



**Bassetlaw**  
DISTRICT COUNCIL  
— North Nottinghamshire —

## **Planning Committee**

### **Agenda**

Meeting to be held at The Ballroom, Retford  
Town Hall, DN22 6DB  
On Wednesday, 13th September, 2023  
At 6.30 pm

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# Planning Committee

**Membership:** 2023-24

**Councillors:** N J Sanders, S Fielding, C Adams, J Bowker, H M Brand, D Challinor, M Charlesworth, G Dinsdale, G Freeman, F McFarland, G A N Oxby and D G Pidwell.

**Substitute Members:** None.

**Quorum:** 3 members

**Lead Officer for this Meeting**

J Krawczyk

**Administrator for this Meeting**

R Colebourne

## Planning Committee

Wednesday, 13th September, 2023

### Agenda

1. Apologies
2. Declarations of Interest
  - a. Members
  - b. Officers
3. Minutes of the Meeting held on 16th August 2023 (Pages 5 - 8)
4. Minutes of Planning Consultation Group Meeting held on 21st August 2023 (Pages 9 - 12)
5. Outstanding Minutes List (Pages 13 - 14)

### Section A - Items for discussion in public

#### Key Decisions

None.

#### Other Decisions

6. Report(s) of the Head of Regeneration
  - a. Public Interest Test

(Ms B Alderton-Sambrook, Head of Regeneration, has deemed that all Items on the Agenda are not confidential).
  - b. ITEM WITHDRAWN - Planning Application - 22/01713/FUL (Pages 15 - 60)  
Land East of Gainsborough Road, Bole, Nottinghamshire
  - c. Planning Application - 23/00656/FUL (Pages 61 - 92)  
Development site to the North of Brick Yard Road, Gamston, Nottinghamshire
  - d. Planning Application - 22/01485/FUL (Pages 93 - 112)  
Land including Thievesdale House, Blyth Road, Worksop, Nottinghamshire

#### Exempt Information Items

*The press and public are likely to be excluded from the meeting during the consideration of the following items in accordance with Section 100A(4) of the Local Government Act 1972.*

## **Section B - Items for discussion in private**

### **Key Decisions**

None.

### **Other Decisions**

7. Any other business which the Chair considers to be urgent

### **Notes:**

1. The papers enclosed with this Agenda are available in large print if required.
2. Copies can be requested by contacting us on 01909 533 232 or by e-mail [simon.johnson@bassetlaw.gov.uk](mailto:simon.johnson@bassetlaw.gov.uk)

## **Planning Committee**

### **Minutes of the Meeting held on Wednesday, 16th August, 2023 at The Ceres Suite, Workop Town Hall, S80 2AH**

Present: Councillor N J Sanders (Chairman)

Councillors:

C Adams	H M Brand
G Freeman	F McFarland
G A N Oxby	

Officers: C Cook, C Hopkinson, S Wormald and C Cook.

(The meeting opened at 6.30 pm.)

#### **8 Apologies**

Apologies for absence were received from Councillors Challinor, Charlesworth, Fielding and Pidwell.

#### **9 Declarations of Interest**

##### **9a Members**

There were no Declarations of Interest by Members.

##### **9b Officers**

There were no Declarations of Interest by Officers.

#### **10 Minutes of the Meeting held on 24th May 2023**

**Resolved** that the Minutes of the meeting held on 24<sup>th</sup> May 2023 be approved.

#### **11 Minutes of the Planning Consultation Group meetings held between 30th May and 24th July 2023**

**Resolved** that the Minutes of the Planning Consultation Groups held between 20<sup>th</sup> May and 24<sup>th</sup> July 2023 be received.

#### **12 Outstanding Minutes List**

Members were advised that 28(f), Planning Services; Establishment of a viability Protocol, could now be removed from the list.

**Resolved** that the Outstanding Minutes List be received.

#### **13 Report(s) of the Head of Regeneration**

##### **13a Public Interest Test**

## PLANNING COMMITTEE

The Head of Regeneration, determined that all items on the agenda are non-confidential.

### **13b Appeal Decision APP/A3010/W/22/3308856 - Blanefield, Blyth Road, Oldcotes S81 8JL**

Members were present with one appeal decision. The Planning Development Manager gave a summary of the appeal.

**Resolved** that the appeal decision be received.

### **13c Planning Application 22/01714/OUT - Land to the North of Gateford Tollbar, Worksop**

Members were advised that outline planning permission was sought with all matters reserved save for the means of access, for the erection of a care home and up to 10 dwellings.

The site was subject to a site visit prior to the meeting.

The Planning Development Manager presented the application. Members were presented for consideration, site photographs, maps and an illustrative masterplan.

Responses from statutory consultees were detailed in the report.

This application was advertised by neighbour letter, site notice and press notice. Three Letters had been received from Local Residents making comment and two objecting to the development, a summary was included within the report.

In accordance with the rules of procedure for public participation Ms M Wilson spoke in favour of the application as the Agent.

Member's questions and comments were addressed by the Planning Development Manager.

In conclusion, the Chairman summarised the debate.

**Recommendation of the Head of Regeneration:** Grant Subject to Conditions and a S106 Agreement.

**Committee Decision Resolved** that: Grant Subject to Conditions and a S106 Agreement.

### **13d Planning Application 23/00329/FUL - Land Next to Low Lound Road, Sutton cum Lound, Retford**

The application seeks full planning permission for the erection of 9 dwellings, consisting of 1 two bedroom bungalow, 2 three bedroom bungalows, 3 four bedroom dwellings and 3 five bedroom dwellings.

The site was subject to a site visit prior to the meeting.

The Major Projects Planner presented the application. Members were presented for consideration site photographs and maps.

## PLANNING COMMITTEE

The dwellings would be laid out in a linear manner to front Lound Low Road and would be of a traditional design and would feature detailing such as chimneys, brick arches, dentil courses to eaves and gables and stone cills.

It is proposed to access the site from a single priority access on to Lound Low Road with a private drive extending along the front of the dwellings.

Responses from statutory consultees were detailed in the report. Sutton-cum-Lound Parish Council object to the proposal.

This application was advertised by neighbour letter, site notice and press notice. This application was advertised by neighbour letter and site notice and 25 letters have been received from Local Residents objecting to the development. Following re-consultations on the amended scheme a further 5 Letters of objection have been received re-iteration the comments.

In accordance with the rules of procedure for public participation Mr M Rees (Parish Council Chairman) spoke in objection of the application on behalf of the Parish Council and Mr D Dwan spoke in support of the application as the agent.

Member's questions and comments were addressed by the Major Projects Planner.

The Major Projects Planner proposed the following additional condition to the conditions circulated in the report:

"No development shall commence unless and until a Biodiversity Management Plan that demonstrates that there is a no net loss in biodiversity has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity metric as applied in the area in which the site is situated at the relevant time and the Biodiversity Management Plan shall include a management and monitoring plan for a period of 30 years.

Reason: to ensure that there is no net loss in biodiversity."

In conclusion, the Chairman summarised the debate.

**Recommendation of the Head of Regeneration:** Grant Subject to Conditions.

**Committee Decision Resolved** that: Grant Subject to Conditions.

### **14 Any other business which the Chairman considers to be urgent**

As there was no other urgent business, the Chair closed the meeting.

(Meeting closed at 7.25 pm.)

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**Planning Consultation Group**

**Minutes of the meeting held on Monday 21<sup>st</sup> August 2023 via MS Teams**

Present: Councillors S Fielding, G Freeman, F McFarland and N Sanders

Officers in attendance: R Colebourne and J Krawczyk

(Meeting opened at 4.05pm).

**12. Apologies**

There were no apologies for absence received.

**13. Declarations of Interest**

There were no declarations of interest.

**14. Planning Applications**

<b>Ref. No.</b>	<b>Description</b>
23/00757/FUL	Rufford Street, Worksop  Erect One 12 Metre High CCTV Column

Members were advised that planning permission was sought to erect a 12 metre high CCTV column. The application was referred to PCG as it was submitted by Bassetlaw District Council.

Plans were circulated to Members prior to the meeting.

There were no objections received from statutory consultees or members of the public.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
23/00786/FUL	Bus Station, Watson Road, Worksop  Erect 1 x 10 Metre CCTV Column

Members were advised that planning permission was sought to erect a 10 metre high CCTV column. The application was referred to PCG as it was submitted by Bassetlaw District Council.

Plans were circulated to Members prior to the meeting.

There were no objections received from statutory consultees or members of the public.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
22/01665/FUI And 22/01666/LBA	Litten Tree, 4 Chapelgate, Retford Re-Configuration of the Front Elevation to Re-instate an Historically Appropriate Facade, Provision of External Staircase on the Rear Elevation, Reconfiguration of Existing Building to Provide 15 x 1 Bedroom Apartments and 4 x 2 Bed Apartments, Private Landscaped Outdoor Amenity Space with Seating and Secure Cycle and Bin Storage Areas.

Members were advised that the application sought permission to convert a former public house in to 15 x 1 bedroom apartments and 4 x 2 bedroom apartments. This amends a previous application and reduces the number of apartments by 2.

Plans were circulated to Members prior to the meeting.

There were no objections from the Conservation Team, NCC Highways or Historic England. There were 2 objections received from members of public, one citing that the existing drainage system would not be able to cope. This would be resolved by Severn Trent and the applicant would have to agree to connect into the existing drainage system.

Another member of the public cited that the additional windows would result in overlooking into their gardens. However, this property is a considerable distance from the site and Officers are content that the development would not result in an unacceptable loss of privacy to nearby occupiers.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision

<b>Ref. No.</b>	<b>Description</b>
22/01346/OUT	Land to West of Mill Close, North Leverton  Outline Planning Application with some Matters Reserved (Approval Sought for Access and Layout) to Erect 8 Single Storey Bungalows with Associated Garages and Roadway ( Re-Submission of 20/01652/OUT)

Members were advised that outline planning permission is sought for the erection of 8 single storey bungalows with garages and a construction of a roadway. The site lies to the west of the village and is bound by Mill Close and the countryside, access is from Main Street. The site is allocated for a residential development of approximately 10 dwellings in the Neighbourhood Plan.

Plans were circulated to Members prior to the meeting.

There were no objections received from Severn Trent, the Parish Council, Conservation Team or NCC Highways. Network Rail would like some conditions attaching but raised no objections.

There was 1 objection from a member of the public citing there was no affordable housing contributions and as landowner of the beck they did not give consent to drain surface water into the beck.

As there are less than 10 dwellings no affordable housing or other planning obligations would be provided.

Previous applications which included the entire site refused planning permission as they were not in accordance with Neighbourhood Plan allocation. This application has been amended to reflect the extent of the allocation. If the landowner does not give approval to surface water drainage over their land into the beck a further application would be need to be submitted.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision

<b>Ref. No.</b>	<b>Description</b>
23/00799/HSE	87 Lincoln Road, Tuxford  Retain 2 dormer style windows on the Front Elevation and a construction of a Juliet balcony on the West Elevation to the Existing Detached Garage

Members were advised that permission was sought to retain 2 dormer windows and construct a Juliet balcony on the existing detached garage.

Plans were circulated to Members prior to the meeting.

The Town council objected to the balcony citing overlooking on the neighbouring garden. This objection was received on the basis of the original proposal, the application has been amended to replace the balcony with a Juliet balcony, therefore reducing overlooking to neighbouring occupiers.

No further objections were received.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision

<b>Ref. No.</b>	<b>Description</b>
23/00752/FUL	Olive Tree Caravan and Camping Park, Main Street, Clarborough  Change of use of land with the Construction of Hardstanding for the Storage of Caravans (Resubmission of 22/01515/FUL)

Members were advised to consider an application to change the use of land with the construction of hardstanding for the storage of caravans, this application is a resubmission.

Plans were circulated to Members prior to the meeting.

Councillor McFarland left the meeting as he had requested this application be determined by Planning Committee.

The site is a former petrol filling station and has an established camping and caravan site to the rear. The subject site lies to the rear (west) of the existing caravan site in open countryside.

Objections have been received from the ward member, parish council and local residents citing the following reasons:

- Work has already commenced on the hardstanding area
- Removal of hedgerow
- No benefits to tourism
- Existing car wash and signage is unauthorised
- Site is located outside the Neighbourhood Plan development

NCC Highways Authority have insufficient information on the impact of highway safety.

No objections were received from Environmental Health.

It was recommended that the application be refused on following 3 grounds

- Highway safety
- Visual impacts
- Ecological impacts

Officer recommendation – Refuse planning permission.

Outcome following PCG – Refer for Officer Decision

The Chair requested that Councillor McFarland be contacted with the reasons for refusal of this application and the outcome of the PCG decision.

#### **15. Any Other Business which the Chair considers to be urgent**

As there was no other business, the Chair closed the meeting.

(Meeting ended at 4.53pm).

**Planning Committee**

**13<sup>th</sup> September 2023**

**Outstanding Minutes List**

**Members please note that the updated positions are shown in bold type following each item.**

(PDM = Planning Development Manager)

<b>Min. No.</b>	<b>Date</b>	<b>Subject</b>	<b>Decision</b>	<b>Officer Responsible</b>
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None.

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**ITEM SUBJECT OF A SITE VISIT**

Item No:

<b>Application Ref.</b>	22/01713/FUL
<b>Application Type</b>	Full Planning Permission
<b>Site Address</b>	Land East Of Gainsborough Road Bole Nottinghamshire
<b>Proposal</b>	Construction and Operation of a Battery Energy Storage System with an Electrical Output Capacity of up to 500MW and Associated Development Including Power Inverter Systems, Electrical Banking Station, Electrical Cabling including Below Ground Cabling to 400KV Switchyard, Welfare Facilities, Internal Access Roads, Site Security Infrastructure, Lighting, Boundary Treatments, and Landscaping.
<b>Case Officer</b>	Clare Cook
<b>Recommendation</b>	Grant Permission subject to S106 Agreement
<b>Web Link:</b>	

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**THE APPLICATION****SITE CONTEXT**

The application site is located within the wider site of West Burton Power Station and comprises of 13.2 hectares; it is accessed off Gainsborough Road near Bole. The immediate surrounding area of the application site is energy infrastructure with the wider surrounding area being predominantly agricultural. The site is approx. 3.5km to the south west of Gainsborough (as the crow flies) and approximately 1km to the north east of Sturton le Steeple. Bole lies approximately 1km to the north west.

To the north east lies the West Burton Power Station Local Wildlife Site and the River Trent, followed by Lea Marsh SSSI and Gainsborough. To the east there is an area of dense woodland and ponds which also form part of West Burton Power Station Local Wildlife Site. To the south east there is an area of reed beds which again is part of the Local Wildlife Site. To the south west of the site is West Burton B generating station and beyond that the existing coal fired generating station – West Burton A. To the west there is a furnace bottom ash storage area associated with West Burton A and to the north west lies the Bole Ings Ash Disposal Site and Bole Ings Local Wildlife Site and beyond that is Bole Village.

There is a public right of way which runs outside of the site to the east, along the western bank of the River Trent.

The site lies predominately in Flood Zone 1; however some areas in the north and eastern sections of the site lie within Flood Zones 2 and 3.

To the south of the southern access site access lies the Scheduled Ancient Monument of the Medieval settlement and open field system immediately to the south east of Low Farm. The closest listed buildings are located at Bole, approximately 1.25km to the north-west.

This application is subject to Environmental Impact Assessment due to the potential significant impact of the development on Great Crested Newts. Ecology and nature conservation is the only topic scoped into the Environmental Statement (ES). The application is accompanied by a number of other technical documents that are required for full assessment.

The site itself is considered to be Greenfield, although it is accepted that it does form part of a wider previously developed site. The application site was previously allocated for landscaping and creative conservation post construction of the West Burton B Power Station; however this requirement only covered a period of 5 years after establishment which ended in 2017.

## **PROPOSAL**

The proposed development is for Battery Energy Storage System (BESS) with an Electrical Output Capacity of up to 500MW and Associated Development Including Power Inverter Systems, Electrical Banking Station, Electrical Cabling including Below Ground Cabling to 400KV Switchyard, Welfare Facilities, Internal Access Roads, Site Security Infrastructure, Lighting, Boundary Treatments, and Landscaping and comprises of the following:

- Batteries housed in containers / enclosures within the BESS area including:
  - Control and protection systems (including cooling, fire protection and fire suppression)
  - Power inverter systems including associated (medium/low voltage) switchgear and transformers; and
  - Cooling and climatic control systems.
- An electrical banking station (comprising of main step up transformers and switchgear located within the proposed BESS Area (Option 1) or at the 400kV switchyard (Option 2))
- Electrical cabling and electrical connection corridor to 400Kv switchyard
- Welfare facilities comprising of office areas, kitchen facilities, changing/toilet facilities and car parking located within the BESS area
- Site security (including fencing / CCTV) / security cameras
- Operational (intermittent) lighting columns; and
- Landscaping and biodiversity enhancement adjoining the proposed BESS area.

Other associated works proposed are:

- Site preparation
- Provision of site access
- Provision of site drainage
- Landscaping and biodiversity management

The BESS will either be single or double stacked of up to 500MW electrical output. The development will take energy from the electricity grid when demand is low or supply high and feed this back into the grid when demand is high or supply lower.

It is proposed that the West Burton C BESS will be connected into the existing 400Kv switchyard in the south west of West Burton B power station site which in turn is connected into the existing National Grid 400Kv West Burton Sub Station in the south of the West Burton A site.



It is proposed that West Burton C BESS will have an operational lifetime of up to 50 years.

The applicant has requested that due to the nature of this development that there is a 5 year period imposed for commencement of development and any permission should allow for the development to come forward in phases to allow for the most appropriate development to come forward in the evolving electricity market.

The applicant has submitted a statement of community involvement which included pre application consultation with North and South Wheatley Parish Council and Sturton-Le-Steeple Parish Council and how their comments have been addressed.

The applicant has submitted additional information in response to statutory consultee responses and this has been re-consulted upon with the relevant statutory consultee (where it related to technical changes). Addition information to the ES was re-consulted upon in line with the Regulations.

## **DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

### **NATIONAL PLANNING POLICY FRAMEWORK**

The National Planning Policy Framework (NPPF) sets out the Government's approach for the planning system and how these are expected to be applied.

Paragraph 8 explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role.

Paragraph 11 explains that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up to date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission shall be granted unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The following sections of the framework are applicable to this development:

Section 2 – Achieving Sustainable Development

Section 4 – Decision Making

Section 6 – Building a Strong, Competitive Economy

Section 8 – Promoting Healthy and Safe Communities

Section 9 – Promoting Sustainable Transport

Section 11 – Making Effective Use of Land

Section 12 – Achieving Well Designed Places

Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15 – Conserving and Enhancing the Natural Environment

Section 16 – Conserving and Enhancing the Historic Environment

## **NATIONAL POLICY STATEMENTS**

These documents are usually used for national infrastructure projects; however they can be used as material considerations in planning applications.

EN-1 – Overarching National Policy Statement for Energy  
Draft Overarching NPS for Energy – Draft NPS EN-1  
Draft NPS for Renewable Energy Infrastructure – Draft NPS EN-3

## **BASSETLAW DISTRICT COUNCIL – LOCAL DEVELOPMENT FRAMEWORK**

### **Core Strategy & Development Management Policies Development Plan Document (Adopted December 2011):**

- CS1 - Settlement hierarchy
- CS9 – All Other Settlements
- DM1 – Economic Development in the Countryside
- DM3 – General Development in the Countryside
- DM4 - Design & character
- DM7 – Securing Economic Development
- DM8 – The Historic Environment
- DM9 – Green Infrastructure, Biodiversity and Geodiversity, Landscape, Opens Space and Sports Facilities.
- DM10 – Renewable and Low Carbon Energy
- DM11 - Developer contributions and infrastructure provision
- DM12 - Flood risk, sewage and drainage
- DM13 - Sustainable transport

## **NEIGHBOURHOOD PLAN (INCLUDING STATUS AND RELEVANT POLICIES)**

Sturton Neighbourhood Plan 2021-2037 contains the following relevant policies:

Policy 1 – sustainable development, infill and development boundary

Policy 2a – protecting the landscape character, significant green gaps and key views

Policy 2b – enhancing biodiversity

Policy 4 – reducing flood risk

Policy 5 – design principles

Policy 6 – protecting the historic environment

Policy 8 – supporting the local economy

Policy 12 – energy efficiency, renewable energy and climate change.

Sturton le Steeple, Bole and West Burton Neighbourhood Plan Area was designated on 8<sup>th</sup> December 2022. There are no further draft documents.

North and South Wheatley Neighbourhood Plan Area was designated on 8<sup>th</sup> December 2022. There are no further draft documents.

## **RELEVANT PLANNING HISTORY**

West Burton power Station has an extensive and long planning history. Below is the most relevant history / summary in respect of this planning application.

#### West Burton A

This coal fired station as commissioned in 1966. It was scheduled for closure in March 2023 and it will be decommissioned and eventually demolished. This site is owned by EDF.

#### West Burton B CCGT Power Station

This is owned and operated by the applicant and was granted consent in October 2007 under the Section 36 of the Electricity Act 1989. It has three units each having a gas turbine, a heat recovery steam generator and an associated steam turbine, with combined output capacity of 1,332MW. This power station is fuelled by natural gas which is provided by a gas pipeline to the north east. The station connects to the National Grid approximately 0.7km to the south of the power station via a substation within the overall site.

#### Existing Battery Storage

16/00954/FUL - 49MW Battery Storage Facility. Granted 30/9/2016

#### Ash Processing

Nottinghamshire County Council granted permission for the use of ash processing equipment (Ref F/3585) this commenced on 14 July 2017

#### WBC Open Cycle Gas Turbine Power Station

The Secretary of State granted a Development Consent Order for a gas fired generating station comprising of 5 open cycle gas turbine units and associated equipment including a banking compound, electrical connection works, including 400kV electrical cabling and associated works, gas and water connection works, including gas treatment and control facilities, a rail offloading work area and landscaping and biodiversity enhancement area and surface water drainage. This DCO came into force on 11<sup>th</sup> November 2020 and has 7 years to be implemented. This has not yet been implemented; however the site for the DCO overlaps with the current application site and therefore only one permission can be implemented. It is important to note that the applicant is the beneficiary of the DCO and therefore the DCO is a fall-back position.

### **SUMMARY OF CONSULTATION RESPONSES**

#### Nottinghamshire Wildlife Trust

This application will see a net loss of 4.47ha of semi natural habitats (taking into account the minimum habitat creation of 0.6ha), ie 88% permanent loss of habitat.

The population of Great Crested Newts is of Country conservation value as it meets the criteria for a Local Wildlife Site. Given that the impact of the proposed development on Great Crested Newt is loss of terrestrial habitat it is essential that compensatory terrestrial habitat is included in the scheme.

It is noted that habitat creation is proposed in the form of curved, south facing mounds of bare ground surrounded by wildflower grassland to provide mitigation. A minimum of 0.6ha of habitat would be created including a minimum of 225m<sup>2</sup> of unshaded south facing slopes for terrestrial invertebrates, as well as sparsely vegetated gravel/open sward wildflower grassland. Three raised mounds will be formed, a minimum of 2m in height with a

comparable profile to the existing feature with an exposed south facing slope and with a high PVA content. The report states that the mounds provided would mean no net loss of the open habitat needed by the relevant invertebrate species. However it is assumed that there would still be an overall loss of existing flower rich habitat without appropriate off site compensation. The proposed mitigation should be secured via planning condition.

