

PLANNING COMMITTEE – 3 DECEMBER 2019

Application No:	19/01484/S73M (MAJOR)	
Proposal	Application to vary condition 2, 5, 6, 9, 10, 12 and 15 attached to planning permission 18/01477/FULM to amend the approved plans, reducing from three turbines to two and with a smaller development footprint	
Location:	Land On The South Side Westfield Lane, Collingham, Nottinghamshire	
Applicant:	Mr Ewan Campbell-Lendrum Cromwell Weir Hydropower Ltd	
Agent:	Matt Lomax Renewables First Ltd	
Registered:	12th August 2019	Target Date: 11th November 2019
	Extension of time agreed until 6th December 2019	

This application is being presented to the Planning Committee as it is a Section 73 application which raises new material planning impacts. In addition due to the sensitivity of the site and its site history, Officers felt it necessary for Members to make the decision on the specifics of the application.

The Site

The site is located on the eastern bank of the River Trent to the east of Cromwell and to the west of Collingham on an area of land between the river and the flood plain. The site is known as Cromwell Weir.

A dwelling associated with the lock alongside the weir is situated on the western river bank. A quarry owned and operated by Tarmac lies to the east of the site and there is a restored area of land which forms a RSPB wetland to the north of the site. The proposed site would cover approximately 0.6ha of land which predominantly includes a section of modified river bank on the eastern side of the weir. The site would be accessed from an existing access point serving the neighbouring Tarmac Quarry. The eastern bank of the river downstream of the weir is used by fishermen from local angling clubs.

Access is via the Tarmac Quarry entrance at the A1133 and two other vehicular access routes which are used by the two local angling clubs.

Given the proximity of the site to the River Trent the development land is designated as being within Flood Zones 2 & 3 in accordance with Environment Agency mapping. Public rights of way are situated on both eastern and western banks of the river; the western side terminates at the weir and the eastern side runs to the rear of the site along the boundary of the nature reserve to the north.

The site sits within the Langford and North Muskham parish wards with the boundary for the

Collingham ward being approximately 0.5km further to the east.

Relevant Planning History

19/SCR/00017 - Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Application to vary condition 2, 5, 6, 9, 10, 12 and 15 attached to planning permission 18/01477/FULM to amend the approved plans, reducing from three turbines to two and with a smaller development footprint. The purpose of this development is to generate and store renewable electricity and provide improvement to upstream fish and eel passage and biodiversity on the River Trent - An Environmental Statement is not required dated 7th November 2019

19/01568/DISCON – Conditions 03, 05, 06, 08, 09, 10, 12, 15, 21 and 22 attached to planning permission 18/01477/FULM were discharged on the 31st October 2019.

18/01477/FULM – Full planning permission was granted at Planning Committee on the 26th March 2019 for the erection of a Hydropower Electricity Generating Station, supported by energy storage and fish passage in the area of land adjacent to Cromwell Weir on the right bank of the River Trent near Collingham. The purpose of this development was to generate and store renewable electricity and provide improvement to upstream fish and eel passage and biodiversity on the River Trent. A HRA and Screening Opinion were undertaken prior to determination.

17/01447/FUL – Full planning permission was granted in May 2018 for the erection of a Hydropower Electricity Generating Station, supported by energy storage and fish passage in the area of land adjacent to Cromwell Weir on the right bank of the River Trent near Collingham. The purpose of this development was to generate and store renewable electricity and provide improvement to upstream fish and eel passage and biodiversity on the River Trent.

This permission was challenged on that basis that no screening opinion had been undertaken under the EIA Regulations, no Habitat Regulation Assessment was undertaken under the relevant legislation and that the application had been wrongly determined under delegated powers. The Council submitted to judgment and the decision was quashed.

The Proposal

This application seeks to vary conditions 2, 5, 6, 9, 10, 12 and 15 attached to planning permission 18/01477/FULM in relation to an amended scheme which reduces the previously approved development from three turbines to two and with a smaller development footprint.

The development site would involve the removal of an existing engineered section of riverbank and installation of the turbines and associated infrastructure.

The proposal now comprises 2 no. Kaplan type turbines (2.5m in diameter) aligned in three reinforced concrete channels set into the ground which (together) are approximately a maximum of 40m long, 20m wide and 8.5m deep. The channels run from immediately above the weir to immediately below the weir to transfer water from the high side to the low side via the hydropower generators.

These would be housed beneath a turbine gallery which measures circa 16.0m x 14.9m and 2.1m in height from ground level by the river. Access to the gallery would be from a kiosk.

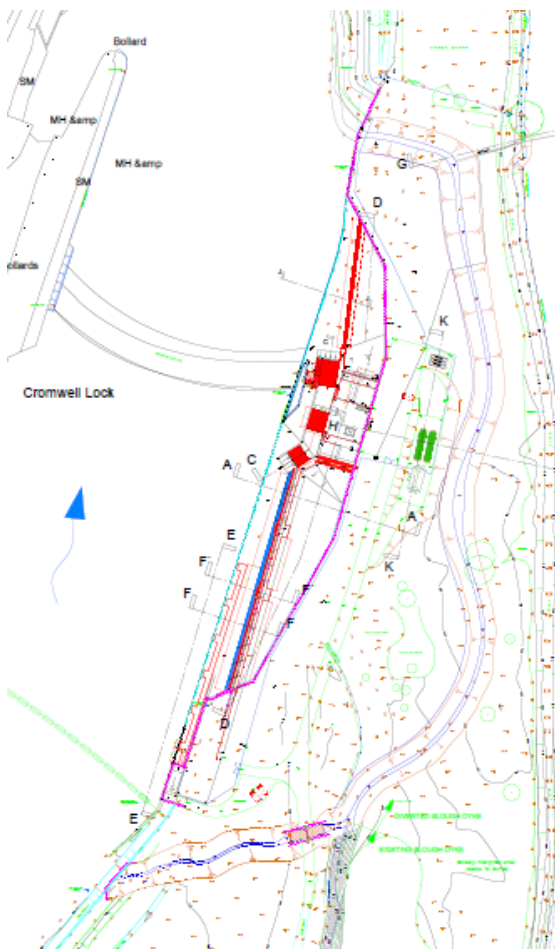
Two energy storage containers each measuring circa 12.2m x 2.5m and 2.7m in height are also proposed. A substation kiosk would be situated to the south of these units which would be circa 5m wide, 9m deep and have a hipped roofline 3.5m high. It is proposed that these buildings be constructed of steel cladding & GRP and be finished in drab olive. The structures would be enclosed within a compound which would be finished with approximately 2.4m high dark green mesh fencing.

A fish pass, by wash and relief flow channels make up another 3 separate channels and would be provided close to the weir with pedestrian access for maintenance. Ancillary equipment associated with the installation includes penstock gates and secondary trash screen cleaners and screen trash rake and screen sweep.

The scheme would involve the installation of an adjustable weir crest on top of the current weir which would ensure that upstream water levels are maintained once a large proportion of flow is diverted in the turbine channels. When the river floods, the weir would deflate back to its original height as to pose no further risk to flooding in the local area.

Clearance of the river bank for a distance of c170m upstream and c110m downstream would be required to facilitate the development which would result in the loss of some riparian trees

It is proposed to restore the Slough Dyke to its original route emerging circa 110m further downstream behind the output channel which would be provided with 2 eel passes in Slough Dyke; one connecting the Dyke to Langford Lowfields and one that connects the upstream part of the River Trent.



To maintain security for the site and the safety of the general public, the site perimeter would be secured by a 2.4m high Type 358 Security fence finished in dark green with a double width access gate.

A rolled stone vehicle access track with an area of hard-standing would be created to serve the site together with a new hard standing at the upstream end of the site to provide parking for anglers. Access would be gained through the quarry to the east of the site and link to the A1133. The proposal includes the continuation of an existing surfaced access track with the creation of 2920m of stone surfaced access track circa 5m wide with passing places.

The site would be connected to the electricity network by a combination of underground and overhead power lines to a substation in South Scarle approximately 8km to the north east.

Construction of the site is estimated to take approximately 100 weeks and a temporary contractor's compound and laydown area would be provided to the south of the site. It is anticipated that works will be completed by the first quarter of 2021.

The Submission

The application is supported by the following plans:-

Site location plan dated 25 July 2019

General Scheme Outline drg. ref. 15/010/500 REV C

General Scheme Outline Key Elevations drg. ref. 15/010/501 REV C

Sub Station Kiosk Details drg. ref 15/010/504 REV B

Contractors Compound And Laydown Areas drg ref. 15/010-CROMWELL-516 REV C

Site Access Corridor drg ref. 15/010-CROMWELL-517 REV C

The application is supported by the following documents:-

Abridged Assessment of Hydrology, Morphology, Ecology, Operation and Water Framework Directive (WFD) Compliance dated 8th August 2019 deposited 8th August 2019

Discharge Data deposited 8th August 2019

Flood Risk Assessment produced by JBA Consulting dated November 2019 deposited 7th November 2019

Cromwell Weir HEP hydraulic impacts modelling report dated August 2019 deposited 8th August 2019 (ref: BJR-JBAU-00-00RP-HM004-A4-P01)

Heritage Statement Revision Date 15th July 2019 deposited 8th August 2019

Cromwell Landscape and Visual Appraisal Revision Dated 15th July 2019 deposited 8th August 2019

Planning Statement deposited 8th August 2019

Shadow Habitat Regulations and Appropriate Assessment dated 1st August 2019 deposited 8th August 2019

Transport Statement and Construction Management Plan Revision Date July 2019 deposited 8th August 2019.

