Report to Planning Committee 11 November 2024

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Julia Lockwood, Senior Planner, julia.lockwood@nsdc.info

| **Report Summary** | | | |
|---|---|---|---|
| **Application No.** | 24/01261/FULM | | |
| **Proposal** | Infrastructure associated with the connection of battery energy storage system to National Grid Staythorpe Electricity Substation and associated works. | | |
| **Location** | Land West Of Staythorpe Electricity Substation, Staythorpe Road Staythorpe | | |
| **Applicant** | Elements Green Staythorpe BESS Ltd | **Agent** | - |
| **Web Link** | https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage | | |
| **Registered** | 16.07.2024 | **Target Date** | 15.10.2024 |
| **Recommendation** | Provided no further representations are received up until 5pm on 12 November 2024 that raise new material planning considerations that have not be assessed by Members at Planning Committee on 11 November 2024, it is recommended that full planning permission be APPROVED subject to:<br>a) The completion of a S106 Agreement to secure, maintain and monitor Biodiversity Net Gain; and<br>b) Subject to the conditions set out in Section 10 of the report. | | |

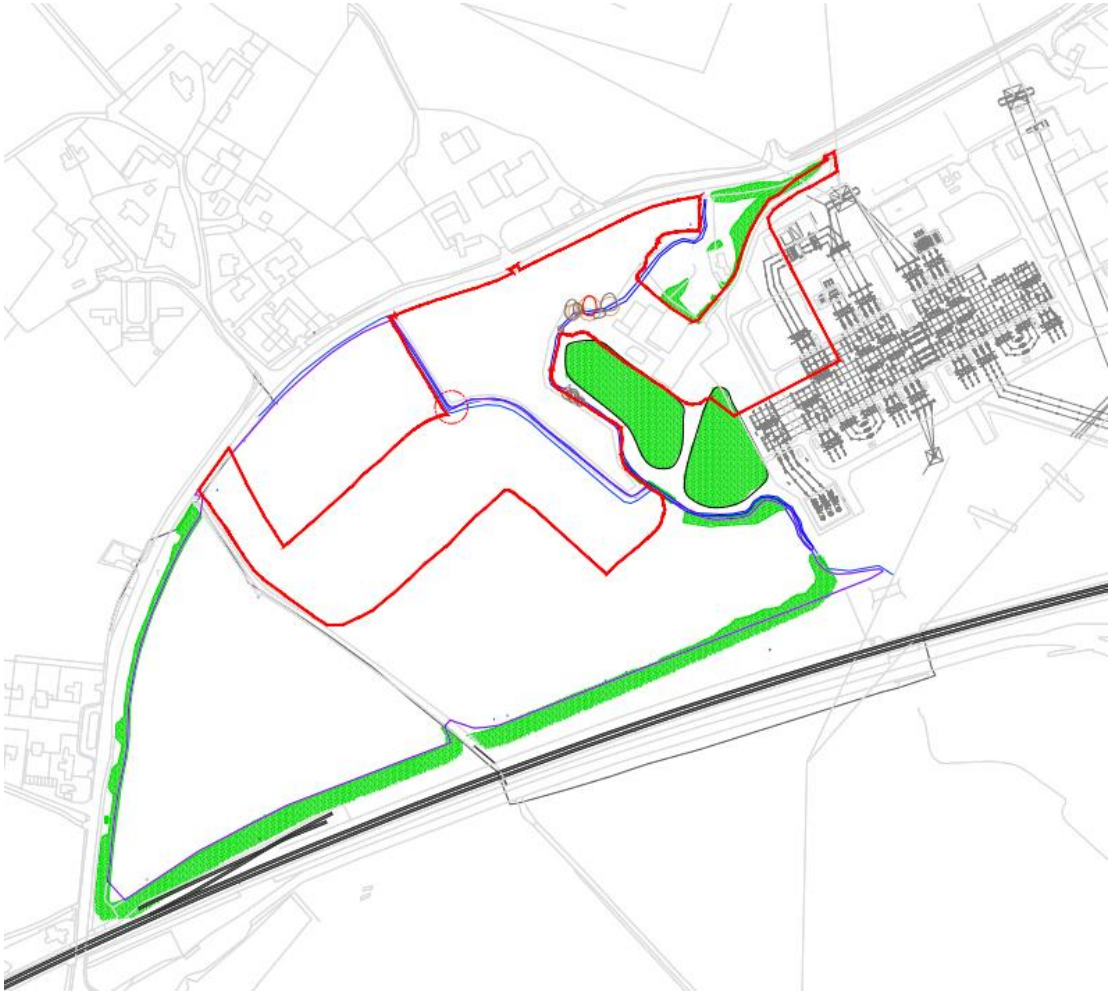
**This application is being presented to the Planning Committee at the request of the Authorised Officer in line with the Council's Scheme of Delegation.**

## 1.0 The Site

1.1 The application site comprises approx. 5.20 hectares of mainly flat, agricultural land. Situated to the south-west of Staythorpe Electricity Substation and on the south-eastern side of Staythorpe Road, it is close to the main residential area of Staythorpe village, largely concentrated around Pingley Lane/Close to the north-west of the site.

1.2 The red line of the application site is irregularly shaped as shown on the plan below. It includes the western corner of the existing National Grid substation and its existing

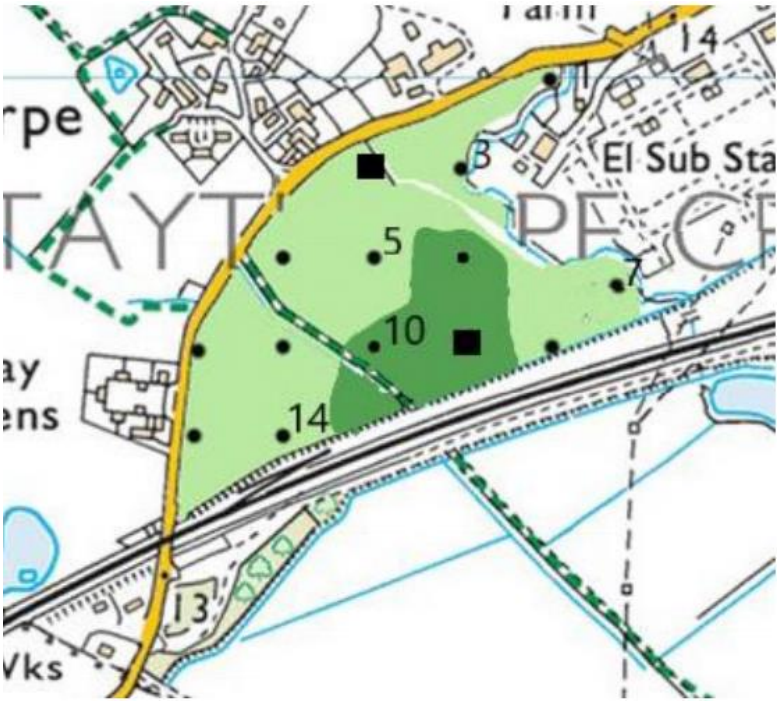
access from Staythorpe Road, agricultural land, a large agricultural building, as well as an area of land that was included within the approved Battery Energy Storage System development (its main access and part of the transformer compound). The site also includes a number of drainage ditches, including a watercourse known as Staythorpe Sidings Drain which runs along the centre of the red lined site and is the responsibility of an Internal Drainage Board. This watercourse divides into two to the north and skirts around the two large blocks of woodland shown in green. There is also tree planting to the north-west of the sub-station access from Staythorpe Road.



Existing Site Plan showing the proposed red line boundary

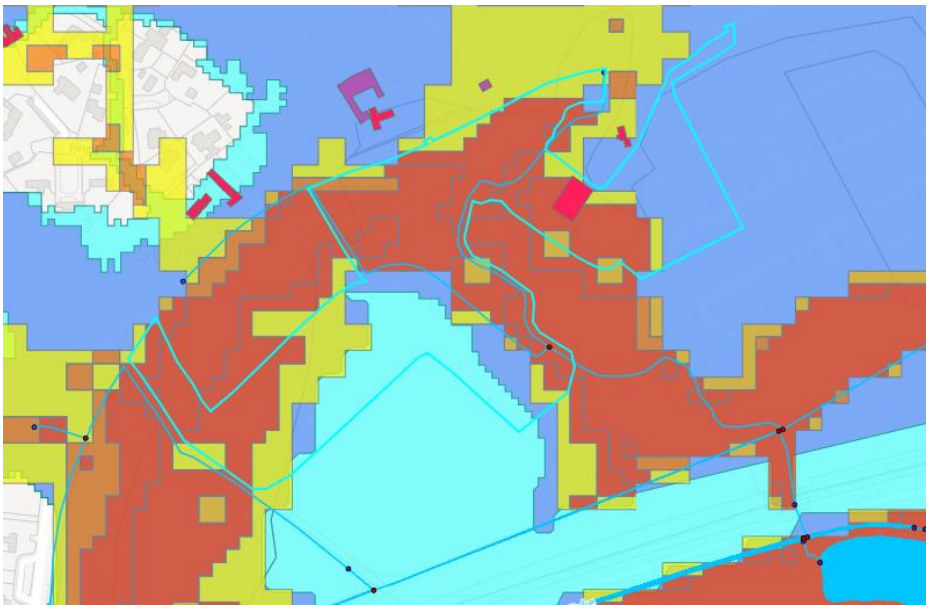
1.3 Many of the boundaries of the site are somewhat arbitrary and drawn to reflect positions of proposed development with planning permission, rather than features on the ground. The relationship with the layout of the adjacent approved BESS scheme is shown on the plan below for context. The north-west boundary of the application site along Staythorpe Road is defined by mature tree and hedgerow planting. In the centre of this boundary is an existing field access which sits adjacent to a layby which serves as a public bus stop.

1.4 In terms of Agricultural Land Classification, the majority of the site falls within Grade 3b which means it is of moderate quality and falls outside the definition of Best and Most Versatile agricultural land as defined by the National Planning Policy Framework. The plan below shows Grade 3b in light green and Grade 3a (good quality and within Best and Most Versatile) in dark green. There may be a small area within the red line of this application site that is Grade 3a, however, this land is also within the red line of the application already approved for the Battery Energy Storage System.



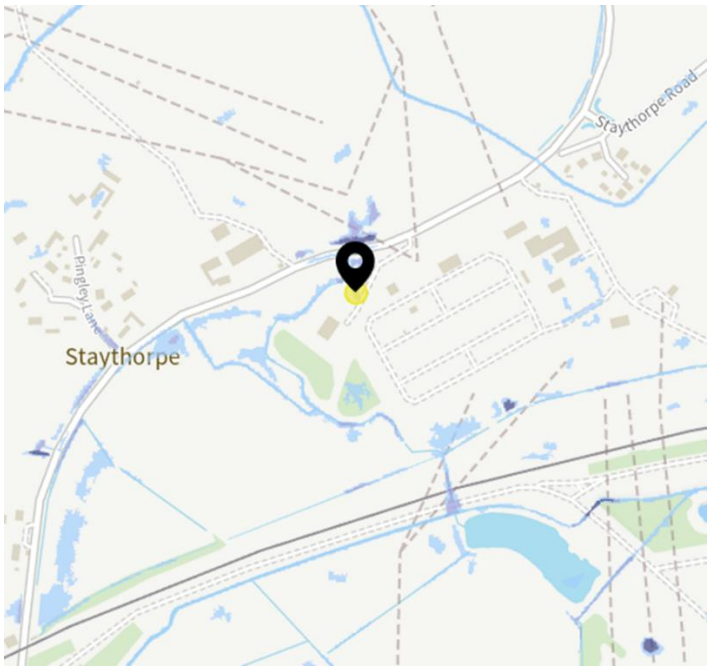

Agricultural Land Classification Plan

1.5 Ground levels at the site are relatively even and sit approx. between 12m AOD Above Ordnance Datum (in the west) and 13.7m AOD in the north-east of the site. In terms of fluvial flood risk, the map below shows the majority of the site (outlined in light blue) to be within Flood Zone 3b – high risk functional flood plain (this is all reds, oranges and yellows), with a small part of the site within Flood Zone 3a – high risk (dark blue) and a small area within Flood Zone 2 – medium risk (turquoise).