The bat species assemblage meets Local Wildlife Site selection criteria for bats indicating that it should be valued at County level. This is based on 2 scarce species – Leislars and Brandts and 1 less scarce species- Whiskered and 5 common species – common and soprano pipistrelle, noctule, brown long eared and daubentons bat. The report identifies that the proposed development site supports bats of the wider West Burton Power Station site. Foraging habitat for bats will be lost as a result of this development.

Mitigation measures should therefore be secured through a masterplan design and planning application process with actions during the construction and operational phases agreed and established by a Construction Environmental Management Plan and / or a Landscape Ecological Management Plan. This whole process should consider the mitigation hierarchy of avoid, reduce, compensate and enhance. The NPPF advises that if this cannot be achieved then permission should be refused and the Bassetlaw Local Plan contains policy DM9.

Any lighting plan should be sympathetic to the needs of foraging and commuting bats. Advice is given as to what type of lighting should be used.

Planning conditions are recommended to ensure that the BNG target is met as submitted by the applicant.

Attention should be given to the section entitled embedded mitigation paragraph 6.2.18 regarding a CEMP and paragraph 6.2.19 regarding an ecological clerk of works to supervise and manage the development.

Further advice was received from the Trust regarding BNG and mitigations for newts which stated:

*“BNG does not change existing protections, so current legal and policy provisions relating to development impacts on the natural environment, including protected sites and species, and priority species and habitats, all need to be considered in relation to habitat loss. A development cannot avoid this requirement by virtue of delivering a net gain. If there are protected species on-site then these should be approached and managed in the same way as they are currently. **BNG and the Biodiversity Metric calculations would then be additional to this.**”*

Following the submission of additional information the Trust states the following:  
The survey methodologies employed are to a satisfactory standard and the conclusions and recommendations are acknowledged.

Bats – Mitigation is required to compensate for loss of bat foraging habitat

Terrestrial invertebrates – there will be an overall loss of existing flower rich habitat

Mitigation hierarchy – mitigation measures should be considered through masterplan design and planning application process with action through construction outlined in a CEMP and /or LEMP. The mitigation hierarchy should be used.

Impacts on habitats – there is an overall loss of 4.47ha of semi natural habitats

Biodiversity Net Gain – 10% net gain is advised in line with the Environment Act and the aspiration for Nottinghamshire is 20% where appropriate and viable. Suggests that the habitat being created for invertebrates and GCN is counted within the BNG metric, if this still does not achieve 1% net gain then further land will need to be provided to do enhancements or purchase the remaining credits.

Sets out policy guidance from the adopted core strategy and emerging local plan.

Confirms that a S106 agreement seems the best approach for BNG and recommends conditions for a LEMP and CEMP

#### West Lindsey District Council

No comments to make

#### Anglian Water

No comments to make

#### Nottinghamshire County Council Highways

No objections subject to conditions

#### VIA East Midlands

Provides advice in respect of road closures and weight restrictions in response to a public objection letter

#### Nottinghamshire County Council Policy

Minerals and waste – there has been no mention of the Nottinghamshire Minerals Local Plan or the Nottingham and Nottinghamshire Waste Local Plan.

Minerals – Part of the proposed site lies within a Mineral Safeguarding and Consultation Area for sand and gravel. However as the development is on land within West Burton Power Station the proposal is exempt from this policy and is classed as infill. There is an existing minerals site to the south of Sturton le Steeple as allocated in the minerals plan.

Waste – No issues raised in respect of safeguarding existing waste management facilities. Best practice for waste management should be followed – the development should be designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist in the collection, separation, sorting, recycling and recovery of waste arising from the development.

Transport and Travel Services – Requests a contribution of £104,000 towards improvements towards the local demand responsive bus services to serve the site.

Require upgraded infrastructure to the two closest bus stops. This should be dealt with via planning condition.

Public Health – advice given

Following amended information and a meeting with the applicant (5/5/23) NCC Transport and Travel Service has issued a further response. It recommends a condition / obligation to require a sustainable transport statement which is required to support sustainable access to the site.

Following the submission of additional information and a meeting with the applicant Travel and Transport Services provided further comments in respect of sustainable transport. The need for the financial obligation has been removed from the County and instead a planning condition is recommended to require a sustainable transport statement which will set out details of an employee transport service between the site and destinations within a 15m radius of the site.

#### Nottinghamshire County Council Minerals and Waste

See above

#### Trent Valley Internal Drainage Board

Provides advice in terms of the consents required as the site is within their District.

#### Environment Agency

Originally objected to the application due to an inadequate Flood Risk Assessment.

Originally objected to the proposal in terms of foul water disposal as the proposal involves the use of a non mains foul drainage system in circumstances where it may be reasonable to connect the development to a public sewer. Inadequate justification has been provided for this element of the proposal.

In terms of groundwater considerations no objections subject to planning conditions

The Agency has also commented on regulated industry comments – the proposal is located adjacent to the coal fired power station West Burton A which is regulated under the Environmental Permitting Regulations by the Environment Agency. After 23<sup>rd</sup> March 2023 it is expected that the site will be decommissioned and demolished. Throughout this period the EA will continue to regulate the installation until the Permit has been surrendered.

The site is also adjacent to Bole Ings Ash disposal site and West Burton B Power Station which are also regulated by the EA.

Energy storage will play a significant role in the future of the UK energy sector; however DEFRA does not currently see the need to regulate the operation of battery energy storage system facilities under the Environmental Permitting Regulations regime.

These type of developments do not normally result in direct impacts to the environment in normal operations and the EA does not normally object to them; however the potential to pollute in abnormal and emergency situations should not be overlooked. Applicants should consider the impact on groundwater from the escape of firewater / foam and any metal leachate that it may contain. Where possible the applicant should ensure that there are multiple layers of protection to prevent the source of pathway receptor pollution route occurring. In particular proposals should avoid being located close to rivers and sensitive drinking water sources.

However battery storage falls within the scope of the UK's producer responsibility regime for batteries and other waste legislation. This creates lifecycle liabilities which must be factored into project costs. Under the regulations the industrial battery producers are obliged to

- Take back waste industry batteries from end users or waste disposal authorities free of charge and provide certain information for end users.
- Ensure all batteries taken back are delivered and accepted by an approved treatment and recycling operator.

- Keep a record of the amount of tonnes of batteries placed on the market and taken back
- Register as a producer with the Secretary of State
- Report to the Secretary of State on the weight of batteries placed on the market and collected in each compliance period (each 12 months starting 1<sup>st</sup> Jan)

Batteries do have the potential to cause harm to the environment if the chemical contents escape from the casing. When a battery within a battery storage unit ceases to operate it will need to be removed from the site and dealt with in compliance with waste legislation. The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place.

The Waste Batteries and Accumulators Regulations 2009 also introduced a prohibition on the disposal of batteries to landfill and incineration. Batteries should be recycled or recovered by approved battery treatment operators or exported for treatment by approved battery exporters only.

Many batteries are classed as hazardous waste which creates additional requirements for storage and transport.

Following the submission of additional information the EA continued to object as the FRA is considered to be inadequate and requests a revised FRA to include the points raised.

In terms of foul drainage the document entitled response to environment agency dated 13.4.23 satisfactorily addresses original concerns. Recommends condition in this regard.

In terms of biodiversity the Agency would still recommend BDC push for 10% BNG, repeat previous comments.

Groundwater and contaminated land – recommend conditions

Regulated industry – repeat above comments.

Following an amended FRA the EA raise no objections to the scheme subject to conditions.

#### Natural England

No objections.

Natural England concurs with the fact that there are no relevant pathways for impacts to Lea Marsh SSSI from the proposed development.

It is acknowledged that the documents show a significant reduction in biodiversity units on the site as a result of the development with the 'do nothing' parameters showing a greater decrease in biodiversity units than 'with indicative landscaping'.

The report also states that there is not enough land available on site or in control of the applicant to achieve no net loss or gain in terms of biodiversity units. Off-site BNG should be sought via planning condition.

Although BNG is not yet mandatory NE recommends 10% BNG. It is recommended that the 'with indicative landscaping' approach should be adopted on site and where further on site enhancements are not possible the remaining requirement should be delivered off site, locally.

No off site enhancements have been identified at this stage as such a planning condition may be appropriate to ensure that the development does not go ahead until a detailed design of biodiversity enhancements has been provided.

#### Gamston Aviation

No comments received

#### Historic England

No comments to make

#### Bassetlaw District Council Environmental Health

Extraction / Ventilation – the use of extract ventilation for example fans that may be required to cool batteries, transformers / inverters or other equipment will be addressed from a noise point of view at the detailed design stage. It is unlikely that an ventilation system from this type of development will result in any other adverse impact eg odour.

Noise – The applicant has submitted an operation noise assessment in which the current noise environment has been measured, the levels of noise likely to be produced by equipment on the site once commissioned and the likely impact of any increased noise levels resulting from the development on surrounding residents. The impact of noise from the construction phase is considered separately. Based on the worst case scenario EHO is satisfied that the proposed development will not have a significant adverse noise impact on surrounding residents but would be cautious to accept any increase in noise levels than currently predicted. Would support the approach of the noise consultant in that opportunities should be explored at the detailed design stage to reduce the specific sound levels by a selection of equipment, site orientation, acoustic enclosures or noise barriers and welcomes further details of the likely impact from noise following the detailed design stage.

Is satisfied with the details contained in respect of noise from the construction phase and accepts the proposed hours of construction working.

Lighting – the applicant has committed to minimising any disturbance to residents and local wildlife. In any event statutory nuisance arising from light nuisance can be adequately resolved through the Environmental Protection Act 1990.

#### Bassetlaw District Council Conservation

No concerns in respect of the proposal

#### Bassetlaw District Council Tree Officer

This application potentially has some minor impact on managed young native plantation blocks of willow, poplar, alder, robinia and cherry with some hazel, birch, hawthorn and other young hedgerow species mainly around the edge of the proposal.

#### Lincolnshire County Council Archaeological Advisor

No further archaeological input is required.

#### Nottinghamshire County Council Local Lead Flood Authority

Originally objected to the application



Following the submission of additional information raise no objections.

National Air Traffic Services

No safeguarding issues.

Secretary of State

No comments to make

Cadent

No objections

EDF

No comments received

Health and Safety Executive

There is one unidentified pipeline in this local authority area. Consult with EDF Energy

North and South Wheatley Parish Council

Supports this application, after re-consultation has no comments to make

Sturton le Steeple Parish Council

No comments received

West Burton Energy

No comments received

**SUMMARY OF PUBLICITY**

This application was advertised by neighbour letter, site notice (posted close to the development site as recommended by legislation) and press notice and **1** letter has been received which raises the following comments:

- Questions where the site is located
- Questions whether St Ives will be safe
- Questions the level of noise and impact on St Ives during construction

An e mail has been sent to the member of the public regarding these issues and the applicant prepared a response which has been sent to the resident.

A further letter has been submitted from the same resident which raises issues relating to this application and to wider issues; the Head of Regeneration replied to the letter. The following concerns were raised:

- The notices erected where people walk so the village will not be aware of the development
- Traffic movements from HGVs are a concern, its says between 5-340 a day

- How many people will be working there?
- Other development will need the main road closing to connect their utilities
- If the main road closes this will affect the Village and access to it
- Why is there not a sign at Bole to stop 14 tonne vehicles going through the villages
- There should be road closure signs before the roads are closed to give people warning
- How will the contaminated land be moved from the site and what is it contaminated with?
- Is the water contaminated?
- How much noise will be generated during construction and how will it affect the resident
- Will the development have an impact on people's health due to the amount of electricity being generated
- Increased use of the lane
- Air pollution
- Will there be protestors

The applicant for the application offered to set up a meeting with the concerned resident and the Station Manager and Health and Safety lead and this took place on 26<sup>th</sup> June 2023 at the objector's property. The Planning Officer / Head of Service did not consider it necessary to attend because the issues to be discussed were wider than the current application and the objector has put concerns about the current application writing which have been assessed as part of this report. This was confirmed by the applicant's minutes of the meeting which stated that there were no specific concerns about the BESS but concerns about the wider context of development of the site. No further comments have been received from the resident following the meeting at the time of writing the report.

## **CONSIDERATION OF PLANNING ISSUES**

The main issues in this application are as follows:

- Environmental Impact Assessment
- Principle of the Development
- Sustainability Considerations
- Biodiversity Considerations
- Highway Considerations
- Landscape and Visual Impacts
- Residential Amenity
- Heritage / Archaeology
- Flood Risk
- Contamination
- Decommissioning and Reinstatement of Land
- Planning Obligations
- Tilted Balance
- Conclusion

## **ENVIRONMENTAL IMPACT ASSESSMENT**

The application is subject to an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). The

proposal falls within Schedule 2, Part 3a – industrial installation for the production of electricity, steam, hot water (unless included in Schedule 1) – 0.5ha threshold.

The applicant determined that the application was EIA development.

A Scoping Opinion was issued by the Local Planning Authority in September 2022 which concluded that the following topics should be scoped in – ecology and nature conservation and cumulative and combined effects. Technical reports for other issues could be scoped out of the Environmental Statement; however they would need to be submitted as part of the planning application.

An Environmental Statement has been submitted with the application based on the above principles.

The Secretary of State has been consulted on this development and does not wish to make any comments.

Consultation has been undertaken in accordance with the Environmental Impact Assessment Regulations 2017 (as amended).

There was an omission of the bat survey report and when this was submitted a full round of consultation was undertaken again in line with the Regulations.

The residential receptors have been questioned with the applicant who is of the opinion that the report concurs with the scoping opinion in that it primarily focuses on ecology and cumulative impacts. The residential receptors is not an exhaustive list, it is simply good practice.

This is accepted as the main purpose of the Environmental Statement is to consider ecology and biodiversity. Residential receptors will be assessed via the planning application.

### **PRINCIPLE OF THE DEVELOPMENT**

The starting point for assessing planning application is the adopted development plan which comprises of the Bassetlaw Core Strategy 2011.

The application site is located within the open countryside and this engages Policy CS9 of the adopted plan. Whilst there is no specific reference to this type of development in this policy it does state that rural employment opportunities that are of an appropriate scale and type to the settlement and surrounding land uses will be supported when they are consistent with policy DM1 and DM3 and other material considerations.

Again policies DM1 and DM3 do not make specific reference to this type of development; however they provide a good reference point for assessment of this application.

Policy DM1 discusses general development in the countryside and sets out the criteria where such proposals will be supported.

Policy DM3 seeks to support development of previously development sites in the open countryside subject to a number of criteria. As aforementioned it is not considered that this site is wholly previously developed and therefore the proposal would not accord with this policy.

Paragraph 33 of the NPPF states that policies in development plans should be reviewed and where necessary updated every 5 years. The Bassetlaw Core Strategy dates from 2011 and its policies have not been reviewed in the last 5 years as the Council is working on a new

local plan to replace it. In this situation, paragraph 219 of the NPPF states that policies in an adopted development plan do not become automatically out of date because they were published before the framework; policies must be considered having regards to their consistency with the framework.

The Core Strategy was prepared using a settlement hierarchy which included development limits to control development and it also does not contain any allocations for new development. It is considered that this approach is now out of step with that identified in the NPPF and the weight given to policy CS9 and by association Policies DM1 and DM3 has to be reduced.

Accordingly part d) of paragraph 11 of the NPPF is engaged as Policy CS9 is considered to carry limited weight in the decision making process. This scheme must be considered under the tilted balance test where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF when taken as a whole.

Policy DM10 of the Core Strategy is generally supportive of proposals that seek to utilise renewable and carbon energy to minimise CO2 emissions and this policy is afforded weight as it is generally consistent with the NPPF.

In terms of material considerations in respect of the principle of the development the NPPF is clear that the planning system should support renewable energy development, paragraph 152 states:

***“The planning system should support the transition to a low carbon future in a changing climate, taking account 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, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”*** (report writer’s emphasis)

Paragraph 158 states:

*“When determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”*

Further material considerations relate to the National Policy Statements which are normally used for national infrastructure development; however they provide a good reference point demonstrating the Government’s stance to this type of proposal.

Draft National Policy Statement EN-1 – Overarching Energy and Draft National Policy Statement EN-3 Renewable Energy Infrastructure are of particular importance in respect of this application.

Draft EN-1 states that storage has a key role to play in achieving net zero and providing flexibility to the energy system so that high values volumes of low power carbon power, heat and transport can be integrated. Paragraph 3.3.25 is clear as it states:

*“Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. Storage can provide various services, locally and at the national level. These include maximising the usable output from intermittent low carbon generation (e.g. solar and wind), reducing the total amount of generation capacity needed on the system; providing a range of balancing services to the NETSO and Distribution Network Operators (DNOs) to help operate the system; and reducing constraints on the networks, helping to defer or avoid the need for costly network upgrades as demand increases.”*

It is clear from these National policy documents that there is Government support for this type of development subject to an assessment of material considerations which are discussed below.

A further material consideration relates to the location of this site. Whilst it is accepted that it is within the open countryside it is immediately adjacent and forms part of the wider West Burton Power Station. This will allow the development to use the existing connections and infrastructure within the West Burton B site which is also owned by the applicant.

The final material consideration in respect of the principle of the development is that the site benefits from a Development Consent Order (DCO) for a gas fired generating station comprising of 5 open cycle gas turbine units and associated equipment including a banking compound, electrical connection works, including 400kV electrical cabling and associated works, gas and water connection works, including gas treatment and control facilities, a rail offloading work area and landscaping and biodiversity enhancement area and surface water drainage. This DCO came into force on 11<sup>th</sup> November 2020 and has 7 years to be implemented. This has not yet been implemented; however the site for the DCO overlaps with the current application site and therefore only one permission can be implemented. It is important to note that the applicant is the beneficiary of the DCO and therefore the DCO is a fall-back position and is an important material consideration.

The remainder of the report assesses the relevant material considerations relating to the application concluding with an assessment of the tilted balance.

The applicant has requested a 5 year time limit for commencement for this development along with the ability to develop in phases in order to allow for the most appropriate development configuration in the evolving electricity market. The applicant considers that this would ensure sufficient opportunities for the West Burton C BESS to win contract via current competitive mechanisms and auctions such as the National Grid ESO Capacity Market Auction and to subsequently progress towards the finalisation of a construction contract (s) and raise project finance. This approach is considered reasonable.

## **SUSTAINABILITY CONSIDERATIONS**

Paragraph 8 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

**“an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

**a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

**an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

In reaching a decision on this case, the NPPF at paragraph 9 makes it clear that the objectives referred to above should play an active role in guiding development towards sustainable solutions and are not criteria against which every planning application should be judged against.

National policy is clear that this type of development is an important piece of infrastructure in achieving the energy targets. It is considered that the development is therefore sustainable.

In essence the proposal is an economic proposal that will encourage an inward investment opportunity in the District, thus meeting the economic objective.

In terms of the social objective the development will support strong communities and provide infrastructure for future needs.

Finally the environment objective, the application has been subject to an Environmental Statement due to the impact on biodiversity and proposals have been made to ensure that there will be a no net loss to biodiversity through a variety of off-site measures. Ultimately the application meets the environmental objective by assisting in the movement towards a low carbon economy.

It is considered that the development is consistent with Paragraph 8 of the NPPF.

### **BIODIVERSITY CONSIDERATIONS**

The Environment Act 2021 has introduced a requirement for development to deliver a 10% net gain to biodiversity. Opportunities to achieve 10% net gain in planning decisions are welcomed, however this will not become mandatory until November 2023 for large sites and April 2024 in the case of small sites. In the interim, with the absence of an up-to-date Local Plan, the Authority will approach biodiversity in accordance with paragraph 180 of the NPPF which makes clear that there should be no net loss to biodiversity as a result of development.

The content of paragraph 180 of the NPPF is applicable as it states that in dealing with planning applications, councils must consider the harm of a scheme on biodiversity. It states that the following principles should be applied (in summary):

- If significant harm cannot be avoided adequately mitigated or compensated for permission should be refused.
- Development within or outside a SSSI which is likely to have an adverse impact on it should not normally be permitted. The only exception is where the benefits of location outweigh its impact.
- Development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are exceptional reasons or compensation.
- Development whose primary objective is to conserve or enhance biodiversity should be supported. Opportunities to improve biodiversity in and around developments should be integrated as part of their design especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Policy DM9 of the Core Strategy is consistent with the above and adds that development proposals will be expected to take opportunities to restore or enhance habitats and species' populations and to demonstrate that they will not adversely affect or result in the loss of features of recognised importance.

One of the main issues in this planning application relates to biodiversity and this was the primary reason for the need for an Environmental Statement to be submitted.

A full assessment has been submitted in respect of biodiversity via both the planning application and the Environmental Statement. The Environmental Statement provides an assessment of the potential ecological effects during construction, operation and decommissioning.

The application site is within the SSSI Impact Risk Zone for Lea Marsh located approximately 1.1km to the north east of the site. There are 10 non-statutory nature conservation designations within the locality of the site, the closest being the West Burton Power Station Local Wildlife Site (LWS) which is located adjacent to the east of the application site and the West Burton Reedbed Local Wildlife Site located approximately 60m to the south east.

The proposed development does not take land from the adjacent West Burton Power Station LWS therefore avoiding any direct impacts and the Environmental Statement has assessed indirect impacts and concludes that there would be no likely significant effects as a result of the development providing details as outlined in the Construction Environmental Management Plan are adhered to. There are also no likely significant effects on the West Burton Reedbed LWS.

It is proposed that there will be a buffer of at least 6m between the proposed development site boundary and the security fence around the BESS arrays and this would be managed as part of the landscaping and biodiversity area. This area would create a minimum of 0.6ha habitat including wildflower grassland and scrub and some sparsely vegetated areas. This would provide partial compensation for the habitat loss from the proposed BESS and would provide a permanent buffer zone.

A desk top ecological appraisal has been submitted with the application. In summary this identified the following sites within the desk study area: one statutory nature conservation designation (Lea Marsh SSSI), ten non statutory nature conservation designations (the closest being West Burton Power Station LWS adjacent to the site and West Burton Reed

Beds LWS 60m to the south east) and six priority habitats (including deciduous woodland 10m to the east of the site and reedbeds 60m to the to the south east). The site is within a SSSI Impact Risk Zone for Lea Marsh SSSI; however there are no pathways for impact from the proposed development. Temporary construction impacts on adjacent LWS and priority habitats are possible and there are recommendations to retain existing wet woodlands and reedbed habitats.

The habitats present within the site include semi-improved neutral grassland, scrub, plantation woodland, species poor hedgerows and tall ruderal vegetation. Habitats in close proximity include reedbed, standing water, running water and bare ground. Some of these habitats are listed in the Notts Biodiversity Action Plan as priority habitats.

Protected species identified include bats, great crested newts, reptiles, breeding birds, fish aquatic invertebrates, brown hare and terrestrial invertebrates.

In terms of protected species reports the following have been submitted as part of the Environmental Statement:

Terrestrial Invertebrate Survey Report – during the survey periods this found a total of 443 species of which 16 were key species. 3 of these 16 were species of principal importance. The south facing slope of the raised mound is an important feature of the study area and a critical area to maintain favourable conservation status of the 3 species of principal importance in addition to flower rich grasslands. The value of the site is as a stepping stone habitat which enables fauna to within the Trent Corridor to disperse across the landscape. The study area represents an important resource and contribution to invertebrate nature conservation within Nottinghamshire and Lincolnshire. The invertebrate assemblages have been evaluated to be of country nature conservation value. The important elements are the raised mound, patchy bare ground and flower rich grassland.

