



Report to Planning Committee – 13 June 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Julia Lockwood, Senior Planner, julia.lockwood@newark-sherwooddc.gov.uk

Report Summary			
Application No.	23/00810/FULM		
Proposal	Laying of an underground cable run linking Battery Energy Storage System to Grid Connection Point at Staythorpe Substation		
Location	Land Adjacent Staythorpe Substation, Staythorpe Road, Staythorpe		
Applicant	SSE Staythorpe Battery Ltd	Agent	Pegasus Planning Group Ltd – Emma Ridley
Web Link	23/00810/FULM Laying of an underground cable run linking Battery Energy Storage System to Grid Connection Point at Staythorpe Substation. Land Adjacent Staythorpe Substation Staythorpe Road Staythorpe (newark-sherwooddc.gov.uk)		
Registered	28 July 2023	Target Date	21 September 2023
		Extension of Time	17 June 2024
Recommendation	That full planning permission is APPROVED subject to the Conditions set out in Section 10		

It is considered appropriate that this application be determined at the same Planning Committee as the proposed associated BESS development under 23/00317/FULM. The BESS development application is presented to Planning Committee at the request of the Business Manager – Planning Development

1.0 The Site

1.1 Sitting between the A617 and the railway line to the east of Staythorpe village, the application site comprises an irregular shaped piece of land, 2.25 ha in area. The site runs along part of the length of Staythorpe Road between the agricultural land on the east side of the road, currently the subject of planning application 23/00317/FULM for the “Construction and operation of Battery Energy Storage System (BESS), transformer/sub-station and associated infrastructure” that runs past Hopwas Close, over Pingley Dyke, past the entrance to Staythorpe Power Station and then further along the road in a south-west direction, terminating at the point where it connects

with the Staythorpe Substation site on the opposite/south side of the road.

- 1.2 The site is surrounded by open fields to the north and west and to the south-east is a small cluster of dwellings centred around Hopwas Close with Staythorpe Substation to the south-west. The site is located within the open countryside.
- 1.3 Within the application site, land to the north of Hopwas Close is located within Flood Zone 1, at low risk of main river flooding but land to the south of Hopwas Close, is situated within Flood Zone 3a, at high risk of fluvial flooding. There is no medium/high surface water risk on the site.
- 1.4 Averham Conservation Area boundary is situated approx. 25m to the north-east of the site which contains a number of listed buildings and a Scheduled Monument (Averham moat and enclosure). There is a Grade II listed Manor House to the south-west within Staythorpe.
- 1.5 The site has the following constraints:
 - Partly within Flood Zone 3a, high risk of fluvial flooding
 - Within the setting of designated Heritage Assets.