Main River Flood Map

1.6 In surface water terms, the majority of the application site is at very low risk (white on map below), but there are areas at low risk (light blue on map), which appear to largely follow watercourses in the area.




Surface Water Flood Map

1.7 There are no international, national or local ecological or landscape designations within the boundary or within 1km of the site, the nearest being Farndon Ponds Local Nature Reserve, 1km to the south-west which includes priority deciduous woodland habitat and large pond supporting kingfisher and common frog and designated as a Local Wildlife Site (LWS)/ Site Interest for Nature Conservation (SINC).

1.8 Staythorpe is the nearest village immediately to the east on the opposite side of Staythorpe Road. Averham village is approx. 530m to the north-east from the site boundary, which includes Averham Conservation Area the boundary of which is approx. 560m from the application site boundary. There are no designated heritage assets within the application site, the nearest heritage asset is Manor House (Listed Grade II), which is located approx. 180m from the site boundary to the west. There are also 4 Grade II listed buildings in Averham and 1 Grade I (Church of St Michael). There is a Scheduled Monument ('Averham Moat & Enclosure') approx 725m from the site boundary to the north east. Staythorpe House Farm fronting Staythorpe Road opposite the site is a Non Designated Heritage Asset. The application site is also likely to be of some interest in archaeological terms.

1.9 The nearest dwellings to the site boundary are White Cottage situated adjacent to the existing access from Staythorpe Road in the north-east corner, and Harness Cottage, Staythorpe House Farm and Staythorpe House Cottage which are all directly opposite the site on Staythorpe Road.

1.10 The site has the following constraints:

- Majority within Flood Zone 3b (high risk - functional flood plain), some within Flood Zone 3a (high risk), some within Flood Zone 2 (medium risk);

- Within the setting of off-site Heritage Assets and on site Archaeological Interest.

## 2.0 Relevant Planning History

2.1. PREAPM/00060/24 - Proposed infrastructure associated with the connection of a battery energy storage system to National Grid Staythorpe Electricity Substation and associated works.

**Within part of current application site but on the wider site to the south-west:**

2.2. 22/01840/FULM - Construction of Battery Energy Storage System and associated infrastructure, approved on appeal 03.05.2024. The appeal decision is attached as a link to view on the Background Paper listed at the end of this report.

2.3. 23/SCR/00002 – Screening Opinion – Construction of Battery Energy Storage System and associated infrastructure, Environmental Impact Assessment not required.

2.4. 22/SCR/00008 – Screening Opinion Request for a Battery Storage System and associated infrastructure, Environmental Impact Assessment not required.

2.5. 22/SCR/00010 - Screening Opinion Request for a Battery Storage System and associated infrastructure, Environmental Impact Assessment not required.

2.6. PREAPM/00133/22 - Erection of a Battery Energy Storage System (BESS) and associated infrastructure.

2.7. 08/02006/FULM – Temporary laydown and storage facility during the construction of Staythorpe Power Station with restoration by September 2010, approved December 2008.

2.8. 95/51657/ELE – Proposal for overhead powerline, approved November 1995.

**Other applications that may be considered of relevance: -**

2.9 23/02060/DCO - The Great North Road Solar Park – Elements Green – a development for an array of photovoltaics panels and a battery energy storage system capable of delivering 800MW AC of electricity to Staythorpe National Grid Substation. This scale of solar development is classed as Critical National Priority Infrastructure, as defined within National Policy Statement ENS-1. The scheme is currently being determined under the Planning Act 2008 (as amended) which covers Nationally Significant Infrastructure Projects (NSIP) under a Development Consent Order that would ultimately be granted by the Secretary of State.

2.10 23/00810/FULM – Laying of an underground cable run linking Battery Energy Storage System (at Averham) to Grid connection point at Staythorpe Substation – approved 20.06.2024.

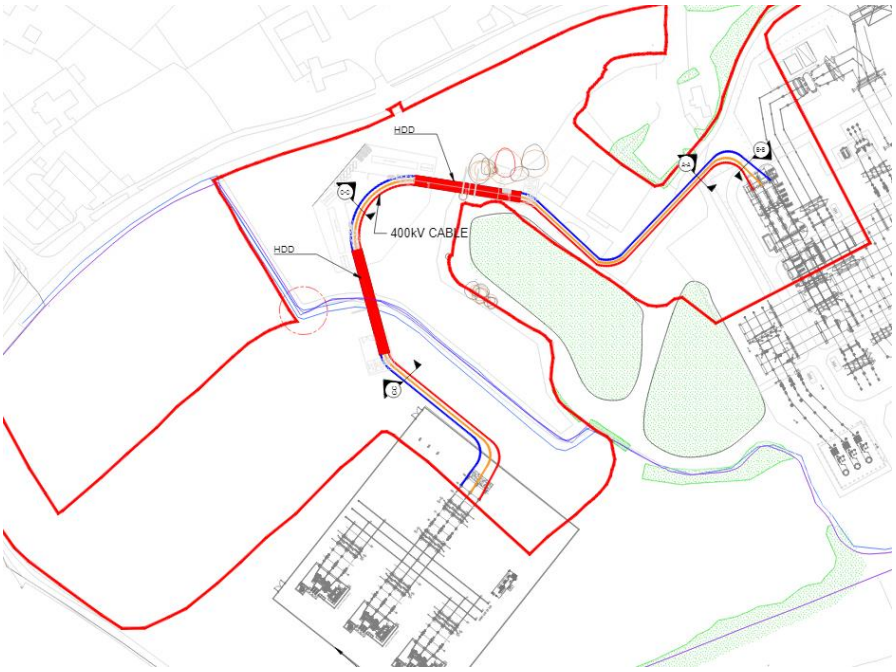
2.11 24/SCO/00003 - Environmental Impact Assessment (EIA) Scoping Opinion request for Staythorpe Power Station for Carbon Capture Project

**3.0 <u>The Proposal</u>**

3.1 The application seeks permission for infrastructure associated with the connection of a proposed battery energy storage system to the existing National Grid Staythorpe Electricity Substation that is necessary of the function and operation of the Battery Energy Storage System (BESS) approved at appeal on a temporary basis for 40 years.

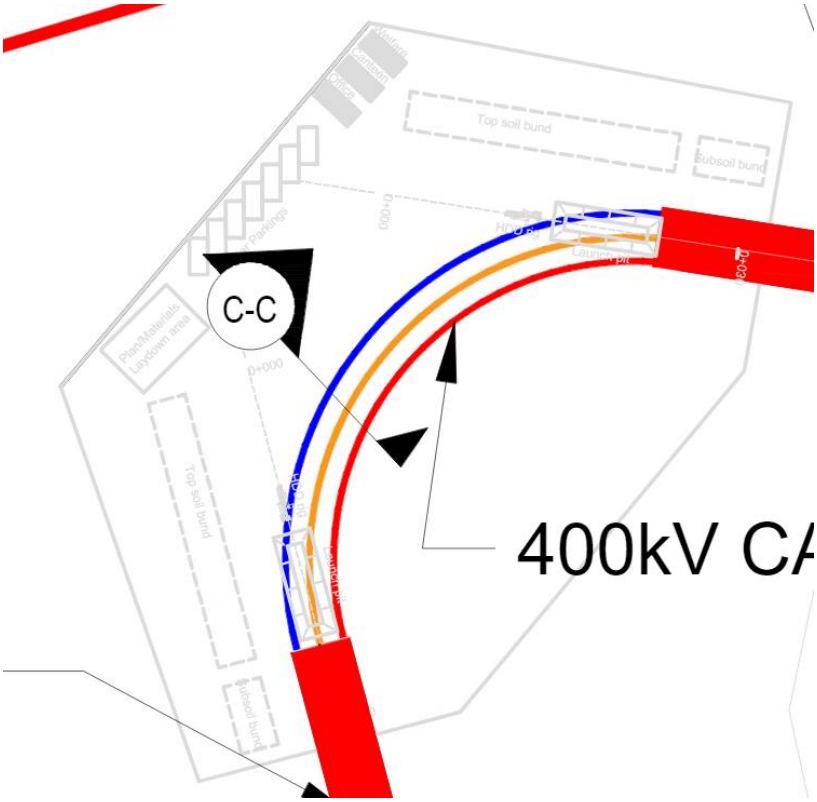
3.2 The infrastructure comprises a 400kV cable that would run fully underground along its whole length and connect the BESS development with the substation. The cable comprises three strands and has an overall width 2.4m wide. The submitted cross sections show varying depths of the cable between 6m and 9m below ground level. The cross sections show the area above the cable being refilled with well compacted thermally suitable backfill.

3.3 The cable route would be constructed using two sections of horizontal directional drilling (shown in solid red on the plan below, each measuring approx. 56m in length, with its own launch pit and reception pit at each end). It is understood that this construction method is required at these two points in order to run the cable below the two existing watercourses that cross the proposed path of the cable. The remaining 3 sections of the cable route would be constructed by digging out trenches from ground level, laying the cable and then restoring the land to its former ground level.




Proposed Construction Plan

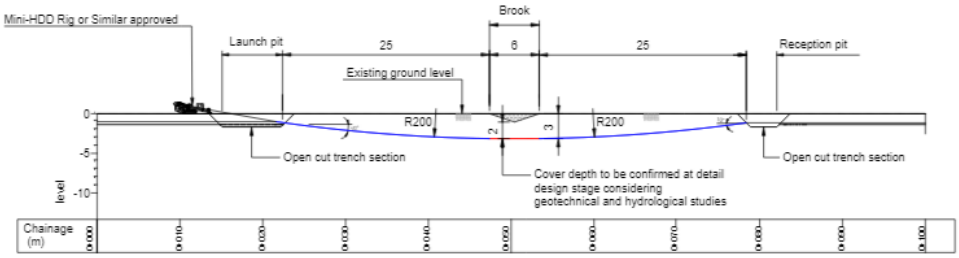
3.4 The above plan also shows in a very light grey a compound area showing soil bunds, a materials layout area, 7 parking spaces, and three temporary buildings to provide office, canteen and welfare facilities. No details have been provided on how this area is to be surfaced or any details of the proposed temporary welfare buildings.

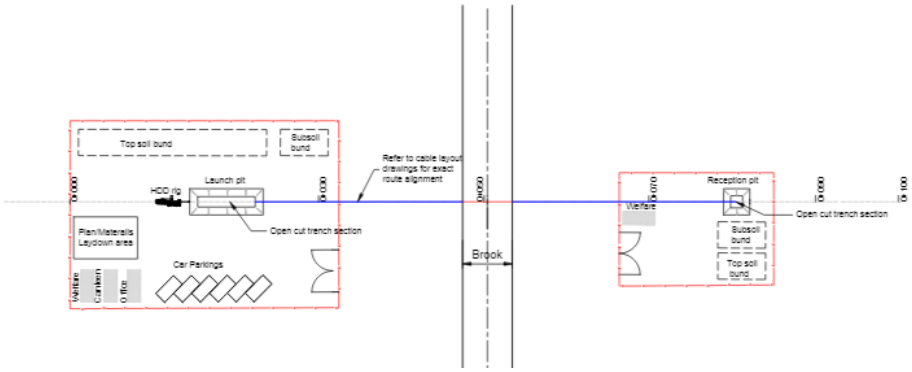


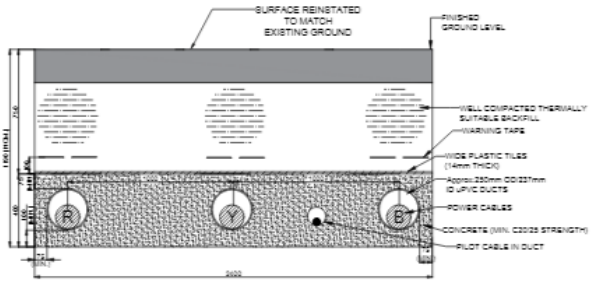

Proposed compound

3.5 The plans below show the Horizontal Directional Drilling plan and cross section first, which identifies the depth the cable needs to be under the watercourse is still to be clarified following further studies.