The proposed mitigation is based on the provision of a series of raised mounds to mitigate for the loss of the existing feature. Each new mound should be a minimum of 2m in height and include an upper level surface such that the profile is comparable in profile to the existing feature. Additional recommendations including vegetation management are included within the submission. It is expected that the effect on this habitat would be temporary and recoverable.

Badger Survey – badger reports remain confidential; however the report considers the impact on badgers.

The report sets out the measures to be undertaken to ensure legislative compliance with regards to badgers.

Great Crested Newt Survey Report – the report confirms that there are Great Crested Newts in and around the application site. Whilst there are no ponds on the application site the grassland scrub and constructed hibernacula are likely to be used for foraging and overwintering by Great Crested Newts. The population has been defined as of County value. The proposed development site provides suitable terrestrial habitat within 250m of breeding ponds and thus supports the breeding population. The site represents 10% of the accessible terrestrial habitat for the population.



Compensation for newts will be via the Licence agreement which will be controlled by Natural England.

Reptile Survey Report – this survey found one young grass snake which indicates breeding in the vicinity of the application site. The report concluded that the grass snake population is deemed to be of local value.

It was concluded that habitat connectivity around the east and north side of the site would remain for reptiles. Mitigation measures would be undertaken during site clearance to minimise any harm. The hibernacula provided for great crested newts would also be beneficial for reptiles.

Bat Survey Report – the surveys found 2 x rare species, 1 x lesser scarce species and 5 x common species of bat. The report concludes that bat species assemblage at the development site is considered to be of County value.

It is concluded that there will be no loss of habitat connectivity for bats and lighting during construction and operation would be minimised. It was concluded that there would be no significant impacts on bats.

Breeding Bird Survey Report – this survey recorded 41 bird species with 11 confirmed as breeding, of these 11 none were on the red list for birds of conservation concern nor were they included on Annex 1 of the EU Birds Directive. A further 17 species were recorded as 'probably breeding'. The report concluded that breeding birds were important at a site scale.

Birds and their nests are legally protected and site clearance will be undertaken in accordance with this legislation.

The proposed development will lead to a loss of approx. 5.07 hectares of semi-natural habitat; 0.6 hectares of land is proposed to be created within the buffer zone which means a net loss of 4.47 hectares which equates to 88% permanent loss of habitats. In the context of the wider West Burton Site (200 hectares) this does represent a small reduction in total loss of semi-natural habitats so there would be no loss to the functional integrity of the habitats within the wider West Burton Site.

The applicant has submitted an indicative Landscape and Biodiversity Management Plan which includes additional measures that could be undertaken to further enhance the biodiversity, landscape and green infrastructure on the site. The aim of the landscape proposals is to establish a landscape environment that integrates the site with its surroundings and contributes to the biodiversity and improved ecological diversity of the area. The proposals are as follows:

- Creation of a species rich grassland sward
- Native scrub planting along the perimeters including woodland
- Open gravel / PFA areas created for invertebrates with an undulating rough surface sparsely sown with wildflower mix
- Creation of south facing bunds to support terrestrial invertebrates

If these measures are implemented at the design stage then the overall permanent loss of habitat would reduce to approximately 77%, a loss of -31.9 units of habitat and -1.64 units of hedgerows.

In addition to the loss of habitat on site the proposed development will have a direct impact on habitat which supports a County important terrestrial invertebrate assemblage which also needs consideration as without compensation this could result in a significant adverse impact at a local level. The whole of the West Burton Power Station supports Great Crested Newts.

The majority of the habitats to be lost as a result of this proposal were created as part of the landscape and creative conservation plan for the West Burton B generating station partially to compensate for the loss of Great Crested Newt habitat. There are no ponds on the application site with the nearest breeding pond being located approximately 100m from the northern edge of the BESS area. The loss of habitat during the proposed development construction represents approx. 10% of the total semi-natural habitat within 250m of the ponds used by Great Crested Newts.

Compensation for the loss of Great Crested Newt is proposed to be provided off site using the District Level Licensing (DLL) scheme offered by Natural England this will comprise of 3.19 ponds to be created off site. The applicant has confirmed agreement of this and states that with this compensation the effects on Great Crested Newts would not be significant.

Other species have been assessed as part of the submission and concluded that the effects on them would not be significant.

There have been discussions about whether the compensation for the newts can provide biodiversity net gain.

Advice from Nottinghamshire Wildlife Trust is as follows:

*“BNG does not change existing protections, so current legal and policy provisions relating to development impacts on the natural environment, including protected sites and species, and priority species and habitats, all need to be considered in relation to habitat loss. A development cannot avoid this requirement by virtue of delivering a net gain. If there are protected species on-site then these should be approached and managed in the same way as they are currently. **BNG and the Biodiversity Metric calculations would then be additional to this.**”*

The Council currently does not have a policy to require a 10% biodiversity net gain and therefore whilst a net gain is encouraged the policy and legislative position at present is to ensure that there is no net loss in biodiversity.

It is not yet fully clear as to the extent that off-site compensation can be included as Biodiversity Net Gain. However there is some guidance issued from the Local Government Association (in frequently asked questions on this topic) which states:

*“The current position is that it is possible to use sites delivering nutrient neutrality / SANG / GNC habitat to also deliver biodiversity net gain, on the basis that delivery of the non BNG outcomes via habitat creation / enhancement could contribute up to a point equivalent to no*

*net loss of BNG (as calculated by the biodiversity metric) but not beyond – assuming that they meet any other BNG requirements eg agreed type/duration etc”*

It goes on to state:

*“The contribution to BNG through measures required as part of the DLL is capped at a point equivalent to no net loss irrespective of the actual delivery outcome as measured by the Biodiversity Metric 3. To achieve the required biodiversity unit uplift beyond no net loss to meet BNG requirement, there must be habitat provision or enhancement beyond the minimum requirement of DLL”*

On 2<sup>nd</sup> May 2023 further guidance – What can count towards Biodiversity Net Gain, was published by the Government. This states the following:

*“If you’re creating or enhancing habitat as part of your development you may be able to count this towards BNG. You can still do this if the habitat required for your development is to ...provide mitigation or compensation for protected species or sites for example nutrient mitigation.*

*If you’re also providing off-site mitigation and compensation for protected sites and species. This may count towards your BNG through other activities for example on site habitat creation or enhancement.*

*If you’re using off site units you need to legally secure these for at least 30 years. You must register them before they can count towards your BNG”.*

On the basis of the latest guidance issued by the Local Government Association and the Government it is considered that the off-site compensation for newts in this application can be classed as BNG up to the point of no net loss; however this is still guidance and there is still some confusion as to whether the compensation for newts will be allowed to contribute towards no net loss in biodiversity. In effect this will only be known when Natural England confirm their stance.

In order to seek more clarity the applicant has been questioned about the issue of BNG and how they envisage this can be delivered. The BNG report states the following:

*‘The metric has been used for two scenarios. The first is the ‘do minimum parameters plan’, as set out in the Parameters Plan (ES Figure 9) (Ref. ES-030) and parameters table (Table 4-1 within ES Chapter 4: The Proposed Development) (Ref. ES-004). The second is a ‘with landscaping’ scenario based on ES Figure 10: Indicative Landscaping and Biodiversity Management Plan (Ref. ES-031), which shows an illustrative design for the post-development layout. This is still a conservative scenario, based on a single storey layout for the Proposed BESS Area and with the worst-case assumption that all habitat within the Proposed Development Site boundary would be lost during construction, i.e. no habitat retained or enhanced.’ (para 3.3.2)*

The applicant has confirmed that at this point in time it cannot commit to the indicative landscape and biodiversity management plan; the purpose of this plan is to set out the principles that the applicant is committed to at the detailed design stage. The applicant is also committed to providing the landscape and biodiversity measures set out in the

parameters plan. This would need to be controlled by imposing a condition should permission be granted.

The maximum allowable provision from the District Licence would be 40.69 habitat area units and 1.64 hedgerow units credited to WBC BESS and this would achieve no net loss. However it is possible that the biodiversity units from the License may be less, all that is known at the present time is that the License will fully compensate for the effects on Great Crested Newts.

It is likely that the License will go some way to achieving no net loss in biodiversity but the applicant has arranged to top up the habitat area units and hedgerow units to ensure no net loss achieved and this would be done via separate off site arrangements with the exception of a small number of units created by the on-site landscaping.

The exact habitat losses on this site will not be fully known until the details design of the development has been finalised; however the worst case 'do minimum approach' was as follows:

- 40.69 unit loss in construction
- 4.39 units on site post construction

On this basis 36.30 units are needed off site to achieve no net loss plus 1.64 linear units for hedgerow loss.

This will in effect leave 2 possible scenarios:

- 1) If Natural England confirms that the Licence for newts can count towards no net loss then the applicant's Licence will provide a minimum of 36.30 units and 1.64 hedgerow units or ideally 40.69 units and 1.64 hedgerow units to achieve no net loss. This will also include on site landscaping which would constitute 4.39 units onsite.
- 2) If Natural England confirm that the License cannot count towards BNG then the applicant will be required to find BNG habitat providers for up to 36.30 units and 1.64 hedgerow units off site. The on-site units would comprise of 4.39 units and in total this would equate to no net loss.

The two scenarios are the extremes and it may be the case that the final position lies somewhere between the two i.e. the Licence goes some way to achieving BNG and then the applicant will need to 'top this up' by the provision of BNG off site. The on-site landscaping will still stand in any event.

Both Natural England and Nottinghamshire Wildlife Trust have been consulted on this application and raise no objections subject to the imposition of conditions to secure off site mitigation and to ensure that there is adequate mitigation for protected species such as bats. It is also recommended that the 'with indicative landscaping' approach should be adhered through throughout the development.

The baseline of biodiversity has been established in this application and the applicant has outlined various options that could be taken to achieve no net loss.

However, given the fact that there are some unknowns in respect of how the no net loss will be achieved, in line with current guidance it is recommended that a legal agreement along with conditions should be entered into to ensure that suitable biodiversity off site can be provided to achieve no net loss. The applicant has agreed to this approach.

The Environment Agency (EA) has also commented on biodiversity and they are satisfied that the proposals will have no impact on the biodiversity of the watercourses in the vicinity of the site. The EA request that a condition is imposed on any permission to provide 10% BNG in the spirit of the emerging BNG legislation. Any proposals for the delivery of BNG will require 30 years maintenance and should be addressed as part of any condition.

The following suggestions have been provided by the EA in respect of where off site mitigation could be provided:

- Looking south from the site on farmland close to the River Trent on the left bank, there are historic fields where hedgerow boundaries have been lost. Reinstating these would improve biodiversity
- Lea Marshes SSSI is currently failing and not achieving status; although this is within Lincolnshire.
- There are several Local Wildlife Sites within the vicinity of the site which could be improved and maintained
- Improvements to the River Trent and or ditches on the site or close by

The applicant has considered these suggestions and agrees that there are many potential sites to deliver the off-site BNG which could be secured by condition. However the applicant also points out that 10% BNG is not a mandatory requirement.

The issue of BNG has been discussed above and the current policy position is no net loss and therefore to mandate 10% BNG would not be reasonable in the current policy context. In terms of where the off-site compensation would go this will need to be discussed and agreed with Natural England.

Nottinghamshire Wildlife Trust raised concerns in respect of the loss of habitat for foraging bats and it is accepted that this development would equate to some loss; however this is unlikely to be significant as addressed in the applicant's environmental statement; this can be covered by a landscaping and habitat plan condition.

It is proposed that the BESS would be unlit for most of the time with lighting only needed for inspection, maintenance and emergencies. Lighting may be needed during the construction phase and the Construction Environmental Management Plan states that this would be designed so as to minimise impact on biodiversity. It is concluded by the applicant that lighting would not have a significant effect on biodiversity, nor would noise. A lighting condition is proposed for both construction and operational phases.

The applicant has submitted a Construction Environmental Management Plan (CEMP) which sets out at Table 5 the mitigation / enhancement proposals for biodiversity during construction. It is crucial that these recommendations are adhered to and a further more detailed CEMP should be secured via planning condition.

In terms of trees there are willow trees located on both sides of the existing 'Ash Road' The proposed development is partially within the root protection zone of these trees; however no work is proposed on this road and therefore these trees will not be affected.

There is also a group of trees to the north of the proposed BESS area which are proposed to be retained. The submitted Construction Environmental Management Plan sets out how the trees will be protected. The Council's tree officer has been consulted and raises no objections to the proposals.

It is accepted that there will be an impact on biodiversity and a S106 agreement and conditions will be required to ensure that the impact is mitigated against. This will be entered into the planning balance.

## **HIGHWAY CONSIDERATIONS**

Paragraph 110 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. This requirement is also contained in policy DM4 of the Council's Core Strategy. Paragraph 111 of the NPPF makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 92 of the NPPF states that all development should aim to achieve healthy, inclusive and safe places which encourage social interaction, are safe and accessible and enable and support healthy lifestyles. Paragraph 110 of the NPPF requires schemes to provide safe and suitable access for all users as well as looking at appropriate opportunities to promote sustainable transport modes.

The proposed access to the development is via the existing power station access from Gainsborough Road. Once within the site two options are given to access the application site – one to the south and one to the north (some earthworks may be required if the latter option is pursued to ensure adequate gradients). Roads will need to be constructed within the BESS area as required and these will be hard surfaced with appropriate drainage.

In terms of HGV routes it is stated that all HGVs associated with construction would be required to arrive and depart the site to / from the north via the A631 and this is due to the bridge height restriction in place at two locations along the A620 towards Retford. These instructions would be issued to the HGV drivers and will be a condition of contract between the applicant and appointed contractor. Signage will also be erected at the main junctions.

A Transport Statement and Travel Plan have been submitted with this application, the following trips are proposed to be generated by the development during construction:

340 two way trips across the day (170 in and 170 out). This is split into 120 workers travelling by car and 50 HGVs. This number of trips during construction is less than those proposed by the consented West Burton C Generating Station.

A Construction Traffic Management Plan has also been submitted which states that the existing access is suitable for the proposed development. A small number of abnormal roads will have to use the existing route through West Burton A.

Operational access will be required for workers, occasional inspections/ maintenance visits and / or augmentation of battery cells. It is proposed that the facility will be unmanned; however a car park is proposed with 6 spaces for staff and visitors during operations along with two Sheffield type cycle hoops for cycle storage.

The submitted Construction Environmental Management Plan states that the HGVs would arrive and depart the site via the existing West Burton site access and would be required to depart / arrive from the north via the A631 due a bridge height restriction at 2 places along the A620 towards Retford. The volume of HGVs on the network would be at its maximum of 100 two way daily vehicle movements (50 in and 50 out) during site preparation, equipment delivery and pre commissioning stages of construction. It is expected there may be a number of abnormal indivisible loads entering the site and these will use the established route of the A614 and A613 from the A1 which is currently used for West Burton power Station.

Access for fire vehicles would be via Gainsborough Road and the main BESS site can also be accessed from the north via an independent access which connects to River Road.

The Transport Statement concludes that the impact of the proposed development would not be severe and does not meet the grounds for refusal in transport terms according to the NPPF.

The Highway Authority has assessed the application and accepts that the predicted increase in traffic on the local road network during construction may be perceivable, most notably on the C2 Gainsborough Road to the south of the power station access where am and pm traffic would increase by 13% and 21% respectively towards Sturton le Steeple. Post construction the operation of the development will create up to six operational and maintenance worker roles and on this basis any long term increase in traffic will be negligible.

The proposed location of the battery storage facility is on the eastern side of the power station site and the site access is on the west. The Highway Authority states that there is unlikely to be any disruption to traffic on Gainsborough Road due to construction activity other than that associated with arrivals and departures of vehicles.

The Highway Authority has no objections to the proposal subject to planning conditions.

There have been public concerns raised in respect of traffic and transport. It is accepted that during construction there will be a temporary increase in HGV deliveries and staff numbers; however it is not considered that this would be so detrimental as to warrant refusal of permission. Conditions can be imposed to ensure that an adequate level of amenity is maintained.

The public comments have been sent to the Highway Authority for comment and the Highway Authority states:

*“The submitted Transport Statement (TS) predicts that, during the peak of construction, the development will generate 340 two-way vehicle trips across the day (170 in and 170 out). Workers account for 240 of those trips (120 in and 120 out) assuming all travel independently by car/van (very much a worse case as this does not account for car sharing or the potential*

to transport workers by minibus) and 100 trips will be HGV deliveries (50 in and 50 out). Construction worker arrivals and departures are predicted to occur between 0700-0900 and 1700-1900. The development will be accessed via the existing Power Station access on the C2 Gainsborough Road both during and post construction. The TS distributes construction traffic onto the local road network based on the likely origins of construction and construction worker traffic. The predicted increase in traffic on the local road network during peak construction may be perceivable, most notably on the C2 Gainsborough Road to the south of the Power Station access where AM and PM peak period traffic would increase by circa 13% and 21% respectively towards Sturton-le-Steeple, in the worst case scenario. However, the predicted short-term increases in traffic would not warrant intervention. All HGVs will head north, away from Sturton-le-Steeple. Post construction, the operation of the development will create up to six operational and maintenance worker roles. Therefore, any long-term increase in traffic will be negligible. In order to have some control over HGV movements, I've suggested planning conditions to cap the number of lorries per day and such that all lorry drivers are instructed to access the site to and from the north to avoid Sturton-le-Steeple"

Concerns have also been raised in respect of connection to utility services and weight limit signage and the following response has been received from Via East Midlands:

*"In terms of road closures, all works/closures on the adopted highway need to be applied for via our NRSWA team. Once accepted the closure is then present on one network for the public to see with all details of the closure. This is usually backed up by a sign in advance of the works taking place, forewarning residents/road users that the closure is to take place. Diversions are usually put in place to avoid any further disruptions to residents as well.*

*In terms of signage for weight restrictions, the website we use to track the restrictions is [www.nottinghamtraffweb.co.uk](http://www.nottinghamtraffweb.co.uk)*

*If there are weight restrictions present, there will be signage at the entrance and exit to wherever the restrictions are active. Sometimes there are advisory blue signs that are situated which state "Unsuitable for HGV's" but these are purely advisory and are not enforceable."*

The applicant has also responded to the objector's highway concerns:

*"During construction there will be a temporary increase in HGV deliveries and staff numbers (and a small number of abnormal indivisible loads) accessing the Proposed Development Site however no significant effects on traffic and transport are expected to occur during Proposed Development construction or operation.*

*During construction HGV arrivals, including deliveries, will be managed as far as reasonably practicable, such that they are spread evenly over the day between the hours of 07:00 and 19:00 Monday to Friday (except bank holidays) and 08:00 to 18:00 on Saturday (if required). A Framework Construction Traffic Management Plan (CTMP) has been submitted as part of the application. Measures will be put in place during construction to reduce the effect on local residents including a designated HGV routing plan and a 24 hour contact name and number which will be displayed on a notice board at the site entrance for members of the public to contact should they have any issues regarding construction traffic.*

*As set out within the Framework CTMP a programme of monitoring will be adopted to assess the effectiveness of the measures included in the final CTMP. Should any complaints be raised by members of the public with regards to construction HGV not using the dedicated HGV route to the Proposed Development Site, gatehouse records would be used to identify*



*the offending HGV involved and appropriate sanctions put in place with the aim of avoiding repeat events.*

*As outlined within the Framework Construction Worker Travel Plan (CWTP) a number of measures will be put in place to reduce the level of traffic during the construction period including the use of shared transport modes including car sharing, cycling, staggered working hours and monitoring.”*

There have been discussions with Nottinghamshire County Council Travel and Transport Services who originally requested a financial contribution towards bus provision. This has now been removed and the County is satisfied that a condition in respect of sustainable travel will be sufficient.

The advice from the Highway Authority is accepted and it is considered that whilst there will be a degree of impact on the road network during construction this would not be a reasonable reason for refusal as it would not cause a severe impact on the network. It is therefore considered that the proposal is consistent with current planning policy.

### **LANDSCAPE AND VISUAL IMPACTS including design and appearance**

Section 12 of the NPPF refers to achieving well designed places. Specifically, paragraph 126 states that good design is a key aspect of sustainable development; it creates better places in which to live and work in and helps make development acceptable to local communities. Paragraph 130 states that decisions should aim to ensure that development will function well and add to the overall quality of the area. The NPPF goes on to state that permission should be refused for developments which are not well designed (para 134).

Policy DM4 of the Bassetlaw Core Strategy provides general design principles which should be applied to all schemes. The policy states that all development proposals will need to be in keeping with the character and appearance of the wider area and when they are in historic locations, they should respect existing development patterns. All schemes must respect their context and not create a pastiche development which would be incorrect in their context.

The proposed site is located in the Trent Washlands Regional Character Area and lies adjacent to policy zones 24, 49 and 50 where there is a desire to conserve and conserve and reinforce, with landscape sensitivity being predominately moderate.

The land surrounding the site is predominately flat; however the site lies within the context of the power station which is predominately industrial. Given this fact it is not considered that the proposed development will be highly visible in the wider landscape. A landscaping scheme has been submitted with the proposal which provides soft landscaping around the perimeter of the site which will create a soft edge between the development and the wider area.

A Landscape and Biodiversity Management Plan has been submitted with the application and this has been discussed above.

In terms of the design of the proposal the final technology selection has not yet been made and therefore there are elements of the proposal that have yet to be confirmed. This flexibility is needed because the technology in respect of battery storage is evolving quickly.

On this basis the applicant has adopted the 'Rochdale Principle' which ensures that the maximum parameters and realistic worst case is defined and assessed.

The applicant is seeking flexibility on the final design, layout and technology; however the final development will be within the parameters for maximum heights and maximum floorspace. Existing ground levels at the site vary from between approx 7m – 16.2m above ordnance datum (AOD), the expected minimum finished floor level for the proposed BESS area is approx 7.5m AOD.

Two options have been put forward by the applicant and these are in the form of parameter plans.

The following zones are proposed:

- BESS Zone – this is the primary area that will house the battery arrays and also includes the control and protection systems, temperature regulation systems and power conversion systems. The maximum footprint would be 34,400m<sup>2</sup> (option 2 parameters plan) and would comprise of a maximum of 2,190 containers (battery and inverter). No component of the BESS area would exceed +8m above FFL (15.5m AOD), this would be with the stacked option.
- Banking Station Zone – This area will contain the electrical banking station (comprising of the main step up transformers and associated switchgear approx height 14m) located either in the proposed BESS area (option 1) or at the existing switch yard (option 2) or split between the two areas. This banking station will facilitate the connection between the main development and the existing switch yard. No component of the electrical banking station will exceed 14m above FFL (21.5m AOD) and would not exceed 5,800m<sup>2</sup> in floorspace
- Welfare Facilities – Located next to the site entrance and contain meeting / office rooms, catering, changing and toilet facilities along with associated car parking facilities. Height would not exceed 6m. Any waste water would be stored on site in a septic tank. No component of the welfare compound will exceed +6m above FFL (13.5m AOD) and would not exceed 6,200m<sup>2</sup> (option 2 parameters plan)
- Laydown Area – For maintenance/outages for BESS development and wider site. This area would not exceed +3m above FFL (10.5m AOD) and would not exceed 4,800m<sup>2</sup> in footprint.
- Landscaping / Bund Zone – the minimum areas secured would be 0.6ha and will include as a minimum 225m<sup>2</sup> of unshaded south facing slopes for terrestrial invertebrates and sparsely vegetated gravel/open sward wildflower grassland development in accordance with the landscape and biodiversity plan.
- Electrical Connection Corridor – this will be used to make the connection between the BESS enclosures and the electrical banking station and between the electrical banking station and the existing 400Kv switchyard. The electrical connection runs adjacent to the eastern side of the existing WBB generating station. The cabling will be laid underground with marker posts approx. 0.75m above ground level. Some above ground cable racks or gantries may be used for short sections such as crossings.
- Site Security – including CCTV, security cameras and emerging lighting columns

The main development comprises of the containers, the design and layout of which is not yet known. However normally BESS containers are linked together in a group and each group is then connected to an associated power conversion system and associated transformer. These BESS groups are then linked together to form BESS arrays. BESS integrators offer single and double stacked developments, single stacks achieve a height of approximately 3m and the double stacked achieve a height of approximately 8m. For the purposes of the submitted assessments the double stacked height has been used. Groups can contain typical shipping container sized enclosures or smaller cube units. An indicative plan has been provided which demonstrates the worst case scenario in terms of land take. This shows 16 BESS groups each containing 16 BESS containers arranged in 5 BESS arrays (ie a total of 80 BESS groups and 1,280 BESS containers) with associated transformer / power conversion systems.

