committee date has taken place previously and is not

**Schedule of Communication Received after Printing of Agenda**

Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
Electricity Substation			<p>We were advised by letter that we had until 12 November to comment on the application. Now, we find the planning department has recommended the application be approved at the planning committee meeting on 11 November.</p> <p>My main concerns of objection are:</p> <p>1) Application Detail Lack of information, vague and contradictory between documents. Even the Highways Authority has commented on this in their latest submission. (I also note this submission was made after the planning department had chosen to recommend it for approval). How can an application with inconsistent detail be recommended for approval?</p> <p>2) Cumulative Effect The cumulative effect of this and all the developments locally on Staythorpe Road. Staythorpe BESS, Averham BESS, Averham BESS Cabling, Kelham Solar &amp; BESS, Staythorpe PS Carbon Capture, and also the A46 dualling works will all have a cumulative negative impact on the traffic in the area.</p> <p>The journey to Newark can often be problematic due to the A46 with traffic backed up as far as, sometimes past, the Rugby Club. Each of these</p>	<p>considered to unacceptably prejudice any interested party.</p> <p>The Highway Authority have considered the proposals and found them to be acceptable, subject to conditions.</p> <p>All other materials considerations raised have been considered within the officer report.</p>

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Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
<p>Agenda Page 34</p>			<p>developments will have a serious detrimental effect on road users in the area and if the road is blocked, we face an 11-mile diversion. Not only will this cumulatively effect the traffic in the area but if the works are carried out simultaneously consideration should be given to the noise, light, and dust pollution for the period, including the darker winter months.</p> <p>3) Road Safety Suspension of the bus stop rather than relocation will mean people, many older, who use the bus service will be forced to walk much further to catch the bus into town and back. Even for the suggested 8 weeks this seems rather unfair.</p> <p>The high speeds of some traffic traveling along this stretch of road around bends with limited visibility, is also a concern with all the extra traffic. Any accidents could be difficult for the emergency services to attend to when the roads are congested. Just over the railway crossing is a particularly bad bend referred to locally as crash corner.</p> <p>4) Flooding As can be seen from photos submitted to the planning application for the Staythorpe BESS this site often floods as does Staythorpe Road itself. As a result of flooding in the area, the site could</p>	

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Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Page 33</p>			<p>be flooded and potentially access to it cut off. The works, including offices, site compounds of materials and equipment, vehicles, and heavy machinery, could potentially increase the risk of flooding in Staythorpe village.</p> <p>For photos Refer to 22/01840/FULM - Construction of Battery Energy Storage System and associated infrastructure, Land South Of Staythorpe Road Staythorpe 27 Feb 2024, Appeal Correspondence C BRADBURY COMMENTS Photo locations 4 and 5 from the field's perspective and photo 2 showing the road closure.</p> <p>I request this application be rejected or at least deferred until all the necessary information is in place and agreed upon. This application has been brought separately and should not be treated as a mere formality following the appeal decision for the main Staythorpe BESS application.</p>	
<p>24/01261/FULM) and West of Staythorpe Electricity Substation</p>	<p>Local Resident</p>	<p>08.11.2024</p>	<p>First I would like to raise the issue that this application is to be discussed at the planning committee meeting on the 11th November ahead of the consultation deadline date. Second I would like to address why when Highways have not fully accepted revised plans the planning inspector has found it necessary to recommend this application for approval.</p>	<p>Whilst unusual, this process of considering applications when the consultation period extends beyond that of the Planning Committee date has taken place previously and is not considered to unacceptably prejudice any interested party.</p> <p>The Highway Authority have considered the</p>

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Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
Agenda Page 36			<p>Highway Safety and Traffic are material planning considerations and as such I would therefore ask the committee members to defer this decision until ALL material planning considerations have been fully considered by all interested parties. The residents of Staythorpe do not feel like their concerns over this development are being treated with the due consideration they deserve and that in fact the planning department is trying to shoe horn this development for a committee decision before the consultation period has lapsed and before Highways issues have been adequately dealt with.</p> <p>The revised plans, transport note and outline construction management plan submitted by the applicant remain confusing and contradictory. My previous points in relation to this project remain unchanged and I still strongly OBJECT to planning being granted for the reasons previously stated.</p> <p>Finally, I would like to make it known that my request to speak at the planning committee meeting has been refused due to the late submission of my request by 20 minutes. I find this highly ironic and frustrating when the consultation deadline has been bought forward by more than 24 hours.</p>	<p>proposals and found them to be acceptable, subject to conditions.</p>
	7 (24/01261/FULM)	NSDC Trees and Landscape	08.11.2024	The officer report recommends that any outstanding arboricultural issues can be resolved

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Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
Land West of Staythorpe Electricity Substation	Officer		with the implementation of a landscaping condition. With this measure in place, there should be no further outstanding issues from an arboricultural perspective.	
7 (24/01261/FULM)  Land West of Staythorpe Electricity Substation	Officer	08.11.2024	Minor typo spotted in paragraph 9.3 (the recommendation)- should say 'been' not 'be'.  Provided no further representations are received up until 5pm on 12 November 2024 that raise new material planning considerations that have not been assessed by Members at Planning Committee on 11 November 2024, it is recommended that full planning permission be APPROVED subject to: a) The completion of a S106 Agreement to secure, maintain and monitor Biodiversity Net Gain; and b) Subject to the conditions set out in Section 10 of the report.	Agreed. The amended wording shown in red should be used when considering the recommendation.
23/02141/FUL)  and at Highfields, Pepperstone	Local resident	29.10.2024	2 dog-related incidents have been reported to the British Horse Society, including one involving the unseating of a rider	Horse and rider safety has been addressed in the committee report, with amendments made to the proposal in response to this issue.



access should be assessed via reviews of the Landscape and Environmental Management Plan (LEMP) or Biodiversity Management Plan (BMP).