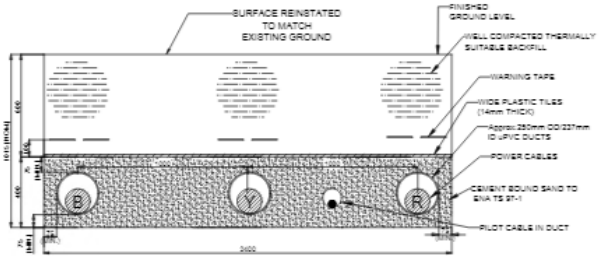
PROFILE FOR TRENCHLESS BROOK CROSSING



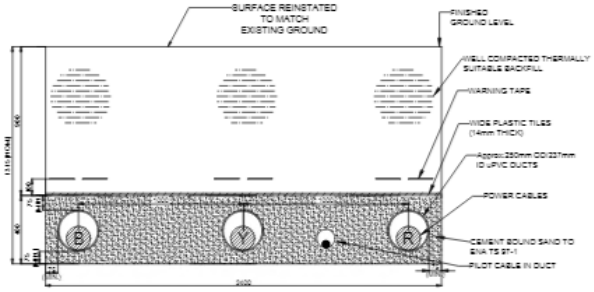




SECTION A-A
INSTALLATION FOR ALL
3 CABLES AT AN ACCESS ROAD CROSSING

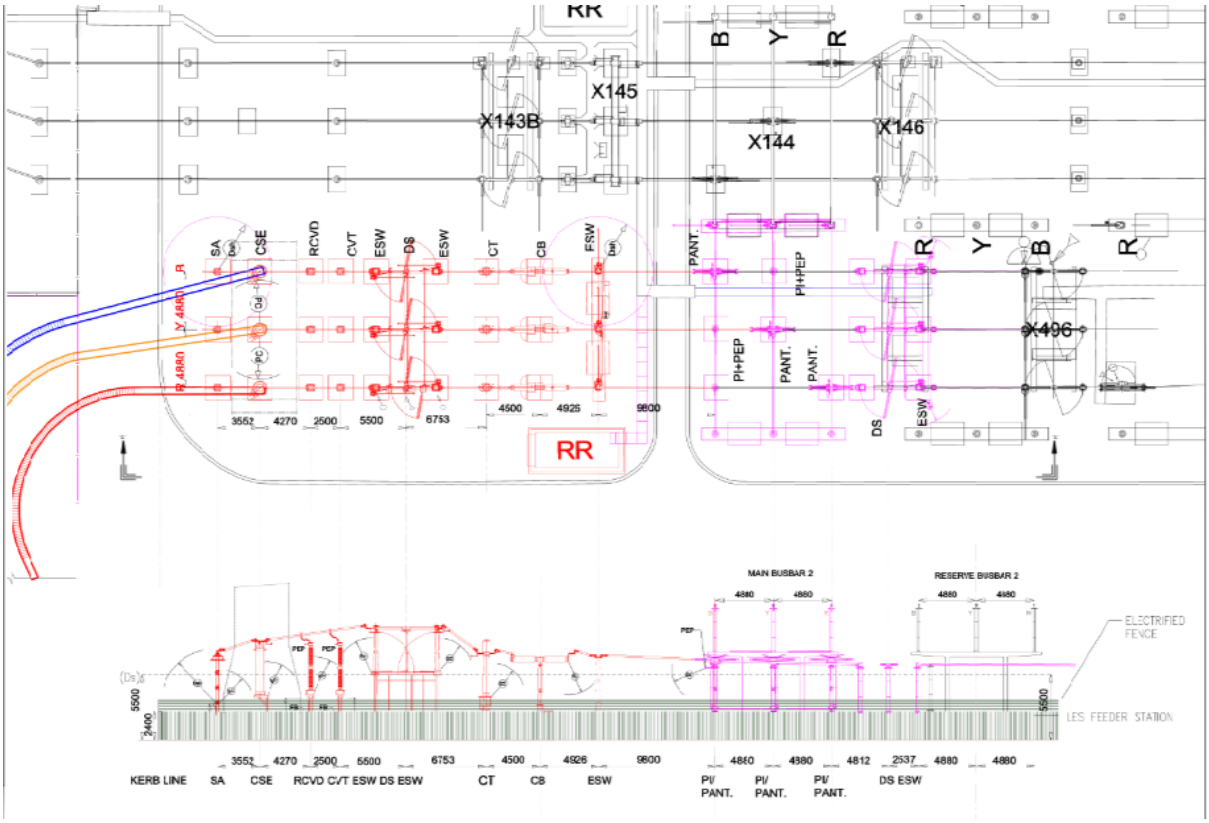



SECTION B-B
INSTALLATION FOR ALL 3 CABLES
INSIDE SUBSTATION




SECTION C-C
INSTALLATION FOR ALL 3 CABLES
DUCTED IN AGRICULTURAL LAND

Various cross sections of the cables below ground.




Proposed plan and elevation of substation

3.5 Proposed substation elevations show a max height of approx. 9.6m in red and approx. 11.7m in height in pink to match the existing equipment (depicted in black). It is the proposed infrastructure in red that would be carried out by the applicants and forms part of this application. The pink plant represent works that are proposed to be undertaken by National Grid and do not form part of this current application.

3.6 The overall proposed substation plan is shown below.

3.7 The application confirms that there are to be three access points serving this proposed development:
Access 1 – Staythorpe BESS, subject to appeal decision;
Access 2 – Existing farm access (Drawing Ref 23065-IN-02 Rev A) in Transport Note;
Access 3 – GNET Compound (Drawing Ref 23065-IN-04) in Transport Note;
as set out on the plan below:


3.8 The Transport Note sets out that there will be approx. 16 two-way HGV deliveries, which includes the delivery of plant and materials, and 10 two-way vehicle movements per day over a 6-8 week period associated with the construction phase. These will be broadly split between the 3 access points as follows:

Access 1 – 8 two-way HGV and a total of 100 two-way vehicle movements over the 6-8 week period;
Access 2 – 4 two-way HGV and a total of 150 two-way vehicle movements over the 6-8 week period;
Access 3 – 4 two-way HGV and a total of 150 two-way vehicle movements over the 6-8 week period.

Based on the above, Access 2 and 3 will accommodate approx. 3-4 two-way vehicle movements a day. Due to the lack of intensive construction the gate to Access 3 will be closed during the construction phase and opened by the Banksman as required to enable access for construction materials, delivery of machinery and equipment and site operatives.

3.9 In relation to Access 2 being adjacent to a bus stop layby, the applicant proposes a temporary bus stop suspension for a period of 6-8 weeks during the construction

period only. Advance signing will be erected to warn of the bus stop suspension and local operators and residents will be informed by the applicants prior to it taking place.

3.10 Documents assessed in this appraisal:

- Site Location Plan (Staythorpe Figure 1) (Ref: 007 4001 002.A)
- Existing Arrangement (Drawing No: 70102964-WAP-LAY-EP-003 Rev 02)
- Proposed Arrangement (Drawing No: 70102964-WSP-LAY-EP005 Rev 03)
- Construction Arrangement (Drawing No: 70102964-WSP-LAY-EP-004 Rev 02)
- Overall Substation Layout (Drawing No: 70102964-WSP-Lay-EP-001)
- Sub-station Elevations (Drawing No: 70102964-WSP-LAY-EP-002)
- Preliminary HDD Plan and Profile (Drawing No: 70102964-WSP-CRS-EC-101)
- 400kV cable Route Trench Sections
- Plan demonstrating length of whole cable route is underground (Drawing No: DEMO-01 Rev 03)
- Covering Letter dated 12 July 2024 from Elements Green Ltd
- Staythorpe Cable Route Archaeological Desk Based Assessment dated June 2024 by Wessex Archaeology
- Staythorpe BESS and Cable Route Written Scheme of Investigation for Archaeological Evaluation dated September 2024 by Wessex Archaeology
- Agricultural Land Classification dated Nov 2023 by Soil Environment Services Ltd
- Arboricultural Method Statement dated June 2024 by AWA Tree Consultants
- Arboricultural Report and Impact Assessment dated June 2024 by AWA Tree Consultants
- Archaeological Evaluation Phase 1 dated Nov 2022 by Wessex Archaeology
- Biodiversity Net Gain Statement & Assessment for Staythorpe Cable Route (Ref: BIOC23-202 v3.0) dated 14 October 2024 by Biodiverse Consulting
- Biodiversity Metric completed 14 October 2024 (v3.0)
- Ecological Impact Assessment v1.2 dated 21 June 2024 by Biodiverse Consulting
- Flood Risk Assessment dated 7 June 2024 by Mabbett
- Outline Construction Traffic Management dated October 2024 by Optima
- Transport Note dated October 2024 by Optima
- Responses from developer to comments submitted by Averham, Kelham and Staythorpe Parish Council and local residents received 25 October 2024

## 4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 109 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 Additional information comprising a Revised Transport Note, a Revised Outline Construction Traffic Management Plan and two plans showing revisions to the construction and proposed layout plans were submitted on 25 October 2024 and are now out to re-consultation/re-notification with the Highway Authority, Averham, Kelham and Staythorpe Parish Council and all neighbours. The deadline given for any further comments is 12 November 2024, the day following Planning Committee.

4.3 Officers therefore propose that in the event of any new representations being received between the cut off time for reporting Late Items (up to midday, 2 days

before the meeting (9 November)) and up until 5pm on 12 November (ie a total period of 3.5 days) that raise any new material planning considerations that are not assessed as part of the considerations of Committee on 11 November 2024, that the application be reported back to the Planning Committee for re-consideration on 5 December 2024.

4.4 Site visit undertaken on 9 August 2024.

## 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 12 – Biodiversity and Green Infrastructure
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
DM7 – Biodiversity and Green Infrastructure
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 and is due to commence its Examination In Public during November 2024. This is therefore at an advanced stage of preparation, albeit there are unresolved objections to amended versions of all the above DM policies emerging through that process. As such, the level of weight to which those proposed new policies can be afforded is therefore 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
The Climate Change Act 2008
The Clean Growth Strategy 2017
Energy White Paper 2020
The Environment Act 2021
The Net Zero Strategy: Build Back Greener 2021

UK Government Policy Paper - British Energy Security Strategy April 2022
Energy Act 2013
National Grid – Future Energy Scenarios (2022)
National Policy Statements EN-1 and EN-3 (2023)
Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning 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. **Nottinghamshire County Council (Highway Authority)** – Following the submission of a Revised Transport Note and Revised Outline Construction Traffic Management Plan, the Highway Authority have been re-consulted. The Highway Authority have already indicated informally that if these documents are up-dated to include all the discussions undertaken with the applicants that following their submission, the Highway Authority would be able to recommend positively. Final formal comments are therefore awaited, together with any conditions that are considered to be necessary for highway safety purposes.

6.2. **Nottinghamshire County Council (Rights of Way)** - No objection. Staythorpe Footpath No 1 passes along the track adjacent to the proposed site edges in red. The County Council have received an application to modify the Definitive Map (under Section 53 of the Wildlife and Countryside Act 1981) to upgrade this footpath to a bridleway. It is suggested a number of informatives are attached to any decision.