In terms of security fencing is proposed of a height of 2.9m around the site perimeter and the site will be covered by CCTV/cameras which would be erected on lighting columns up to approx. 4m in height.

The applicant has addressed fire safety in their submission which states that the strategy will comply with the Building Regulations (UK Government 2010) and Fire Safety Guidelines. The proposal includes a cooling and fire protection system and a fire suppression system. Battery safety will be maintained through the installation and retention of cooling, monitoring and fire protection systems and through regular maintenance and inspections. A battery outline safety management plan has been submitted with the application to demonstrate the principles of these measures.

It must also be remembered that there is a fall-back position in respect of the DCO application which is extant. The extant development was assessed as having a medium magnitude of visual impact which was a result of the tall structures proposed of up to 40m in height. In comparison the proposed application takes up the same area; however is of a much lesser scale this having less impact in the wider landscape.

### **RESIDENTIAL AMENITY**

Policy DM4 of the Core Strategy requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This requirement also forms part of paragraph 130 of the NPPF.

The development site is fairly isolated from residential properties.

There has been one objection from a local resident who does raise concerns about amenity issues in respect of noise and disturbance, health and safety.

The proposed development will be available to operate for 24 hours 7 days a week; however it is not expected that its operation will be continuous, it will discharge during periods of peak demand for electricity and charging when there is excess on the system.

In any event the applicant has submitted an operational noise assessment which has assessed the worst case scenario of the impact of noise on nearby receptors. The noise report concluded that based on the worst case scenario the rating level would be less than or

equal to 5dB above the defined background sound levels (i.e. below the level at which adverse effects may occur). The resulting significance of impact has been determined as low impact or up to adverse impact when not taking into account context. When assessing context this considered the predicted sound levels against the relevant WHO guidance indoors and outdoors and it has been concluded that the proposed development is predicted to meet all the WHO guidelines internally and externally.

Adding up the specific sound levels from the proposed development with existing ambient sound levels at each noise receptor the assessment concluded that there would be no increase or less than 1dB increase which is negligible.

Based on the assessment the conclusion was that the noise impacts from the proposed development would not be deemed significant and therefore no further mitigation measures were necessary.

This has been assessed by the Council's Environmental Health Officer who concluded that based on the worst case scenario the impact on residential properties was acceptable but would be cautious to accept any increase in noise levels than currently predicted. The Environmental Health Officer would support the approach of the noise consultant in that opportunities should be explored at the detailed design stage to reduce the specific sound levels by a selection of equipment, site orientation, acoustic enclosures or noise barriers and welcomes further details of the likely impact from noise following the detailed design stage. It is recommended that this dealt with by way of planning condition.

In terms of noise during the construction period the Environmental Health Officer also considers this to be acceptable and given the nature of the site has accepted that construction hours can be extended to Monday to Friday – 07:00-19:00 (except Bank Holidays) and Saturdays - 08:00-18:00 with no working on a Sunday.

The applicant has provided specific comment about St Ives in terms of noise:

*“The main construction works will be undertaken over 1.9km from St Ives (with a small amount of work in the existing 400kV switchyard, around 1.4km away) and therefore any construction related noise effects experienced at St Ives will be negligible. Effects would be short-term, temporary in nature and controlled through mitigation measures as outlined within the Framework Construction Environmental Management Plan (CEMP)”*

It is considered that the impact of noise has been addressed by the applicant and the details submitted are considered to be acceptable.

In terms of construction traffic it is acknowledged that this will increase temporarily on the highway network; however the route of construction and hours of deliveries are proposed to be controlled via the Construction Environmental Management Plan as discussed in the highway section. Due to the isolated nature of this site it is not considered that this increase in construction traffic will detrimentally affect residential amenity, even with extended hours for construction deliveries and operations.

The issue of health and safety does have to be addressed for developments of this nature and the applicant has submitted an outline safety management plan with the application.

This sets out the key safety principles which will be incorporated in the final design and operation of the BESS. It provides a review of potential hazards associated with the operation, safety systems, to be included in the design and operation of the development, an outline of an emergency management plan and finally the next steps in the development of the outline safety management plan.

This is a working document and will need to be regularly updated to ensure that it is consistent with how the development proceeds. A condition is recommended to control this issue.

There has been a public objection in terms of health and safety and the applicant has responded as follows:

*“Operational safety is of paramount importance to the Applicant which is an experienced energy operating company, including several years running the existing battery units operating commercially at West Burton Power Station. The Applicant therefore understands the relevant risks associated with battery technology and electrical infrastructure and will design, install, and operate appropriate safety systems accordingly”*

In terms of lighting this has been addressed in the submission. Access to the proposed development would be strictly controlled and site security would be continuously and remotely monitored via CCTV/security cameras attached to emergency lighting columns up to 4m in height. Only emergency /intermittent and task lighting is proposed by the development with no permanent or regular lighting. The intermittent lighting would be motion sensitive and would only be switched on through maintenance or when movement was detected. This lighting will be highly directional (eg by the use of cowling) to avoid light spillage across the boundary. A condition is recommended in this regard to require full details.

It is not considered that other issues such as odour/dust/air pollution would be significant issues in this application. There may be an increase in dust during construction, but this can be controlled via planning condition and would only be temporary in nature.

Based on the above analysis it is considered that the impact on residential amenity is acceptable.

## **HERITAGE AND ARCHAEOLOGY**

The Council has a duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving their setting, character and appearance. The House of Lords in the South Lakeland DC vs the SOS case in 1992 decided that a Conservation Area would be preserved, even if it was altered by development, if the character or appearance (its significance in other words) was not harmed. Conservation’ is defined in the NPPF as the process of maintaining and managing change to a heritage asset in a way that sustains and where appropriate enhances its significance. Therefore case law has ascertained that both ‘conservation’ and ‘preservation’ are concerned with the management of change in a way that sustains the interest or values in a place – its special interest or significance. However, ‘conservation’ has the added dimension of taking opportunities to enhance significance where opportunities arise and where appropriate.

Para 195 of the NPPF requires Councils to identify the significance of any heritage asset that may be affected by a proposal to ensure that harm to the asset is avoided or is minimised. Policy DM8 of the Council's Core Strategy requires schemes that affect heritage assets to be of a scale, design, materials and siting and not have a negative effect on views towards the heritage asset. Paragraph 199 of the NPPF states that in considering the impact of development on the significance of heritage assets, great weight should be given to the assets conservation. Policy DM8 of the Council's Core Strategy requires schemes that affect heritage assets to be of a scale, design, materials and siting and not have a negative effect on views towards the heritage asset.

Para 203 of the NPPF advises that Councils should consider the impact of a proposal on the significance of a non-designated heritage asset when making a decision.

Paragraph 205 of the NPPF is also particularly applicable where archaeology has been identified as a potential issue on site. This paragraph requires that applicants record to provide documentary evidence to advance the understanding of the significance of the heritage asset. Policy DM8 of the Bassetlaw Core Strategy states that there will be a presumption against development that detrimentally affects the significance of a heritage asset.

West Burton Power Station is a mid-twentieth century coal fired station adjacent to the deserted medieval village of West Burton. The West Burton Power Station is a non-designated heritage asset and is also identified by Nottinghamshire County Council as a Local Interest Building on the Historic Environment Record.

The application site is also located within the setting of several other heritage assets including the West Burton deserted medieval village which is a Scheduled Ancient Monument, various heritage assets at Bole – designated and non-designated, various heritage assets at Saundby including the Conservation Area and several listed buildings, various heritage assets at North and South Wheatley including the Conservation Area and several listed buildings and various heritage assets at Sturton-le-Steeple- designated and non-designated.

The Conservation Officer has been consulted on this application and advises that the key consideration is the scheme's impact on the setting of the non-designated West Burton Power Station along with due consideration of the schemes impact upon the setting of the surrounding built heritage. The Conservation Officer has no concerns with the proposal stating that the prevailing character of the site is overwhelmingly industrial due to the presence of the Power Station. The provision of the battery storage facility would preserve this industrial character, which in turn would have little impact on the surrounding built heritage.

On the basis of the above it is considered that the impact on the built heritage surrounding the application site is acceptable.

In terms of archaeology the site lies within an area of high archaeological potential primarily associated with the deserted medieval settlement of West Burton.

The Council's archaeological advisor has been consulted on the application and advises that the site and specifically the areas under consideration for development have been subject to

significant modern ground disturbance which has likely removed any significant archaeological remains present. Consequently no further archaeological input is required; however if plans change and alternative locations are considered within the West Burton Site the Advisor would wish to be re-consulted.

On the basis of the above it is considered that the impact on archaeology is acceptable.

## **FLOOD RISK**

The NPPF at paragraph 159 and policy DM12 of the Core Strategy makes it clear that development in areas at risk of flooding should be avoided by directing development away from the areas at the highest risk.

Paragraph 167 of the NPPF requires that proposals do not increase flood risk elsewhere and should be developed in line with a site specific flood risk assessment which incorporates a Sustainable Urban Drainage solution.

The application site is predominately in Flood Zone 1; however central and northern sections are within Flood Zones 2 and 3. The National Planning Policy Guidance on flooding advises that essential infrastructure is permitted within Flood Zones 1, 2 and 3.

The applicant's submission states that the flood risk to the proposed development from Main Rivers and Ordinary Watercourses is a residual risk and therefore it is proposed to raise vulnerable equipment by a minimum of 600mm above the critical flood level of 6.89m AOD. In addition to mitigate a medium risk of groundwater flooding any below ground infrastructure must be designed to withstand hydrostatic pressures and be built with flood resilient materials.

The proposed development will slightly increase the volume of impermeable surfaces at the site and therefore a new surface water drainage system is proposed that will tie into the existing West Burton B station drainage system following attenuation.

In terms of foul water disposal this proposed to be disposed via a septic tank for treatment prior to discharge. It is proposed that the tank would be emptied by road tanker as and when required. No connection is proposed to the public sewer.

The main consultees in this regard are the drainage boards, Nottinghamshire County Council Local Lead Flood Authority (LLFA) and the Environment Agency.

Both the Environment Agency and the LLFA originally objected to the application on the grounds that the submitted Flood Risk Assessment did not adequately assess flood risk. The drainage board offered advice.

The applicant consequently addressed these objections via meeting and the submission of additional technical information. This information states that Suds which provide amenity benefits are no suitable for the nature of the BESS proposal due to the fact that the site is self-contained and has no public access. Instead the proposed Suds have been designed so that there are no gullies or other similar permanent openings into the below ground drainage feature; all surface water would enter the system by percolating through surface level gravel.

This in turn is beneficial to the local fauna so that it does not get trapped in a drainage system with open grating.

Land to the west of the development would not actively drained; this area is proposed mainly for landscaping and biodiversity purposes. This will include a French drain which is only proposed to capture excess flows running into the development site.

Additional technical information demonstrating that the proposed drainage system could cater for all rainfall events was also submitted.

The Local Lead Flood Authority has assessed this information and has raised no objections to the proposal.

Further details have been provided in respect of the Environment Agency's objection regarding the Flood Risk Assessment and this has removed their objection subject to conditions. The EA do highlight the need to address flood emergency response procedures and it is recommended that a flood warning and evacuation plan is required via planning condition.

In terms of the terms concerns raised by the Environment Agency on the foul drainage the applicant has provided additional information. The applicant states that the approach for foul drainage when the DCO was approved is their preferred approach in this current application and therefore request that the specific detail of the foul drainage is dealt with by planning condition. Investigations have taken place in respect of connecting to the public sewer and whilst this does seem technically possible it is not the best environmental practicable option given the ecological sensitivity of the connection route.

It is considered that the proposal is acceptable subject to conditions in respect of flood risk and drainage.

## **CONTAMINATION**

Paragraph 183 of the NPPF requires that in making decisions on schemes consideration is taken account of the ground conditions and any risks arising from contamination.

A concern has been raised by a neighbouring resident which raises concerns about contaminated water, chemical leakages from the batteries and contaminated land.

The applicant has submitted a Phase 1 Geo Environmental Site Assessment with the application and this recommended that further ground water and surface water monitoring, sampling, analysis and interpretation be undertaken to further assess any potential contamination land.

The Environment Agency and Environmental Health are the main consultees in this regard. The Environment Agency is satisfied that contamination was scoped out of the Environmental Statement. The Environment Agency is satisfied with the applicant's approach to further investigation and this would be subject to planning conditions. This view is also endorsed by the Council's Environmental Health Officers.



This has been assessed by both the Environment Agency and the Council’s Environmental Health Officer who recommend a series of conditions on any permission.

It is considered that contamination can be dealt with by way of planning condition.

**DECOMMISSIONING AND REINSTATEMENT OF LAND**

It is envisaged that the proposed development will have an operational life of approximately 50 years which will include build out and augmentation involving decommissioning /replacement of batteries/array as they become life expired.

Decommissioning would take place in accordance with the legislation at the time and notice would be given to statutory authorities.

At the end of the life of the development some elements such as the banking compound may have some residual life and therefore operations may get extended, if this happens then the remaining development would need to be upgraded. If market conditions indicate that it would be prudent to extend the lifetime of the development decommissioning may be deferred.

**PLANNING OBLIGATIONS**

Paragraph 57 of the NPPF makes it clear that contributions can be sourced from schemes where they make the scheme acceptable in planning terms.

As discussed above it is not yet known whether or not the compensation for newts will result in no net loss to biodiversity. As there is little opportunity for on-site provision, a S106 agreement will be required to ensure that adequate biodiversity enhancements can be secured either off site or via biodiversity credits. The applicant has agreed to this approach.

The following obligation is therefore requires as part of this application:

- A scheme which demonstrates that there is no net loss in biodiversity. This should include a full BNG assessment along with details of the biodiversity to be provided by the application to compensate for the on-site biodiversity loss. A management plan should also be included to secure any biodiversity enhancements for 30 years.

**THE TILTED BALANCE**

As the Core Strategy is deemed to be out of date having regards to the contents of paragraph 33 of the NPPF, paragraph 11 of the NPPF makes it clear that the scheme should be considered under the planning balance test where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

An assessment of the benefits and negatives provided by the scheme is given below with the weight apportioned to this in making a recommendation on this scheme:

<b>Benefit/Negative of the scheme</b>	<b>Weight given to the benefit/negative in decision making</b>
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Energy Scheme – NPPF and Energy Statements	There is a National drive to provide renewable energy and battery storage is an important component of this. This is given significant positive weight in the planning balance.
The Extant DCO on the site	This is in effect a fall back position. The DCO is for a gas fired generating station comprising of 5 open cycle gas turbine units and associated equipment including a banking compound, electrical connection works, including 400kV electrical cabling and associated works, gas and water connection works, including gas treatment and control facilities, a rail offloading work area and landscaping and biodiversity enhancement area and surface water drainage. This DCO came into force on 11 <sup>th</sup> November 2020 and has 7 years to be implemented. This has not yet been implemented; however the site for the DCO overlaps with the current application site and therefore only one permission can be implemented. It is important to note that the applicant is the beneficiary of the DCO and therefore the DCO is a fall-back position. This is given significant weight in the planning balance
Location of the site	The unique location of this site is a consideration in this application due to the fact that the site forms part of the wider West Burton Power Station site. The site therefore lends itself to development such as battery storage. This is given significant positive weight in the balance.
Sustainability criteria	The development will meet social and economic objectives and will ultimately meet the environment objective by assisting in energy provision; however it is accepted that there is an impact on biodiversity which will be compensated /mitigated against. This is given moderate positive weight in the planning balance
Biodiversity	There has been a detailed analysis of biodiversity on the site including the submission of an EIA in this regard. It has been established that there will be a severe loss of biodiversity on the site and this will need to be mitigated / compensated. The Licence has been agreed with Natural England and will compensate for the loss of terrestrial foraging habitat for Great Crested Newts but will not be used to provide biodiversity net gain. The applicant has confirmed that there will be no net loss in biodiversity as a result of this proposal. In the event that the habitat being created for

	<p>invertebrates does not achieve 1% net gain then further land will need to be provided for habitat provision or enhancement or the remaining credits will need to be purchased As it would be preferable to see a net gain given the amount of biodiversity on the site this is given low / moderate negative weight in the planning balance.</p>
Highway Considerations	<p>It is accepted that there will be additional highway movements as a result of this proposal particularly during construction. However the highway authority has been consulted and raise no objections to the proposal subject to conditions. This is given neutral weight in the planning balance.</p>
Landscape and Visual Impacts	<p>The application has been based on the Rochdale principles and on this basis the application has set out parameters which give the worst case scenario in terms of scale and layout. There will be an impact upon the landscape; however given the fairly secluded nature of this site and the proposed buffer zone it is considered that this would be relatively minor. The fact that the site is also part of the wider power station site is also a consideration in this regard. This is given minor negative weight in the planning balance.</p>
Residential Amenity	<p>This has been assessed as part of this application and there are only a few residential properties in proximity to the site. There may be some additional noise and disturbance during the construction period; however this will be temporary in nature and can be controlled via planning conditions. As the formal design is not yet known a further noise condition is proposed along with a condition in respect of safety. This issue can be controlled via planning conditions and therefore is given neutral weight in the planning balance.</p>
Heritage	<p>The Council's Conservation Officer has been consulted on the application and raises no concerns in respect of conservation. This issue likes neutral in the balance</p>
Flood Risk	<p>Flood risk has been assessed as part of the application and both the LLFS and Environment Agency (following the submission of additional details) are both satisfied that the development is acceptable. This hangs neutral in the planning balance.</p>
Contamination	<p>Environmental Health and the Environment Agency are the two main consultees in this regard. Both have assessed the application and have no objections subject to planning conditions. This hangs neutral in the</p>

	planning balance.
Decommissioning and Reinstatement of Land	This hangs neutral in the balance

## **CONCLUSION**

This application has considered all of the material considerations relating to the proposal. There is no doubt that battery storage proposals are generally supported in Government Policy providing that all other issues are acceptable. The main issue in respect of this application relates to the biodiversity value of the site and this has necessitated an Environmental Statement to be submitted with the application. All elements in respect of biodiversity have been analysed by officers and the statutory bodies. The current planning policy for Bassetlaw requires that there is no net loss to biodiversity; although a 10% net gain is preferred. This application seeks to achieve no net loss to biodiversity and this will mainly be achieved via a license from Natural England which is required to compensate against the impact on Great Crested Newts. As this licence hasn't yet been formalised it is not yet known how many biodiversity units this would equate to and therefore it is possible that there may be a shortfall in biodiversity enhancements. In this circumstance the applicant would be required to provide units elsewhere to achieve no net loss; all of this would need to be controlled via planning condition and planning obligation.

When undertaking the tilted balance test it is considered that the two adverse impacts relate to the impact on biodiversity and landscape character, both afforded low negative weight. The benefits of this application relate to providing storage for energy which is supported by current planning policy, this is attributed significant positive weight, it is also considered that overall the development meets the sustainability criteria outlined in paragraph 8 of the NPPF and this is afforded moderate positive weight. Furthermore there is an extant Development Consent Order on part of the site for a gas turbine and this is given significant weight in the balance.

In conclusion it is considered that the adverse impact of the development does not outweigh the positive impacts of the development and accordingly in line with Paragraph 11 of the NPPF planning permission should be granted. The recommendation is therefore to grant planning permission subject to conditions and a S106 agreement for the aforementioned obligations.

## **CONDITIONS/REASONS:**

For the purpose of this decision notice the following definitions are used:

"Permitted preliminary works" means works including or comprising the following:  
The clearance of ecological features and exclusion or translocation of species using qualified consultants and contractors and in accordance with the Framework Construction Environmental Management Plan (December 2022) and any necessary licences, the removal of existing hardstanding, and the removal of any standing surface water present;

Reason: to allow limited works of development or to clarify works not comprising development that may take place without compliance with certain other numbered conditions.

1. The development must be begun not later than the expiration of five years beginning with the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and in recognition of the particular complexities of delivering energy infrastructure projects.

2. The proposed development shall be carried out in accordance with the following plans and documents:

- Red Line boundary plan – Figure X
- Environmental Statement and appendices – December 2022
- Flood Risk Assessment including Outline Drainage Strategy – July 2023
- Operational Noise Assessment – December 2022
- Phase 1 Geo Environmental Site Assessment – December 2022
- Transport Statement – December 2022
- Tree Plan – December 2022

Unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt

3. Save for the permitted preliminary works, the proposed development shall not commence until a scheme for the phasing of the works comprised in the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To allow the development to come forward in phases

4. Save for the permitted preliminary works the commencement of each phase of development shall not take place until details of the final layout of the specified phase of development has been submitted to and approved in writing by the Local Planning Authority. Such submitted details shall be in general conformity with:

- i) Either Site Parameter Drawings Option 1 16201-WDN-XX-XX-DR-A-1001 Rev 0 (Option 1)
- ii) Or Site Parameter Drawings Option 2 16201-WDN-XX-XX-DR-A-01002 Rev 0 (Option 2)

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved details

5. Save for the permitted preliminary works, the commencement of each phase of development shall not take place until details of the final layout of the specified phase of development has been submitted to and approved in writing by the Local Planning Authority.

Such details shall be in general conformity with the following plans:

- iii) Indicative BESS General Arrangement Plan 16201-WDN-XX XX-DR-A-0500 Rev 0
- iv) Indicative Array Layout and Part Sections 16201-WDN-XX-XX-DR-A-4000 Rev 0

Unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure that the development is carried out as envisaged by the Local Planning Authority

6. Save for the permitted preliminary works the development hereby permitted, or each phase thereof, shall not commence until site elevational drawings have been submitted to and approved in writing by the Local Planning Authority. Such submitted details shall be in general conformity with:

- i) Either Site Elevations Option 1 16201-WDN-XX-XX-DR-A-1011 Rev 0
- ii) Or Site Elevations Option 2 16201-WDN-XX-XX-DR-A-1012 Rev 0

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved details

7. Save for the permitted preliminary works, the development hereby permitted, or each phase thereof, shall not commence until details of the external appearance and scale have been submitted to and approved in writing by the Local Planning Authority. Such details shall be in general conformity with the following submitted indicative drawings:

- i) Indicative BESS General Arrangement Elevations 16201-WDN-XX XX-DR-A-0600 Rev 0
- ii) Indicative Welfare and Banking Station part plans / sections 16201-WDN-XX-XX-DR-A-4100 Rev 0
- iii) Indicative Array Layout and part plans / sections 16201-WDN-XX-XX-DR-A-4000 Rev 0

Reason: For the avoidance of doubt and to ensure that the development is carried out as envisaged by the Local Planning Authority

8. Prior to the battery energy storage system being brought into use the welfare car parking detailed on plan reference 16201- WDN- XX- XX- DR- A- 0500 Rev 0 shall be provided in a hard bound material with a minimum of one parking space fitted with an EV fast charging point (minimum specification - 7w Mode 3 with Type 2 connector, 230v AC 32 Amp single phase dedicated supply).