2.0 Relevant Planning History

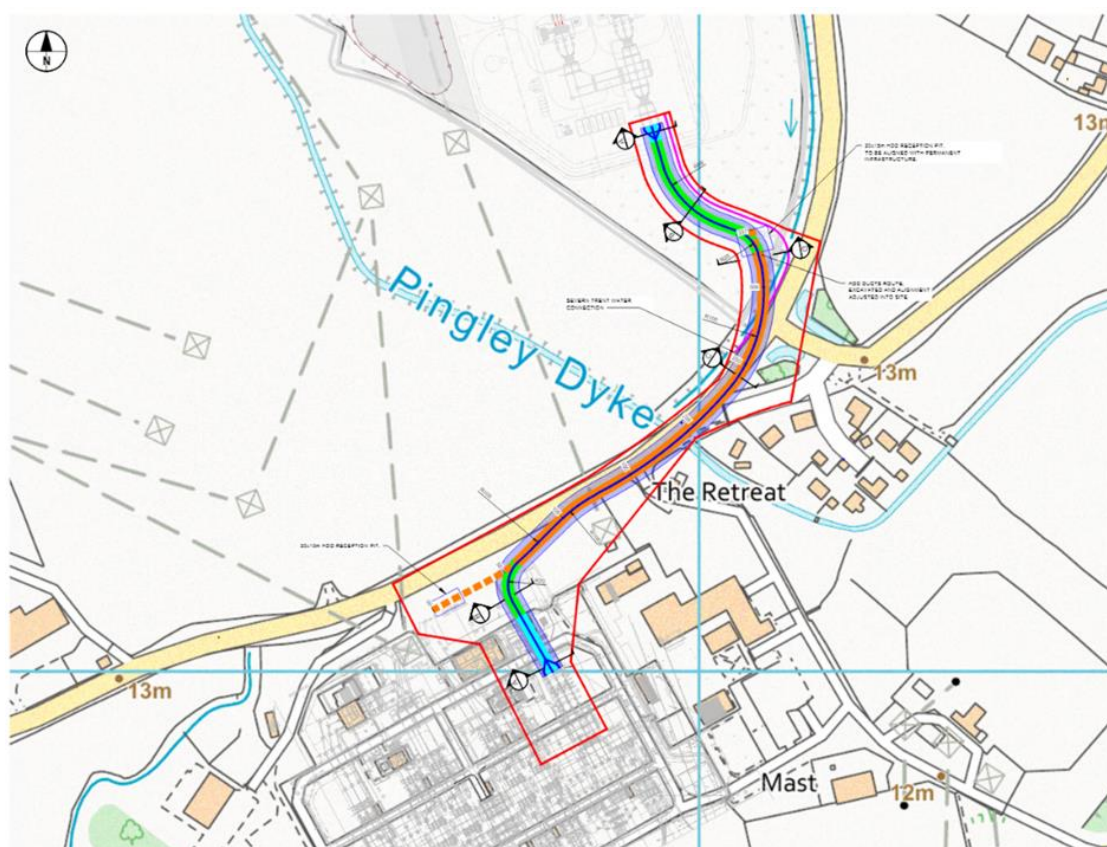
- 2.1. 23/00317/FULM - Construction and operation of Battery Energy Storage System (BESS), transformer/sub-station and associated infrastructure – under consideration

3.0 The Proposal

- 3.1 Full planning permission is sought for the laying of an underground cable linking the PROPOSED Battery Energy Storage System (BESS) to the existing Grid Connection Point at Staythorpe Substation. The application follows the submission of a planning application for a new Battery Energy Storage System (BESS) under reference 23/00317/FULM) which is also on this Planning Committee agenda for consideration.
- 3.2 The proposed cable route, which is required to provide a grid connection from the proposed BESS to the local electricity network, follows a 230m stretch of highway along Staythorpe Road. The red line site comprises current agricultural land (within application 23/00317/FULM, pending consideration), highway land, verges (including a ditch) and land occupied by Staythorpe Substation. The cable route would largely follow the existing route of Staythorpe Road and be predominantly located beneath the existing tarmacked road.
- 3.3 The cable route would be constructed following the digging out of trenches at each end of the route (within the agricultural land at one end and within the substation land at the other). However, the majority of the cabling would be laid using horizontal directional drilling (HDD) below ground from a launch pit within the substation site (20m long by 3m deep) and a reception pit within the agricultural land (15m long by 3m deep). This technique would avoid any significant disruption to Staythorpe Road and its structural and hard surfaced integrity. At one point, the underground cable conduits would run underneath Pingley Dyke. The submitted cross section shows the

cable route would be at its deepest point here, a minimum of 5m below the stream bed of Pingley Dyke and a total of approx. 9m below ground level at this point.

- 3.4 The supporting information states the proposed cable is an essential infrastructure requirement needed to link the proposed Battery Energy Storage System development on the west side of the road to Staythorpe substation on the east side of the road. This link would allow the energy from renewable sources and stored on one site to be transferred and exported to the national grid on the other. The Planning Statement set out that it would assist in meeting regional and national targets for low carbon energy development to allow more flexible use of renewable energy supplies.