6.3. **National Highways** – No objection, they do not consider the traffic generated from the proposal Is likely to have significant impact on the Strategic Road Network (A46 and A1).

6.4. **Nottinghamshire Lead Local Flood Authority** – No objection, subject to a condition requiring a detailed surface water drainage scheme being imposed.

6.5. **Environment Agency** – No objection, subject to a condition to be in accordance with the submitted plans and the mitigation measures they detail. Their comments are based on there being no permanent above ground works or structures and the proposal is wholly for below ground cable works.

6.6. **Historic England** – Did not offer any advice and suggest the views of the Council's specialist conservation and archaeological advisers are sought.

**Town/Parish Council**

6.7. Averham, Kelham and Staythorpe Parish Council object on the following grounds:

- Within the documents submitted there are two differing versions of the same document; one titled 'Outline Construction Traffic Management Plan' and the other 'Transport Note.' Both contain similar, yet differing details of traffic

volumes, site access etc which make it difficult to assimilate the intentions of the proposal.

- The Flood Risk Assessment contains inverted/mirrored and largely incomprehensible maps, together with arguable and subjective details.
- The Design and Assessment us vague, lacking in detail and appears to assume that this development will have an extremely limited impact on the local community and environment. It implies that, as a result of the recent approval (under appeal) of the associated BESS proposal, this application is a 'shoe-in' and a forgone conclusion.
- However, on the contrary, the cumulative impact of this application should be considered against the recently approved development, together with those currently awaiting (planning) decision, reasonably foreseeable future developments (GNR Solar) and also the existing industrial sites with the immediate locality, namely:

    - 22/01840/FULM - Construction of Battery Energy Storage System and associated infrastructure, Land South Of Staythorpe Road Staythorpe
    - 23/00810/FULM - Laying of an underground cable run linking Battery Energy Storage System to Grid Connection Point at Staythorpe Substation.
    - 23/00317/FULM - Construction and operation of Battery Energy Storage System (BESS), transformer/sub-station and associated infrastructure. Land off Staythorpe Road Averham
    - 23/01837/FULM - Proposed ground mounted photo voltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and ancillary work Land to the West of Main Street, Kelham
    - Staythorpe Power Station
    - National Grid Staythorpe
    - GNR Solar Development

- These cumulative effects are both additive and synergistic, in as much as similar impacts from the aforementioned projects combine and interact to create a greater overall effect. This point has been raised many times before by the parish council and has continually been ignored by NSDC planning.

- Considering cumulative effects is crucial when assessing this application as the scale, nature and proximity to residential properties combined with the radical change of use from largely silent, agricultural land to noisy, visually intrusive, potentially-polluting, industrial development, which will be prone to excessive flood risk, will have a significantly negative and detrimental impact to the immediate environment, local area and particularly the local community and residents.

- The D & A Statement also repeatedly refers to this development as 'necessary to support the decarbonisation of the electricity supply managed by the National Grid. This is simply not true and a blatant misrepresentation of fact.

- If it was 'necessary' or 'essential' these developments would not be left for private

enterprise and would be implemented by either the National Grid or Government administered contracts.

- In addition, it fails to address, as did the associated Staythorpe BESS application, the downstream effects and environmental impacts of the extraction of minerals for large scale batteries, the entire production process and also the decommissioning of the 'temporary' (40 years) development.

- Further to the above issues of the application, please find a summary of concerns relating to this proposed development:

Construction Phase Traffic Management

- As previously stated, there are two documents containing outline arrangements of the construction phase of the development, yet neither contain coherent and reasonable details of the following:

VEHICLE ACCESS ARRANGEMENTS (to the site)
a) Access is provided via a new simple priority junction off Staythorpe Road onto a newly formed track which runs parallel to the existing agricultural track / Public Right of Way Staythorpe FP1 through the middle of the Site.
b) An additional gated access road has been provided, accessed at the northeastern corner of the Site.
c) The existing access into the field immediately east of Staythorpe BESS will also be utilised.

- This is confusing. None of the above are identified on any of the supporting documents or the 'Construction Arrangement Plan'. The plan does however highlight a site compound for Office, Canteen, Welfare, Lay Down and Parking, but no details of how vehicles would access this area via the proposed Site Accesses referenced above.

- If, the existing access into the field immediately east of Staythorpe BESS is to be used as suggested in the 'Transport Note' document, this requires vehicles to cross through a Bus Stop lay-by, which is surely not acceptable?

- The proposal totally fails to acknowledge the existence of the Averham BESS 23/00317/FULM. This will be under construction within the same timeframe and therefore compound the issues regarding construction traffic for locals and through traffic within the area. There is no traffic management plan that takes in to account this or attempts to alleviate the issues of four separate construction activities within the same geographical area happing at the same time.

CONSTRUCTION TRAFFIC

- The 'Transport Note' document states:

- 'The overall construction and installation of the BESS (Staythorpe) is anticipated to take approximately 9-12 months and construction activities will be carried out

concurrently in order to minimise the overall length of the construction programme therefore the cable installation will run alongside the construction of the BESS and substation compound.'

- Therefore, it is essential that this application be assessed together with all the other aforementioned developments when considering construction traffic and NOT in isolation.

  This application suggests that;

- For the cable installation works it is assumed that approximately 5 operatives will be required to complete the works which will generate 10 two-way vehicle movements per day.
  Assuming a 26-day working month, this will result in 260 car / light van movements per month.
  Plus a total of 16 two-way vehicle movements for materials and plant

- What about Management Staff, sub-contractors and visitors for both concurrent developments?
  What about parking arrangements for all the above?

- The cumulative volume of additional traffic from the two associated developments alone, plus the additional traffic from the nearby developments and existing Power Station and National Grid facility would be cataclysmic for local residents.

CONSTRUCTION HOURS AND DELIVERY TIMES

- All works will be carried out on-site between 08:00am to 06.00pm Monday to Friday and 08:00am to 02:00pm on Saturdays. No work will be carried out on Sundays, Bank Holidays or public holidays.
  Work will be undertaken during daylight hours in order to prevent disturbance to local wildlife.
- Should this application be recommended for approval, I would appeal strongly for you to impose restrictions on working hours that would be more reasonable and considerate to the local residents.
  Weekends to be avoided where possible and weekday hours strongly monitored so that hours are reduced during winter days when daylight is shorter.

PROPOSED CONSTRUCTION COMPOUND

- A designated compound has been highlighted within the proposed development site for the storage and plant, materials, site offices, vehicle parking etc. However, there are no details to suggest whether temporary trackways or hardcore will be necessary, given that the site is currently a paddock that regularly becomes waterlogged or flooded, nor if required, how the land will be reinstated after construction works have been completed.

FLOOD RISK ASSESSMENT

- This application conveniently identifies itself as 'essential infrastructure', however

whilst it may be associated with an independent application defined as such, if considered in isolation and on its own merits, it does not qualify as 'essential infrastructure' as defined in Annex 3 of the NPPF.
Therefore, should not be assessed as such.

- Alternatively, for this to be considered correct, then Cumulative Impact must be considered. Despite this, the application considers The Exception Test to be passed for the following reasons:

  (a) The proposed development is essential infrastructure that will deliver significant public benefits; and
  (b) that the Proposed Development would be safe from flood risk and would not increase flood risk elsewhere for the lifetime of the development. As such, the Proposed Development satisfies parts (a) and (b) of the Exception Test.

- The actual criteria for the Exception Test should read;
  'The development would provide wider sustainability benefits to the community that outweigh flood risk, and not public.

- Clearly a deliberate manipulation of the criteria wording, as there is absolutely ZERO benefit to the community neither expressed, implied nor demonstrated within this application.
  Our View is that the cumulative effects of this specific proposed development, as set out in the application, together with the already approved schemes nearby, would be catastrophic for our community and will cause life changing impacts to the residents. Some of which cannot be tangibly projected or measured in reports and assessments such as the impacts on mental and physical health.

- There appears to be no consideration to the impact of Noise Pollution during the construction phase and no mention of Lighting (for the compound and works areas).
  Road Safety has received very little attention and where traffic management has been detailed, it's widely underestimated. Specifically, there is no mention of the existing Bus Stop lay-by immediately in front of the existing field access and proposed site access. Any Environmental & Ecological Impacts are largely overlooked as it assumed that this is a temporary development.

- In addition to these points there are further discrepancies with the application.

  The submitted drawings "Construction Arrangement" 29/05/24 & Proposed Arrangement 29/05/24

  Using the key provided the plans appear to show a water pipe in blue laid along the proposed cable run. We are also struggling to determine the site boundary from water courses on the site. We request a comprehensive and legible drawing be resubmitted.

- The same drawing refers to the following:

We are most concerned regarding the evident new proposal for a substation in addition to, or in place of the existent approved design and therefore request clarification in the form of a coherent replacement drawing.
Additionally, what is a Flash Substation as referred to in this diagram?

As a result of the above, the Parish Council are objecting to this proposed development and the application should be REFUSED.

**Representations/Non-Statutory Consultation**

6.8. **NSDC, Archaeological Consultant**: No objection is raised, subject to a number of conditions relating to archaeological investigations and mitigations to preserve by record any archaeological remains that may be lost due to the proposed development.

6.9. **Trent Valley Internal Drainage Board** – The Board maintained Staythorpe Sidings Drain is an open watercourse within the site to which Bylaws and the Land Drainage Act 1991 applies. The Board's consent is required for any works, whether temporary or permanent, in, over or under any Board maintained watercourse. Staythorpe Sidings Drain shall be crossed by means of HDD crossing. The send and receive pits shall be a set a min distance of 9m from the bank tops and the cables shall be set at a minimum of 2m plus safe working distance below hard bed level. The Board's consent is required irrespective of any permission granted under the Town and Country Planning Act 1990 and will only be granted where proposals are not detrimental to the flow or stability of the watercourse or the Board's machinery access to the watercourse required for annual maintenance, periodic improvement and emergency works.

6.10. **NSDC, Environmental Health** – no comment to make in connection with the proposal. Additional comments have been made in relation to the ability to impose a condition requiring a Construction Environmental Management Plan to be submitted and approved, which could include matters relating to noise, dust, external lighting etc.

6.11. **NSDC, Lead Biodiversity and Ecology Officer** – Has advised that the mitigation hierarchy has been followed and with the proposed precautionary avoidance measures being implemented, there would not be significant harm to biodiversity. The Biodiversity net Gain Assessment has identified that the proposal would result in a measurable net gain for biodiversity. Securing the proposed precautionary avoidance measures would be best achieved via appropriate pre-commencement planning conditions for a Construction and Environmental Management Plan (CEMP).

6.12. **NSDC, Tree and Landscape Officer** – Arboricultural Impact Report dated June 2024 – information gathered in July 2022 should be considered out of date and it fails to meet the minimum standards set out in BS5837 to anticipate reasonable future dimensions of retained/proposed tree growth. Therefore, insufficient information has been provided.