Reason: To comply with paragraph 112 of the National Planning Policy Framework and in the interest of sustainable transport

9. No development, save for the preliminary works shall commence in any phase until a Construction Environmental Management Plan has been submitted and approved to the Local Planning Authority for that phase. The details submitted shall be based on the principles and recommendations of the submitted Framework CEMP, Framework Construction Management Traffic Management Plan, Framework Construction Workers Travel Plan Applicant: West and Flood Risk Assessment including outline drainage strategy dated July 2023. The plan shall include the following details:

- Particulates and nitrogen dioxide emissions as outlined in table 2 of the submitted CEMP
- Traffic and Transport details as outlined in table 3 of the submitted CEMP
- Noise considerations as outlined in table 4 of the submitted CEMP
- Biodiversity considerations as outlined in table 5 of the submitted CEMP
- Assessment of risks in respect of health and safety as outlined in table 7 of the submitted CEMP
- Impact on flood risk and water resources as outlined in table 8 of the submitted CEMP
- Sustainability, waste and climate change details as outlined in table 10 of the submitted CEMP.
- Details outlined in Section 3 of the submitted CEMP
- Storage of materials
- How any ecological features present are to be surveyed, excluded, conserved or relocated
- Details of an ecological clerk of works
- Lighting scheme
- Measure for the suppression of dust
- Waste audit

The development shall be undertaken in accordance with the approved details.

Reason: To ensure any impacts from the construction of the scheme are mitigated

10. Construction working hours shall be 07:00 to 19:00 Monday to Friday and 08:00 to 18:00 on Saturday with no working on Sundays or Bank Holidays except in the case of emergencies (meaning a reasonable anticipation of imminent threat to property or person) or except where any different hours are agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity

12. No development shall commence or each phase thereof, except for the preliminary works until a scheme for the provision and implementation of surface water drainage incorporating sustainable urban drainage systems and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. Such Suds shall be in general conformity with the principles of Annexe E Concept Drainage Layout within the Flood Risk Assessment including the Outline Drainage Strategy July 2023.

The surface water drainage scheme shall be constructed and completed in accordance with the details as approved prior to the first operational use of the development hereby permitted.

Reason: To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of the water environment and to minimise flood risk

13. The development shall be carried out in accordance with the submitted flood risk assessment (ref PA-004; West Burton C Battery Energy Storage System; AECOM; dated

July 2023) and the following mitigation measures it details:

- Finished Floor Levels of the Critical infrastructure shall be set no lower than 7.63 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

14. Prior to the first commercial use, a Flood Warning and Evacuation Plan (FWEP) shall be submitted to and approved in writing by the Local Planning Authority. The FWEP shall be in accordance with Flood Risk Assessment including Outline Drainage Strategy (July 2023)

The approved FWEP shall be implemented, and made available for inspection by all users of the site, and be displayed in a visible location at all times thereafter.

Reason: To ensure that adequate flood warning and evacuation measures are available for all users of the development.

15. In respect of foul drainage:

1. No development must commence, or each phase thereof, except for the permitted preliminary works, until details for that work, details of a written scheme for the connection, conveyance, treatment and disposal of foul water drainage on and off the West Burton Power Station Site has, after consultation with the Environment Agency and Severn Trent Water, been submitted to and approved in writing by the relevant planning authority.

2. If the written scheme submitted and approved pursuant to paragraph (1) of this requirement identifies that it is not practicable or reasonable to connect to a mains foul water system, an alternative strategy for the provision and implementation of wastewater treatment must, after consultation with the Environment Agency and Severn Trent Water, be submitted to and approved in writing by the relevant planning authority.

3. Any alternative strategy submitted and approved pursuant to paragraph (2) of this requirement must include a management and maintenance plan to ensure that it will not cause pollution to the water environment.

4. The schemes approved pursuant to paragraph (1) and, where relevant, paragraph (2) of this requirement must be implemented and maintained throughout the operation of the authorised development unless otherwise agreed with the relevant planning authority

Reason: to ensure that there is adequate connection to foul water drainage

16. Construction HGVs (excluding abnormal loads authorised by National Highways or the local Highway Authority) will only enter or leave the site between Monday to Saturday inclusive 08:00-18:00; Sundays and Bank Holidays none except in the case of emergencies and except otherwise approved in writing by the Local Planning Authority

Reason: In the interests of protecting amenity.



17. All vehicles preparing to leave the site during the construction period shall have their wheels thoroughly washed should they be displaying signs of mud or debris and a mechanically propelled road sweeper shall be employed should mud or debris be transported onto the public highway immediately following each occurrence until such time as all mud and debris has been removed.

Reason: To minimise the exportation of mud and debris onto the public highway and to ensure that this is appropriately dealt with in the interest of highway safety.

18. Unless otherwise agreed in writing by the Local Planning Authority the number of vehicles exceeding 3.5 tonnes gross vehicle weight entering/leaving the site in connection with the construction of the development hereby permitted shall not exceed a maximum of 100 vehicle movements per day two-way. The Applicant shall retain a rolling daily record of all vehicle movements to and from the site above the prescribed weight for a minimum of 12 months of each daily record and such records shall be supplied to the Local Planning Authority within two weeks of a request for such records being made.

Reason: In the interest of highway network capacity.

19. The Applicant shall take all reasonable steps to instruct all delivery vehicle drivers exceeding 3.5 tonnes to access and egress the site from and to the north via the C2 Sturton Road, the A620 Saundby Road (north of Bole Corner), and the A631 unless an authorised abnormal indivisible load. These steps shall include the issuing of instructions to all drivers to advise of the required route and the provision of turn right signage on the approach to the exit of the Power Station throughout the construction period.

Reason: In the interest of highway safety and to protect residents of surrounding villages from disturbance caused by lorries from the site

20. Prior to commencement of development a travel plan coordinator shall be appointed and thereafter shall be employed or engaged to be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Framework Travel Plan and whose details shall be provided and shall continue to be provided thereafter to the Local Planning Authority. The development shall be carried out in accordance with the principles outlined in the submitted Framework Construction Worker Travel Plan document Ref: PA-003

Reason: To promote sustainable travel

21. The development shall be carried out in accordance with the principles outlined in the Framework Construction Environmental Management Plan (CEMP) Ref: PA-001 and Framework Construction Traffic Management Plan Ref: PA-002.

Reason: To ensure that the development is carried out in an appropriate manner in the interest of highway safety.

22. No development shall commence, or phase thereof, save for the permitted preliminary works until a detailed Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The detailed CTMP must be in accordance with the approved framework CTMP. Works on site shall only take place in accordance with the approved detailed CEMP.

Reason: To secure agreement of the detailed measures that will be adopted to control vehicular movement during the construction phase via a detailed Construction Workers Travel Plan in general conformity with the approved framework CWTP. This is to agree details as to how workers would travel to the proposed site.

23. Prior to the decommissioning of the Battery Energy Storage System and its removal from site a Transport Statement and Construction Worker Travel Plan shall be submitted to and be approved in writing by the Local Planning Authority that assess and propose appropriate transport mitigation measures to address the transport implications during the decommissioning of the development. The decommissioning shall be carried out in accordance with the approved Transport Statement and Travel Plan.

Reason: In the interest of highway safety, highway network capacity, and sustainable travel.

24. Prior to the commencement of development a Sustainable Transport Statement shall be submitted to and approved in writing by the local planning authority. The statement should set out details of an Employee Transport Service promoted through the Travel Plan to facilitate transportation for employees working at the site between the site and destinations within a 15 mile radius of the site including Retford, Gainsborough and Worksop prior to commencement of a shift and when a shift ends and which will take at least one of the following Employee Transport Service options (unless otherwise agreed between the Owner and the County Council):

- Employee Transport Service OPTION1: A subsidised Private Hire Vehicle (minicab) or Hackney Carriage (taxi) or MPV/Minibus service covering normal employee shift patterns operated by or on behalf of the owner in compliance with vehicle licensing regulations.
  - Employee Transport Service OPTION2: Any other form of Employee Transport Service provision offered by the Owner and agreed in writing which may include a suitable contribution towards public transport including Demand Responsive Transport services.
- Any Employee Transport Service to be permitted to enter the site with access to within 400 metres of the site check-in point including details of designated pick-up and drop-off arrangements.

Reason: To ensure sustainable methods of transport.

25. The development hereby permitted, or each phase thereof may not be operated until a detailed Safety Management Plan has been submitted to and approved in writing by the Local Planning Authority. The detailed Safety Management Plan shall be in accordance with the approved Outline Safety Management Plan (December 2022). The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the outline safety plan has been updated in light of detailed designs in the interest of public amenity

26. Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 183 of the National Planning Policy Framework.

27. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 183 of the National Planning Policy Framework.

28. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 183 of the National Planning Policy Framework

29. Within 6 months of the development ceasing to be used for the purposes of electricity storage, a scheme for the demolition and removal of redundant BESS buildings and structures from the Site and the restoration of the Site shall be submitted to the Local Planning Authority, for approval in writing. The scheme shall include a written explanation of which buildings and structures, if any, are not redundant, making reference to their potential for reuse. The scheme shall be implemented in full within 12 months of approval, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the Site is not allowed to become derelict after the cessation of electricity storage

30. No development shall commence until details of an assessment that demonstrates that the sound pressure levels at nearby monitoring locations as set out in the submitted Operational Noise Assessment will be achieved, including any details of any noise mitigation, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that residential amenity is maintained

31. Prior to the commencement of use of each phase of development a lighting strategy that seeks to mitigate and reduce light emissions outside of the site boundary shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that adequate residential amenity is maintained and to ensure no detrimental impact on biodiversity.

32. Save for the Permitted Preliminary Works, the commencement of each phase of development shall not take place until a scheme of landscaping and habitat provision and maintenance/ management for the specified phase of development has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be in general conformity with ES Figure 10 Indicative Landscape and Biodiversity Plan (60681118-ACM-XX-XX-DR-LA-000101 Rev. 1) of the Environmental Statement dated December 2022 and shall include proposals for south facing mounds for mitigation for terrestrial invertebrates along with mitigation measures for foraging bats. The landscaping scheme will be thereafter be implemented and maintained as agreed.

Reason: In order to secure appropriate landscaping of the site in the interests of visual amenity and in order to ensure that the interests of ecology and biodiversity or protected species are addressed.

#### Informatives

1. CIL
2. Comments are attached from Trent Valley Drainage Board for the applicant's attention.
3. The applicant is advised that a license from Natural England will be required prior to the commencement of any development to provide compensation for Great Crested Newts.
4. Comments from the Environment Agency are attached for the applicant's attention

**ITEM SUBJECT OF A SITE VISIT**

Item No: a2

<b>Application Ref.</b>	23/00656/FUL
<b>Application Type</b>	Full Planning Permission
<b>Site Address</b>	Development Site To The North of Brick Yard Road, Gamston.
<b>Proposal</b>	Installation of a Solar Farm with an Output of Approximately 45.4MW and Ancillary Works
<b>Case Officer</b>	Clare Cook
<b>Recommendation</b>	Grant Permission subject to conditons
<b>Web Link:</b>	<a href="#">Link to Planning Documents</a>

**THE APPLICATION****SITE CONTEXT**

The application site is located to the north of Brick Yard Road in Gamston and is currently within agricultural use.

The site is bounded to the south by Brick Yard Road and has agricultural land to the east and west. Apple Pie Plantation lies to the north west of the site. The River Idle lies approx. 1.2km to the east and the River Poulter lies approx. 1.6km to the south

There are designated sites within the vicinity of the application site, namely Clumber Park SSSI which is approximately 4km to the west, Gamston and Eaton Woods and Roadside Verges SSSI which is approximately 3km to the east and Castle Hill Wood SSSI which is approximately 4.5km to the north east. The application site lies within the outer edge of the impact risk zone of Clumber Park SSSI. Gamston and Eaton Woods are also Ancient Woodlands. Brick Yard Road Ponds and Gamston Airport Scrub and Grassland Local Wildlife Sites lie to the east of the application site.

There some heritage assets within the vicinity of the site namely a Grade II listed milestone approximately 440m to the south west which lies at the junction of Brick Yard Road, Old London Road and Jockey Lane.

The application site is approximately 37.76 hectares in area and comprises of five fields. Each field is bounded by hedgerows within intermittent gaps for access and trees. The site slopes downhill towards Old London Road and Brick Yard Road from the east and south. The north-west corner is approximately 41.8 AOD and to the south west is approximately 22.2 AOD.

There are a number of access points along Brick Yard Road due to the gaps in the hedgerow. There is a public footpath to the north west of the site; however there are no public rights of way through the site per se, although there are a number of informal paths across the field boundaries.

Approximately 7.9 hectares of the site is identified as grade 3a agricultural land with the remainder being grade 3b or lower

The site is located within Flood Zone 1.

## **PROPOSAL**

The proposal comprises a solar farm with a potential output of 45.4MW of electricity along with associated works including substations, inverter house, access tracks and security fencing.

Access to the site would be taken from Brick Yard Road.

The development primarily consists of solar panel modules which would be arranged in rows across the site on an east to west alignment. At the highest point, the panels will be 3m in height above ground level and have an orientation of between 15 and 20 degree angle in a southern direction. The panels would be mounted at shallow depths in the soil and arranged with 4m between each row and with a 9m total pitch distance.

The inverters will be located close to the structures and installed with a distance of 1m above the ground.

A small substation is proposed within the site boundary to house the control panels and the transformer. Underground cabling will feed into the control building from across the site to the substation

The site would be secured by perimeter fencing that would be 2m in height constructed with posts / wire and mesh; this would also include CCTV cameras.

The operational lifespan of the proposed solar farm is 40 years plus 6 months to account for construction and decommissioning.

Additional information has been submitted during the application; however, this has been as a result from technical consultee comments and has not changed the fundamental design of the proposal. On this basis, the relevant technical consultee has been consulted.

## **DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town & Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provision of the development plan, as far as material to the application, and to any other material considerations.

Other material planning considerations include the National Planning Policy Framework and guidance within the National Planning Policy Guidance.

## **NATIONAL PLANNING POLICY FRAMEWORK**

The National Planning Policy Framework (NPPF) sets out the Government's approach for the planning system and how these are expected to be applied.

Paragraph 8 explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role.

Paragraph 11 explains that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up to date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission shall be granted unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The following sections of the framework are the main ones applicable to this development:

Section 2 – Achieving Sustainable Development  
Section 6 – Building a Strong Competitive Economy  
Section 9 – Promoting Sustainable Transport  
Section 11 – Making Effective Use of Land  
Section 12 – Achieving Well Designed Places  
Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change  
Section 15 – Conserving and Enhancing the Natural Environment  
Section 16 – Conserving and Enhancing the Historic Environment

### **National Policy Statements**

EN-1 – Overarching Statement  
Draft EN-3 – Renewable Energy Infrastructure

### **BASSETLAW DISTRICT COUNCIL – LOCAL DEVELOPMENT FRAMEWORK**

**Core Strategy & Development Management Policies Development Plan Document (Adopted December 2011):**

- CS1 – Settlement Hierarchy
- CS8 – Rural Service Centres
- DM1 – Economic Development in the Countryside
- DM3 – General Development in the Countryside
- DM4 – Design & Character
- DM7 – Securing Economic Development
- DM8 – The Historic Environment
- DM9 – Green Infrastructure; Biodiversity & Geodiversity; Landscape; Open Space & Sports Facilities
- DM10 – Renewable and Low Carbon Energy
- DM12 – Flood risk, Sewage and Drainage
- DM13 – Sustainable Transport

### **NEIGHBOURHOOD PLAN (INCLUDING STATUS AND RELEVANT POLICIES)**

There is no Neighbourhood Plan for this area

### **RELEVANT PLANNING HISTORY**

21/01634/SCR – Screening Opinion - Proposed Solar Farm (Output Approximately 45.4MW) Development Site to the North of Brick Yard Road Gamston. EIA not required 15/12/21

13/01341/SCR - Screening Opinion - Development of a 5.5MW Solar Park Land Associated To Brecks Farm Main Street Eaton. EIA not required 19/12/2013

13/00513/FUL - Erect One 20kw Wind Turbine. Land South West Of Eaton Brecks Farm  
Main Street Eaton. Granted 4/7/2013

17/12/00001 - INSTALL SOLAR PHOTOVOLTAIC PANELS ON GRAIN STORE Grain Store  
Building At Brecks Farm, Eaton, Retford. Granted 6/3/2012

## **SUMMARY OF CONSULTATION RESPONSES**

### Gamston Parish Council

No comments received

### Bassetlaw District Council Environmental Health

Extraction / ventilation – no comments

Noise – Recommend conditions during construction

Lighting – no comments to make

Contamination – precautionary condition recommended

### Nottinghamshire Wildlife Trust

Local Wildlife Site – There is the potential for loss of habitat and pollution to the LWS. Support the implementation of a buffer zone and pollution prevention measures to be included in the CEMP.

Hedgerows and Trees – hedgerows along the boundary should be retained and protected by fencing and an operational buffer zone. Hedgerow lost to construct the access should be compensated for elsewhere on site. Trees should be retained and protected throughout construction.

Great Crested Newt – the proposed development is unlikely to impact on breeding habitat but could result in disturbance and temporary loss of terrestrial habitat. Agree with the ecologist that the works should follow a precautionary working method statement to minimise any risk.

Reptiles – The hedgerows and an appropriate buffer should be retained and protected throughout construction. Work should follow a precautionary working method statement to minimise any risk.

Badger – recommendations made

Breeding birds – All trees with nests and nest boxes should be retained and be subject to a construction buffer if works take place in the breeding season. If this is not possible it may be necessary to employ an ecologist to check to see whether the nest boxes are active. . Barn Owl is a schedule 1 species and it is a criminal offence to recklessly or intentionally disturb adults and their young on or near and active nest.

It is positive to note that an area of land measuring around 2 ha will be retained without solar array. However it is not known if this area will adequately compensate for the displacement of skylark as the number of skylark territories recorded in the bird surveys is not stated. It is recommended that the area is subject to a late summer cut rather than grazing to reduce the risk of trampling by sheep and to achieve a more suitable sward structure for the nesting skylark.



It is questioned whether the 2ha is to be used for skylark and lapwing because if so further details are required as to how this area will be managed as lapwing require a mosaic of habitats.

The off site mitigation is welcomed and it is recommended that this area should be at least 2ha and a maximum of 5ha and established by cultivation rather than using chemicals. For skylarks it is recommended to provide arable land on temporary grassland in winter cereal fields with an open aspect of more than 5 ha. This option should be provided in sequence with overwinter stubble to provide continuity of habitat for species such as skylark. Overwinter stubble provides food for skylarks and other species such as yellow hammer.

The extended habitat report was undertaken in 2021, report authors should highlight where they consider it necessary to update surveys within a period of 18 months. Between 18 months and 3 years a professional ecologist will need to undertake a site visit and update desk study information and review.

Lighting – any lighting plan should be sympathetic to foraging bats.

BNG – 10% BNG is recommended. Appropriate site-specific recommendations will be required for providing enhancements specific for Nottinghamshire BAP species, Section 41 Species of Principal Importance (NERC Act 2006) and habitats.

Following the submission of additional information the Trust has confirmed that they are satisfied that the protected species surveys are in date and accept the rationale in respect of the habitat assessment. Would like to see details of the skylark area -the design for that area and proposed ongoing management prescriptions to be included within the LEMP. We support the intention that skylark plots are designed in accordance with RSPB specifications that may include a sequence of winter sown cereals with plots and spring sown cereals with overwintered stubble to provide nesting and foraging opportunities for skylark, a species included on the Red List of Birds of Conservation Concern.

Suggest conditions in respect of;

- updating the CEMP to ensure that no harmful effects to the Local Wildlife Site and ensure protective measures are in place for ecology receptors noted in the Preliminary Ecological Appraisal, that is, great crested newt, reptiles, badger and breeding birds.
- Mitigation proposals for Lapwing and Skylark which will involve the specific management of a retained area of land within the application boundary measuring c.2Ha to be clarified within an updated Landscape and Ecological Management Plan (LEMP).

#### Nottinghamshire County Council Planning Policy

Minerals – No objection

Waste – No objection

Built Heritage – The site appears to be adjacent to, possibly overlapping with a site identified on the Notts HER as a location of brick kilns. Ruined buildings presumed to be associated with the brick works were noted in 1968. The Built Heritage Team can find no reference of this in the archaeological report and would seek confirmation that this brick kiln site and the potential heritage interest has been properly considered

Travel and Transport – do not request any contributions

Emergency Planning – no observations

Public health – advice given

Lincolnshire County Council Archaeological Advisor

Recommends planning conditions

Nottinghamshire County Council Local Lead Flood Authority

No objections

Gamston Aviation

The developers report demonstrates a minimal effect upon a limited part of Gamston Airport and at times when it is not normally using the unlicensed runway. There is no effect on the main licensed runway 02/20. Any impacts likely to have an effect on roads within Gamston Airport will be mitigated by the developer providing additional screening at the site.

The development is not assessed as having a negative or safety impact upon the operation of Gamston Airport, or the functioning of Track Testing Operations.

In conclusion, GAL has no objection to the planning application, subject to the developer undertaking the development and proposed screening mitigations as detailed in the application.

Natural England

No objections. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Use generic advice.

Advises the following:

Check priority habitats and species

Check impact risk zones to SSSIs

Further advice from Natural England states that, as this site contains 7.79 ha of land classified in grade 3a (and none of grades 1 or 2) we have no further comments to make. Please refer to the standard soils advice within Annex A that was provided in our original response.

Further advice was received from Natural England in respect of agricultural land classification which provided an analysis of the applicant's soil report.

Following a reconsultation NE was broadly happy that the applicant had undertaken a sensitivity assessment review - re-running the ALC calcs for 10 of the 42 survey points, assuming a lower stone content. The points for which have been done these re-calcs remain non-BMV.

Some elements of the stone content analysis still questioned.

Following the submission of additional information Natural England has no further comments to make

National Air Traffic Services

No safeguarding objections

### Bassetlaw District Council Conservation

The submitted landscaping scheme is considered satisfactory with regard to the setting of nearby heritage assets. On this basis, Conservation has no concerns.

It is recommend the views of the Lincolnshire County Council Archaeologist are sought regarding below-ground heritage impacts

### Environment Agency

No comments to make as the site is in Flood Zone 1

### Nottinghamshire County Council Highways

The transport statement confirms that there would be a maximum of 54 car / light van movements and 11 HGV movements per day during construction. Due to restricted forward visibility at the site access it is proposed that no construction access will be available on Brick Yard Road from the east. The Highway Authority is concerned as to how that will be controlled. A sign is unlikely to persuade some arriving from the east to pass the site and undertake a 3km detour. Whilst a gateman may be able to monitor and even enforce any breaches to a right turn bay, they would be unlikely to prevent a U turn or 3 point turn to the west of the access. Even if it could be controlled the proposed point of access would still need to be suitable for operational traffic even if limited to one vehicle per week. The site has a substantial frontage off Brick Yard Road, why can access be moved to a more suitable location?