Time Schedule dated 19th August 2019

Cromwell Weir Hydroelectric Scheme Fisheries Assessment plus appendices produced by FISHTEK dated 13/08/18 deposited 20th August 2019.

Movable Weir Operational Instruction dated 16.08.19 deposited 20th August 2019

Arboricultural Method Statement and Tree Protection Plan produced by EMEC dated August 2019

Slough Dyke Diversion Revised Scheme Habitat Creation Scheme incorporating an Ecological Management Plan Dated September 2019 produced by MRB Ecology and Environment deposited 3rd October 2019

Hydropol Footpath access plan

Hydropol General Layout (Landscape)

Hydropol Layout (Fishing platform)

Hydropol Sections (Fishing platform)

BS5837 Arboricultural report & Impact assessment August 2019

Planning Policy Framework

The Development Plan

Amended Newark and Sherwood Core Strategy Adopted March 2019

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

Newark and Sherwood Allocations and Development Management DPD Adopted July 2013

Policy DM4 – Renewable and Low Carbon Energy Generation

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM8 – Development in the Open Countryside

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2019

Planning Practice Guidance

Newark and Sherwood Landscape Character Assessment SPD

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The Conservation of Habitats and Species Regulations 2017

The Climate Change Act 2008

Publicity

No neighbours have been notified given the isolated location. Site notices have been posted in proximity to the site and a notice displayed in the local press.

Consultations

Winthorpe with Langford Parish Council – No comments received

North Muskham Parish Council – No comments received

Cromwell Parish Council – comments received 23.08.19

This proposal was discussed at a parish planning meeting held on the 22nd August. It was supported without any opposition, as was the original application.

Collingham Parish Council - comments received 10.09.19 and 20.09.19

The Parish Council considered the application 19/01484/S73M for an application to vary condition 2, 5, 6, 9, 10, 12 and 15 attached to planning permission 18/01477/FULM to amend the approved plans, reducing from three turbines to two and with a smaller development footprint at the meeting of 22 August 2019 The Parish Council resolved unanimously to Object to this Proposal on the following grounds:

- The Parish Council received representations from Collingham Angling Association, with regard to the original application, expressing their concerns about this development and the impact this would have on the environment. Having consulted them on the new proposal they have made the following comment “It seems that the original company has passed on the project to another party, and they want to do away with the pre-conditions made by the original council decision. We believe that this is not right and the whole project is so different that it requires re-submitting as a new separate project.” Having considered this the Parish Council feel that a new application should be submitted for this site.
- Material Planning Consideration: recent planning history for the site, for which the original planning decision was quashed following an appeal from the Collingham Angling Association. To the Parish Council there still appears to very little additional information to support an application at this site.
- Material Planning Consideration: Design and Visual impact– The design, whilst a smaller development footprint, will still be significantly dominant and out of proportion with its surroundings.
- Material Planning Consideration: Access and Traffic - No mention has been made to the PRoW, which runs along the existing river bank. This route is well used and consideration still has not been given to it,
- Material Planning Consideration: Ecology & landscape – the proposal is to remove the existing established trees and replaced with new saplings, this will result in the loss of established wildlife habitats for a considerable number of years and will also be detrimental to flooding in the area

The Parish Council still feel that insufficient information has been provided to enable non technical people to properly comment on such a significant development on the river, which will impact on the whole village and surrounding area. It is believed that the reduction of the scheme from three turbines to two turbines will lessen the benefit of the proposed hydroelectric scheme. The above comments remain unaltered with the submission of the additional information and drawings, notified to the Parish Council at the end of August.

The Parish Council and the Fire Service, through the Emergency Steering Group have long been concerned about emergency access to the weir. A member of this steering group has asked if, through planning gain, a proper emergency access route could be constructed as part of this

development. The Fire Service are still not aware of this application and they should be consulted to ensure that in an emergency, they are still able to gain the necessary access to the weir. The Parish Council, whilst objecting to the proposal, support the suggestion of a proper emergency access to the weir, should the District Council be so minded as to approve the application.

NCC Highways - comments received 23.08.19

Whilst the Discharge or Variation of Condition 8, controlling lorry routing, is not being sought, the submitted Planning Statement and Transport Statement & Construction Management Plan both mention this in similar terms:

“During the whole construction and operational maintenance phases of the hydropower project, the Applicant understands that vehicles travelling to the site will approach the turning off the A1133 from the south and any vehicles leaving the site will always turn right (i.e. south). Drivers and commercial vehicles will be strictly advised to avoid driving through the village of Collingham. This is consistent with guidelines agreed between the parish council and Tarmac”.

It is a requirement that all HGVs turn right when leaving the site and those arriving must turn left into the site to ensure that no HGV traffic passes through Collingham village.

This Authority is uncertain that sufficient control is in place and respectfully requests that the Planning Authority consider the strength of this, at the appropriate time.

Comments received 20.11.2019 – The submitted transport routing statement (October 2019) is acceptable.

NCC Policy – comments received 28.08.19 and 13.08.19

Thank you for contacting the NCC for strategic policy comments on this variation of condition application for the Hydropower electricity generating station at Collingham which now contains amended plans.

Considering the documents available, the NCC does not have any strategic comments to make at this time unless there is a specific issue you wish for us to consider. If so, please let me know as soon as possible and I will circulate the application to the relevant colleagues for their consideration.

Environment Agency –

Updated comments received 20.11.19

Environment Agency position

The proposed development will only meet the National Planning Policy Framework’s requirements in relation to flood risk if the following planning condition is included.

Condition

The moveable weir shall be operated in accordance with the submitted operational instruction (Cromwell Weir Moveable Weir Operational Instruction, Ref: CROMW_HIN, Issue: 01a, Date: 16/08/2019, Renewables First).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme’s timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To ensure that the moveable weir remains operational in a flood event and does not increase flood risk elsewhere.

The development shall be carried out in accordance with the submitted flood risk assessment (ref: FINAL Report v2.0, November 2019, JBA); drawing CROMWELL MASTER GA, Rev C; drawing Sub Station Kiosk Details, Rev B; and the following mitigation measures they detail:

- Finished floor levels of the weir bladder plant room shall be set no lower than 10.30 metres above Ordnance Datum (AOD)

- Finished floor levels of the substation kiosk shall be set no lower than 9.50 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

- To reduce the risk of flooding to the proposed development.

INFORMATION FOR APPLICANT/LPA:

The applicant will need to apply for formal variations to their existing licences.

We recommend that they follow our pre application process prior to submitting a formal application.

The forms can be found at the following link:

<https://www.gov.uk/government/publications/water-abstraction-application-for-a-water-resources-licence>

Please amend 'occupation' to 'operation'. The reason 'To reduce the risk of flooding to the proposed development' looks ok to me because this we are talking about protecting a building from flooding.

Updated comments received 01.11.19

We'd like to take this opportunity to highlight that this response supersedes our previous response (dated 17 October 2019) in which we appeared to comment on the separate, but somewhat similar, discharge of condition application. Our current position is set out below.

Having reviewed the information available to us at this time, our assessment of the proposed variations is that there will be no fundamental changes to the environmental risks previously assessed and determined under planning permission 18/01477/FULM.

We've no objection to the principle of varying conditions 5, 6 and 12 in particular as we've already supported their discharge under 18/01477/FULM. We'd like to remind the applicant of the comments we made in response to the discharge of condition 6 in particular.

Please note that as a result of the proposed changes to the scheme, your Authority will need to review the WFD assessment previously submitted to determine if it needs to be updated following the variation.

Informative to the LPA – flood risk

We'd like to highlight that the applicants Flood Risk Assessment (FRA) will need to be updated to take account of the proposed changes in design. We've made the applicant aware of this requirement and are currently awaiting receipt of a revised FRA. Once an adequate FRA has been submitted we'll be in a position to recommend an update to the wording of condition 4 to ensure that any new permission would also proceed in accordance with an appropriate FRA.

Comments received 17.10.19

Condition 5

The Environment Agency would be willing recommend discharge of this condition if we can have it put in writing that the operational instruction (OI) will be agreed in writing by the EA prior to start of operation.

There are some additional details that we need to see in the document but we do not think that it requires the LPA to sign off the OI.

Condition 6

The plans submitted are consistent with condition 6. If the proposals for the Slough Dyke are part of the scheme's proposal for fish passage, to discharge an EA water resources license condition for the passage of eels, lamprey or other species, the design will require fish pass panel approval. The next meeting is early November. Fish pass panel approval could require a modification to design. To proceed without fish pass panel approval is entirely at the applicant's own risk.

Condition 12

Advisory relating to installation of fishing platform Environmental permit - advice to applicant 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 structure (16 metres is it's a tidal main river) and you don't already have planning permission.

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.

Canals and River Trust – Comments received 18.10.2019 following the receipt of amended drawings from the applicant.

These show revised details for the landscaping and fishing platforms, as well as information on the proposed fencing on site. I can confirm that we are satisfied with these revised details, which address the points made in our original consultation responses.

Comments received 11.09.19

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise the following general advice:-

We note that this application seeks to undertake amendments to the previous consent in order to reduce the number of turbines associated with the proposals. We consider that this change is minor and therefore do not wish to raise any associated comment on this change.

In addition to the above change the application forms indicate that information has been provided to address information requested in conditions 5,6,9,10,12 and 15 of the decision notice associated with 18/01477/FULM.

Conditions 9, 10 and 12 are of interest of the Trust and require the provision of an Arboricultural Method Statement, details of hard and soft landscaping works on site and details of the proposed replacement fishing platform on site. We wish to provide the following comments on the information provided.