- 3.5 Documents assessed in this appraisal:

- Cable Cross Sections: 60687996-ACM-XX-LAY-EL-1012 005 received 21 December 2023;
- 400kV Cable Route HDD Section: 60687996-ACM-AA-LAY-EL-1013 008 received 21 December 2023;
- 400kV Cable Route General Arrangement: 60687996-ACM-XX-LAY-EL-1008 012 received 21 December 2023;
- Planning Statement incl. Flood Assessment

4.0 **Departure/Public Advertisement Procedure**

- 4.1 Occupiers of 13 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

4.2 Site visit undertaken on 14.08.2023

5.0 **Planning Policy Framework**

The Development Plan

5.1. **Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 3 – Rural Areas
Spatial Policy 7 - Sustainable Transport
Core Policy 9 -Sustainable Design
Core Policy 10 – Climate Change
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment

5.2. **Allocations & Development Management DPD (2013)**

DM4 – Renewable and Low Carbon Energy Generation
DM5 – Design
DM8 – Development in the Open Countryside
DM9 – Protecting and Enhancing the Historic Environment
DM12 – Presumption in Favour of Sustainable Development

5.3. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of all the above emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.4. **Other Material Planning Considerations**

National Planning Policy Framework 2023
Planning Practice Guidance (online resource)
Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

6.0 **Consultations and Representations**

Please Note: Comments below are provided in summary - for comments in full please see the online planning file.

Statutory Consultations

6.1. **Environment Agency** – No objection subject to condition that requires a 5m easement to be provided between the bottom of the Pingley Dyke riverbed and the cable, as shown on the submitted plans.

6.2. **NCC – Lead Local Flood Authority** – No objection.

- 6.3. **NCC, Highway Authority** – No objection, however the applicant is not a Statutory Undertaker and will not be allowed to carry out the works. The works must be carried out by a Statutory Utility company and the cable would need to be adopted by a Distribution Network Operator. Please include an informative to this effect.
- 6.4. **Historic England** – No advice offered and suggest the views of your specialist Conservation and archaeological advisers are sought.

Town/Parish Council

- 6.5 **Averham, Kelham and Staythorpe Parish Council (Host):-** Object on the following grounds-
- the main application for a BESS (23/00317/FULM) has not yet been determined and as such this application would seem premature. This application should only be considered either alongside the main application or once it has been determined.
- 6.6 **Upton Parish Council (Neighbouring parish):-** Object on the following grounds:
- the application only has validity when viewed in conjunction with application reference 23/00317/FULM;
 - On face, this application is presumptive of the fact that approval will be given for 23/00317/FULM;
 - Upton Parish Council has already registered its objection to the original application and stays firm in that view. By implication, if the original BESS application is rejected, this new cable route application should also be objected to and/or withdrawn.

Representations/Non-Statutory Consultation

- 6.7 **National Gas** – there are no National Gas Transmission assets affected in this area.
- 6.8 **Trent Valley Internal Drainage Board** – general comments in relation to when the Board's consent is required.
- 6.9 **NSDC, Conservation** – No technical advice is required. The site is close to Averham Conservation Area (a designated heritage asset) and great weight should be given to an asset's conservation.
- 6.10 **NSDC, Archaeology Consultant** – No objection, subject to condition for a mitigation strategy. Ground works associated with this work have the potential to disturb significant archaeological remains. The northern section of the cable route within the battery storage site has already been subject to evaluation trenching and no further archaeological work is recommended in this section of the cable route. Further work is recommended on the remainder of the cable route and is likely to comprise monitoring of the cable trench.
- 6.11 Comments have been received from 12 third parties/local residents, including one from Hopwas Close Residents' Association, that can be summarised as follows:

- This underground cable installation is in preparation for supporting another proposed planning application i.e. the construction and operation of a Battery Energy Storage System on land off Staythorpe Road (Ref: 23/00317/FULM);
- How can this application be seen as a separate entity, when the application it refers to has not yet been submitted for planning permission?;
- Both applications should be submitted at the same time, or this application submitted afterwards IF 23/00317/FULM is successful, which is not a forgone conclusion. This timing would potentially avoid unnecessary waste of money, labour, resources, electricity etc.
- The cost of construction of this application in what is considered to be a very premature application, as it would be a huge waste if 23/00317/FULM is rejected;
- It is questioned why the applicant failed to include this cable connection with the main development application;
- Question the logic of need to disturb and disrupt some 175m of the carriageway when there is adequate grass verge;
- Concern that the submission refers to the cable run being proposed for a solar farm;
- This would cause unnecessary disruption to local people and those that travel on Staythorpe Road;
- It has a confusing address as it is in Averham parish not Staythorpe;
- Misleading claim to 'support the provision of a substantial renewable and sustainable form of electricity' which it does neither;
- It does not contain any traffic management plans or details on how vehicle and pedestrian traffic will be affected or safely managed during the disruption;
- Application lacks detail, location and depth of trench excavations, how and where it will cross Pingley Dyke, materials to be used, working hours, duration of project;
- Disruption to wildlife that burrow in the drainage banks on the north side of the road; loss of good quality farmland, isolation of village by industry and no guide from Government on safety;
- Non-compliance with national and local planning policy;
- Non-compliance with environmental Stewardship;
- Destroy ambience of area;
- Siting so close to residents of a rural community;
- Loss of good and moderate grade agricultural land classified;
- Sited on a floodplain;
- Pingley Dyke already holds its maximum capacity of water after heavy rainfall which will cause flooding;
- Who will pick up the tab for the cost of anything going wrong?;
- The adverse effects significantly outweigh any potential benefit of the facility; and
- The implications of both applications on our village will be extremely harmful.
- 6 other comments have been made that relate to the BESS proposal.

7.0 Comments of the Business Manager – Planning Development

7.1. The key issues are:

1. Principle of Development
2. Landscape and Visual Impacts
3. Impact upon Heritage Assets
4. Impact upon Archaeology
5. Impact on Residential Amenity
6. Impact on Highway Safety
7. Impact on Flood Risk
8. Other matters

7.2. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

7.3. As the application concerns designated heritage assets of the setting of listed buildings, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') is particularly relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

7.4. The duty in s.66 of the Listed Buildings Act does not allow a local planning authority to treat the desirability of preserving the settings of listed buildings as a mere material consideration to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm considerable importance and weight.

Principle of Development

7.5. As already indicated by the comments made by the Parish Council and local residents, this application is indeed intrinsically linked to the proposed Battery Energy Storage System (BESS) (23/00317/FULM) that precedes this application on the agenda. This cable infrastructure is required in order to allow the weighing of the benefits of application 23/00317/FULM because without this connection the proposed BESS could not operate. Equally, there would be no reason to implement this planning application, if the application for the BESS is rejected. However, having set out this intrinsic functional link, it is also important that each application is considered independently on its own merits. For example, it could theoretically arise where planning permission is refused for the BESS application but yet approved for this

underground cable route. It would then be up to the applicant as to whether they choose to implement the cable permission or not.

- 7.6 The site is located within the open countryside. Spatial Policy 3 states that the rural economy will be supported by encouraging tourism, rural diversification and by supporting appropriate agricultural development and that the countryside will be protected and schemes to enhance heritage assets, to increase biodiversity, enhance the landscape and increase woodland cover will be encouraged. Development in the open countryside will be strictly controlled and restricted to uses which require a rural setting.
- 7.7 Policy DM8 of the ADMDPD is silent on the appropriateness of renewable linked development in the open countryside. However, the District Council's commitment to tackling climate change is set out in Core Policy 10 which states that the Council is committed to tackling the causes and impacts of climate change and to delivering a reduction in the District's carbon footprint. This provides that the Council will promote the provision of renewable and low carbon energy generation within new development. Although the reference is specifically to energy 'generation' and this development would not generate energy in and of itself, it nevertheless would assist and facilitate a greater capacity of use of energy generated by renewable and low carbon energy sources through storage. Core Policy 10 then signposts to Policy DM4 which states that permission shall be granted for renewable energy generation development and its associated infrastructure, as both standalone projects and as part of other development, where its benefits are not outweighed by detrimental impact from the operation and maintenance of the development and through the installation process upon various criteria. The criteria include landscape character from the individual or cumulative impact of the proposals, heritage assets and their setting, amenity including noise pollution, highway safety and ecology of the local and wider area.
- 7.8 This approach is also echoed by the NPPF which states in para 163 that 'when determining planning applications for renewable and low carbon development, local planning authorities should:
- a. Not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions;
 - b. approve the application if its impacts are (or can be made) acceptable;...'