The surveyed edge of the carriageway stops well short of the extent of visibility splay west from the junction and the hedge line is not detailed on the plan. It is therefore not possible to determine whether the splay to the west terminates at the edge of the carriageway or whether the hedge will obstruct the splay. This requires clarification.

Where does the solar farm connect to the grid? Is there any works required to connect to the grid beyond the site frontage and what would that entail?

Following the submission of additional information and an amended construction access raise no objections subject to conditions.

### Babworth Parish Council

No comments received

### Eaton Parish Council

No comments received

### Bassetlaw District Council Tree Officer

This application for a solar farm appears to fit within the constraints of existing trees, hedgerows and woodlands with zero tree loss anticipated. There are a large number of higher quality trees and a woodland categorised as 'A'. It would be expected that these will be retained long term which will enable them to continue contributing to the broader ecology of the area. These include some large mature oaks with an expected lifespan far in excess of the likely serviceable life of the solar farm. However, some are centrally located with the arrays planned around them. It would be expedient at this stage to ensure adequate room is given that they may remain, unpruned, so some assurances need to be given that the nearest panels do not get over-shaded by the trees and could then require pruning once the arrays are installed.

The coppicing of four crack willows is recommended in the tree report, which would prolong their life. Some interruption of hedgerows for access is required, which appears to be offset by the making good of gaps in hedgerows elsewhere on the site.

Connection route(s) to the grid does not appear to have been discussed. Can this be demonstrated to not have negative impact on any trees present or adjacent the site?

I would not object to this proposal, providing further evidence and details can be provided that T19 (veteran oak) and T17 (oak) have sufficient room to continue through their life without requiring pruning due to over-shading the panels. If further information cannot be provided, I would ask for greater distance be allowed between the panels and these two trees, especially where any shadows may be cast.

Following the submission of additional details offers no objections.

#### Network Rail

No objection in principle. Request a condition to ensure safety of the railway.

#### Nottinghamshire County Council Public Rights of Way

No public rights of way are currently recorded in or adjacent the application site; however it is always possible that there are public rights that have not yet been recorded. This does not preclude unrecorded public rights being proven to exist at a later date.

#### **SUMMARY OF PUBLICITY**

This application was advertised by neighbour letters, site notice and press notice. There have been no representations received.

#### **CONSIDERATION OF PLANNING ISSUES**

The main considerations in this planning application are as follows:

- Environmental Impact Assessment
- Principle of development
- Sustainability of development
- Highway Considerations
- Design, layout and visual amenity
- Residential amenity
- Biodiversity
- Loss of agricultural land
- Heritage
- Flood risk
- Contamination
- Glint and Glare
- Decommissioning and reinstatement
- Other issues
- Conclusion

#### **ENVIRONMENTAL IMPACT ASSESSMENT**

A screening opinion was submitted to the Local Planning Authority in 2021 where it was concluded that the proposed development was not EIA development.

The advice given in this screening opinion is still valid and accordingly it is not considered that the proposal is subject to an Environmental Statement.

## **PRINCIPLE OF THE DEVELOPMENT**

Paragraph 12 of the NPPF states that the development plan is the starting point for all decision making.

Paragraph 33 of the NPPF states that policies in development plans should be reviewed and where necessary, updated every five years. The Bassetlaw Core Strategy dates from 2011 and its strategic policies have not been reviewed in the last five years as the Council is working on a new local plan to replace it. In this situation, paragraph 219 of the NPPF states that in an adopted local plan do not become automatically out of date because they were published before the framework; policies must be considered having regards to their consistency with the framework.

The countryside policies within the Core Strategy do not consider the type of development proposed by this application. The most important policy for the determination of this application is Policy DM10 and this is considered to be in line with the guidance contained within the NPPF and can therefore be attributed full weight.

Therefore, as this is the case, the planning balance test in paragraph 11(d) of the NPPF is not engaged in the consideration of the scheme.

Policy DM10 of the Bassetlaw Core Strategy states that the Council will be supportive of renewable energy schemes in principle provided that they are in accordance with the relevant policies in the development plan unless material considerations indicate otherwise. There are a number of provisions that renewable energy proposals are required to meet in order to be fully compliant with this policy including safeguarding the natural and built environment, protecting agricultural land, tourism and recreational facilities, amenity/other technical considerations and the cumulative impact of the above factors. It is generally considered that the proposed development is in accordance with the requirements of this policy. However, there are material considerations that will be addressed in the relevant sections of this report and a balanced decision will be made at the end of this report.

In terms of National Policy, the NPPF and Energy Policy Statements demonstrate support for renewable energy schemes subject to a number of material considerations that are discussed below.

## **SUSTAINABILITY OF THE DEVELOPMENT**

Paragraph 8 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

**“an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

**a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

**an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

In reaching a decision on this case, the NPPF at paragraph 9 makes it clear that the objectives referred to above should play an active role in guiding development towards sustainable solutions and are not criteria against which every planning application should be judged against.

When taken in the context of the relevant policies and material considerations outlined in the rest of this report, it is considered that the proposal constitutes sustainable development as required by the policies above. This is also in the context of the benefits provided by renewable energy and carbon reduction as a result of the proposed development.

Paragraph 158 of the NPPF does not currently require applicant's to demonstrate a need for new renewable energy development, recognising that even small additions are invaluable to reducing carbon emissions. Renewable energy as a whole still makes up a minority of the UK's energy mix and at the present time, relevant local and national policy is strongly in support of substantial increases in the provision of renewable energy.

### **VISUAL AMENITY including design and layout**

Section 12 of the NPPF refers to achieving well designed places. Specifically, paragraph 126 states that good design is a key aspect of sustainable development; it creates better places in which to live and work in and helps make development acceptable to local communities. Paragraph 130 states that decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore, it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The NPPF goes on to state it is "proper to seek to promote or reinforce local distinctiveness" (para 130) and permission should be "refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions" (para 134).

Policy DM4 of the Bassetlaw Core Strategy provides general design principles which should be applied to all schemes. The policy states that all development proposals will need to be in keeping with the character and appearance of the wider area and when they are in historic locations, they should respect existing development patterns. All schemes must respect their context and not create a pastiche development which would be incorrect in their context.

The proposed design and layout of the proposal is fairly standard for this kind of development comprising of solar panels which would be 3m in height and angled at around 15-20 degrees. The panels would be arranged in rows which would run east to west leaving 4m in between in row. Each panel is constructed from toughened glass beneath which is a non-reflective layer, electrical connections, silicon and a backing layer all of which is set in an aluminium frame. There are other ancillary buildings associated with the development such as transformer stations and substations; however these do not exceed 3m in height.

A perimeter fence is proposed around the main element of the proposal which would be deer fencing which is considered to be acceptable. CCTV cameras are also proposed around the site for security purposes.

It is considered that the design and layout of the proposal is functional and acceptable.

The site lies within the Sherwood Landscape Policy Zone where the policy position is to conserve and create. It has a moderate landscape condition and the landscape sensitivity is also defined as moderate. The recommendations in this policy zone are as follows:

- Conserve hedgerows and create new sections where there are gaps.
- Create tree and woodland planting
- Create heathland

A landscape and visual impact assessment has been submitted with the application and this concluded that the development would result in some limited and localised landscape moderate adverse effects at the site itself and would only affect a small part of the landscape character area within which it is located. This would be limited to an area within close proximity to the site within 1km – 1.5km of the site boundary to the west, south-west and south. The magnitude of impacts on the local landscape character area would be assessed as low with the overall effect being slightly adverse.

Local roads such as Brick Yard Road, Old London Road and Jockey Lane would experience the highest level of effects which would be moderately adverse due to the topography of the site. Jockey House/ Jockey House Cottage, the bungalow on Old London Road and Milestone Cottage are the most affected residential receptors as these are within 500m of the site boundary.

A landscape strategy has been submitted with the application and this confirms that the existing trees and hedgerows will be retained. The landscape strategy proposes to plant new hedgerow along the western boundary which will assist in screening to the west. The existing defunct hedgerow to the north will also be enhanced.

The Tree Officer has been consulted on this proposal and does not object in principle to it providing further evidence and details can be provided that T19 (veteran oak) and T17 (oak) have sufficient room to continue through their life without requiring pruning due to over-shading the panels. Further assurances are required that the higher quality trees and woodland will be retained long term and that the centrally located trees with the arrays planned around them will have adequate room so that they may remain, unpruned. Further confirmation has been provided by the applicant in respect of the trees and the Tree Officer is content with the approach. A condition is recommended to control the pruning of the veteran oak tree T19 and the oak Tree T18.

It has to be remembered that the proposal is to an extent temporary in nature and once the solar panels have exceeded their life span they will be removed. On this basis it is considered that whilst the proposal will have a slight adverse impact on the landscape this will be temporary in nature and would not warrant refusal of permission.

### **RESIDENTIAL AMENITY**

Policy DM4 of the Core Strategy requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This requirement also forms part of paragraph 130 of the NPPF. These requirements also form part of Policy DM10 A) iv of the Bassetlaw Core Strategy.

No objection has been received from Bassetlaw District Council's Environmental Health Officer in respect to noise, lighting, extraction of ventilation.

The most potentially significant impacts would be during the construction period which is expected to a maximum of 4 months.

The installation of solar panels relative to other development projects is relatively non-intrusive and only requires a very small area underneath each panel to be actually developed so relative to other built development, the impact on residential amenity as a result of the development proposal is expected to not be significant. Construction traffic may also cause additional noise and disturbance during construction; however this will be temporary and would not warrant refusal of permission. Conditions are recommended to control noise and disturbance during construction.

The applicant has confirmed that lighting will be kept to a minimum; however, a condition is recommended in this regard for both construction and operational periods.

A noise impact assessment has been submitted with the application and this concluded that when the various elements that make up a solar development such as panels, inverters and substations and their noise outputs are assessed against sensitive receptors in the vicinity of the proposed development the impact would be low and therefore would have minimal impact on residential amenity.

A glint and glare assessment has been submitted with the application and concluded that the development will not have a material impact on ground based receptors, this is discussed in more detail further in the report.

Once the construction period is completed, the impact of the proposed development on residential amenity is expected to be negligible. The only visits to the site would be limited to occasional maintenance and security visits. It is therefore considered that the proposed development is in accordance with Policies DM4 and DM10 of the Bassetlaw Core Strategy and paragraph 130 of the NPPF with respect to residential amenity.

## **HIGHWAYS MATTERS**

Paragraph 110 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. This requirement is also contained in policy DM4 of the Council's Core Strategy. Paragraph 111 of the NPPF makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Access to the development is proposed by way of a new gated field onto Bick Yard Lane Road at the southern site boundary. Visibility splays of 2.4m x 215m are available at this point although forward visibility is restricted to 40m due to hedgerows. It is therefore proposed that no construction access will be available from the east on Brick Yard Road.

The access point has been amended throughout the course of the application to ensure that it is more centrally located and in line with the position of the existing field gate; this ensures that adequate visibility can be achieved.

It is proposed to use the existing field access to the west side of the frontage for operational access.

It is proposed that construction components will arrive from the strategic network and A1 to the west of Elkesley approaching the site from the south via Jockey Lane and Brick Yard Road.

It is proposed that there would be 5 HGVs visiting the site for every MWp, which equates to 227 deliveries or 454 vehicle movements, this would be for the solar panel modules, mounting structures and ancillary items.

The proposed substations (x 6) will be individually transported by HGV, which will equate to 6 HGVs or 12 vehicle movements.



The proposed gravel access track is expected to require 100 HGVs for delivery or 200 vehicle movements.

The additional deliveries are also expected;

Compounds and portacabins – 4 HGVs or 8 vehicle movements (including removal)  
DNO Substation and customer switchgear cabinet – 3HGVs or 6 vehicle movements  
Miscellaneous – 6 HGVs or 12 vehicle movements (including removal)

This all equates to 692 HGV movements. It is anticipated that construction will take approximately 4 months.

In addition to HGV movements it is also expected that there would be a maximum of 50 construction workers on the site during peak construction activity. Adequate car parking would be provided within the site.

In summary it is expected that there would be approximately 65 two way movements comprising of 54 cars/LGVs and HGVs per day. This is considered to be low.

Once operational the development will be unmanned and will generate limited vehicle movements associated with maintenance and inspection of the site. These movements are not considered to have a significant effect on the highway network and will typically be undertaken by a light van or a 4x4 vehicle with a frequency of approximately 50 visits per year.

The Highway Authority has assessed this application and is content with the revised access position. Some concerns are still raised in respect of the western access due to visibility; however given the low frequency of operational use it would be difficult to demonstrate that the proposed use is materially worse than the existing use. The Highway Authority therefore accept the proposal subject to conditions.

The advice of the Highway Authority is accepted. It is not considered that the proposed access arrangements would have a severe impact on the highway network.

## **BIODIVERSITY**

The Environment Act 2021 has introduced a requirement for development to deliver a 10% net gain to biodiversity. Opportunities to achieve 10% net gain in planning decisions are welcomed, however this will not become mandatory until November 2023 for large sites and April 2024 in the case of small sites. In the interim, with the absence of an up-to-date Local Plan, the Authority will approach biodiversity in accordance with paragraph 180 of the NPPF which makes clear that there should be no net loss to biodiversity as a result of development.

The content of paragraph 180 of the NPPF is applicable as it states that in dealing with planning applications, councils must consider the harm of a scheme on biodiversity. It states that the following principles should be applied (in summary):

- If significant harm cannot be avoided adequately mitigated or compensated for permission should be refused.
- Development within or outside a Site of Special Scientific Interest (SSSI) which is likely to have an adverse impact on it should not normally be permitted. The only exception is where the benefits of location outweigh its impact.
- Development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are exceptional reasons or compensation.

- Development whose primary objective is to conserve or enhance biodiversity should be supported. Opportunities to improve biodiversity in and around developments should be integrated as part of their design especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Policy DM9 of the Core Strategy is consistent with the above and adds that development proposals will be expected to take opportunities to restore or enhance habitats and species' populations and to demonstrate that they will not adversely affect or result in the loss of features of recognised importance.

The applicant has submitted an ecological appraisal with the application which assesses the ecological value of the site. The recommendations are as follows:

Brick Yard Road Ponds Local Wildlife Site to the east – there is a low risk that this could be impacted through contamination during the construction phase. It is recommended that a 15m habitat buffer is provided and pollution prevention measures should be implemented as part of a Construction Environmental Management Plan.

Natural Environment and Rural Communities Act (NERC) s42 Hedgerows – The hedgerows around the site boundaries should be retained and protected via an operational buffer. Small sections may need removal for access. Any length of hedgerow lost should be recreated elsewhere. All retained hedgerows should be protected via a buffer zone to prevent damage and ideally informed by a BS5837 tree survey. Opportunities for enhancement of defunct hedgerow and species poor hedgerow. Hedgerows could be subject to a sympathetic management plan to maximise wildlife benefits in the long term.

NERC s42 Broadleaved woodland and scattered trees – The proposed development is likely to retain mature trees and woodland habitat. Retained trees should be protected during construction via a root protection plan meeting the standards of BS5837:2012

Standing Water – the risk to the waterbodies adjacent to the north of the site is low but any potential pollution should be addressed via construction environmental management plan.

Great Crested Newts (GCN) – There are no waterbodies within the site to support Great Crested Newts but there are 3 waterbodies adjacent to the site which, whilst the results returned no records, have the potential for breeding within these ponds. The proposed development may result in some minor disturbance and temporary loss of terrestrial habitat used by GCN via loss of hedgerow removal and tracking of machinery through tall vegetation. Precautionary working method statement is recommended. If GCN are encountered work would have to stop and a licence sought. In the long term habitat enhancement to hedgerows and margins would be beneficial to GCN.

Reptiles – Hedgerows, grassy margins and woodland edges may provide foraging and hibernating habitat for widespread reptiles. Hedgerows and a suitable buffer should be retained and protected through construction. A precautionary working method statement is recommended.

Nesting Birds – the site has the potential to support a diverse breeding bird assemblage, especially those associated with arable fields. Skylarks, a S41 and Local Biodiversity Action Plan (LBAP) priority species were observed on site. The presence of a nest box and suitable hunting ground along the hedgerow margins suggest barn owl to be present. Barn owls is a Schedule 1 listed species making it an offence to disturb whilst nesting or attempting to nest. Work should follow a precautionary working method statement for barn owl. A bird breeding survey was recommended (discussed below).

Initial works should be undertaken outside of the bird breeding season. Open areas should be retained within the design to allow for continued skylark nesting.

Bats – 13 scattered mature trees were recorded on the site offering low to moderate bat roost potential. The proposal does not involve the felling of any trees; however if moderate trees are felled a further bat survey should be undertaken prior to this taking place. Trees with low bat roost potential would require a soft fell under a precautionary working method statement. Hedgerows should be retained and protected with a suitable buffer to maintain foraging and commuter habitats. Any hedgerows lost should be compensated by replanting and gaps could be filled in. No security lighting is proposed.

Badgers – this is subject to confidentiality and recommendations have been made. A precautionary working method statement is recommended along with conditions.

Hedgehogs – no hedgehogs were recorded on the site; however suitable hibernation and shelter can be found in hedgerows, arable fields and woodland edges. A precautionary working method statement is recommended. The site will remain suitable for this species during operation.

Brown Hare – no evidence was found on site but arable fields and hedgerows provide foraging habitat. A precautionary working method statement is recommended. The site will remain suitable for this species during operation.

Biodiversity enhancements proposed are as follows (in summary):

- Create a log / brash piles to create habitat for invertebrates, small mammals, amphibians, reptiles and birds.
- Enhancement of species poor and defunct hedgerows through replanting of gaps and adding native trees.
- Bat boxes on existing trees
- Skylark plots to provide suitable habitat post development. Additionally the grassland around the development could be managed to provide suitable nesting habitat post development. Allowing a taller sward to form tussocky grassland will provide hunting opportunities for barn owls.
- Additional barn owl nesting boxes could be installed on mature trees. Consult an ecologist for the best locations.
- Grassland between the panels could be allowed to re-establish naturally in places and sown with locally native wildflower mix in other places to increase diversity. This could be managed with an annual cut and collection of arisings in late summer /autumn or light grazing over winter.
- Several hedgehog houses could be installed along the woodland edge to the north and along the hedgerows, in particular those to the west adjacent to the semi improved grassland.
- A management plan would ensure that habitats on site are managed to maximise their value to wildlife in the long term.

These enhancements could be achieved via a biodiversity method statement which could be conditioned as part of any permission.

The above assessment concluded that a further breeding bird survey was required and this has been undertaken and a report submitted by the applicant as part of the submission. Four breeding bird surveys were undertaken and a total of 46 bird species were recorded, 3 of which were breeding, 13 were probable breeders and a further 12 were possible breeders. The site was considered to have local value for breeding birds. Barn owl and kestrel were observed breeding on site and therefore construction works should avoid the bird breeding season. If this is not possible at least 20m buffer will be required around nests.

The provision of species rich grassland beneath and around the arrays and at least 4 x raptor boxes is expected to mitigate any temporary disturbance to kestrel and barn owl and will result in enhancement for both species.

Skylarks were recorded in moderate numbers; however the proposed species rich meadow grassland to be managed by annual mowing or grazing will mean that skylark will continue to use the site for foraging and breeding.

A single lapwing territory may be displaced despite the presence of an area of 2ha left without panel array; however the loss of a single territory is not considered significant and will likely be absorbed into alternative habitat on adjacent farmland.

Other farmland species are expected to benefit from the proposals; hence overall the scheme will have a positive impact on breeding farmland birds.

Recommendations are as follows;

- Plant a species rich grassland mix across the site for skylark to be managed by annual mowing or light intensity grazing.
- The 2ha area to the north west of the site without panels is expected to be used by skylark and possibly by lapwing
- Enhancement of on site hedgerows and inclusion of adjacent buffers and species rich grassland.
- All or part of the solar farm should be re sown with a diverse wildflower and fine grass seed mix. This should be managed keeping the sward between 7-20cm with at least 30% of the area left unmown to provide tussocky grassland.
- All trees with nests and nest boxes should be left in situ and be subject to a protective buffer if construction works take place in the breeding season.
- Foraging habitat grassland should be recreated following the construction phase of the development and enhanced throughout the life of the development.

Off-site enhancement is also recommended:

A single large field adjacent to the site to the north will be subject to retention of uncultivated plots within the cereal crop which will be undertaken as follows;

- By early spring the uncropped fallow plot – a rectangular section measuring a minimum of 1ha and a maximum of 5ha will be established in the crop
- Plots can be established by cultivation or spraying to create the fallow
- The fallow plot will have enough bare ground (at least 30%) for nesting birds
- Where natural regeneration covers more than 70% of the plot suitable bare ground habitat will be restored by late April, making sure first that there are no nesting birds on the plots.
- Retain the plot until the crop is harvested from late July.

This will be provided in sequence with overwinter stubble to provide a continuity of habitat for species such as skylark. The fallow plot shall be retained for a period of 30 years and it is expected to benefit lapwing, skylark and grey partridge.

These measures along with the onsite measures are considered by the applicant to provide a net benefit to breeding birds.

The applicant has also submitted a landscape and ecological management plan which outlines how the recommendations will be achieved for the proposed development.

Nottinghamshire Wildlife Trust (NWT) has assessed this application and required clarification on a couple of points and did question to date of the ecological surveys.

The applicant has responded to NWT queries and state that they would be prepared to update the construction environmental management plan to protect species during construction. A landscape ecological management plan could also be conditioned which would require a habitat management plan for the lapwing/skylark area along with the detailed design and management of the off-site area.

In terms of the dates of the ecological surveys the protected surveys were undertaken in 2022 and therefore remain valid. The habitat surveys undertaken to accompany the Preliminary Ecological Appraisal report are older, having being undertaken during 2021. However, the results are still considered valid because of the arable/agricultural nature of the site, which is highly unlikely to have experienced any significant changes in the interim. Where necessary conditions can be attached to any permission for updated surveys to be undertaken prior to commencement of development.

Nottinghamshire Wildlife Trust accept the applicant's response and recommend conditions in respect of biodiversity.

The material consideration of biodiversity net gain must be assessed in this application. Whilst it is acknowledged that there is currently only a policy requirement in Bassetlaw to provide no net loss to biodiversity the aspiration for planning applications is to achieve at least 10% net gain which is what will be required by the Environment Act at the end of this year.

A biodiversity net gain assessment has been submitted with the application which concludes that if there are no change to the landscape strategy proposals and the site layout the scheme will achieve 198.48% net gain in biodiversity units, 22.07% in hedgerow units and 0% in rivers and streams units. This is considered to be acceptable and a positive benefit to the scheme. A landscape and biodiversity management plan will be required to confirm the habitat creation, management and monitoring requirements over 30 years.

It is considered that the proposal is consistent with current planning policy on biodiversity.

### **LOSS OF AGRICULTURAL LAND**

Another key consideration is the potential loss or damage of agricultural land. This requirement forms part of Policy DM10 of the Bassetlaw Core Strategy which states that the Council is supportive of renewable energy schemes that do not lead to the loss or damage of high-grade agricultural land. Paragraph 174 of the NPPF also gives weight to the preservation of what is described as best and most versatile (BMV) land which also includes Grade 3a agricultural land.

The applicant has submitted a Soils and Agricultural Land Classification document with the application.

The desk-based analysis indicates that the site comprised predominately of Grade 2 Agricultural Land with an area of Grade 3 to the west. However, the details soil survey confirmed the presence of Brockhurst soil association (which is heavy medium clay loams) across the whole site. The main limitations to agricultural land use classifications are droughtiness and soil stoniness. The report concludes that the majority of land within this site comprises of grade 3b or grade 4 (79.26%, 29.93 hectares), the remaining 7.79 hectares comprise of grade 3a.