6.13. Comments have been received from 6 third parties/local residents that can be summarised as follows:

- Highways/Construction Traffic Management:-
- No information on how the aggregate compound proposed during the construction phase will be accessed;
- No inner roads shown;
- 7 parking spaces proposed is inadequate resulting in risk of parking on the grass or on the public highway; car sharing is not an acceptable solution and cannot be enforced;
- The field access opposite Staythorpe Farm is totally unsuitable as an access, the visibility is poor and it conflicts with the bus stop layby;
- Small roads servicing the site are inadequate to accommodate the increased traffic – with 5 operatives on site daily, that would equate to nearly 300 vehicle movements per month without factoring in deliveries and plant, other inspections and site visit requirements – in addition to the proposed BESS construction;
- Residential Amenity:-
- The working hours for construction of 8am – 6pm Mon to Fri and 8am – 2pm on Saturdays would impact significantly on residential amenity;
- There appears to be no consideration to the impact of noise pollution, dust or external lighting during the construction phase, for compounds and work areas which would be considerable for the construction period of 9-12 months;
- The impacts have been ignored by NSDC Environmental Health who "have no comment in connection with this proposal."
- It is mostly likely that these works and other BESS works will potentially be carried out at the same time which will cause enormous disturbance in the vicinity, impacting residents and their enjoyment of their properties;
- Flood Risk
- There is a high risk of flooding during the winter/spring months, likely to cause delay and displace flood water and potentially alter normal flow to dykes – the comments from NCC Flood Risk Team need to be addressed and not disregarded;
- Flood risk of this application must be considered alongside that of Staythorpe BESS;
- The original proposal would displace at least the equivalent of 5 olympic swimming pools of flood water towards Staythorpe. The revised plans seem to indicate the displaced water would be significantly higher. A totally independent investigation must be made into this matter;
- Staythorpe Footpath 1
- The proposal for the new permissive footpath approved under the BESS scheme to be used during the construction phase is unacceptable given that it is twice the length of the current path – the existing Staythorpe Footpath 1 should remain open at all times;
- Visual Impact
  - How will the visual impact during construction be mitigated?
- Damage to pastureland
- What will be the timescale for the reinstatement of the pastureland? Issues such as soil erosion, silty storm-water runoff, site flooding and polluted soils;

Any Environmental and Ecological impacts are largely overlooked as it is assumed that this is a temporary development.

- Climate
  - The developer states that this is essential development to support the de-carbonisation of the electricity supply to the National Grid and there is significant support for delivery or renewable and low carbon energy generation development but no account has been taken of the likely significant ecological and environmental effects of the development on countries producing the elements used in the building of the BESS and cable installation materials or the downstream effects of the extraction of minerals for large scale batteries, the entire production process and the decommissioning of the 'temporary' 40 years development;
- Cumulative effect
- There are already 3 other approved applications within the immediate vicinity of Staythorpe Village (22/01840/FULM, 23/00810/FULM and 23/00317/FULM)
- 23/01837/FULM for a proposed ground mounted photo voltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and ancillary work on land to the West of Main Street, Kelham is currently under consideration,
- the GNR Solar development is currently under consideration,
- as well as proposals at Staythorpe Power Station and the National Grid Staythorpe.
- The greater overall cumulative effects are both additive and synergistic and the effect of all these should be taken into account when assessing this application;
- The principle
- The development would run simultaneously with the BESS development and for correct assessment should have been included in the original application and considered as one application – such a major amendment should result in the necessity for a new revised application for the whole project;
- Other Matters
  - The submitted documents inadequately explain the proposed development, are contradictory in nature and confusing;
- The submission assumes that as a result of the BESS approval, this application is a forgone conclusion and assumes it will have an extremely limited impact on the local community and environment; The scale, nature and proximity to residential properties combined with the radical change of use form largely silent agricultural land to noisy, visually intrusive, potentially-polluting industrial development which will be prone to excessive flood risk will have a significant and detrimental impact to the immediate environment, local area and local community and residents;
- It is not considered that the proposed development is "necessary to support the decarbonisation of the electricity supply", if it were these development would not be left for private enterprise and would be implemented by National Grid or government administered contracts; and

- The site compound will contain a lot of valuable materials and equipment being stored which potentially leaves villages properties more vulnerable to unauthorised people visiting the area.

**7.0 Comments of the Business Manager – Planning Development**

7.1. The key issues are:

- Principle of Development
- Effect on Stock of Agricultural Land
- Landscape and Visual Impacts
- Impact upon Heritage Assets
- Impact on Archaeology
- Impact on Residential Amenity
- Impact on the Highway Safety
- Impact on Flood Risk
- Impact on Ecology, Biodiversity and Trees
- 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 the setting of designated heritage assets such as 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 The proposed development is linked to the Battery Energy Storage System that was approved at appeal under reference 22/01840/FULM to the south-west of this site. This application provides the cable link from the proposed BESS to the National Grid

substation that is necessary to ensure the energy stored on the BESS site can be exported to the grid as and when it is required. Without this connection, the BESS could not fulfil its designed function.

7.6 The Parish Council and local residents have expressed concern that both applications should have been considered as one project, at the same time, so that the impact of both schemes could be assessed at the same time. Whilst I have some sympathy with these comments, the planning system cannot control when planning applications are submitted for consideration and cannot unnecessarily hold up that decision making process for such eventualities. However, it is also clear that each planning application has to be assessed on its individual merits and as such there can be no foregone conclusion in the determination of this application.

7.7 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.

7.8 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.

7.9 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;…'

7.10 In determining this application, whilst it is recognised that the proposal is not renewable energy scheme in itself, it is acknowledged to represent important supporting infrastructure to increase the efficiency of renewable forms of energy. It is necessary therefore to balance the strong policy presumption in favour of applications for renewable technologies against the environmental impact. The wider social and economic benefits of the proposal are also material considerations to be given significant weight in this decision, as set out in para 8 of the NPPF. The Planning Practice Guidance states that electricity storage in Battery Energy Storage Systems can enable us to use energy more flexibly and re-carbonise our energy system cost-effectively – for example by helping to balance the system at a lower cost, maximising the usable output from intermittent low carbon generation (eg solar, wind), and deferring or avoiding the need for costly network upgrades and new generation capacity.

7.11 In this context, both national and development plan policies adopt a positive approach, indicating that development will be approved where the harm would be outweighed by the benefits of a scheme. The PPG states that whilst local authorities should design their policies to maximise renewable and low carbon energy, there is no minimum quota currently in place with which the Local Plan has to deliver.

7.12 The Government recognises that climate change is happening through increased greenhouse gas emissions, and that action is required to mitigate its effects. One action being promoted is a significant boost to energy produced by renewable energy generation. The Climate Change Act 2008, as amended sets a legally binding target to reduce net greenhouse gas emissions to Net Zero by 2050. The Clean Growth Strategy 2017 anticipates that the 2050 targets require, amongst other things, a diverse electricity system based on the growth of renewable energy sources. The December 2020 Energy White Paper states that setting a net zero target is not enough, it must be achieved through a change in how energy is produced. The Net Zero Strategy: Build Back Greener published in October 2021 explains that subject to security of supply, the UK will be powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable generation.

7.13 More recently, the Government published the British Energy Security Strategy in April 2022 outlining the need for a decarbonised and secure energy supply. It sets out the essential role renewables play in reducing exposure to volatile fossil fuel markets, limiting the UK's reliance on imports, and consequently reducing the cost of consumer energy bills. Specific to electricity generation, the Strategy highlights that by 2030, 95% of electricity could be low-carbon and by 2035, the UK will have a decarbonised electricity system, subject to security of supply.

7.14 Newark and Sherwood District Council declared a climate emergency in 2019 and recognises the urgency and significance of its environmental ambitions, for both the Council and the wider District. As such the Council has published a Climate Emergency Strategy, as part of carbon management and reducing its footprint. Therefore, the Council takes the matter of improving carbon emission schemes seriously and both the Council and Central Government see this as part of ongoing agenda priorities.

7.15 The purpose of the proposed development would be to support the flexible operation of the Grid and the decarbonisation of the electricity supply by storing surplus energy, produced by renewable sources, for use when it is most needed. A BESS would balance peaks and troughs in energy generation without any greenhouse gas emissions and provide rapid-response electrical back-up, thereby ensuring that the electricity produced can be used efficiently and be provided to consumers at the lowest possible cost. When winds are high at night and demand for electricity is low, instead of that energy going to waste and being lost as currently, it can be transferred to a BESS and be stored and then provide additional electricity supplies to the grid when demands are high. Battery Energy Storage Systems (BESS) and associated works are a key component in seeking to achieve a low carbon energy system.

Effect on stock of Agricultural Land

7.16 Paragraph 180 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land and of trees and woodland. The footnote to paragraph 181 of the NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. It goes on to state that the availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.

7.17 The most relevant Planning Practice Guidance is the 'Guide to assessing development proposals on agricultural land' which states that the policies to protect agricultural land and soil 'aim to protect the best and most versatile (BMV) agricultural land and soils in England from significant, inappropriate or unsustainable development proposals.' It emphasises the role of Natural England as the statutory consultee in assessing the likely long term significant effects of development proposal on these resources. Section 6 of this part of the PPG states that site surveys of land should be used to: 'assess the loss of land or quality of land from a proposed development. You should take account of smaller losses (under 20 ha) if they're significant when making your decision. Your decision should avoid unnecessary loss of BMV land.'

7.18 Policy DM4 is silent on the loss of best and most versatile agricultural land. Policy DM8 seeks a sequential approach in respect to the loss of the most versatile areas of agricultural land and requires proposal that cause the loss of such land to demonstrate environmental or community benefits that outweigh the land loss.

7.19 The Agricultural Land Classification Maps define agricultural land quality as being Grade 1-5 (1 being Excellent' and 5 Very Poor). The NPPF defines 'Best and most versatile agricultural land as being land in Grades 1, 2 and 3a of the Agricultural Land Classification.'

7.20 The application has been supported by an Agricultural Land Classification dated Nov 2023 by Soil Environment Services Ltd which classifies the majority of the site as falling within Grade 3b which is land of moderate quality agriculturally and which falls

outside of the definition of Best and Most Versatile agricultural land. However, there may be a small area within the red line of this application site that is Grade 3a, however, this land is also within the red line of the application already approved for the Battery Energy Storage System. On this basis, there is no objection raised to the proposal, however, in any event, once constructed, the ground above the laid cable could continue in agricultural use and would result in no significant loss.

7.21 On this basis, the proposal would not result in any loss of Best and Most Versatile agricultural land and is therefore acceptable.

Landscape and Visual Impacts

7.22 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.

7.23 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. The application site does not sit within any statutory or non-statutory landscape designations.

7.24 The application sets out that the cable route would be constructed using a combination surface digging out of trenches as well as two areas where there would be a need to go underneath two watercourses, horizontal directional drilling would be used with launch and reception pits at each end of both routes. Both these pits and the trenches dug would be required to be re-filled to the same ground levels as existing and this can be secured by condition.

7.25 It is acknowledged that during the construction period, the works involved to lay the cable would likely result in some visual intrusion, associated with construction vehicles and temporary construction compound. However, these works would be limited to a period of 6-8 weeks and on the basis of this short duration, is considered to be acceptable. The majority of the proposal, once constructed, would represent works underground and as such would have very little impact on the visual amenity and landscape character of the area. The additional infrastructure proposed within the sub-station, is lower than existing infrastructure on the site and would be seen against the existing substation plant, which would be reasonably screened from Staythorpe Road by existing mature hedgerow and tree planting.

7.26 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

7.27 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."

7.28 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).

7.29 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 (725m to the north-east)
- The Manor House Grade II (180m to the west);
- Averham Conservation Area boundary is approx. 560m to the north-east.

7.30 Staythorpe House Farm sits on the north side of Staythorpe Road opposite the application site and is a non-designated heritage asset. Given the significance of the non-designated heritage asset, the distances and existing development between the site and designated heritage assets, together with the limited above ground works that would be proposed within the existing boundaries of the sub-station, officers are satisfied that the proposal would result no harm in relation to impacts on the setting of these designated heritage assets.

7.31 Historic England and the Council's Conservation Officer raise no objection to the scheme.

7.32 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 Planning (Listed Building and Conservation Areas) Act 1990.

Impact on Archaeology

7.33 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'.

7.34 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.