Policy DM8 also provides support for rural diversification projects – proposals to diversify the economic activity of rural businesses will be supported where it can be shown that they contribute to the local economy.

Landscape and Visual Impacts

- 7.9 Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. In accordance with Core Policy 9, all proposals for new development are assessed with reference to the

design criteria outlined in Policy DM5 'Design' of the Allocation and Development Management DPD.

- 7.10 Core Policy 13 requires the landscape character of the surrounding area to be conserved and created. Para 180 of the NPPF states that planning decisions should recognise the intrinsic character and beauty of the countryside.
- 7.11 The application site does not sit within any statutory or non-statutory landscape designations, however, it is within the open countryside.
- 7.12 It is envisaged that the cable route would be constructed following the limited digging out of trenches and launch and reception pits at each end of the route, but that the majority of the cabling would be laid using horizontal directional within a 14m wide corridor within the highway. Where trenches and the launch and reception pit areas are required to be dug, once complete these areas would be re-filled to the same ground levels as existing. The majority of the proposal would represent works underground and as such would have very little impact on the visual amenity and landscape character of the area.
- 7.13 Overall, the proposal, once complete would not be harmful to the visual and rural amenities of the area or its landscape character and would accord with Core Policy 9 and 13 of the Amended Core Strategy and Policy DM5 of the Allocations and Development Management DPD.

Impact upon Heritage Assets

- 7.14 The NPPF defines the setting of a heritage asset as: "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surrounding evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."
- 7.15 Core Policy 14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the setting of designated heritage assets, furthermore, is expressed in Section 16 of the NPPF and the accompanying PPG. The NPPF advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c).
- 7.16 There are no heritage assets within the red line of the application site, although there are a number of designated assets in the nearby settlements of Averham and Staythorpe. These include the following:
- Averham moat and enclosure Scheduled Ancient Monument (400m to the east)
 - Church of St Michael Grade I listed (740m to the east)
 - Yew Tree Cottage, Grade I listed (480m to the east)

- Rectory Cottage, Grade II listed (610m to the east)
- The Old Rectory Grade II listed (680m to the east)
- Lynch Gate at Church of St Michael Grade II listed (680m to the east)
- The Manor House Grade II (538m to the south-west);
- Averham Conservation Area boundary is approx. 25m to the north-east.

7.17 Given that the proposal would not result in any significant change to the appearance of the application site once the works have been completed and the distance between the site and the designated heritage assets listed above, means that no harm has been identified in relation to impacts on the setting of these designated heritage assets.

7.18 Historic England and the Council's Conservation Officer have raised no objection to the scheme.

7.19 Therefore, it is considered that the proposal accords with Core Policy 14 and Policy DM9 of the Development Plan and preserves setting as required by Section 66 of the Act.

Impact upon Archaeology

7.20 Core Policy 14 sets out that the Council will seek to secure the continued preservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment including archaeological sites. Policy DM9 states that development proposals should take account of their effect on sites and their settings with potential for archaeological interest. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation'.