Condition 9 – Arboricultural Method Statement

We welcome the Arboricultural Report and Method Statement provided and believe that the details are satisfactory with regards to the retention and protection of existing trees on site.

Condition 10 Hard and Soft Landscaping details

In the interests of visual amenity of the river corridor we advise that compensatory planting should be provided so as to provide screening to the new access road and car park to the fishing platform area.

The submitted details within the submitted landscaping plan by Hydropol dated 22/08/19 reveal that compensatory planting is to be provided to the north of the Slough Dyke Channel where it would not screen the majority of the access road nor the hard standing areas associated with the fishing platforms.

We therefore advise that additional compensatory planting is included to the NW of the hardstanding areas proposed which would help screen these features and reduce their prominence on the landscape. This would help to ensure that the scheme compliments the existing landscape environment helping to protect the natural environment in line with the principles of Core Policy 9 of the adopted Newark and Sherwood Core Strategy.

Condition 12 – Fishing Platform

The provision of replacement fishing platforms on the site should help to retain the recreational facilities on the site, which would help to meet the aims of para. 92 of the NPPF.

Having reviewed the proposed platform design, we note that the design of the fishing platform with the use of the 2 rails could impede the ability to carry out effective angling, as users would be unable to hold their own rods at a reasonable height. We suggest amendments to remove the top rail (to replace with a moveable chain) and the addition of points for anglers to attach their own rod rests should be carried out. So that the new facility provides an affective recreational asset. Consideration for the provision of access for the disabled should also be considered.

Nottinghamshire Wildlife Trust – no comments received.

Natural England –comments received 03.09.19 and 19.08.19

Natural England currently has no comment to make on the variation of conditions 2, 5, 6, 9, 10, 12 and 15 pursuant to planning permission 18/01477/FULM.

Species Advice

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Comments 21.10.2019

Natural England notes that this application includes an amendment from the approved plans reducing the number of HEP turbines from three to two. We advise that your authority updates the Habitats Regulations Assessment for this amended proposal to ensure the of the potential impacts of the river lamprey, *Lampetra fluviatilis*, and sea lamprey, *Petromyzon marinus*, have been fully considered.

RSPB – comments received 22.11.19

Nothing further to add. Assuming appropriate EIA have and will be carried out this is seen as an exciting scheme. Not only will it be generating a lot of renewable energy it will also vastly improve fish movement up the Trent and onto our nature reserve through the proposed eel pass. The reduction in turbine numbers does not impact on how the scheme is viewed.

NSDC Conservation – no comments received

Archaeological Consultant – comments received 15.08.19 and 10.09.19

These amendments do not alter our original recommendations.

Trent Valley Drainage Board – comments received 04.10.18

The site is within the TVIDB district.

The Board maintain the Slough Dyke on behalf of the EA under the PCSA. This is an open watercourse that exists in close proximity of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The EA should be consulted on any development.

It is important that the Board maintain access to this watercourse with a clearance of 9m to allow machinery to carry pout repairs and maintenance.

NSDC Environmental Health (Noise) – no comment received

Nottinghamshire County Council Rights of Way- comments received 20.08.19

We have no further comment to add to our existing comments below:-

I have checked the Definitive Map for the Langford area and can confirm that Langford public footpaths 2, 3 & & cross or run adjacent to the site. I attach a plan showing the definitive routes of the footpaths and would be grateful if you could make the applicant aware of the legal lines.

The safety of the public using the paths should be observed at all times. The proposal is for site traffic to use existing quarry access tracks, which run parallel in places to Langford footpaths 2 and 3 and Sustrans Route 64. The current arrangements for Quarry traffic should be adequate to ensure the continued safety of the public, so long as contractors are made aware of public use and site safety arrangements.

The site access route crosses Langford footpath 7, at this point suitable signage to both protect the public and inform site traffic should be in place and a temporary crossing surface considered to avoid damage to the public footpath.

Langford footpath 7 runs parallel with the contractors compound and laydown area, with a short distance between the two. Although this work area should not impact on the footpath, there is informal public use of this area that the contractors should be aware of.

A Temporary Closure of the footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route should be provided if possible. This could be assessed with a site visit, although on paper it does not look as though this will be necessary.

Comments received on the 7th September from Fish Legal on behalf of a local fishing group are summarised below:-

None of the points made in our letter of 19 August 2019 have been addressed. We repeat:

1. The applicant must provide full documentation and explanation of the application and not just a highlight/ edited planning statement
2. The s 73 application is effectively a new planning application and should be treated as such, requiring full documentation for a fresh planning application;
3. The full process of notification of the application must be undertaken and including the consultation of the statutory and non-statutory consultees.

Whilst the development may well be for a smaller energy output, that does not mean to say that the environmental impact will be smaller as the development is a different one from that previously granted permission.

The development is also clearly controversial and must go to committee for its decision and not be left to delegated powers.

We therefore maintain that if the present development proposal is permitted as described and without documents being made available, we will issue an application to the Administrative Court.

Comments of the Business Manager

Principle of Development

In considering the revised proposal officers are mindful that the original planning permission which was larger in terms of scale remains extant and is considered to represent a realistic fallback position. Members resolved to approve the application in March 2019 and a subsequent application has been submitted to discharge conditions (19/01568/DISCON) and all relevant conditions have been satisfactorily discharged by the Authority as of 31 October 2019.

This application seeks to vary conditions 2, 5, 6, 9, 10, 12 and 15 of planning permission 18/01477/FULM approved in March 2019 to enable a revision to the previously approved scheme in terms of reducing the number of turbines within the hydro power scheme from 3 to 2. This has a consequence of reducing the built form. It would also reduce the amount of electricity the development would produce together with carbon savings. This is discussed in further detail later

in this report.

An application under Section 73 is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This Section provides a different procedure for such applications for planning permission, and requires the decision maker to consider only the question of the conditions subject to which planning permission was granted. As such, the principle of the approved development cannot be revisited as part of this application.

The NPPF is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission.

The principle of development is therefore considered acceptable subject to an assessment of site specific issues with regards to impact on the amount of renewable energy produced, impact on ecology, fisheries and geomorphology, landscape impact and impact on local angling clubs.

Members will also note that the application has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and it has been determined that an Environmental Statement is not required in this instance. The Screening Opinion is attached as Appendix 1 to this report.

An Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations) has been undertaken by consultants on behalf of the Local Planning Authority (LPA). The findings are agreed and this has been adopted which forms Appendix 2.

The Principle of Development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site lies outside of any settlement and is therefore located within the countryside. Spatial Policy 3 seeks to protect the countryside and states that schemes to enhance heritage assets, to increase biodiversity, enhance the landscape will be encouraged. It also states that *'Development not in villages or settlement, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Policies to deal with such applications are set out in the Allocations and Development Management DPD...'* Policy DM8 of the A&DM(DPD) provides that *'In accordance with the requirements of Spatial Policy 3, development away from the main built up areas of villages in the open countryside will be strictly controlled and limited to the following types of development.'* It then lists a number of types of development that may be acceptable. The proposed development doesn't fall neatly into any of the development type exceptions listed. However this type of development by its very nature needs to be in a countryside location. It is a logical step to consider policies related to renewable development set within the Development Plan.

The District Council's commitment to tackling climate change is set out in Core Policy 10 of the Amended Core Strategy as well as setting out a commitment to develop measures and set targets to deal with climate change following its declaration of a Climate Emergency. Policy 10 provides

that the Council will promote energy generation from renewable and low-carbon sources through supporting new development where it is able to demonstrate that its adverse impacts have been satisfactorily addressed. The policy seeks to mitigate the impacts of climate change through ensuring that new development proposals minimise their potential adverse environmental impacts during construction and eventual operation including the need to reduce the causes and impacts of climate change and flood risks. New proposals should ensure that impacts on natural resources are minimized and the use of renewable resources are maximised and be efficient in consumption of energy water and other resources.

Policy DM4 also reflects the NPPF and provides that permission shall be granted for renewable energy generation schemes unless there are adverse impacts that outweigh the benefits.

Whilst the development plan takes primacy, the policies in respect of climate change are consistent with the NPPF, which is a material consideration. Chapter 14 of the NPPF (2019) 'Meeting the challenge of climate change, flooding and coastal change' at paragraph 148 requires that the *'planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources.....; and support renewable and low carbon energy and associated infrastructure'*.

Paragraph 153 states that in determining planning applications, local planning authorities should expect new development to comply with development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Paragraph 154 adds that when determining planning applications for renewable and low carbon development, local planning authorities should only approve the application if impacts are (or can be made) acceptable.

The revised scheme is set to:

- provide 1,000 kilowatt-peak (previously 1,600 KW) - 1 MW (previously 1.6MW) of renewable electricity generation capacity;
- generate in a typical year, 6,500,000 kilowatt-hours (units) of carbon free electricity per annum for the life of the project (previously 8,000,000), which represents all the electricity used by around 2,500 average UK households (previously 3,000)
- ensure improved levels of non-intermittent, clean, renewable energy to the grid at times of most demand;
- reduce the release of greenhouse gases by around 6,700 tonnes of CO₂ per annum (previously 8,200 tonnes);

Notwithstanding that this is a reduction in the output and savings previously approved scheme it is considered that the proposal remains to accord in principle with both local and national policy aspirations. In determining an application it would be necessary to balance the policy presumption in favour of applications for renewable technologies against any specific adverse impacts. These are discussed below.

Impact on Landscape Character

The planning application has been accompanied by a Landscape and Visual Appraisal based upon Guidelines for Landscape and Visual Impact Assessments published by the Landscape Institute for Environmental Management and Assessment but does not comprise a full Landscape and Visual Impact Assessment.