7.35 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. A geophysical survey was carried out in 2022. Some trial trenching (18 trenches) has already been completed on the wider BESS site and a further 38 trenches are proposed, which includes within this application site. The submitted Written Scheme of Investigation has been agreed by the Council's Archaeology consultant which states that no development work shall take place until a report of the findings of the evaluation is produced and mitigation/WSI for Phase 2 is submitted to and approved in writing by the Local Planning Authority.

7.36 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

7.37 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.

7.38 The nearest residential properties to the site are those on the north side of Staythorpe Road and White Cottage situated just to the west of the existing sub-station. Concerns have been raised by the Parish Council and local residents concerning the impact of noise, dust and external lighting on the amenities of nearby residents to the site. Following the concerns raised, the Council's Environmental Health officer was invited to provide further comments. It was suggested that matters of noise could be controlled through limiting work hours and require a Construction Environmental Management Plan to be submitted and applied during the construction phase to minimise noise as well as dust emissions.

7.39 Once completed, the works would result in very little change to the existing situation that is currently experienced by local residents. However, it is acknowledged that whilst the proposal is being constructed, there is likely to be significant increases in noise and traffic as well as potentially from dust and external lighting. In response to concerns raised by local residents, the applicant has stated that working hours will be strictly controlled and construction would be carried out primarily during daylight hours, therefore lighting during construction will be very limited. In terms of noise, this again would be controlled by limiting works within limited hours but in addition, the applicant has suggested that temporary acoustic barriers could be installed, if

required to protect nearby residents from noise. To assist with traffic concerns, the applicant has confirmed that no deliveries/collections will be made to and from the site within peak hours (ie 8:00 to 9:00 and 16:00 to 17:00 Monday to Friday). All works will be carried out on site between 8:00 to 18:00 Monday to Friday and 8:00 to 14:00 on Saturdays, with no working on Sundays and Public Holidays. The proposed construction hours are standard construction control measures typically used by the Council to limit construction hours to reasonable times and are set out in the submitted Outline Construction Traffic Management Plan.

7.40 A further detrimental impact on residential amenity would be the suspension of the bus stop adjacent to Access 2 of the proposed development for the 6-8 week construction period. The next nearest bus stop on the south side of Staythorpe Road is situated opposite the properties in Behay Gardens, approx. 490m to the south-west. It is recognised that if there is a resident of Staythorpe that relies on catching the bus at this stop, the proposed suspension would result in inconvenience, or in the worst case scenario may rule out someone using the bus service altogether. This would be an unfortunate consequence and harmful to amenities. It would, however, be only for a finite period and on this basis it is not considered to be so harmful as to warrant refusal of planning permission.

7.41 Subject to a condition requiring a Construction Environmental Management Plan to be submitted and approved, overall, it is considered that the proposal would generally accord with Policy DM5.

Impact upon Highway Safety

7.42 Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the ADMDPD requires the provision of safe access to new development and appropriate parking provision.

7.43 Paragraph 110 of the NPPF (2023) states, amongst other things, that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.

7.44 Paragraph 111 of the NPPF (2023) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.45 The application confirms that there are to be three access points serving this proposed development:

Access 1 – Staythorpe BESS, subject to appeal decision;
Access 2 – Existing farm access (Drawing Ref 23065-IN-02 Rev A) in Transport Note;
Access 3 – GNET Compound (Drawing Ref 23065-IN-04) in Transport Note;
as set out on the plan below:


7.46 The Transport Note sets out that there will be approx. 16 two-way HGV deliveries, which includes the delivery of plant and materials, and 10 two-way vehicle movements per day over a 6-8 week period associated with the construction phase. These will be broadly split between the 3 access points as follows:

Access 1 – 8 two-way HGV and a total of 100 two-way vehicle movements over the 6-8 week period;

Access 2 – 4 two-way HGV and a total of 150 two-way vehicle movements over the 6-8 week period;

Access 3 – 4 two-way HGV and a total of 150 two-way vehicle movements over the 6-8 week period.

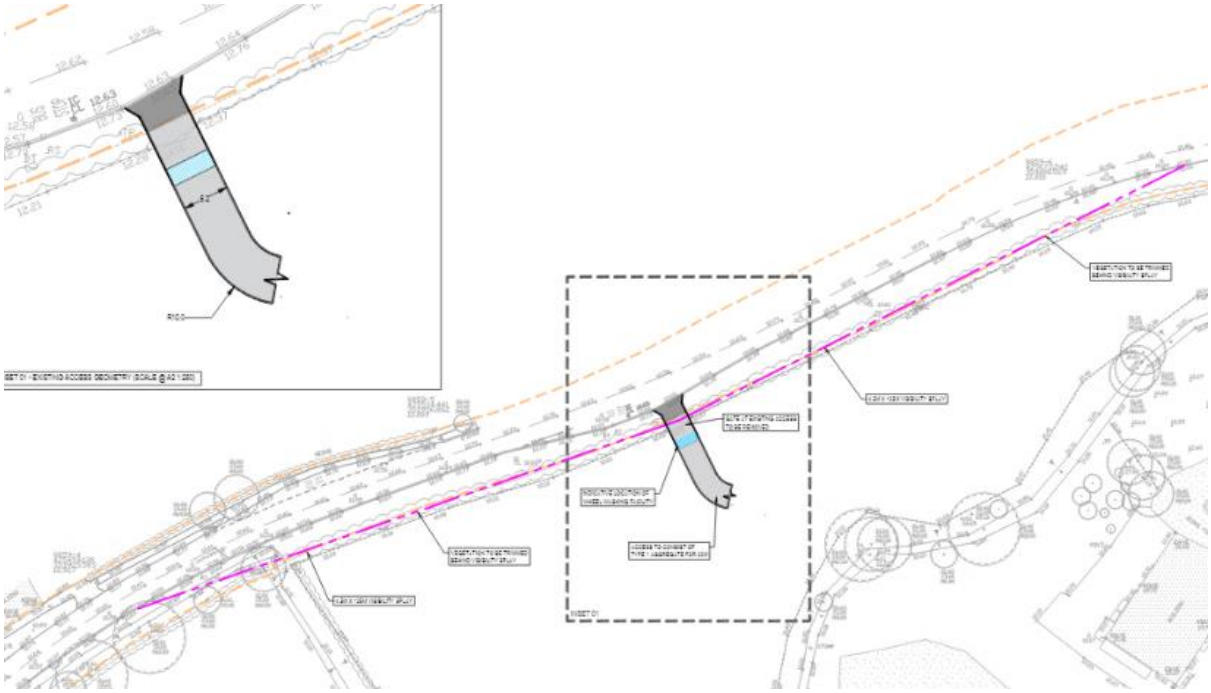
7.47 Based on the above, Access 2 and 3 will accommodate approx. 3-4 two-way vehicle movements a day. Due to the lack of intensive construction the gate to Access 3 will be closed during the construction phase and opened by the Banksman as required to enable access for construction materials, delivery of machinery and equipment and site operatives.

7.48 The main access to the site (Access 1) will be via a new simple priority junction off Staythorpe Road onto a newly formed track which runs parallel to the existing agricultural track/public right of way (Staythorpe FP1) through the middle of the site.

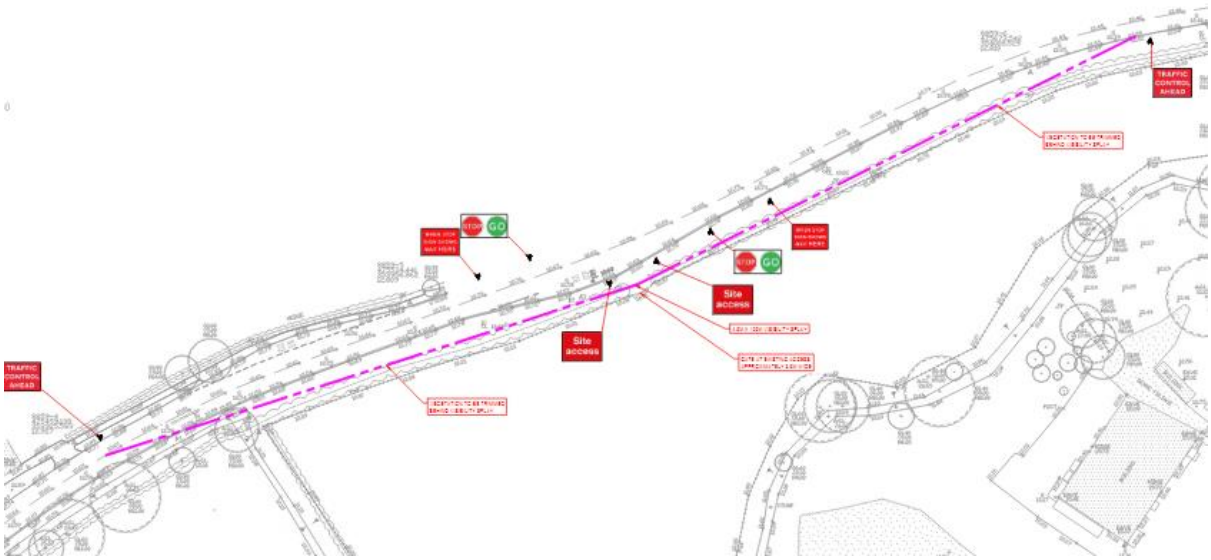
7.49 Swept Path Plans have been submitted together with drawings showing the required visibility splays, as attached at the end of the Transport Note. The drawing below shows the proposed new Access 2 via the existing field gate, that would need to be approx. 5.3m wide (the gate at existing access is approx. 3.6m wide). The existing gate would be removed a replaced with a suitable temporary gate and a type 1 aggregate access for a length of 20m into the site would be provided. In order to allow vehicles

to exit safely form this access, manually controlled “STOP/GO” signs would be used operated by a qualified Traffic Banksman to control entry/exit in this location using radio link. This plan also shows required visibility slays. It is clear from this drawing that at least half of the majority of the existing hedgerow along the Staythorpe Road frontage will have to be trimmed back to allow for safe visibility in both directions.

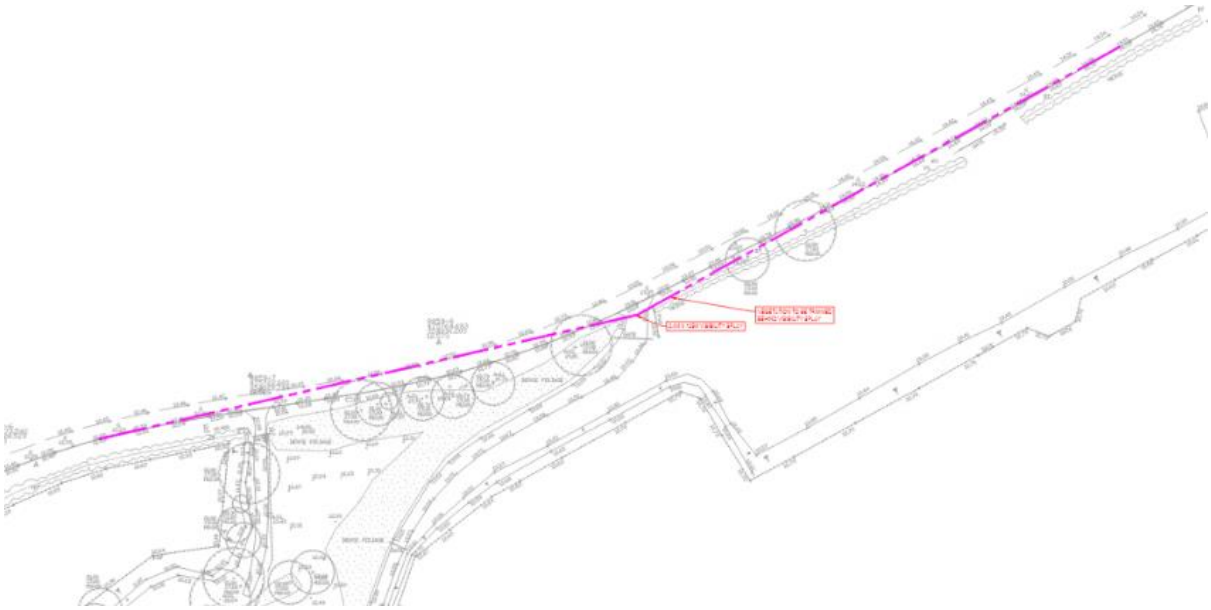
7.50 Access 3 is provided into the National Grid substation compound which is existing and secured by a gate. Due to the lack of intensive construction, the gate to Access 3 would be closed during the construction phase and opened by the Banksman as required to enable access for construction materials, delivery of machinery, equipment and site operatives.