7.21 The proposed works lie in an area of high archaeological potential associated with Mesolithic, Bronze Age, Iron Age, Roman and modern activity. Recent archaeological work at the Staythorpe Power station has identified Bronze Age features and archaeological evaluation within the proposed site boundary for the new battery storage site has identified Roman remains. A Mesolithic femur was recovered close to the power station during work in the 1990s and a WW2 aircraft crash site is recorded somewhere within the vicinity of the power station, although the precise location is not recorded on the Nottinghamshire HER.

7.22 The Council's Archaeology adviser has raised no objection, subject to condition for a mitigation strategy. Ground works associated with this work have the potential to disturb significant and archaeological remains. The northern section of the cable route within the proposed battery storage site has already been subject to evaluation trenching and no further archaeological work is recommended in this section of the cable route. Further work is recommended on the remainder of the cable route and is likely to comprise monitoring of the works.

7.23 Overall, subject to conditions, the proposal is not considered to result in any adverse impact upon archaeological remains in accordance with Policies CP14 and DM9.

Impact on Residential Amenity

- 7.24 Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF seeks to secure a high standard of amenity for existing and future users in para 135.
- 7.25 The nearest residential properties to the site are those on the south-east side of Staythorpe Road based around Hopwas Close. Again, once completed, the works would result in very little change to the existing situation. However, it is acknowledged that whilst the proposal is being constructed, there is likely to be some disruption to nearby residents potentially in terms of noise and access, however, it would not be for a prolonged period.
- 7.26 Overall, it is considered that the proposal would generally accord with Policy DM5.

Impact upon Highway Safety

- 7.27 Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals, which are appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected.
- 7.28 There would be no long term impact on the highway, again there may be some limited local disruption during construction. The Highway Authority has raised no objection on highway safety grounds. The proposal is therefore considered to accord with the Development Plan and national guidance, in this regard.

Impact on Flood Risk

- 7.29 Land to the north of Hopwas Close is located within Flood Zone 1, at low risk of main river flooding but land to the south of Hopwas Close, is situated within Flood Zone 3a, at high risk of fluvial flooding. Surface water flood risk is low and very low within the application site.
- 7.30 Paragraph 157 of the NPPF also states that the planning system should support the transition to a low carbon future, in a changing climate, taking full account of flood risk and that it should support renewable and low carbon energy and associated infrastructure.
- 7.31 Core Policy 9 requires that proposals pro-actively manage surface water and Core Policy 10 and Policy DM5 seek to mitigate the impacts of climate change through ensuring that new development proposals take into account the need to reduce the causes and impacts of climate change and flood risk. The NPPF, Core Policy 10 and DM5 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk through the application of the Sequential Test, but where development is necessary, making it safe without increasing flood risk elsewhere as set out in the application of the Exception Test.

- 7.32 In relation to the Sequential Test, the area to apply the test can be defined by local circumstances, relating to the catchment area for the type of development. In this particular case, it is the proximity to the proposed BESS and Staythorpe substation that are the key locational characteristics for the cable route proposed. As such, this development could not be located anywhere else and therefore the Sequential Test is considered to be passed.
- 7.33 Annex 3 (Flood risk vulnerability classification) of the NPPF identifies that essential infrastructure includes “essential utility infrastructure which has to be located in a flood risk area for operational reasons, including infrastructure for electricity supply including generation, storage and distributions systems; including electricity generating power stations, grid and primary substations storage; and water treatment works that need to remain operational in times of flood.”
- 7.34 Table 2 within the Planning Policy Guidance sets out that essential infrastructure is allowed in Flood Zone 3a but should be designed and constructed to remain operational and safe in times of flood.
- 7.35 Given the proposed cable route would be largely located below ground and suitably constructed, there would be a minimal risk to the infrastructure or to the surrounding area in the event of a flood. The application confirms that the proposal would not result in any lowering or raising of existing ground levels within any part of the site and it is not proposed to undertake any works which would affect flood risk on the site or in the surrounding area. The underground cable development would not likely result in any increased risk of flooding to the local area and would not necessitate any mitigations (owing to its below ground location).
- 7.36 The Lead Local Flood Authority raise no objection to the scheme and neither do the Environment Agency, provided a condition is imposed that requires a 5m easement to be provided between the bottom of the Pingley Dyke stream bed and the proposed cables, as shown on the submitted plans.
- 7.37 On this basis, it is considered that the proposal is designed and constructed to remain operational and safe in times of flood and is acceptable in flood risk terms in accordance with Core Policies 9 and 10 of the Amended Core Strategy and Policy DM5 of the Allocations and Development Management DPD.