The threshold for consulting Natural England on the loss of best and most versatile agricultural land is 20 hectares, which is not reached in this application.

Natural England was consulted and raised no objections in this regard. However this has been questioned with Natural England who have looked again at the proposal and have provided an analysis of the applicant's soil analysis and raised certain questions. This has been sent to the applicant who has commented as follows:

#### Climate

*There are no direct climate limitations for this site and climate was not used as a direct limiting factor in this ALC assessment. We apologise for any perceived contradictions, but we discussed droughtiness in the context of a climate limitation in relation to soil conditions. Climate was not a limiting factor for this site.*

#### Stone Content

*The estimate of stone content used for this survey was based on visual assessments by the suitably experienced and qualified Wardell Armstrong Soil Scientists following the Hodgson, J M (1997) Soil Survey Field Handbook methodology. The separate collection and assessment for stone content is not standard practice and consequently was not undertaken during this survey. The stone content for the > 2 cm to < 6 cm fraction was recorded separately from the > 6 cm fraction.*

*Observations made during the site survey confirmed that over sections of the site the soil conditions on the day of the survey were extreme in terms of stone content and subsoil compaction.*

*Given the Grade 2 provisional grading for the land, the observed poor to very poor structural condition of the subsoil and, in part, the high to very high stone content found at some locations during the survey reflects how the land has been managed over the past several seasons. The review concluded that the soil conditions were sufficiently extreme to describe the land as having been degraded as a result of agricultural management. It was not possible to separate out or otherwise account for the impact of the degradation within the ALC process as standard agronomic practices would be insufficient to address the observed issues.*

*The site photographs captured during the survey are limited and low resolution and therefore cannot be relied upon to inform us directly on the stone content, however the pit photo in the report illustrate the extreme compaction and poor structural condition of the subsoil that was found which also has a role in how the ALC for the land is determined. Attached is one additional photo taken from the Grade 4 areas which shows the high stone content visually.*

*To provide further robustness to our assessment, we have conducted a sensitivity assessment on the ALC results to account for different total stone content in the droughtiness calculations. This focused on the 10 survey points that were assigned a Grade 4 ALC grade in the survey.*

*This sensitivity assessment review concluded that even if the > 6cm fractions are removed from the calculation the required modification would still result in a Grade 4 ALC grading for 7 of the 10 points concerned. The other three would be given a Subgrade 3b ALC grade. The remaining area of Grade 4 would continue to be limited by stone content and by the poor structural condition of subsoils as this was found to remain as a primary determinant in the ALC grading for these locations.*

*We recognise that the ALC grading is generally lower than would be expected, and notably lower over some areas, however the recorded ALC data supports the designation in most instances even if the total stone content is reduced.*

These comments have been sent to Natural England who state that they were broadly happy that the applicant had undertaken a sensitivity assessment review - re-running the ALC calculations for 10 of the 42 survey points, assuming a lower stone content.

The points for which the applicant has done these re-calculations remain non-BMV. Concerns were still raised in respect of some aspects of the soil / stone data.

The applicant has provided a response to this as follows:

*“The most recent comments made by Natural England are largely suggestions for future surveys and we can confirm that we will take these on board going forward. For completeness, we address the comments/suggestions made below:*

- 1. The supplied photograph shows a depth of ca 30 cm. We can confirm that this investigation location was extended to 80cm using a hand auger.*
- 2. The supplied photograph was taken from location 34:  
It is difficult to show the stone content from these photographs. To assist, we attach a photograph taken from one of the archaeological trenches from the same field that shows the stoniness of the soil (attached to e mail dated 17<sup>th</sup> August)*
- 3. We note the reference to the updated Soil Survey Field Handbook (2022) which was published after our survey in 2021 and confirm that all future surveys will be undertaken in accordance with the most recent guidance. The estimation of stone content was undertaken using the standard method described within the Soil Survey Field Handbook (i.e. estimation by eye) as this was considered suitable in this case by the field scientists.*

*It should also be remembered that the nature of this proposal means that there is the potential for land beneath and around the solar panels to be retained for grazing land so the land will not be lost per se but could switch from arable to grazing land.”*

Following this submission Natural England has no further comments to make.

It is considered that the applicant has provided adequate information in respect of soil analysis and this has been fully analysed. The applicant is correct in that the nature of this proposal does mean that the land will not be permanently lost and on this basis the soil survey and analysis with the associated e mail justifications are accepted.

It is considered that the proposal is therefore consistent with Policy DM10 in respect of agricultural land.

## **FLOOD RISK**

The NPPF at paragraph 159 and Policy DM12 of the Core Strategy makes it clear that development in areas at risk of flooding should be avoided by directing development away from the areas at the highest risk. The site lies in a flood zone 1 area as designated by the Environment Agency which is land at least risk of flooding from local rivers and this is where development is directed in the NPPF to minimise the risk of flooding.

Paragraph 167 of the NPPF requires that proposals do not increase flood risk elsewhere and should be developed in line with a site specific flood risk assessment which incorporate a Sustainable Urban Drainage solution. Should flooding events occur, the NPPF also requires that schemes demonstrate how the residual flooding impact would be dealt with.

The application is located within Flood Zone 1 which is considered to be at a low risk of flooding.

A Flood Risk Assessment has been submitted with the application which concluded that the risk of flooding from surface water and sewers is considered to be very low as too is flooding from artificial sources. The risk of ground water flooding from low lying western areas is considered to be high with low risk in central and eastern areas.

Throughout the lifetime of the development there will be negligible increase in impermeable ground within the site causing a minimal increase in the rate and volume of surface water run-off and no impact on existing overland routes.

A series of precautionary vegetated swales are proposed within the site to intercept and retain a proportion of surface water run off during storm events. Any retained water would, and then disperse naturally by infiltration and evaporation. Further to this grass will be reinstated across the site, which will limit any erosion and provide filtration to surface water run off removing silts and solids ensuring that there are no negative impacts on surface water quality.

The Local Lead Flood Authority and the Environment Agency have been consulted on this application and raise no objections to the proposals.

The proposal is considered to be acceptable in terms of flood risk.

### **CONTAMINATED LAND**

Paragraph 183 of the NPPF requires that in making decisions on schemes consideration is taken account of the ground conditions and any risks arising from contamination.

The Council's Environmental Health Officer has been consulted in this regard and recommends a precautionary condition in respect of contamination as records do not identify contamination of the site.

It is important that there is no pollution to the adjacent wildlife site and this has been addressed above the biodiversity section.

### **HERITAGE MATTERS**

The Council has a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving their setting, character and appearance.

Paragraph 195 of the NPPF requires Councils to identify the significance of any heritage asset that may be affected by a proposal to ensure that harm to the asset is avoided or is minimised.

Paragraph 199 of the NPPF states that in considering the impact of development on the significance of heritage assets, great weight should be given to the assets conservation. Policy DM8 of the Council's Core Strategy requires schemes that affect heritage assets to be of a scale, design, materials and siting and not have a negative effect on views towards the heritage asset.

Paragraph 203 of the NPPF advises that Councils should consider the impact of a proposal on the significance of a non-designated heritage asset when making a decision. It states in paragraph 200 that harm caused by the loss of significance (such as through the demolition of the building) should only be allowed via clear and convincing justification.

Paragraph 205 of the NPPF is also particularly applicable where archaeology has been identified as a potential issue on site. This paragraph requires that applicants record to provide documentary evidence to advance the understanding of the significance of the heritage asset.

Policy DM8 of the Council's Core Strategy requires schemes that affect heritage assets to be of a scale, design, materials and siting and not have a negative effect on views towards the heritage asset



The Conservation Manager has been consulted on this application and does not have any concerns regarding the setting of heritage assets in the vicinity of the site and the impact on the built historic environment providing that the landscape strategy is implemented.

The applicant has submitted archaeological documents for considerations as part of the application.

In terms of archaeology NCC has commented in respect of the brick kiln site and sought clarification as to whether this has been fully assessed, this has been addressed by the applicant who confirmed that the HER is outside of the application site and have been considered in the submitted assessments.

The Council's Archaeological Advisor has been consulted on this application and has no objections subject to conditions.

Therefore, it is considered that the proposed development does not conflict with Policy DM8 of the Bassetlaw Core Strategy, Part 16 of the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This would also meet the requirements of Policy DM10 A (i) which relates to preserving the character of the built environment).

### **GLINT AND GLARE**

A glint and glare assessment has been submitted with the application, this assesses the effect of the development on nearby receptors including residential properties, railways and airports.

In terms of residential properties it was concluded that the proposal was acceptable providing the landscape screening was implemented. The Council's Environmental Health Team has been consulted on this and raised no objections in this regard.

An assessment has also been undertaken in respect of public roads which showed that there is the potential for road users close to the site to see glint. The roads that do not lie in the immediate vicinity of the site are screened by vegetation and intervening topography. Glimpses of glint from these roads would be very weak and pass very quickly, having no material effect. Brick Yard Road are predicted glint and can receive yellow glint. However the proposed screening measures will block line of sight to glint producing panels thus meaning that glint will not have a material effect. In all cases the report concludes that any visible glint will be no worse than seeing a sunlight reflection off a window or still water as solar panels have lower reflective properties than these materials. Nottinghamshire County Council Highways has no comments to make on this.

In terms of railways the East Coast Main Line passes to the east of the site approximately 2.6km. The report states that there are some gaps in the vegetation along the railway but on the whole it is well screened along the western side of the line. Furthermore there are some woodland blocks and other hedgerows in the intervening landscape which despite being at a lower level will provide some screening. The results demonstrated that there is some potential for the railway to receive some yellow glint to the southeast of the site; however it has a good degree of screening hedgerow along the tracks and is unlikely to have intervisibility with the site due to several woodland blocks and Gamston Village which lie in between. The report concluded that glint is not expected to be a concern for the railway.

Network Rail has been consulted in respect of the railway and confirm that they have no objections in principle; however request a planning condition to ensure that the safety of the railway is maintained.

In terms of airports, the submitted report states that the guidance from the Federal Aviation Administration in relation to glint effects reflects the fact that pilots already routinely encounter strong glint effects during normal operation from existing natural and built environment, and therefore it no longer considers it necessary to allow specific protections for pilots on final approach to runways from solar farms. It has however concluded that protections should remain in place for Air Traffic Control Towers due to the nature of the operation of the control tower and its need to retain clear visibility of operations on and above the aerodrome.

Gamston Airfield lies to the south of the application site and a number of other aerodromes within 15km of the site have been assessed.

In terms of Gamston Airport no glint is predicted at the site air traffic control tower. In terms of flight paths, flight path 2 is expected to have some glint between 06:00-07:45 (plus or minus 15min each way) and this is only expected to occur over two periods of the year between mid-February to mid-April and early September to late October. The daily duration of glint effects peak in late March and mid-September at approx. 60min per day.

The report states that most of the glint effects will not occur during the aerodromes normal operating hours; however glint effects are possible for flights outside of normal hours.

The following aerodromes have also been analysed by the report:

- Sheffield Aero Club
- Darlton Gliding Club
- Microflight Aviation School
- Moorfield Lane Airfield

The report concludes that glint is not predicted to disrupt licensed aerodrome normal operations within 15km of the site. No material glint effects are anticipated at Gamston Airport or any other aerodrome in the vicinity. No glint is predicted at any of the air traffic control towers at any of the aerodromes.

Cumulative effect of solar farms has also been assessed and it was concluded that there is a small period of overlap with the glint from the proposed site and Little Morton Solar Farm where pilots using Gamston Airfield could observe glint from both sites but this would occur outside of the normal operating hours. When analysed fully, the report states that it is clear that a pilot could not see glint from both solar farms at the same time.

Gamston Airfield has been consulted on this proposal and state that the development is not assessed as having a negative or safety impact upon the operation of Gamston Airport or the functioning of Track Testing Operations. No objections are raised subject to the developer undertaking the development and proposed screening mitigation as outlined in the application.

It is concluded that the application has sufficiently demonstrated that the proposal will not have a detrimental effect on receptors in terms of glint and glare.

### **DECOMMISSIONING AND REINSTATEMENT**

It is expected that after 40 years the solar farm will reach the end of its operational life. The decommissioning phase will include dismantling and removal of all materials and equipment that have been in situ that have been on site during the operational phase.

The decommissioning phase is expected to take 1-2 months and once all the equipment has been removed from the site the land will be restored to agricultural use.

## **OTHER ISSUES**

Environmental Health requested conditions relating to dust and mud on the road; however the applicant has submitted a construction environmental management plan which covers these issues and therefore these are not considered to be required.

## **CONCLUSION**

There is an urgent and compelling need for the generation of renewable energy in the UK. Solar energy forms a significant part of the contribution towards the UK becoming carbon net zero, with wind and solar providing the predominant contributor to the UK's electricity. This approach reflects wider Government policy and guidance which is designed to address the potential impacts of climate change, to ensure energy security, economic growth, and the reduction in using natural gas to heat properties.

The main policy for the determination of this application is Policy DM10 of the Bassetlaw Core Strategy 2011 and it is considered that the proposal is consistent with the requirements of this policy.

All material considerations relating to the proposal have been fully analysed in this report and there are no adverse impacts relating to the proposal that would significantly and demonstrably outweigh the benefits.

The recommendation is therefore to grant planning permission subject to condition.

## **RECOMMENDATION:**

Grant subject to conditions

## **CONDITIONS/REASONS:**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

2. The development hereby permitted shall be in accordance with details and specifications included on the submitted application form and shown on the following approved plans:

- Site Location Plan drawing number GM11557-013 Rev A received on 28<sup>th</sup> July 2023
- Proposed Operational Buffer Zones 1004-P02-Rev A received on 28<sup>th</sup> July 2023
- Proposed Construction Site Access 1004/P34 received on 28<sup>th</sup> July 2023
- Block Plan Sheet 1 of 4 drawing number GM11557-028 dated 5/1/23
- Block Plan Sheet 2 of 4 drawing number GM1157-028 dated 5/1/23
- Block Plan Sheet 3 of 4 drawing number GM1157-028 dated 5/1/23
- Block Plan Sheet 4 of 4 drawing number GM1157-028 dated 5/1/23
- Landscape Strategy Plan drawing number GM1157-032 dated 20/9/22
- Perimeter Fence CCTV Detail drawing number 1004- D02- Rev A dated 12/1/23
- Spare Parts Container drawing number 1004-D08 Rev A dated 21/12/22
- Control Building Detail drawing number 1004-D07 Rev A dated 12/1/23
- Customer Substation Detail plan number 1004-D06 Rev A dated 12/1/23
- Transformer Station plan number 1004-D04 Rev A dated 13/1/23
- Solar PV Array Detail plan number 1004-D01 Rev A dated 12/1/23
- Internal Access Track Detail plan number 1004-D03 Rev A dated 12/1/23

- Construction Environmental Management Plan dated January 2023
- Planning, Design and Access Statement dated February 2023
- Flood Risk Assessment dated January 2023
- Arboricultural impact Assessment dated January 2023
- Response to Tree Officer Letter dated 12/7/23
- Soils and Agricultural Land Classification dated February 2023 and associated e mails
- Noise Impact Assessment dated 10<sup>th</sup> January 2023
- Landscape and Visual Impact Appraisal dated January 2023
- Landscape and Ecology Management Plan dated December 2022
- Glint Assessment dated February 2023
- Preliminary Ecological Appraisal Report dated December 2022
- Great Crested Newt Survey Report dated January 2023
- Breeding Bird Survey Report dated January 2023
- Biodiversity Offsetting Assessment dated January 2023
- Written Scheme of Investigation for Archaeological Investigation dated January 2023
- Trial Trench Layout drawing number GM1157-037 Rev 1 dated July 2022
- Response to NCC Built Heritage Letter dated 12/7/23
- Response to ecology letter dated 25<sup>th</sup> July 2023
- Response to highways letter dated 25<sup>th</sup> July 2023

Reason: To ensure the development takes the agreed form envisaged by the Local Planning Authority when determining the application and for the avoidance of doubt.

3. The planning permission hereby granted shall be for a temporary period only to expire 40 years after the first export date of the development. Written confirmation of the first export date shall be provided to the Local Planning Authority within one month after the event. At the end of the 40 year period, the solar array and the ancillary equipment shall be removed from the site and the land restored in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority within 3 months of cessation of the use.

Reason: By virtue of its construction, appearance and method of energy generation, the solar array is not considered suitable as a permanent structure on the site and to ensure that the redundant solar panels are removed from the site before they become dilapidated or degraded to the detriment of the appearance of the area.

4. Prior to the installation of the DNO Substation elevations and floorplans of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the development takes the form envisaged by the Local Planning Authority

5. Construction work and ancillary operations, including deliveries to and removal of plant, equipment, machinery and waste from the site shall be carried out only between the following hours: 0800 Hours and 18 00 Hours on Mondays to Fridays and 09 00 and 13 00 Hours on Saturdays and at no time on Sundays and Bank or public holidays.

Reason: To safeguard the amenities of dwellings located closest to the boundaries of the application site

6. Heavy goods vehicles should only enter and leave the site between the following hours:

08:00-18:00 Hours on Mondays to Fridays and 09 00 and 13 00 Hours on Saturdays and at no time on Sundays and Bank or public holidays.

Reason: To safeguard the amenities of dwellings located closest to the boundaries of the application site

7. If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further works shall be carried out until a method statement detailing a scheme for dealing with suspect contamination has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To comply with the requirements of paragraphs 183 and 184 of the NPPF.

8. The proposed landscaping as shown on approved plan drawing number GM1157-032 dated 20/9/22 shall be implemented prior to the commencement of the use of the hereby approved solar panels.

Reason: To ensure that the landscaping is in place to secure adequate visual amenity, biodiversity and safety from any proposed glint.

9. Any trees, hedges or shrubs that are removed, are dying, being severely damaged or become seriously diseased within the lifetime of the development shall be replaced in the following planting season by trees or shrubs of a size and species similar to those originally required to be planted.

Reason: To ensure that the landscaped areas are provided for the lifetime of the development to secure the mitigation proposed by the application

10. No temporary lighting shall be used during the construction period. If this requirement changes details should be submitted and approved by the Local Planning Authority prior to the use of any lighting. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that there are no detrimental impacts on residential amenity or biodiversity

11. If lighting is proposed during the operational phase details shall be submitted to and approved in writing by the Local Planning Authority (including a light contour plan) prior to the erection of any lighting. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that there are no detrimental impacts on residential amenity or biodiversity

12. No development or demolition shall take place until an archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority. The Mitigation Strategy will include appropriate Written Schemes of Investigation for each agreed element of work as necessary. These schemes shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records

5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

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

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

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

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

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

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

15. Within 24 months of the completion and commencement of operations of the development hereby approved (such a date as to be notified to the LPA) in the event of any complaint to the Council from Network Rail relating to signal sighting safety or driver distraction, upon notification to the LPA, the applicant or operator of the solar farm shall as soon as possible and not later than 28 days, submit for approval to the Council details of a scheme of remedial measures to address the concerns raised with details of a timescale for implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

Reason: To ensure safety of the users of the railway.

16. Prior to the solar farm becoming operational the combined existing vehicular verge crossing to the western site access (the operational site access) and the adjacent field access shall be resurfaced and edged to full carriageway construction specification, the internal access track from the operational site access shall be surfaced in a bound material (not loose gravel or compacted aggregate only) for a minimum distance of 8.0m into the site, and shall be drained to prevent the unregulated discharge of surface water onto Brick Yard Road.

Reason: To ensure appropriate access arrangements are available which is combined with the adjacent field access, to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc), to minimise the chance of highway flooding and severe icing, and in the interest of highway safety.

17. Once the solar farm is brought into use, no gate(s) or other obstacles shall be erected at the operational site access within 8.0m of the site boundary fronting Brick Yard Road and any gates shall be hung so not to open outwards.

Reason: To ensure a long wheelbase transit type van can clear the public highway without obstruction in the interest of the free flow of traffic and in the interest of highway safety.

18. The operational site access at the western end of the site frontage shall be blocked or closed off within the site such that access and egress is prevented for the duration of the construction period.

Reason: To remove the potential of an intensification of traffic through a substandard access in the interest of highway safety

19. Prior to the commencement of development, the construction access vehicular verge crossing detailed on plan reference 1004/P34 Rev A shall be surfaced and edged to full carriageway construction specification, the internal access track(s) from the construction site access shall be surfaced in a bound material (not loose gravel or compacted aggregate only) for a minimum distance of 20.0m into the site, and shall be drained to prevent the unregulated discharge of surface water onto Brick Yard Road.

Reason: To ensure appropriate access arrangements are available during the construction period, to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.), to minimise the chance of highway flooding and severe icing, and in the interest of highway safety

20. Prior to the commencement of development, the visibility splays detailed on plan reference 1004/P34 Rev A shall be provided from the construction access hereby approved. Nothing shall be planted, erected, or be allowed to grow on the areas of land so formed that would obstruct visibility from a height 0.6m above carriageway level, and the visibility splays shall be maintained free from obstruction for the duration of the construction period.

Reason: In the interest of highway safety

21. Within 3 months of the solar farm becoming operational the construction site access vehicular verge crossing shall be removed, topsoiled, and be grass seeded, or the use of the site shall cease, and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as the works have been implemented. If within a period of 6 months from the date of the verge planting and every subsequent 6 months period, should any of the verge fail to become established then the area shall be reseeded until it becomes established.

Reason: To preserve the highway verge which may have amenity value that contribute to the character and appearance of the area. To remove the potential for motorist to attempt to use the redundant access, to remove the potential for the redundant access to be used as an unofficial layby or as a place for fly tipping, and in the interest of highway safety.

22. Prior to the commencement of development, a management plan for the highway boundary hedgerows and the proposed mix of any additional landscaping for the boundary shall be submitted to and be approved in writing by the Local Planning Authority. The boundary shall be maintained in accordance with the approved management plan for the lifetime of the development.

Reason: To ensure that the boundary hedgerow is appropriately maintained in the interest of highway safety and in the interests of biodiversity

23. All vehicles preparing to leave the site during the construction and decommissioning periods shall have their wheels thoroughly cleaned should they be displaying signs of mud or debris and a mechanically propelled road sweeper shall be employed should mud or debris be transported onto the public highway immediately following each occurrence until such time as all mud and debris has been removed.

Reason: To minimise the exportation of mud and debris onto the public highway and to ensure that this is appropriately dealt with in the interest of highway safety.

24. The applicant shall take all reasonable steps to instruct all vehicles entering and leaving the site above 3.5 tonnes gross vehicle weight to access and egress the site from and to the west via the A1 thereby avoiding trafficking through Ordsall. These steps shall include the issuing of instructions to all drivers of such vehicles advising of the required route and the provision of turn right signage at the exit of the construction access throughout the construction period.

Reason: In the interest of highway safety and to protect residents of Ordsall village from disturbance caused by lorries from the site.