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. Core Policy 13 requires the landscape character of the surrounding area to be conserved. Policy DM5 states that the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design materials and detailing of proposals for new development.

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

The District Council has undertaken a Landscape Character Assessment to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The application site is located with the Trent Washlands Policy Zone 17 – Besthorpe River Meadows with key characteristics such as medium to large scale fields in arable production and open long-distance views often with power stations on the skyline. The application has been accompanied by an updated Landscape and Visual Appraisal.

The proposal results in a reduction in the scale of the built form within the development. It is considered that that the impact of the revised scheme would have no greater visual impact upon the landscape character of the area both during construction and during operation to that previously approved. This would be anticipated to be no worse than moderate adverse during construction and slight adverse after 5 years.

It is also concluded that the proposed mitigation planting and ecological measures outlined at section 2.4 of the updated Abridged Assessment of Hydrology, Morphology, Ecology, Operation and Water Framework Directive (WFD) Compliance dated 8th August 2019 will help to achieve the policy objectives set out in the LCA. The mitigation proposals include stand-off zones to be maintained to the tree lined edge of the Slough Dyke to prevent damage to trees during the construction of the access track; widening the dyke to create online ponds and backwaters for fish refuges and disturbed riverbank reinstated to with species rich grassland mix which will be maintained. These measures were previously considered necessary and reasonable in order to make the impacts of the development acceptable and were consequently secured by conditions requiring the submission and written approval of details of external materials, landscaping, the ponds and the rerouting of the dyke. These have been submitted within the discharge of condition application 19/01568/DISCON and have been found to be acceptable.

It is therefore considered that the relevant conditions be reworded accordingly to secure the implementation of these measures in line with the discharge of condition decision.

Impact on Trees

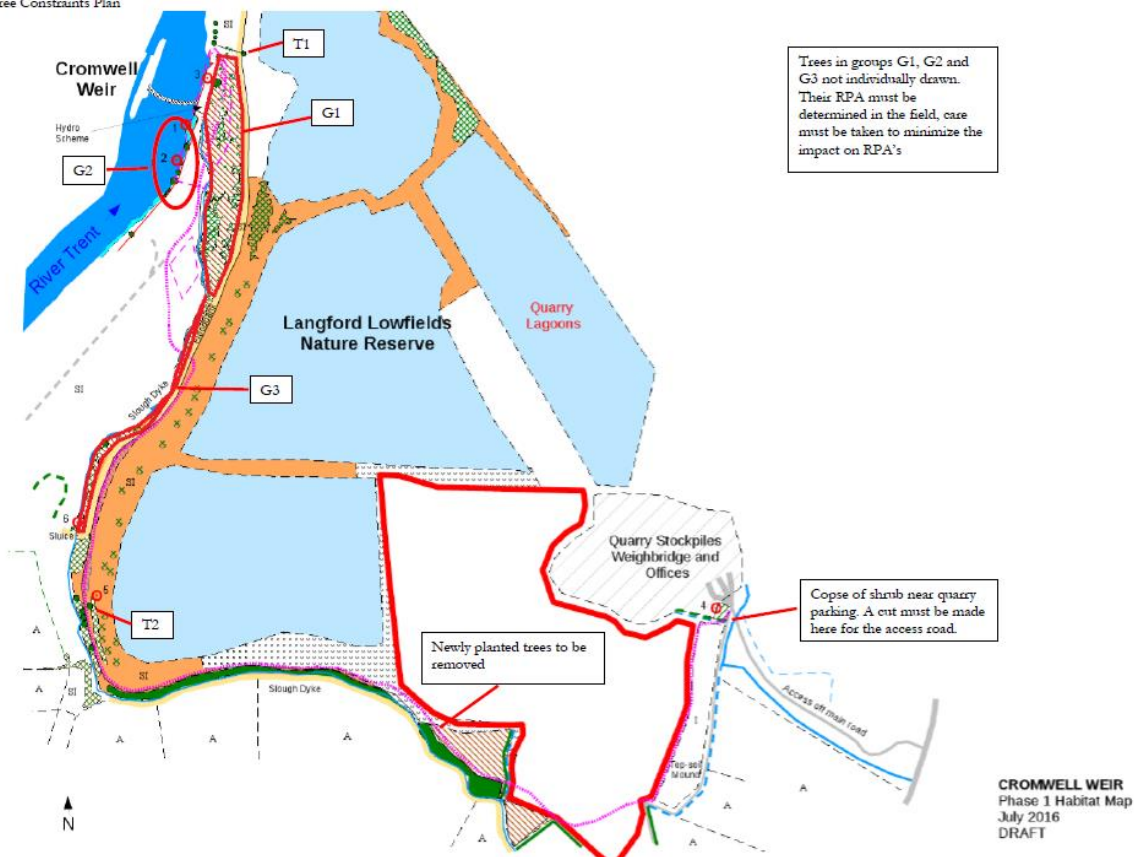
Policy CP12 and DM5 seeks to protect and enhance natural features where possible. CP9 requires proposals *'to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District.'*

A Phase 1 Habitat survey deposited with the application provides some commentary on the trees within the application site which are identified as being predominantly young species including Willow and Ash.

The current application has been accompanied by an Arboricultural Method Statement and Tree Protection Plan. Arboricultural Reports & Impact Assessments have also been deposited with the current application. These identify that for the development, Group G2 and part of Group G1 will have to be removed to allow the construction of the water ducts, the turbine house and the associated structures. Also the Slough Dyke River will be diverted around the power plant. This will take away trees from Group G1. Approximately 1/4 to 1/3 of the area of this group will be lost however only about half of the area of Group G1 is covered by trees, the rest is grass, brambles, nettles and various smaller shrubs. The most notable trees within the tree survey area and its immediate vicinity are 2 individual Ash trees (T1 and T2) identified in the tree constraints plan below. T1 and T2 are identified for being retained and protection measures are proposed. They are both classified as category B2/3 trees which means they are in good/fair condition but are to be retained for their landscape and conservation qualities.