Other Matters

- 7.38 Biodiversity Net Gain (BNG) – this is not applicable in this case as the application was submitted prior to the statutory requirement to provide mandatory BNG.
- 7.39 It is unlikely that the works would result in any detrimental impacts on existing trees or hedgerow, given the proposed depths of the cabling below ground level (up to a max of 9m). The Council’s Biodiversity and Ecology Lead Officer is satisfied that the proposal would not result in any harmful impacts on biodiversity and as such is considered to be acceptable in this regard.
- 7.40 The comments made by Averham, Kelham and Staythorpe Parish Council and Upton Parish Council are noted and officers have ensured that this application is considered

on the same agenda as the application for the Battery Energy Storage System proposal. However, each application must be determined on its individual merits and therefore, even in the event of the BESS application being refused, Members would still have to determine this application and if there are no sound and robust planning grounds to refuse this application, then it should be approved. Clearly if the BESS application is refused, then it is highly unlikely that any permission for underground cabling to serve it would ever be implemented.

7.41 Other matters raised by interested parties relate to the battery energy storage scheme as opposed to this development and have been considered as part of that proposal.

8.0 Implications

8.1. In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

9.1. This application is required in order to provide the necessary infrastructure link between the proposed Battery Energy Storage System (BESS) under reference 23/00317/FULM (that precedes this application on the agenda) proposed to be located on one side of Staythorpe Road with Staythorpe Substation on the other side of Staythorpe Road. All material planning considerations have been assessed against the adopted Development Plan and national guidance. And has not identified any harm that would warrant refusal of the application and as a result the application is recommended for approval, subject to the conditions set out below.

10.0 Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in accordance with the following approved plans,

Cable Cross Sections: 60687996-ACM-XX-LAY-EL-1012 005 received 21 December 2023;
400kV Cable Route HDD Section: 60687996-ACM-AA-LAY-EL-1013 008 received 21 December 2023;
400kV Cable Route General Arrangement: 60687996-ACM-XX-LAY-EL-1008 012 received 21 December 2023.

Reason: So as to define this permission.

03

The development shall be carried out in accordance with the submitted cable route section drawing (ref 60687996-ACM-XX-LAY-EL-1013, rev 008 received 21 December 2023) and the following mitigation measures it details:

- A 5m easement to be maintained between the bottom of the riverbed and the cable location as per the 400kV Cable Route HDD Section Drawing.

Reason: To protect the integrity of the riverbed.

04

Part 1

No development shall take place until an Archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority in writing. The Mitigation Strategy shall include appropriate Written Schemes of Investigation for continuous archaeological monitoring and provision for further mitigation work as necessary. These schemes shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.

The scheme of archaeological investigation shall only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.

05

Part 2

The archaeological site work shall be undertaken only in full accordance with the approved written schemes referred to in the above Condition. The developer will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilities adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

06

Part 3

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the archaeological works hereby approved being commenced. The post-investigation assessment shall be completed in accordance with the programme set out in the approved Written Scheme of Investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.

Informatives

01

The applicant is not a Statutory Undertaker and will not be allowed to carry out the works. The works must be carried out by a Statutory Utility company and the cable would need to be adopted by a Distribution Network Operator.

02

With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, 07880420410, email matthew.adams@lincolnshire.gov.uk to discuss the requirements and request preparation of a brief for the works.

It is recommended the resulting mitigation strategy and Written Schemes of Investigation are approved by LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of archaeological works.

03

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

04

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the

applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