Proposed Construction Access 2




Proposed “STOP/GO” signage



Visibility Splay for Access 3

7.49 Overall, the traffic movements stated within the supporting Transport Note are a worst-case scenario and have been considered by the Highway Authority who have stated informally that they find them acceptable in highway safety terms, although final confirmation is still awaited.

7.50 The 28 bus service runs from Behay Gardens as well as from Staythorpe Road, so the bus stop suspension will result in the temporary inconvenience of walking approx. 490m to the next nearest bus stop. The Highway Authority have indicated informally that the scheme is now in a position that they could support a positive recommendation, although no formal comments have yet been received which will also set out what conditions should be imposed on any grant of planning permission.

7.51 The Staythorpe Footpath 1 public right of way will be temporarily diverted for the duration of the construction works to ensure the health and safety of footpath users. This was considered as part of the BESS application. The applicants have confirmed that cable and BESS will be constructed concurrently and at the end of the construction phase, Staythorpe Footpath 1 will re-open for the duration of the lifetime of the development. Nottinghamshire County Council Rights of Way officer raise no objection to this proposal.

Impact on Flood Risk

7.52 In fluvial terms, the majority of the application site is located within Flood Zone 3b – high risk functional flood plain, with a small part of the site within Flood Zone 3a – high risk and a small area within Flood Zone 2 – medium risk. In pluvial terms, the majority of the application site is at very low risk but there are areas at low risk which appear to largely follow watercourses in the area.

7.53 Paragraph 157 of the NPPF 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.

7.54 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.

7.55 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 and the ability to provide a link between the two that is 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.

7.56 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."

7.57 Table 2 within the Planning Policy Guidance sets out that in Flood Zone 3b, essential infrastructure that has passed the Exception Test, and water compatible uses, should be designed and constructed to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage; and
- not impede water flows and not increase flood risk elsewhere.

7.58 The submitted Flood Risk Assessment (FRA) states that the site itself is considered to be at high risk of fluvial flooding, however, because of the nature of the development being largely underground, the site has low sensitivity and the risk of fluvial flooding to the development is low. The Assessment states the cable route is proposed to be installed with a Horizontal Directional Drill (HDD) which will create no ground disturbance or damage to the Unnamed Land Drain that it needs to flow under.

7.59 The FRA considers the proposal to pass the Sequential Test as there are no other more suitable locations available for it to be sited. For the Exception Test to be passed, it must be demonstrated that:

a) The development would provide wider sustainability benefits to the community that outweigh flood risk; and

b) The development will be safe for its lifetime taking account of the

vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.

7.60 In relation to part a) the development assists in providing broader sustainability advantages to the community by enabling renewable energy provision.

7.61 In relation to part b), 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 provided a condition is imposed to require any temporary hard surfacing to be of permeable construction, 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). On this basis, it is considered that the proposal passes the Exception Test.

7.62 In addition the Assessment states that the risk from surface water, ground water, sewer flooding and reservoir/canal and tidal flooding are all low or negligible.

7.63 The Lead Local Flood Authority raise no objection to the scheme subject to condition and neither do the Environment Agency, provided there being no permanent above ground works or structures and the proposal is wholly for below ground cabling works and an appropriate safeguarding condition is imposed.

7.64 On this basis, it is considered that, subject to conditions, the proposal passes the Sequential and Exception Tests and is therefore 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.

Impact on Ecology, Biodiversity and Trees

Ecology and Biodiversity

7.65 Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and geological diversity and to increase provision of and access to, green infrastructure within the District. Policy DM7 mostly relates to the need for development to avoid adverse impacts on sites afforded statutory or non-statutory nature conservation designation. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

7.66 Paragraph 180 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by:

a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);….

d) minimising impacts on and providing net gains for biodiversity,

including by establishing coherent ecological networks that are more resilient to current and future pressures.

7.67 Paragraph 186 of the Framework states that when determining planning applications, local planning authorities should apply the following principles:

a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

7.68 The following documents have been submitted with the application in this regard:

- Ecological Impact Assessment (Doc. Ref. BIOC23-202 | V1.2 – 21/06/2024 – Biodiverse Consulting);
- Biodiversity Net Gain Statement & Assessment (Doc. Ref. BIOC23-202 | V3.0 – 14/10/2024 – Biodiverse Consulting);
- Statutory Biodiversity Metric (No Doc. Ref. V3.0 – 14/10/2024 – Biodiverse Consulting);
- Proposed Arrangement (Dwg Ref. 70102964-WSP-LAY-EP-0005 Rev.02 – 25/10/2024 – WSP); and
- Construction Arrangement (Dwg Ref. 70102964-WSP-LAY-EP-0004 Rev.02 – 25/10/2024 – WSP).

7.69 The proposed development is not within a Site of Special Scientific Interest (SSSI) Impact Risk Zone and that the two identified designated sites (Farnon Ponds LNR located ca. 1.6km to the southwest, and River Trent Local Wildlife Site located ca. 1.9km to the southeast) are likely sufficiently distant for there to be no adverse effects as a result of the proposals. Therefore, the proposals would not have any impact on any site afforded either a statutory or non-statutory designation due to its nature conservation interest.

7.70 In terms of habitats, the application site is formed by species-poor agricultural grassland, arable land, developed land (within the power station area) and small areas of other habitats all of which are of relatively low ecological value. Given the nature of the proposal (i.e., installation of underground cabling with associated work compounds) impacts on these habitats will be temporary as they will be restored following installation of the cables.

7.71 **Priority or Notable Species**

*Great Crested Newt*

Unlikely to be present but precautionary working methods are proposed.

*Bats*

A single ash tree (TN2) was identified as having features suitable to support roosting bats, but this is to be retained and unaffected by the proposals. No other features within the site were considered to provide bat roost suitability. Boundary hedges and

internal ditch lines provide suitable commuting/foraging routes for bats. Some of these features will be bisected by the cable works, but this is unlikely to have any significant impact on the local bat assemblage, particularly as impacts will only be temporary.

*Birds*

The site was considered to be of low value for breeding birds but contains suitable nesting habitat for a range of species. There is therefore potential for disturbance of nesting birds depending on the timing of the proposed works. Therefore, avoidance measures are proposed involving ecological supervision if vegetation clearance is undertaken during the bird nesting season (i.e., during March-August, inclusive).

*Otter*

Whilst no evidence of otter was recorded it was considered that the ditches associated with the site provide connectivity to the River Trent which otter are known to use. Therefore, precautionary avoidance measures have been proposed pre-commencement of works to the wet ditches. This would involve a walkover survey to check for the presence of otter.

*Water vole*

Although water vole were not identified within the site, and the wet ditches were considered to only be of low to moderate suitability to support this species, precautionary avoidance measures have been recommended. These involve a walkover survey the same as that proposed for otter.

*Reptiles*

Like otter and water vole, reptiles were not considered to be present, but some of the habitats provided some suitability to support reptiles. Consequently, precautionary avoidance measures have been recommended but, in this instance, with no outline details provided within the EcIA.

*Summary Conclusions*

No significant impacts have been identified but a small amount of mainly precautionary mitigation measures have been recommended, and these should be implemented. These should be secured via a Construction and Environmental Management Plan (CEMP), as has been recommended within the EcIA.

7.72 **Biodiversity Enhancement**

If the proposal were granted planning permission the general Biodiversity Gain Condition (as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) will apply. Consequently, the application is supported by a biodiversity net gain assessment to demonstrate that the proposal will be able to

deliver a minimum, measurable biodiversity net gain of at least 10%.

The assessment is supported by a completed Statutory Biodiversity Metric with the following final calculated result:

10.59% net gain in Habitat Units
10.81% net gain in Hedgerow Units and
14.16% net gain in Watercourse Units

All units exceed the minimum 10% of Biodiversity Net Gain.

7.73 The Council's Ecology and Biodiversity Officer is satisfied that the proposal complies with Core Policy 12 and would have no adverse impacts on any statutory or non-statutory nature conservation sites, in compliance with Policy DM7. The proposal has been supported by an appropriate ecological assessment covering habitats and species, and significant harmful impact would be avoided and as such the scheme would comply with the requirements of Policy DM5 in relation to ecology matters. The mitigation hierarchy has been followed and with the proposed precautionary avoidance measures implemented, there would not be significant harm to biodiversity and the development would be acceptable in terms of the relevant Development Plan policies and the guidance within the NPPF. These measures should therefore be secured by appropriate conditions to any planning approval, via a Construction and Environmental Management Plan. In addition, a S106 Agreement is also required to secure, maintain and monitor the Biodiversity Net Gain in compliance with the relevant sections of the Town and Country Planning Act 1990.

Trees

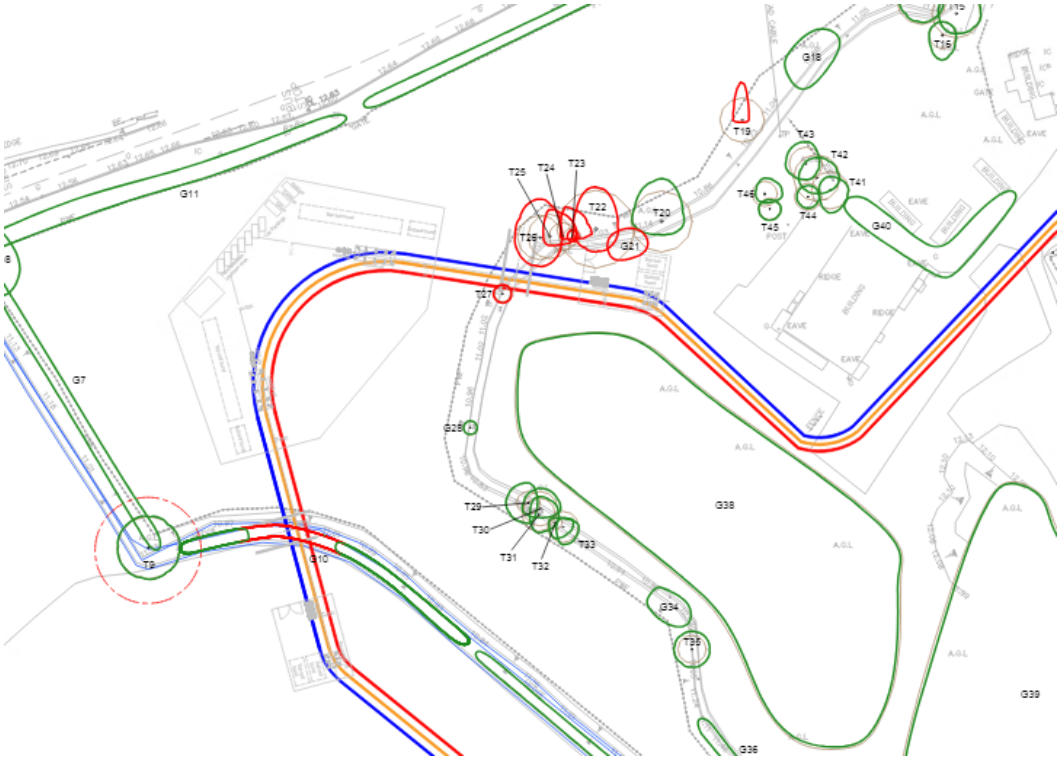
7.74 Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The following documents have been submitted in this regard:-

- Arboricultural Report and Impact Assessment dated June 2024 by AWA Tree Consultants
- Arboricultural Method Statement dated June 2024 by AWA Tree Consultants

7.75 The tree survey revealed 35 individual trees and 19 tree groups or hedges. Of those surveyed, 2 are classed at Category U (T19 and T22), 4 trees and trees groups are Category B and 48 trees and tree groups and hedges are classed as Category C trees. The survey identifies that the development proposal would require 5 trees (T23 to T27) and 1 tree group (G21) to be removed and one hedge (G10) will require partial removal, as shown on the plan below. As shown on the plan below, none of the planting to be removed is along the Staythorpe Road frontage, although the loss of any planting is regrettable and it is considered that a soft landscaping scheme should be imposed to provide mitigation for this loss. It is noted that the survey does not indicate that there would be a requirement for any hedgerow to be lost along the Staythorpe Road frontage to allow for visibility splays. On this basis, it is assumed

there would be no loss of any part of the hedgerow, but just trimming back to ensure safe visibility. On the basis that this would be for a temporary period (the 6-8 week construction period), it is considered that the hedgerow once trimmed would be able to adequately recover from this temporary cutting back.