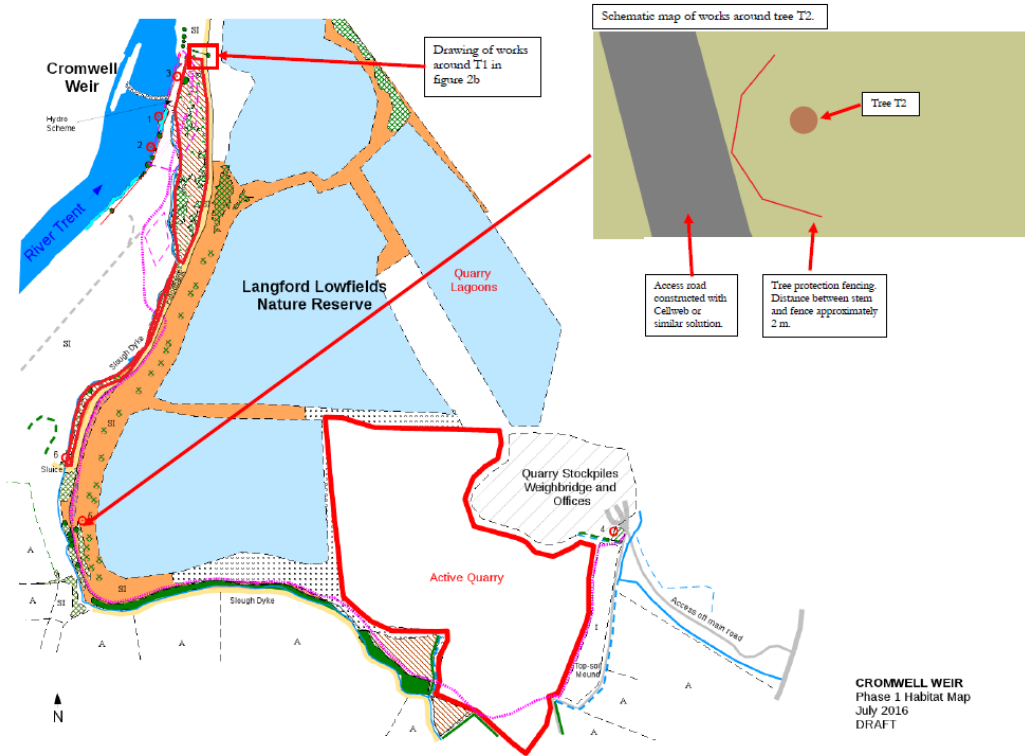
Tree constraints plan

Figure 3: Tree Constraints Plan



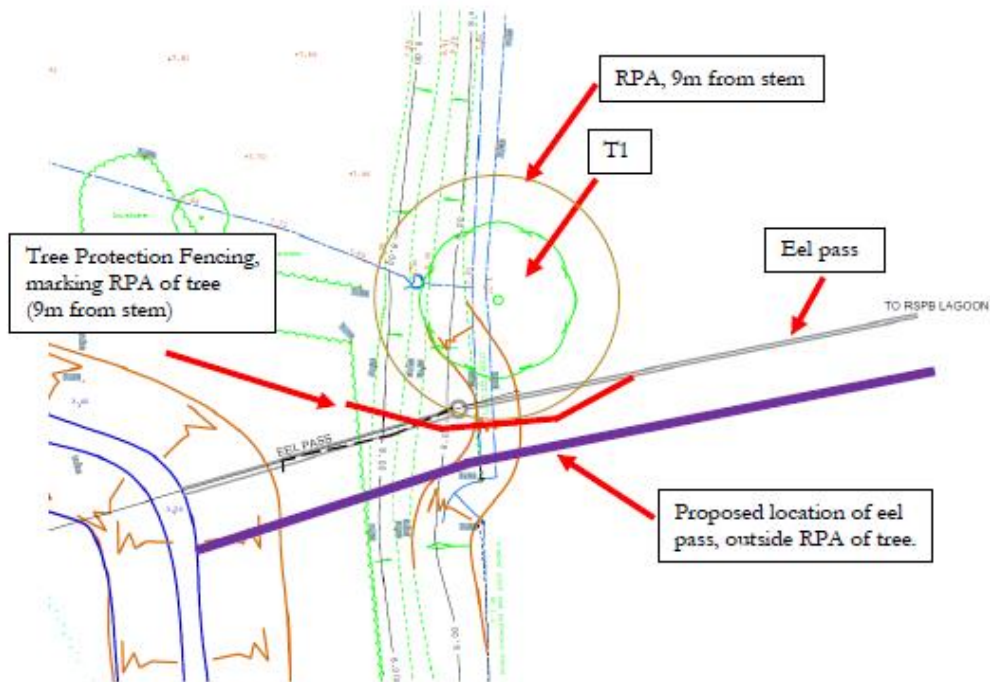
Tree protection plan for T2

Figure 2a: Tree Protection Plan



Tree protection plan for T1

Figure 2b: Tree Protection Plan: detail around T1



It is noted that in order to facilitate the scheme, the removal of riverside trees are proposed and 11 trees are proposed which comprise of oak and poplar. It is accepted that the existing trees do support the role of the River Trent as a Green Corridor in the local area, and do aid biodiversity. Those to be retained on the periphery of the site can be protected with tree protection fencing.

The number of trees to be removed is limited and are not mature species that make a significant contribution to the amenity of the area such that these trees are not worthy of protection in their own right. In any event this loss can be adequately compensated through the replanting of native trees elsewhere on the site as is proposed.

Other trees affected are those alongside the Slough Dyke which have already been referred to above whereby mitigation through condition is recommended to adequately protect these trees.

A landscape plan has been submitted within the suite of discharge of conditions for the previous application which has been deemed satisfactory by the LPA. Should Members be minded to grant permission this landscaping scheme can be conditioned to be carried out in a reasonable timeframe following operational commencement of the weir. Subject to this I consider that the impact is acceptable.

Impact on Ecology

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment.

The potential impacts of the proposed development on fish and the Collingham Angling Association are identified in the HRA. In addition, the applicant has undertaken an extended Phase 1 Habitat Survey in 2016, updated in August 2018. The applicant has confirmed that this remains relevant to the current application, with no changes required to the document. The assessment identifies the potential impacts on biodiversity.

It is acknowledged that the proposed development has the potential to impact locally on biodiversity. The disturbance of Slough Dyke, loss of river's edge margins and loss of trees, scrub and ruderal grasslands have the potential to give rise to impacts on water vole, otter and breeding birds respectively.

The current S73 application has been supported by a habitat creation scheme for Slough Dyke and a Habitat Creation Scheme incorporating an Ecological Management Plan. This includes at Section 3, Habitat and Species Protection in line with sections 8.1 and 8.2 of the MRB Ecological Appraisal associated with the 2018 application. This includes pre works checks, timing and methods for vegetation removal, fencing, excavations and vehicle movements, minimising noise and light pollution, and protection of air and water quality.

Section 4 of this document outlines habitat compensatory provision which includes the creation of a new, shallow-sided open channel set within a floodplain habitat to compensate for the loss of some drain habitat and the provision of compensatory nest boxes on trees or large scrub.

As detailed in Section 5 the Habitat Creation Scheme would improve the ecological value of the area including for example providing flood plain habitats for wildlife by the introduction of better management, promoting the development of deeper water and more diverse aquatic habitats, improving the safe passage of fish, provision of planting of native species to compensate for loss of trees and shrubs, promotion of divergent plant species and the provision of habitat for wildlife and the provision of fish refuges

It is not considered that the proposal would give rise to unacceptable adverse impacts on the watercourse, its habitats or protected species. Currently, Cromwell Weir acts as a barrier to the upstream movement of fish. The planning application proposes the installation of fish passes into the hydro-electric scheme which it is considered will result in improved upstream fish passage and will therefore give rise to significant benefits to the resident fish population, particularly to eel, lamprey, sea trout and salmon. Again, these measures have been secured by way of condition.

In terms of impacts on fish the application has been accompanied by an updated Fisheries Assessment undertaken by Fishtek consulting (dated 13 August 2019), a specialist fisheries consultancy. Their consultants have visited the site twice to collect empirical data to inform the evaluation and the Fisheries report provides a desk-based assessment of site data together with conclusions and recommendations which have informed the detailed design.

It notes that the weir forms the tidal limit of the River Trent and is frequented by migratory fish including Atlantic Salmon, sea trout, sea lamprey and European eel together with a diverse range of coarse fish and is a cyprinid dominated fishery.

The assessment considers the potential effects of the proposed development on hydrology, geomorphology fish habitat, fry refuge habitat, Slough Dyke, upstream passage and impacts to fishing beats.

It concludes at Section 11 that:

- There would be a slight shift in spawning habitat availability and quality given the changes in hydrology and geomorphology downstream of the weir and modeling predicts some variation in the availability of near optimal and optimal habitat for different species life stages.
- The creation of an eel and lamprey naturalised by pass channel would allow the lamprey and eel to bypass the weir and the HEP (there is an existing eel pass)
- The Larinier fish pass (which reduces water velocity) would significantly improve the upstream fish passage at the weir particularly for migratory salmon
- Approach and escape velocities would not vary compared to the previous proposal
- The proposed reduction in scheme design from an 80 m³/s to a 54 m³/s abstraction does not result in a cause for concern from a fisheries perspective and would ensure a more varied flow regime immediately downstream of the weir. Impacts to hydrology, geomorphology and subsequent fish habitat are similar for either abstraction regime, with only subtle localised variations in velocities and sediment deposition/erosion rates and no significant overall change in habitat availability.

The fisheries assessment has been reviewed by Natural England as a statutory consultee (detailed comments are noted within the Consultation section of this report) and by Aecom who were commissioned by the Council to provide an assessment of the suitability of the report to support the planning application. It is noted that the Environment Agency have not provided specific comments on the fishery impact however this is a more detailed assessment which would be assessed by them during the application for a variation to their permit which the applicant would need to apply for through the EA. Therefore their silence on this matter is not through an absence of information but merely it is more appropriate for them to fully assess that through the permit process.

Our commissioned consultants do not question the validity of the methodology or conclusions of the Fishtek report. A Technical Note has been prepared by AECOM and is available on the public file.

This considers that the submitted assessment provides robust evidence that the proposals will improve fish passage at Cromwell Weir. At present the weir provides a barrier to fish migration and the existing fish pass is not passable for 95% of the year, making it unfit for purpose.

In summary the Technical Note concludes that:-

The report provides robust evidence that the proposals will improve fish passage at Cromwell Weir. The baffle height was selected by the developer to best meet the requirements for migratory salmonids and coarse fish and is based on discussions they had with EA fisheries. At present the weir provides a barrier to fish migration and the existing pool and traverse fish pass does not currently meet best practice guidelines and is unlikely to provide effective upstream passage for coarse fish and brown trout. Large head drops and high velocities means that the fish pass is not passable for 95% of the year, making it unfit for purpose.

Due to the location of the proposed turbines below ground and the incorporation of additional noise attenuation measures, it is considered that the predominant background noise will be that from the existing weir and proposed fish pass. Therefore, it is considered that there will be no adverse effects on fish due to noise from the turbines.

Therefore it is considered that there would be negligible impact on the fish population, and habitat would continue to support the fish population on completion of the development.

There are no European Protected Species (EPS) identified on the site and therefore there is no requirement for the applicant to obtain a licence from Natural England during construction or operation. Consent would be required from the Environment Agency (EA) due to the proposed changes to the weir in case of changes to flood risk. Our advisers at AECOM state that the scheme is also likely to require a fish rescue due to the construction of a cofferdam in the channel, so a permit from the EA to use fishing instruments other than rod and line would also be required. This is however something outside of the Planning Act and one which should not feature in the merits of Members discussion on the planning application but merely provides context on the differentiation in permits and licence processes.

The Habitat Regulations Assessment (HRA) carried out in accordance with the Conservation of Habitats and Species Regulations 2017 on the Council's behalf by Lepus, recommends that an additional stronger condition should be imposed on this application in order to assess, monitor and record the level of ammocoete numbers passing through the weir safely. In addition there should be a process to monitor lamprey (eel) populations in and around the location of the weir before and after the construction and operation. This will provide a useful up to date baseline of fish numbers which could be used to measure the effectiveness of the mitigation proposals for this and future schemes.

A condition was imposed on the original consent (18/01477/FULM), C.15, however this was only sought for monitoring which is not so explicit or thorough enough to adequately measure the effectiveness of the scheme. However it is deemed not to be the responsibility of the developer to

undertake this monitoring and it has been agreed in conjunction with Natural England and the Environment Agency that they will carry out such monitoring themselves.

The representations made by Fish Legal on behalf of Collingham Angling Association are noted and have been considered carefully. On the basis of advice received, Council Officers are satisfied that the scheme will, in fact, improve bio-diversity over the longer term. The proposed development is therefore consistent with adopted planning policy, the NPPF and Section 40 of the Natural Environment and Rural Communities Act 2006 which places a duty on public bodies to have regard to the conservation of biodiversity when carrying out their functions.

Impact on Highways.

Spatial Policy 7 provides that proposals should be appropriate for the highway network in terms of volume of traffic generated and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected and should avoid highway improvements that might harm the environment and character of the area ensure that appropriate and effective car parking provision should be made. Policy DM5 mirrors this.