### **Field E**

Weddles response to N&SDC Biodiversity and Ecology Lead Officer comments states *'Field E supports an MG9 grassland community which are relatively common on permanently moist, gleyed and periodically inundated neutral soils, which in isolation does not qualify for LWS status, but the presence of 12 indicator species may be considered as such'*. Ten of the twelve indicator species were only rarely present within the field, and the botanical survey had identified a specific National Vegetation Classification (NVC) community (MG9b) that was not a LWS qualifying feature within the selection criteria. Despite this, Field E does appear to meet the LWS selection criteria due to twelve indicator species being present but wasn't assessed as such within the EclA.

The debate whether Field E meets the selection criteria to be a Local Wildlife Site aside, it has been assigned to an MG9b community that is considered by N&SDCs Lead Ecologist to be a type that the Nottinghamshire Local Biodiversity Action Plan (LBAP) Habitat Action Plan for unimproved neutral grassland would target for restoration. NWT would, therefore, prefer that Field E is retained within the development and actively restored through appropriate management. However, if that is not considered possible then due to the NVC community present we would expect to see a detailed mitigation/compensation scheme provided by the applicant. Weddles has stated that the botanically diverse areas of Field E will be used as a donor site for a translocation scheme to an area along the southern boundary of the site. We find this strategy to be acceptable, but the receptor areas are smaller in size than the donor area and so if other locations within the site cannot be found then offsite areas will need to be identified. We would expect to see greater detail submitted on how offsite compensatory habitats would be created, enhanced, managed and monitored to ensure that appropriate habitat creation is delivered.

### **Native Hedgerows**

Fifteen hedgerows were recorded within the site, located along all the site boundaries and internally separating the grassland fields. Each of the hedgerows has not been subjected to ongoing management and in recent years have developed into large, structurally varied habitats. Each hedgerow within the site is a Habitat of Principal Importance and under the provisions of the NERC Act. Each of the hedgerows were subjected to a dedicated Hedgerow Appraisal in June 2022 resulting in a single hedgerow (H7) being assessed as ecologically 'Important' under the Hedgerow Regulations 1997 due to the number of species. The EclA considered that all hedgerows are of **County Level importance**.

We note that the intention by the applicant is to incorporate the hedgerows within the new development wherever possible. However, some loss will occur to allow access routes through the development. The masterplan indicates that

some sections of hedgerow will form the boundaries of gardens. It is proposed that those sections of retained hedgerow will be separated from adjacent gardens by a 2m high wooden close boarded fence. We believe that there is a real risk that fences, and associated sections of hedgerow will be removed to extend garden plots. The EclA states that the ecological condition of all the hedgerows within the application site will be enhanced, and this will be achieved via a sympathetic cutting regime. We do not think that that will be possible for those lengths bordering gardens. In addition, there are sections of retained hedgerow which are proposed to have swales adjacent to them that will make managing the hedgerows difficult. Our concern is that many sections of hedgerow will not be managed properly and that post development further losses are likely.

### **Net Gains for Biodiversity**

The planning application was submitted prior to Biodiversity Net Gain (BNG) becoming mandatory and the requirement for a minimum 10%. However, the National Planning Policy Framework (NPPF) is clear about *securing measurable net gains for biodiversity*.

Section 179 states: *To protect and enhance biodiversity and geodiversity, plans should:*

- a) *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing **measurable net gains for biodiversity**.*

We consider the best way to achieve “measurable net gains for biodiversity” is to use the Biodiversity Metric so that biodiversity value is measured in standardised biodiversity units.

<https://www.gov.uk/government/collections/biodiversity-net-gain>

Compensatory habitat should be ecologically equivalent in type, amount and condition. It is proposed that created/enhanced habitats will be subject to 20 years of management. We believe that period is insufficient and that an appropriate period of management should be 30 years, in line with BNG guidelines. Compensatory habitats are proposed to be located within the “Newark urban area”. We question that strategy given that the habitats to be lost will impact on species strongly associated with rural habitats such as Linnet, a red-listed bird of conservation concern that is unlikely to occur in urban locations. Net gain should be achieved locally to the development while contributing towards nature conservation priorities at local, regional and national levels. The report states “*It is acknowledged that due to planning consents granted / designated allocations within the immediately surrounding local area, it is not possible to deliver a compensatory package within sites adjacent to the application area.*” We believe that

**President**  
Sir Andrew Buchanan Bt.

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there are opportunities to achieve a net gain in biodiversity within the local area. NWT is in contact with a LWS owner who would appreciate support to manage three LWS in their ownership and there is a local farmer who may be amenable to habitat creation on land that is too wet for commercial farming.

### **Concluding Comments**

Field E would seem to meet Local Wildlife Site criteria for the number of indicator species but not necessarily NVC type. We agree with N&SDCs Lead Ecologist that it is a habitat type that the Nottinghamshire Local Biodiversity Action Plan (LBAP) Habitat Action Plan for unimproved neutral grassland would target for restoration. This should be taken into consideration by the LPA. Ideally, Field E would be retained in-situ and restored through appropriate management. However, if that is not considered possible, we accept that translocation of botanically diverse turves would be a satisfactory alternative strategy. We would expect to see greater detail provided by the applicant on the translocation process and how offsite compensatory habitat would be created, enhanced, managed and monitored to ensure that the appropriate type and amount of habitat creation is delivered. Likewise, BNG compensatory habitat should be ecologically equivalent in type, amount and condition and local to the development site. Created/enhanced habitats should be subject to 30 years management, in line with BNG guidelines. Until these details are provided, we are unable to remove our objection.

Yours sincerely,



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