7.76 The trees/hedgerow to be removed are shown in red on the attached plan above and are classed as Category C or U.

7.77 The comments of the Council's Tree and Landscaper Officer have been noted however, officer's consider sufficient information has been submitted to come to an informed judgement in this case in terms of what trees are required to be removed to allow the development.

7.78 Subject to clarification, it is considered that there would be no unacceptable harm to trees and hedgerows provided suitable replacement mitigation is secured to re-provide the limited level of loss and as a result, the proposed development would broadly comply with Policy DM5.

Other Matters

Cumulative Impacts

7.79 Both the Parish Council and local residents have raised concern regarding recent applications that have or are in the process of being approved as well as other large infrastructure projects that are still currently under consideration, and their concerns relating to harmful cumulative effects on the local area. Some matters raised by these interested parties relate to the battery energy storage scheme as opposed to this development and as such are not material to the consideration of this proposal. The concerns relating to this application have been read, are understood and have been

taken into account. However, the reality in relation to consideration of this application, comprising largely below ground infrastructure with an additional connection within the substation, the impacts, once in place, would be extremely limited. As such, it is not considered that this proposal could reasonably be refused on cumulative impacts.

S106 Obligation

7.80 Any permission granted should be subject to a S106 obligation which would secure and maintain the long term maintenance of the Biodiversity Net Gain and monitor it until the development is no longer required (potentially 40 years) or for a period of 30 years from the date of the full implementation of the biodiversity net gain measures, whichever is the later. The monitoring fee will be £3,420 to cover the Council's costs over a 30 year period.

Community Infrastructure Levy (CIL) -

7.81 The proposed development would not result in any net additional floorspace and is therefore not CIL liable.

## 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. The concerns of the Parish Council and local residents have been noted and taken into account. This application is required in order to provide the necessary infrastructure link between the proposed Battery Energy Storage System (BESS) approved at appeal under reference 22/01840/FULM and the National Grid Substation. Although the final comments of the Highway Authority are still awaited, all other statutory consultees raise no objection to the proposal, subject to conditions. All material planning considerations have been assessed against the adopted Development Plan and national guidance and no harm has been identified that would warrant refusal of the application. As a result, the application is recommended for approval, subject to a S106 legal agreement and the conditions, as set out below.

9.2 Officers therefore propose that in the event of any new representations being received between the cut off time for reporting Late Items (up to midday, 2 days before the meeting (9 November)) and up until 5pm on 12 November (ie a total period of 3.5 days) that raise any new material planning considerations that are not assessed as part of the considerations of Committee on 11 November 2024, that the application be reported back to the Planning Committee for re-consideration on 5 December 2024.

**9.3 Provided no further representations are received up until 5pm on 12 November 2024 that raise new material planning considerations that have not be assessed by Members at Planning Committee on 11 November 2024, it is recommended that the application 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 below.**

**10.0 <u>Conditions</u>**

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

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the submitted Flood Risk Assessment (FRA) and Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS through-out the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 175.

- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.

- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.

- Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.

    - No surcharge shown in a 1 in 1 year.

    - No flooding shown in a 1 in 30 year.

    - For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.

- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.

- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.

- Evidence of how the on-site surface water drainage systems, including the open drainage ditch along the western boundary of the site, shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

The approved surface water drainage scheme shall be implemented and maintained for the lifetime of the development.

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

03

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 in accordance with the Outline Construction Traffic Management dated October 2024 by Optima and shall contain the following details:

i) A scheme to control noise and dust;

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;

iii) Loading and unloading of plant and materials;

iv) Storage of plant and metal used in constructing the development;

v) Details of the temporary access and compound area, including new boundary treatments and permeable hard surfacing;

vi) Full details of any temporary external lighting;

vii) A construction stage flood incident plan;

viii) Construction stage emergency response plan and incident response system(s), including responsible persons and lines of communications;

ix) Full dimensions, design and materials of any temporary buildings required to be sited during the construction.

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.

04

Prior to the commencement of development, a scheme which shows the full reinstatement of the existing field access and gate (Access 2) and the full restoration of the land outside the application site defined by 22/01840/FULM following the removal of the site compound shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable that sets out when the restoration works shall be carried out and completed, which shall be within a reasonable period following the completion of the 6-8 week construction phase (the dates of which shall also be submitted in writing to the LPA when known and before works commence). The reinstatement and restoration of the access and land shall be carried out in full accordance with the approved details and timetable.

Reason: In the interests of residential amenity and highway safety.

05

Prior to commencement of development, a detailed soft landscaping scheme for the site shall be submitted in writing to the Local Planning Authority for approval. The submitted landscape scheme shall provide appropriate mitigation for the loss of trees and hedgerow as a result of the development and shall include full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting). The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

Reason: In the interests of visual amenity, landscape character and biodiversity.

06

The approved soft landscaping shall be completed during the first planting season following the restoration of the site outside the red line boundary of 22/01840/FULM, following the construction phase of laying the cable. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

07

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:

a. A plan showing details and positions of the ground protection areas.

b. Details and position of protection barriers.

c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.

d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).

e. Details of construction and working methods to be employed for the installation of hard surfacing within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme. The protection measures shall be retained during the development of the site.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

08

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:-

a) Risk assessment of potentially damaging construction activities.

b) Identification of “biodiversity protection zones”.

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

i) An annotated plan providing a summary of the elements covered by items b), c), d), e) and h).

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of maintaining and enhancing biodiversity and ecological assets.

09

No development shall take place until a programme of archaeological work has been carried out in accordance with the Wessex Archaeology Written Scheme of Investigation ref: 268222.1 and a report of the findings has been submitted to and approved in writing by the Local Planning Authority.

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

010

No development shall take place until an Archaeological Mitigation Strategy, informed by works carried out in relation to condition 9 above and the prior phase of trenching, is submitted to and approved by the Local Planning Authority. The Mitigation Strategy will include a Written Scheme, or Schemes, of Investigation for 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.

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

011

Following the archaeological site work referred to in condition 10 above, a written report of the findings of the work shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the said site work being completed.

Reason: To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible.

012

The artefactual evidence and paper archive of archaeological works relating to conditions 9 and 10 above shall be deposited within 6 months of the archaeological site work being completed.

Reason: to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible.

013

The development shall be carried out in accordance with the submitted:-

- Flood Risk Assessment (ref 314920; Flood Risk Assessment: Staythorpe Substation Compiled by Mabbett; dated 07.06.2024);
- Preliminary HDD Plan and Profile (Drawing No: 70102964-WSP-CRS-EC-101 Rev 00 Compiled by WSP UK Ltd; dated 24.04.2024);
- 400kV Cable Route Trench Sections (Drawing No: 70102964-WSP-CRS-EC 100 Rev 00 Compiled by WSP UK Ltd; dated 24.05.2024); and
- the following mitigation measures they detail:
  - Ground levels reinstated to existing on completion;
  - No ground raising shall result from the proposed works; and
  - Implementation of an appropriate site management plan.

These mitigation measures shall be fully implemented prior to the development being first brought into use and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter through-out the lifetime of the development.

Reason: In order to acceptably mitigate the development in the interests of flood risk.

014

The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans/drawings:

- Site Location Plan (Staythorpe Figure 1) (Ref: 007 4001 002.A)
- Existing Arrangement (Drawing No: 70102964-WAP-LAY-EP-003 Rev 02)
- Proposed Arrangement (Drawing No: 70102964-WSP-LAY-EP005 Rev 03)
- Construction Arrangement (Drawing No: 70102964-WSP-LAY-EP-004 Rev 02)
- Overall Substation Layout (Drawing No: 70102964-WSP-Lay-EP-001)
- Sub-station Elevations (Drawing No: 70102964-WSP-LAY-EP-002)
- Preliminary HDD Plan and Profile (Drawing No: 70102964-WSP-CRS-EC-101)
- 400kV cable Route Trench Sections
- Plan demonstrating length of whole cable route is underground (Drawing No: DEMO-01 Rev 03)
- Covering Letter dated 12 July 2024 from Elements Green Ltd
- Staythorpe Cable Route Archaeological Desk Based Assessment dated June 2024 by Wessex Archaeology

- Staythorpe BESS and Cable Route Written Scheme of Investigation for Archaeological Evaluation dated September 2024 by Wessex Archaeology
- Agricultural Land Classification dated Nov 20203 by Soil Environment Services Ltd
- Arboricultural Method Statement dated June 2024 by AWA Tree Consultants
- Arboricultural Report and Impact Assessment dated June 2024 by AWA Tree Consultants
- Archaeological Evaluation Phase 1 dated Nov 2022 by Wessex Archaeology
- Biodiversity Net Gain Statement & Assessment for Staythorpe Cable Route (Ref: BIOC23-202 v3.0) dated 14 October 2024 by Biodiverse Consulting
- Biodiversity Metric completed 14 October 2024 (v3.0)
- Ecological Impact Assessment v1.2 dated 21 June 2024 by Biodiverse Consulting
- Flood Risk Assessment dated 7 June 2024 by Mabbett
- Outline Construction Traffic Management dated October 2024 by Optima
- Transport Note dated October 2024 by Optima

Reason: So as to define this permission

Informatives

01

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).

02

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.

03

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, email grahame.appleby@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 by archaeological works.

04

Nottinghamshire County Council Rights of Way Team state the applicant should be aware of the following:

There should be no disturbance to the surface of Staythorpe Footpath No 1 without prior authorisation from the Rights of Way Team. The safety of the public using the path should be observed at all times, particularly with regard to safe visibility where the path meets Staythorpe Road. If a structure is to be built adjacent to the public right of way, the width of the right of way is not to be encroached upon.

Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of Way Team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.

No materials or constructor's vehicles should be stored/parked on the path prevent safe access to or along the path at any time (unless a temporary closure of the path has been applied for and granted). Should vehicles run over the path during the development, the developer must ensure that the surface is repaired and made safe for all users.

05

Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

06

The developer should note that the proposals described within this planning application may need to be altered to comply with the Trent Valley Internal Drainage Board's requirements if

the Board's consent is refused for works that affect Staythorpe Sidings Drain, that runs through the site. The developer is advised to make contact with the Board's Planning and Development Control Officer, Darren Cowling.

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.

- Appeal Decision Letter relating to application 22/01840/FULM dated 03.05.2024 in link below
- BESS Appeal decision

Committee Plan - 24/01261/FULM