The site would be accessed from the A1133 using the existing road for Tarmacs Langford Quarry.

The proposal has been reviewed by NCC Highways Authority and their comments are detailed within the consultation section of this report. In summary they raise no objection and state the access is sufficiently adequate to cater for the estimated level of additional construction traffic.

Previously the Highway Authority raised concern with regards to construction traffic movements into and out of the site and the impact this could have on the highway network. A condition was subsequently attached to the permission granted in 2018 requiring the submission of a traffic routing statement.

The applicant has subsequently submitted this document with the discharge of condition application ref. 19/01568/DISCON (dated October 2019) which has been reviewed by the Highway Authority and found to be acceptable and this condition has now been discharged.

Officers therefore remain of the view that overall vehicle movements associated with the development are considered to be acceptable and will not have unacceptable impacts on the highway network either during construction or once operational, given the limited movements which would be associated with maintenance. Subject to appropriate conditions it is not considered that the proposal would result in highway safety concerns and therefore would accord with the requirements of Spatial Policy 7.

Impact on Flood Risk and Drainage

The Planning Practice Guidance outlines that planning applications for hydropower should be accompanied by a flood risk assessment and that advice on environmental protection for new hydropower schemes has been published by the Environment Agency.

Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD along with the revised NPPF set out a sequential approach to flood risk (paras 158 onwards). The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably

available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance. Where development is necessary within areas at risk of flooding, it will also need to demonstrate it would be safe for the intended users without increasing flood risk elsewhere.

The site is designated as being within Flood Zones 2 & 3 as shown on the Environment Agency's (EA) Flood Map. A large area of the site which is closest to the river (which includes the power house) falls within Flood Zone 3.

However I take the view that this application passes the Sequential Test. The site is required to be adjacent to the Weir by its very nature so there is no scope to provide this outside of a flood zone. Doing so would be impractical and illogical.

In considering whether the Exception Test needs to be applied I refer to Table 3 within the Planning Practice Guidance (PPG) on Flood Vulnerability Classification. The proposal could be considered to fall into either the 'water compatible' or the 'essential infrastructure' category where in both zones 2 and 3 development is considered appropriate. The Exception Test only has to be applied in the event that it is considered to be essential infrastructure and not for water compatible. The EA have advised that it falls within both categories in which case I have considered it as the worst case scenario and have applied the Exception Test.

The NPPF sets out that for the exception test to be passed it should be demonstrated that:

- (a) the development would provide wider sustainability benefits to the community that outweigh the 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.

Both elements of the exception test should be satisfied for development to be allocated or permitted.

I consider that Part A of the Exception Test is passed. In reaching this conclusion I give considerable weight to fact that the scheme would generate 6,500,000 kw hours of carbon free electricity via a renewable energy source which is a significant public benefit and is in my view a wider sustainability benefit that outweighs the (minimal) flood risk which is discussed further below.

In terms of Part B of the Exception Test, the application is supported by an updated Flood Risk Assessment, which has been the subject of lengthy on-going discussions with the Environment Agency (EA).

This has concluded at 5.1 of the document that:-

- The scheme has been designed to withstand design flood events without increasing flood risk elsewhere. The generator housing is designed for a 200-year water level with about 1200mm freeboard.
- The roof slab level for the turbine house will be above the 1 in 200yr flood level. Anything above this level will not be necessarily further flood protected. There will be a single removable panel in the roof of the turbine house which will facilitate removal of any of the equipment within. This will be sealed with a watertight concrete roof slab.
- For the final scheme arrangement, there is a localised approximate 0.01m increase in modelled water levels upstream compared to the flood risk currently (at return periods greater than 100-years). Such small increases resulted in no changes in the flood outline. The scheme will not impede flows and no further measures are proposed.
- The turbines will automatically shut down at times of high flows in the river, and the control panels will sit in the turbine house on the level at the top of the turbine pits, along with the generators and hydraulic power packs.
- The flood levels are not expected to increase significantly upstream of the weir during the construction period when the sided cofferdam is in place in the river.
- Compared to previous versions of the scheme, the reduction in the number of turbines does result in an increase in water level at the weir at a Q5 flow from 7.0mAOD to 7.163mAOD. At flood flows when the bladder is deflated there is no change. The scheme change therefore has a negligible impact fluvial flood risk.
- It is acknowledged that the backwater effect of the increase of Q5 level may have a detrimental impact on land drainage from ordinary watercourses and land drainage systems into the Trent during intense rainfall events (i.e. summer thunderstorms), which might affect flashy catchments and land drainage whilst not significantly raising levels in the River Trent to a level where the flood gate would be opened or the adjustable weir lowered. As noted in section 2.5 of the Hydraulics Impacts report, the Q5 water level increase due to the scheme (or change in scheme) is much less than the normal intra-annual variation of water levels (e.g. Q5-Q50 levels) and is unlikely to lead to any significant increase in the probability or degree of land drainage impedence.

At section 5.2.1 of the FRA a number of recommendations have been made during the construction period which include registration with the Environment Agencies Floodline service, provision of method statements to ensure safety and to minimise flood risk at the works and to have standby pumps to help deal with any surface water flooding in the vicinity of the works. At operational stage (5.2.2) the FRA recommends that turbines are closed during flood conditions and water diverted over the weir, by-wash, floodgate and fish pass. The turbine house, sub-station and battery units will be designed to withstand 200 year flood level.

As detailed in their latest comments, the EA is satisfied that, subject to the imposition of conditions, the proposed development would not impact on flooding in the area. The proposed development has been designed in conjunction with the EA and the Canal & Rivers Trust and would also contribute to flood resilience in the area through the ability of the development to raise and lower the water level of the weir to ensure optimum flow over the turbines.

In conclusion, the Sequential Test is considered to be passed and the Exception Test is also passed having regard to the schemes wider sustainability benefits of providing electricity to the national grid and having also demonstrated that the scheme would be safe in terms of the flood resilient design of buildings, the provision of flood warning devices and the proposed operation and continued maintenance of the scheme. The proposal in this regard complies with CP10, DM5 and the NPPF.

Impact on Amenity

Core Policy 9 sets out an expectation that development is of a high standard and that contributes to a compatible mix of uses. Policy DM5 requires that all proposals be assessed to ensure that amenity is not adversely affected by surrounding land uses and where this cannot be mitigated should be resisted. The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

The applicant has submitted a noise assessment within the Planning Statement which notes that the dominant noise source in the area is from water passing over the existing weir. Noise levels do not differ from those previously considered in the iteration of the 2018 application as noted below:-

- 1m from a turbine – 83 dBA
- Within the turbine house but at the entrance door (door closed) – 82 dBA
- Outside the turbine house but overlooking the Larinier Fish Pass (4m from door) – 76 dBA
- Outside the turbine house but overlooking the weir (8m from door) – 68dBA

This is considered to demonstrate that any external noise would be set against the noise of the weir and fish pass and noise levels would not be audible from the lock island (some 50m from the turbine house) or from the nature reserve some 30m distant given these relationships and separation distances.

The closest dwelling is some 180m from the proposed turbine house on the opposite side of the riverbank. Environmental Health colleagues have assessed the proposal and have confirmed that no concerns are raised with regards to noise levels in view of the nature of the development and the distance to human receptors.

Taking the above into account, I conclude that the proposed development would not be likely to create any noise which would be audible above the background noise of water flowing over the weir.

With regards to noise impact on fish, AECOM have assessed the noise assessment deposited by the applicant and have concluded that:-

The noise within the powerhouse is not expected to be more than 86dB, which will be significantly reduced in the aquatic environment based on the building design with dense concrete block and associated cladding, which will suppress noise. Additionally, the close proximity of the turbine and powerhouse to the weir, will mean that it is unlikely that the noise produced from the proposed HEPP will be heard over the baseline noise of the weir cascade. The background noise from the weir for similar schemes is typically 65 – 75dB, and it is considered that due to the attenuation of turbine noise, the predominant noise on the site will be that from the weir and fish pass. Therefore, there is not expected to be any influence on fish populations from the noise produced by the HEPP system.

Given the comments received from Environmental Health officers and our commissioned consultants, Officers are satisfied that the proposed development can be constructed and operated without giving rise to significant impacts on the amenity of occupants land or buildings or on the fish populations. Furthermore, where local impacts have been predicted, mitigation

measures are proposed to make these acceptable. The mitigation measures have been secured through the imposition of appropriate conditions.

Other matters

Impact on Collingham Angling Association

Paragraph 182 of the NPPF introduces the concept of the “agent of change” and expects planning policies and decisions to ensure that new development can be integrated effectively with existing business and community facilities. The policy goes on to require that existing businesses and facilities should not have unreasonable restrictions placed upon them and where the operation of an existing business or community facility could have a significant adverse effect on new development, the application should be required to provide suitable mitigation.

The Fisheries Assessment accompanying the application finds that changes in pool hydrology and morphology may result in a shift in the optimum fishing spots. The assessment considers that Barbel may thrive in the higher velocity waters near the turbine outfall whereas carp may shift downstream.

The Fisheries Assessment goes on to identify that the proposed development is likely to have an impact on fishing pegs.

The applicant has confirmed that the upstream channel of the hydro will extend a good distance upstream from the weir and will remove a stretch of river bank which currently houses eight bankside pegs. However, the applicant is proposing to install a fishing platform with improved access for less mobile anglers which as confirmed by the agent is to be provided on the gantry in front of the screen. This will provide 6 fishing pegs. Precise details of the structure were conditioned under the planning permission and have been submitted by the applicant with the discharge of condition application. The Canals and River Trust and the Environment Agency have confirmed the details to be satisfactory and the condition duly discharged.

Therefore post construction a total of 2 upstream pegs would be lost and, as a result of the rerouting of Slough Dyke, 2 further pegs would be lost downstream.

Impact on Public Right of Way

Public rights of way are situated on both eastern and western banks of the river. The western side terminates at the weir and the eastern side runs to the rear of the site along the boundary of the nature reserve to the north. These rights of ways would remain unobstructed by the development.

A condition was attached to the planning permission granted in 2019 which required the submission and approval of precise details including location and numbers of signs to warn members of the public of the construction access and works together with details of a briefing note to be made available to all staff during construction phase. These details have been submitted with the discharge of condition application and reviewed by the NCC Rights of Way Officer who confirmed them to be acceptable. The relevant conditions have therefore been duly discharged.

Heritage Impacts

An updated Heritage Statement has been deposited with the application. There are no listed buildings or other designated heritage assets within the site or its immediate setting nor is there likely to be any surviving archaeological deposits. Officers are therefore satisfied that the proposed development would not raise any heritage issues and the proposal accords with heritage policies CP14 and DM9 of the Development Plan.

S73 Application

The comments received with regards to this application should be a full planning permission are noted. Officers are satisfied that given this is a reduction to the scheme originally approved a S73 application is appropriate and acceptable. Although we cannot revisit the principle of the HEP scheme full consideration has been given to the details deposited with this application and to the material planning matters which arise from the revised scheme as noted above.

Assessment of conditions

The PPG is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission. Conditions 3 (materials), 5 (moveable weir), 6 (Slough Dyke), 8 (lorry routing), 9 (arboricultural method statements), 10 (landscaping), 12 (fish platforms), 15 (Habitat Creation Schemes), 21 (footpath signage) and 22 (safety briefing note) of the original permission have been formally discharged. Notwithstanding this given the above it is conserved that conditions 2, 5, 6, 9, 10, 12 and 15 can therefore be varied accordingly.

For ease of reference the conditions as originally imposed are listed in full below (in the recommendation section) with strikethrough text used to represent parts of the condition no longer required and bolded text used to indicate new wording. The conditions have been reworded where details have been provided through the discharge of conditions or revised plans.

Conclusion and Planning Balance

It should be noted that only the very narrow scope of the matters of varying the conditions imposed are open for consideration given the other matters discussed above. In this instance it is considered that the reduction in the number of turbines would not result in any greater impact than the originally approved scheme and would not cause ecological harm (including fisheries) nor result in any undue flooding or visual/amenity impacts.

The applicant will need to apply to the Environment Agency separately in order to gain a permit for the works which will include further details on the specifics including impact on the fishery element. The Local Planning Authority is mindful of the potential impacts of the development and the legislative process required in achieving a licence. However the LPA is satisfied that all material impacts of the revised development has been considered in due process and in weighing up the impact with regard to planning, it is considered that the proposal is acceptable.

There are no other material considerations that would indicate that planning permission should not be granted for this S73 application.

RECOMMENDATION

Approve Planning Permission subject the following conditions:-

01 (Time for Implementation)

The development hereby permitted shall not begin later than ~~three years from the date of this permission.~~ **26 March 2022.**

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

02 (Plans)

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:

~~Site Access Corridor 15/010-CROMWELL-517 REV B~~

~~General Scheme Outline 15/010/500 REV B~~

~~General Scheme Outline Key Elevations 15/010/501 REV B~~

~~Contractors Compound and Laydown areas 15/010-CROMWELL-516 REV B Sub Station Kiosk Details 15/010/504 REV A~~

~~Amended Site Location Plan deposited 13.11.18~~

Site location plan dated 25 July 2019

General Scheme Outline drg. ref. 15/010/500 REV C

General Scheme Outline Key Elevations drg. ref. 15/010/501 REV C

Sub Station Kiosk Details drg. ref 15/010/504 REV B

Contractors Compound And Laydown Areas drg ref. 15/010-CROMWELL-516 REV C

Site Access Corridor drg ref. 15/010-CROMWELL-517 REV C

Hydropol Footpath access plan

Hydropol General Layout (Landscape)

Hydropol Layout (Fishing platform)

Hydropol Sections (Fishing platform)

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

03 (External Materials)

~~Prior to commencement of the development, manufacturers details (and samples upon request) of the external facing materials (including colour/finish) of the buildings/structures hereby approved shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.~~

The external facing materials shall be in full accordance with the Technical Report produced by Hydropol, dated August 2019 (Sections 3 and 4) and the confirmation email dated 21 October 2019.

Reason: In the interests of visual amenity.

04 (EA requested condition 1)

~~The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (dated October 2017) and in particular the following mitigation measure:~~

~~• Finished floor levels of the kiosk shall be set no lower than 10.30m AOD.~~

~~The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.~~

~~Reason: To reduce the risk of flooding and damage to electrical equipment.~~

The development shall be carried out in accordance with the submitted flood risk assessment (ref: FINAL Report v2.0, November 2019, JBA); drawing CROMWELL MASTER GA, Rev C; drawing Sub Station Kiosk Details, Rev B; and the following mitigation measures they detail:

- **Finished floor levels of the weir bladder plant room shall be set no lower than 10.30 metres above Ordnance Datum (AOD)**
- **Finished floor levels of the substation kiosk shall be set no lower than 9.50 metres above Ordnance Datum (AOD)**

These mitigation measures shall be fully implemented prior to operation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development.

05 (EA requested condition 2)

~~Prior to the commencement of development, an operational instruction detailing the operation of the moveable weirs shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The operational instruction shall include the following details: a. Calculation of the trigger levels at which the weirs shall be operated; b. Details of the remote and 'on-site' operating mechanisms; c. Measures to be put in place in the event of remote operation, electrical or mechanical failure; and d. Details of the maintenance programme. The scheme shall be fully implemented and subsequently maintained in accordance with any timing/phasing arrangements embodied within the scheme or within any other period subsequently agreed in writing by the local planning authority, in consultation with the Environment Agency.~~

The moveable weir shall be operated in accordance with the submitted operational instruction (Cromwell Weir Moveable Weir Operational Instruction, Ref: CROMW_HIN, Issue: 01a, Date: 16/08/2019, Renewables First).

These mitigation measures shall be fully implemented prior to operation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure that the moveable weir remains operational in a flood event and does not increase flood risk elsewhere.

06 (EA requested condition 3)

~~No development shall take place until the proposed pond and Slough Dyke is constructed in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme shall include the following features: 1) Ponds should not be within the main channel of the Dyke but should be fed by arms leading off the main channel. This is because on line ponds silt up quickly and cause on going maintenance issues; 2) The opening up of the Slough Dyke is welcomed, however when designing the final layout of the Dyke it should be in keeping with the energy and topography of the land so the new channel operates naturally once completed. Creating meanders where they would not naturally occur can cause siltation issues. The approved scheme shall be implemented and maintained as agreed for the lifetime of the development unless otherwise agreed in writing by the local planning authority.~~

The proposed pond and Slough Dyke shall be constructed in full accordance with the Slough Dyke Realignment Habitat Creation Suggestions plan dated 24.09.2019 together with details contained within the Habitat at Creation Scheme incorporating an Ecological Management Plan dated September 2019 produced by MRB both submitted on the 3rd October 2019 which have been deemed satisfactory. The approved scheme shall be implemented and maintained as agreed for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: This condition is necessary to ensure that the proposed pond and Slough Dyke are developed in a way that contributes to the nature conservation value / fisheries value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 170, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 176 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

07 (Construction Hours)

Notwithstanding the Construction Management Plan dated 11th July 2017, construction or development (including excavations) shall only take place between the hours of 0730 until 1800 on Mondays to Fridays inclusive and between 0800 and 1300 on Saturdays and not at all on Sundays or Bank/Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity.

08 (Lorry Routing)

~~Notwithstanding the details contained within section 8.1 of the Construction Management Plan dated 11th July 2017, no development shall be commenced until details of construction lorry routing has been first submitted to and approved in writing by the Local Planning Authority. The approved details shall be adhered to during the construction period.~~

The construction traffic shall be routed in full accordance with the Lorry Routing Statement dated October 2019. This shall be adhered to during the construction period.

Reason: In the interests of highway safety and amenity.

09 (Tree Protection)

~~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 trees/hedgerows to be retained and associated ground protection areas (stand-off zones).~~
- ~~b. Details and position of protection barriers.~~
- ~~c. Details and position of any 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 drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.~~
- ~~f. Details of any scaffolding erection and associated ground protection within the root protection areas;~~
- ~~h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.~~

~~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.~~

Trees within the site shall be protected as stated within the approved Arboricultural Method Statement & Tree Protection Plan produced by EMEC Arboriculture dated August 2019. The protection measures shall be retained during the construction phase 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.

010 (Hard & Soft Landscaping)

~~No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:~~

- ~~• a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and shall provide for replacement trees (of at least 5 sapling crack willows) to compensate for the loss of existing trees;~~
- ~~• proposed finished ground levels or contours;~~
- ~~• car parking layouts and materials;~~

- ~~• hard surfacing materials including fencings/means of enclosures (it is expected that the existing fence alongside the wooded section of Slough Dyke be retained);~~
- ~~• proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)~~
- ~~• a timetable for the implementation of the hard landscaping elements.~~

The hard and soft landscaping shall be carried out in complete accordance with the following plans and documents:

Landscaping Plan deposited 23rd October 2019

Habitat Creation Scheme incorporating an Ecological Management Plan dated September 2019 produced by MRB both submitted on the 3rd October 2019 (Section 6.7 regarding Seeding and Planting)

Technical Report produced by Hydropol dated August 2019 (Sections 3 and 4) deposited on the 23rd August 2019 together with email dated 21st October 2019 relating to Access Track and Car Parking Materials (Grey/brown gravel) and fencing (2.4m high welded steel wire fence Dark Green).

Updated project timetable deposited 30th October 2019.

Reason: To ensure that adequate protection is afforded to existing trees during the construction phase of the development and that tree losses are compensated with replacement planting and in the interests of visual amenity and biodiversity and in line with the recommendations of the ecology report submitted with the application.

011 (Landscaping Implementation)

The approved soft landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. 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 current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscape scheme shall be implemented to a timescale to be agreed as per Condition 10.

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

012 (Provision of Fishing Platform)

~~Prior to commencement of the development, precise details of the fishing platform proposed within the Fishtek document dated 01.06.17 deposited with the application shall be submitted to and approved in writing by the Local Planning Authority. The details shall include their precise location, design (including materials) and timings for the installation. The development shall thereafter be carried out in accordance with the approved details and retained for the lifetime of the development.~~

The fishing platform shall be available for use prior to first operation of the weir (generating electricity) and in complete accordance with the approved details contained on drawing no. 2400010 and 2400011 and the platform shall be retained for the lifetime of the development.

Reason: To provide adequate compensation of the lost fishing peg in the interest of safeguarding the amenity of anglers.

013 (Fish & Eel Passes)

Prior to the development hereby approved from becoming operational (i.e generating electricity) the proposed fish and eel passes shall be provided on site in accordance with the approved plans. These passes shall thereafter be retained for the lifetime of the development.

Reason: To ensure that these elements of the scheme are provided at an appropriate time in order that the ecological enhancements detailed in the proposal are delivered.

014 (Protection for Breeding Birds)

No development, including site clearance (such as pruning, the removal of hedgerows, vegetation or trees) shall take place between the beginning of March to the end of August inclusive, unless otherwise agreed in writing by the Local planning authority.

Reason: In order to afford protection to breeding birds which are protected by the Wildlife and Countryside Act 1981 (as amended) and specifically to avoid any significant impact on notable breeding bird species at the adjacent Langford Lowfields nature reserve.

015 (Habitat creation)

~~No development shall be commenced until full details of a Habitat Creation Scheme have been submitted to and approved in writing by the local planning authority. The Scheme shall include, but is not limited to, the creation of a meandering shallow stream margin with a wide band of emergent vegetation with fish refuges, provision to enable otters to bypass the weir on dry land at all times and new species-rich grassland habitat. The scheme shall also detail:~~

- ~~a) the purpose, aims and objectives of the scheme;~~
- ~~b) a review of the site's ecological potential and any constraints;~~
- ~~c) description of target habitats and range of species appropriate for the site;~~
- ~~d) selection of appropriate strategies for creating/restoring target habitats or introducing target species;~~
- ~~e) selection of specific techniques and practices for establishing vegetation;~~
- ~~f) sources of habitat materials (e.g. plant stock) or species individuals;~~
- ~~g) method statement for site preparation and establishment of target features;~~
- ~~h) extent and location of proposed works;~~
- ~~i) aftercare and long term management;~~
- ~~j) the personnel responsible for the work;~~
- ~~k) timing of the works;~~
- ~~l) monitoring;~~
- ~~m) disposal of wastes arising from the works.~~

The habitat creation works shall be carried out in complete accordance with the Habitat Creation Scheme incorporating an Ecological Management Plan document dated September 2019 produced by MRB.

All habitat creation works shall be carried out in accordance with the approved details and timetable unless otherwise agreed in writing by the local planning authority.

Reason: In line with the recommended mitigation measures outlines in the ecology appraisal submitted in support of the application and in the interests of maintain and enhancing biodiversity.

016 (Riverbank precautionary search)

Immediately prior to development taking place in the vicinity of the riverbank directly affected by the development, a precautionary inspection shall be undertaken by a suitably qualified ecologist to check for the presence of nesting waterbirds or signs of wildlife usage such as Waterfowl. Should their presence be confirmed no works should commence until appropriate mitigation (and the timings of this) to avoid negative impacts has been set out and has been submitted to and been approved in writing by the LPA.

Reason: In order to afford adequate protection to nesting waterbirds in line with the recommendations of the ecology report submitted with the application.

017 (No external lighting)

There shall be no external lighting installed as part of this development.

Reason: To safeguard the ecological interest of the site and in line with the ecology appraisal submitted as part of the application.

018 (Bat Protection)

Should any pruning of lower limbs of trees adjacent to the proposed access track be required, the affected tree(s) shall first be inspected by a suitably qualified and experienced bat surveyor to ensure that no roosts are affected. Should a roost be identified as affected, no pruning shall take place unless mitigation has first been submitted to and approved in writing by the Local Planning Authority. The approved mitigation shall thereafter be adhered to in accordance with an agreed timetable.

Reason: In order to afford adequate protection to protected species and in line with the ecology report submitted in support of the application.

019 (Amphibian Mitigation)

Prior to any site clearance work, a 'destructive' search of the potential terrestrial amphibian refugia (e.g. piles of logs, old tree stumps etc. within the affected areas should first be undertaken by a suitably qualified and experience ecologist to ensure no amphibians are present. Any animals found should be removed and transported to an appropriate habitat nearby for immediate release. This search should be undertaken in the later summer /early autumn period prior to clearance works, before amphibians go into hibernation.

Reason: In order to protect the wildlife that may be inhabiting the site in line with the recommendations of the ecology appraisal that accompanies the planning application.

020 (Vegetation Clearance in relation to amphibians)

Any vegetation clearance work (such as tree removal) or clearance of tall herbage should commence immediately after the amphibian refugia search (between September and the end of February i.e. outside the bird breeding season). Cut material (logs and branches) should be removed from the working area. The cut material may be deposited as log piles in a location well away from the construction zone, *provided* that they are not in an area prone to deep flooding.

Reason: In order to protect the wildlife that may be inhabiting the site in line with the recommendations of the ecology appraisal that accompanies the planning application.

021 (Rights of Way)

~~Prior to the commencement of the development hereby approved precise details of signage including numbers and their locations to warn users of the Langford public footpaths 2, 3 and 7 of the construction works and traffic shall be submitted to and approved in writing by the Local Planning Authority. The approved signage shall be provided in accordance with the approved details and shall be retained and maintained during the construction phase of the development.~~

Prior to the commencement of development the approved footpath signage for Langford public footpaths 2, 3 and 7 shall be erected to warn users of the footpaths to the development. The approved signage is as follows:

**Footpath Signage Details drg ref CROMWELL_FP (dated 24.10.19) Sheet 1 of 4
Footpath Signage Details drg ref CROMWELL_FP (dated 24.10.19) Sheet 2 of 4
Footpath Signage Details drg ref CROMWELL_FP (dated 24.10.19) Sheet 3 of 4
Footpath Signage Details drg ref CROMWELL_FP (dated 24.10.19) Sheet 4 of 4
CROMWELL Footpath Management & Signage Plan R04**

The signage shall be retained and maintained during the construction phase of the development.

Reason: In the interests of public safety

022 (Site safety briefing note)

~~Prior to the commencement of development hereby approved a site safety briefing note to be made available to all construction staff shall be submitted to and approved in writing by the Local Planning Authority. The approved briefing note shall be made available at all times during the construction phase of the development.~~

The site safety briefing note dated 23 August 2019 shall be made available to all construction staff at all times during the construction phase of the development.

Reason: In the interests of site and public safety

023 (Restoration of the site)

Not later than six months after the date on which the site ceases to be operational, the above ground structures and ancillary equipment shall be dismantled and removed from the site and the land restored in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

024 (Noise)

The level of noise emitted from the development hereby approved shall not exceed the following levels at the distances specified at any time as stated in correspondence dated 27th February 2019 unless otherwise agreed in writing by the Local Planning Authority :--

- 1m from the turbine – 83 dBA
- Within the turbine house but at the entrance door (with the door closed) – 82 dBA
- Outside the turbine house but overlooking the Larinier Fish Pass (4m from the door) – 76dBA
- Outside the turbine house but overlooking the weir (8m from the door) – 68dBA

Reason: In the interests of amenity.

Informatives

01

The applicant/developer is advised to contact the Canal & River Trust's Works Engineering Team on 0303 0404040 in order to ensure that any necessary consents are obtained and that the works comply with the Trust's 'Code of Practice for Works affecting the Canal & River Trust.

02

The site is within the TVIDB district. The Board maintain the Slough Dyke on behalf of the EA under the PCSA. This is an open watercourse that exists in close proximity of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The EA should be consulted on any development. It is important that the Board maintain access to this watercourse with a clearance of 9m to allow machinery to carry out repairs and maintenance.

03

The applicant will need to apply for formal variations to their existing licences.

We recommend that they follow our pre application process prior to submitting a formal application.

The forms can be found at the following link:

<https://www.gov.uk/government/publications/water-abstraction-application-for-a-water-resources-licence>

04

In respect of the condition 14 relating to breeding birds, it is recommended that the applicant liaise closely with the RSPB as managers of the adjacent nature reserve to confirm whether notable bird species are breeding in locations that may be prone to disturbance.

05

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) **(England)** Order ~~2010~~ **2015** (as amended).

06

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 hereby approved as the development type proposed is zero rated in this location.

BACKGROUND PAPERS

Application case file.

For further information, please contact Lynsey Preston on ext 5329.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 19/01484/S73M