25. Prior to any construction commencing on the site or works to the grid connection a Construction Traffic Management Plan (CTMP) covering vehicles exceeding 3.5 tonnes gross vehicle weight shall be submitted to and be approved by the Local Planning Authority and shall include provision for:

- the routing of vehicles to and from the site and grid connection corridor,
- the monitoring of the approved arrangements during the construction of the development and laying of the grid connection,
- ensuring that all drivers of vehicles under the control of the Applicant are made aware of the approved arrangements,
- disciplinary steps that will be exercised in the event of a default,
- the parking of site operatives and visitors,
- the loading and unloading of vans, lorries, and plant,
- the siting and storage of plant, materials, and waste, and
- a plan of the temporary access, parking, loading, and unloading areas, and their surface treatment

The first action on commencement of development, and prior to any further action (including site clearance, site stripping or site establishment) shall be the formation of; any temporary access arrangements; parking areas; and loading, unloading, and storage areas in accordance with the approved CTMP. The CTMP shall thereafter be implemented as approved.

Reason: To minimise the possibility of heavy construction traffic using inappropriate routes to and from the site in the interests of maintaining highway efficiency and safety.



26. Within 6 months of the solar farm being decommissioned a Construction Traffic Management Plan (CTMP) covering vehicles exceeding 3.5 tonnes gross vehicle weight shall be submitted to and be approved by the Local Planning Authority. The CTMP shall thereafter be implemented as approved.

Reason: To minimise the possibility of heavy construction traffic using inappropriate routes to and from the site in the interests of maintaining highway efficiency and safety.

27. Within 3 months of the solar farm becoming operational the construction site access point shall be gapped up with hedgerow planting and maintained in accordance with the details approved under condition 21. Should the new hedgerow fail to become established then until it becomes established.

Reason: In the interests of visual amenity

28. No development shall commence unless and until a Biodiversity Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The plan shall be in accordance with the Biodiversity Offsetting Assessment dated January 2023 and shall include the enhancements put forward in the application submission. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity metric as applied in the area in which the site is situated at the relevant time and the Biodiversity Management Plan shall include a management and monitoring plan for a period of 30 years.

Reason: To ensure that the optimal benefits of biodiversity are achieved.

29. No development shall commence until a construction environmental management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:

- Precautionary Working Practice Method Statement for Great Crested Newts, Reptiles, Badgers, Hedgehogs, Barn Owl and Brown Hare
- Protection measures / fencing for retained trees and hedgerows
- Details of Protection for Brick Yard Road Ponds Local Wildlife Site including a 15m buffer and pollution control measures
- Pollution control to water bodies
- Buffer zones for the hedgerows to protect bats and reptiles

Reason: In the interests of biodiversity.

30. No development shall commence until a Landscape and Ecological Management Plan for the on site (2ha for skylark and lapwing) and off site (blue land lapwing mitigation) biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include full details of the management of the on site retained vegetation and full details in respect of the on site and off site biodiversity enhancements along with a timetable for implementation and management for the lifetime of the development.

Reason: In the interests of biodiversity.

31. T19 and T17 (as identified in the submitted arboricultural impact assessment) shall not be pruned unless details of the proposed works have been formally submitted to and agreed in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: To ensure the protection of the trees.

32. A pre-construction check for badger setts should be undertaken prior to the development taking place by a suitably qualified ecologist. Appropriate measures should be implemented to minimize disturbance and the risk of harm to badgers. A full report detailing the findings and any mitigation should be submitted to and approved in writing prior to the commencement of development and the development should be undertaken in accordance with the approved details

Reason: In order to protect any badgers on the site.

## NOTES

1. The applicant is advised that all planning permissions granted on or after the 1st September 2013 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.bassetlaw.gov.uk/everything-else/planning-building/community-infrastructure-levy](http://www.bassetlaw.gov.uk/everything-else/planning-building/community-infrastructure-levy)

It is the Council's view that CIL MAY BE PAYABLE on the development hereby approved as is detailed below. If CIL IS LIABLE full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, extension or annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website:

[www.bassetlaw.gov.uk/everything-else/planning-building/community-infrastructure-levy](http://www.bassetlaw.gov.uk/everything-else/planning-building/community-infrastructure-levy)

or from the Planning Portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

2. The Council have granted this permission / consent subject to conditions which are considered essential. Where conditions require the agreement of certain details this agreement should be the subject of an application for those conditions to be discharged. Where conditions require agreement of any matter prior to certain works being carried out, the 'Discharge of Condition' application should be submitted and the conditions discharged before those works are carried out on site. FAILURE TO DO SO COULD INVALIDATE THE PLANNING PERMISSION. The Council reserve the right to refuse permission for the retention of development not carried out in accordance with the conditions and to take enforcement action to secure compliance with the conditions.

Your right to appeal to the Secretary of State for the Environment against any condition is indicated on the reverse side of the decision notice.

3. A licence will be required to be able to construct and improve the proposed access arrangements on Brick Yard Road. Applications can be made here: [www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities](http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities)
4. It is an offence under S148 and S151 of the Highways Act 1980 to transfer or deposit mud and debris on the public highway. The applicant must make every effort to prevent this occurring.
5. Any person or organisation (other than a Statutory Undertaker) who wishes to place, retain, and thereafter inspect, maintain, adjust, alter, or renew apparatus (drains, cables, ducts, sewer pipes, water, and gas pipes, etc), or change its position or remove it from the highway is required to obtain a Street Works Licence. Applications for a Section 50 licence, New Roads and Street Works Act 1991 can be made here: <https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>
6. Your attention is drawn to the guidance and standards prepared by Construction Logistics & Community Safety (CLOCS) with regard to the Construction Traffic Management Plan and vehicular traffic to and from the site and grid connection. Under Regulation 4 of the 2015 CDM regulations, clients and principal contractors have a duty to ensure that the construction work they procure is carried out, so far as is reasonably practicable, without risk to the health or safety of any person affected by the project including the wider community and all vulnerable road users.

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**ITEM SUBJECT OF A SITE VISIT**

Item No: a3

<b>Application Ref.</b>	22/01485/FUL
<b>Application Type</b>	Full Planning Permission
<b>Site Address</b>	Land Including Thievesdale House, Blyth Road, Worksop.
<b>Proposal</b>	Full Planning Application for Approval of 91 Dwellings (Phases 3 & 4) with Associated Accesses, Parking and Landscaping, Following Outline Application 15/01477/OUT
<b>Case Officer</b>	Jamie Elliott
<b>Recommendation</b>	Grant Permission subject to conditions and S106 Agreement
<b>Web Link:</b>	<a href="#">Link to Planning Documents</a>

**THE APPLICATION****SITE CONTEXT**

The application site lies outside of the development boundary as defined in the Bassetlaw Local Development Framework.

The site is currently in use as a site entrance and construction compound area for the ongoing residential development that lies adjacent to the site to the south west. The site is bounded by Thievesdale Road to the south and Blyth Road (B6045) to the east.

An existing bungalow, Thievesdale house is located within the centre of the site.

The site was previously within the parish of Carlton-in-Lindrick, however following a change to the boundaries, it now falls within the Worksop Town boundary.

**PROPOSAL**

The site forms part of a larger site that received outline planning permission for mixed use development comprising of up to 182 dwellings, clean/green tech business park, innovative data centre and ancillary storage use, in June 2018. (15/01477/OUT)

Reserved matters were approved for the access, appearance, landscaping, layout and scale for 45 x dwellings (Phase 1) in June 2019. (18/00862/RES)

Reserved matters were approved for the access, appearance, landscaping, layout and scale for 40 x dwellings (Phase 2) in April 2020. (20/00178/RES).

Reserved matters were approved for the erection of commercial units in December 2021. (21/00867/RES)

The application seeks full planning permission for the erection of 91 dwellings, which would constitute phases 3 and 4 of the development site outlined above.

Access to the site would be achieved from the existing access road serving phases 1 and 2, located on Thievesdale Road.

The application has been amended from its originally submitted form in order to address design, highways and layout issues.

The applicant's agents have submitted a number of supporting documents which include:

Design and Access Statement  
Transport Assessment  
Phase 1 and 2 Geotechnical Site Investigation  
Tree Survey  
Landscape and Visual Appraisal  
Noise Assessment  
Flood Risk Assessment

All these documents are available for inspection on-line or within the Council's offices.

### **DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town & Country Planning Act 1990 provides that the local planning authority shall have regard to the provision of the development plan, as far as material to the application, and to any other material considerations.

Other material planning considerations include the National Planning Policy Framework and guidance within the National Planning Policy Guidance.

### **NATIONAL PLANNING POLICY FRAMEWORK**

The National Planning Policy Framework (NPPF) sets out the Government's approach for the planning system and how these are expected to be applied.

Paragraph 8 explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role.

Paragraph 11 explains that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up to date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission shall be granted unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The following paragraphs of the framework are applicable to this development:

Para 7 – Achieving sustainable development

Para 8 – Three strands to sustainable development

Para 10 – Presumption in favour of sustainable development

Para 11 – Decision making

Para 12 – Development plan as the starting point for decision making

Para 33 – Strategic policies in development plans should be reviewed every 5 years.

Para 38 – Decision making should be done in a positive way.

Para 55 – Planning conditions to be kept to a minimum and to meet the tests.

Para 56 – Planning obligations

Para 59 – Councils to boost housing supply

Para 61 – Meeting housing need

Para 73 & 74 – All Councils to have a minimum 5 year supply of housing to meet demand.

Para 91 – Planning to achieve healthy, safe and inclusive communities.

Para 94 – Provision of sufficient school places

Para 96 – provision of high quality open space and opportunities for sport and physical activity.

Para 108 – 110 – Highway safety

Para 117 – Making effective use of land

Para 124 – Good design is a key aspect of sustainable development.

Para 127 – Development should reflect local characteristics.

Para 130 – Poor design should be refused permission.

Para 155 – Inappropriate development at risk of flooding should be avoided by directing development to parcels of land at less risk of flooding.

Para 163 – New development must not increase the risk of flooding elsewhere.

Para 170 - Decisions should contribute to protecting and enhancing the natural and local environment.

Para 178 – Planning and pollution

Para 180 - Development and its effect on health.

## **BASSETLAW DISTRICT COUNCIL – LOCAL DEVELOPMENT FRAMEWORK**

### **Core Strategy & Development Management Policies Development Plan Document (Adopted December 2011):**

- CS1 - Settlement hierarchy
- CS2 - Worksop
- DM4 - Design & character
- DM5 – Housing Mix and Density
- DM8 – The Historic Environment
- DM9 - Delivering open space and sports facilities
- DM11 - Developer contributions and infrastructure provision
- DM12 - Flood risk, sewage and drainage
- DM13 - Sustainable transport

## RELEVANT PLANNING HISTORY

15/01477/OUT Outline planning permission granted for mixed use development comprising of up to 182 dwellings, clean/green tech business park, innovative data centre and ancillary storage use, access and junction improvements, landscaping and sustainable urban drainage infrastructure. June 2018.

18/00862/RES Reserved matters approved for the access, appearance, landscaping, layout and scale for 45 x dwellings (Phase 1). June 2019

21/00867/RES. Reserved matters approved for the appearance, landscaping, layout and scale to erect commercial units following outline application 15/01477/OUT. December 2021.

21/00867/RES Reserved matters approved for the erection of commercial units. December 2021.

## SUMMARY OF CONSULTATION RESPONSES

### Nottinghamshire County Council Planning Policy

#### *Minerals*

The proposed site area is not within a defined 'Minerals Safeguarding Area', as such the County Council raises no objection to this proposal.

#### *Waste*

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities.

#### *Planning Obligations*

#### *Transport and Travel Services*

This application represents Phase 3&4 of a previous approval and therefore at this time it is not envisaged that contributions towards local bus service provision will be sought.

**School Transport** The closest schools to the site include Outwood Academy Portland (catchment), Kingston Park Academy, Ramsden Primary School and at this time it is not envisaged that contributions towards school transport provision will be sought.

#### *Bus stop Infrastructure*

We note the "Potential connection to adjacent land" on the Phase 3 & 4 Layout Plan and the inclusion of a bus stop location within the site situated within the Phase 1 & 2 boundary. There's no developer funding for bus service support and no current plans for a bus service to access the site. However, the provision of safeguarded stop locations should be included to provide for any future connection to the adjacent land and should accommodate bidirectional operation. Therefore, a second safeguarded bus stop location should be identified on the plan, staggered with the above stop to the side of Plot 146, with a recessed footway at the location to accommodate the bus shelter, raised boarding kerbs and low voltage power to the bus stop pole.



## *Education*

The proposed development of 91 dwellings on the above site would yield an additional 19 primary, 15 secondary and 3 post 16 aged pupils.

Based on the current pupil projections data shown in the table above, there is a forecast surplus of 16 places in the pupil planning area. However, as set out in the Council's Developer Contributions Strategy, the Department for Education anticipates that Local Authorities will maintain a margin of 1.2% in school capacity in order to allow for in-year movement between schools, which does not include new families moving into an area as a result of them occupying newly built houses. Applying an operating margin of 1.2% to the planning area capacity reduces the overall surplus to 5 places

The County Council therefore seeks a primary education contribution of £359,233 (based on 19 pupils x £18,907 per place) to be used towards improving, remodelling, enhancing, or expanding facilities to provide additional permanent capacity within the Langold Planning Area to accommodate pupil growth from the development.

Based on current pupil projection data there is forecasted to be insufficient places in the planning area to accommodate the additional pupils that would be generated by this proposal. The delivery of additional secondary education provision within Worksop will be funded through the District Council's Community Infrastructure Levy (CIL)

## *Libraries*

A developer contribution for additional library stock would be required to meet the needs of the increase in population.

This is costed as follows: 209 (population) x 1.532 (items) x £10.00 (cost per item) = £3,202

## Nottinghamshire County Council Highways

No objections subject to conditions securing the following:

1. Management and maintenance of streets;
2. Wheel washing facilities;
3. Development to be carried out in accordance with the travel plan;
4. Provision of footways;
5. Provision of pedestrian/emergency link.

## Nottinghamshire County Council Rights of Way (Via East Midlands)

No objection.

## Nottinghamshire County Council Lead Local Flood Authority

No objection

## Bassetlaw District Council Environmental Health

No objections subject to conditions securing:

1. Electric Vehicle (EV) charging points;
2. Investigation into site contamination.

In response to the submitted Noise Assessment, further information would be required in respect to the proposed noise attenuation measures outlined in the report, in particular the glazing and ventilation specifications, and details and specifications of acoustic fencing.

Bassetlaw District Council Strategic Housing

No comments had been received at the time of drafting this report

Bassetlaw District Council Parks and Open Space

91 dwellings would require a contribution of £54,964 for off-site leisure provision.

Nottinghamshire Wildlife Trust

An up to date survey should be carried out to determine whether there are bats present in the existing dwelling.

Environment Agency.

No comments.

Health and Safety Executive (HSE)

No comments.

Carlton-in-Lindrick Parish Council

1. The plan defines access for emergency vehicles, however other access and exit points could not be defined and no doubt highway observations by the County Council will accommodate the described bus routes within the plan.

2. There are areas described as 'potential connection to adjacent land'. Whilst it is understood that there are no outline planning proposals for development of that land, the Parish Council would remind the District Council that this land forms a buffer zone between the urban environment of Worksop and the Rural Environment of Carlton in Lindrick Parish. Whilst it may not be considered a 'planning' consideration, the site subject to the current detailed proposal is subject to a boundary change to relocate the site from within the Parish into Worksop and the Parish Council has no intention of supporting any further boundary change proposals to its existing south western boundary to 'accommodate' further development proposals. Our own Neighbourhood Plan provides for no further erosion of the rural environment at or around this location.

**SUMMARY OF PUBLICITY**

This application was advertised by neighbour letter, site notice and press notice and no comments were received in response.

**CONSIDERATION OF PLANNING ISSUES**

**PRINCIPLE OF THE DEVELOPMENT**

The principle of developing the site has been established by the granting of outline planning permission reference 15/01477/OUT for the erection of up to 182 dwellings in 2018.

Notwithstanding this, the proposal must be considered having regard to the current planning policy position. Policy CS1 of the Bassetlaw Local Development Framework states that development will be restricted to areas within defined Development Boundaries.

Paragraph 33 of the NPPF states however that policies in development plans should be reviewed and where necessary updated every 5 years. The Bassetlaw Core Strategy was adopted in 2011 and its policies have not been reviewed in the last 5 years. In this situation, paragraph 213 of the NPPF states that policies in an adopted development plan do not become automatically out of date because they were published before the framework; policies must be considered having regards to their consistency with the framework.

The Core Strategy was also prepared using a settlement hierarchy which included development limits to control development and does not have any new site allocations within it. The Core Strategy was written on the basis that it would be followed by a Site Allocations DPD which would allocate sites for development outside of the defined Development Boundaries. To that end policy CS1 clearly states that the restriction of development outside the Development Boundaries would be applied “until the adoption of the Site allocations DPD” whilst Footnote 1 states with regard to the Development Boundaries defined on the Proposals Map that “these are interim boundaries and will be revised during the development of the Site Allocations DPD”. As the Site Allocations DPD was never adopted there is no growth strategy for the District as there is no evidence that the required housing can be accommodated with the defined Development Boundaries, contrary to the continuous growth requirement of the NPPF.

As policy CS1 of the Core Strategy is considered to be out of date and carries limited weight in the decision making process, part d) of paragraph 11 of the NPPF should therefore provide the basis for determining the application.

The application should therefore be considered under the planning balance test where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF when taken as a whole. Consideration of whether this proposal constitutes sustainable development will be assessed in relation to the matters outlined below and a balanced decision will be reached in the conclusion to the report.

## **SUSTAINABILITY OF THE DEVELOPMENT**

Paragraph 8 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

**“an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

**a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

**an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

In reaching a decision on this case, the NPPF at paragraph 9 makes it clear that the objectives referred to above should play an active role in guiding development towards sustainable solutions and are not criteria against which every planning application should be judged against.

The settlement of Worksop is defined as a Sub-Regional Centre in the Core Strategy where the settlement is expected to be a focus for major housing, employment and town centre retail growth which is commensurate with its status as the primary town in the district. The erection of up to 91 new dwellings would make a significant and positive contribution to building a strong, responsive and competitive economy through the creation of temporary construction related jobs on site and the on-going contribution to the local economy both in terms of employment, spending and service usage from the creation of 91 additional households in the area.

### **DESIGN, LAYOUT & VISUAL AMENITY**

Section 12 of the NPPF refers to achieving well designed places. Specifically, paragraph 126 states that good design is a key aspect of sustainable development; it creates better places in which to live and work in and helps make development acceptable to local communities. Paragraph 130 states that decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The NPPF goes on to state it is “proper to seek to promote or reinforce local distinctiveness” (para 130) and permission should be “refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions” (para 134).

Policy DM4 of the Bassetlaw Core Strategy provides general design principles which should be applied to all schemes. The policy states that all development proposals will need to be in keeping with the character and appearance of the wider area and when they are in historic locations, they should respect existing development patterns. All schemes must respect their context and not create a pastiche development which would be incorrect in their context.

The application site is currently partially developed, forming part of a larger site granted outline planning permission in June 2018. The site is largely contained by Blyth Road and Thievesdale Lane to the east and south, and by residential development to the west.

It is considered that the proposed development would be viewed in the context of the existing residential development on the edge of Worksop. The site relates well to the existing settlement edge and would not therefore appear unduly discordant in terms of landscape character.

In addition, it is considered that the imposition of conditions requiring the retention and hedgerows and implementation of additional landscaping and planting on the site boundaries would help assimilate the new development into its surroundings and maintain the rural character of this entrance into the town.

Policy DM9 also states that that new development proposals in and adjoining the countryside will be expected to be designed so as to be sensitive to their landscape setting and expected to enhance the distinctive qualities of the landscape character policy zone in which they would be situated.

The site in question is identified in the Bassetlaw Landscape Character Assessment as Sherwood Policy Zone 37: Hodsock Estate lands with plantations, which seeks to protect the sparsely settled and undeveloped character of the landscape by screening existing development on B6045

As the proposal would be largely contained within an enclosed parcel of and the boundary hedge of the roadside boundary of the site would be retained, it is considered that the development as proposed would offer some level of screening from the B6045 and would help assimilate the development into its rural setting. As such it is considered that the development would comply with the recommendations of the Landscape Character Assessment.

For the reasons outlined it is considered that the development would comply with the provisions of the policies and guidance outlined above.

### **RESIDENTIAL AMENITY**

Policy DM4 of the Core Strategy requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This is also reflected in paragraph 130 criterion f) of the NPPF which states that development should create a high standard of amenity for existing and future users.

Paragraph 185 of the NPPF seeks to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes and assessment of noise and light impact.

The District Council's 'Successful Places' Supplementary Planning Document also states that new dwellings should normally have a minimum single area of private amenity space of; 50m<sup>2</sup> for 2 bed dwellings, 70m<sup>2</sup> for 3 bed dwellings and 90m<sup>2</sup> for 4 bed dwellings.

As the occupiers of the new dwellings would be provided with private garden areas in excess of this minimum requirement, the development would comply with the requirements of the SPD.

The proposed dwellings have been designed and orientated in order to ensure that the dwellings would not result in any undue overlooking, overshadowing or domination of neighbouring dwellings.

Immediately to the north of the site is an agricultural field, beyond which approximately 117m-150m away is the site that received outline planning permission for commercial use in June 2018. (15/01477/OUT).

Reserved Matters were subsequently approved in December 2021, for the erection of commercial units. (21/00867/RES).

As part of the supporting information provided with the above application, was an Environmental Noise Assessment, which concluded that, based on the proposed layout, construction specification, and expected usage of the commercial units, no adverse effects were predicted for the adjacent residential site. The conclusions of the report were accepted by the district council, when determining the above application.

A Noise Assessment has been submitted in support of the current application, in order to assess the potential impacts on future residents of the application site and put forward the appropriate mitigation measures. It identifies that traffic noise from the Blyth Road (B6045) would be the principle source of potential impacts in this instance. It therefore recommends acoustic glazing and fencing on be provided on the dwellings located adjacent to the B6045.

In response to the Noise Assessment, the District Environmental Health Officer has indicated that further information is required in relation to the noise mitigation measures outlined, including the specification of acoustic glazing and fencing.

It is recommended therefore, that should permission be granted, a condition be imposed requiring that the details of the specific noise mitigation measures be submitted to and agreed with the Local Planning Authority, before development commences on the properties affected.

Accordingly subject to the implementation of appropriate noise mitigation measures, it is considered that the development would comply with the provisions of the policies and guidance outlined above.

## **HIGHWAYS MATTERS**

Paragraph 108 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. This requirement is also contained in policy DM4 of the Council's Core Strategy. Paragraph 109 of the NPPF makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 91 of the NPPF states that all development should aim to achieve healthy, inclusive and safe places which encourage social interaction, are safe and accessible and enable and support healthy lifestyles. Paragraph 108 of the NPPF requires schemes to provide safe and suitable access for all users as well as looking at appropriate opportunities to promote sustainable transport modes.

Paragraph 110b of the NPPF requires schemes to address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

Paragraph 110e of the NPPF requires schemes to be designed to enable charging of plug-in electric vehicles (EV) and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. As with mobility vehicles, there are currently no County standards on what provision developers must provide as part of their schemes, but this is to change soon as the County is working on such a policy and has considered it to be appropriate to request provision here in line with the requirements of paragraph 110e of the NPPF.

The application has been amended from its originally submitted form following recommendations from the highways authority in respect to the layout, parking provision and EV charging points. Consequently the highways authority have indicated that proposed layout as amended would have no adverse implications for highway safety either through vehicular movements or parking and would therefore be compliant with the policies and guidance outlined above.

## **OPEN SPACE**

The Bassetlaw Local Development Framework contains policy DM9, which states that new development proposals will be expected to provide functional on-site open space and/or sports facilities, or to provide contributions towards new or improved facilities elsewhere locally, as well as contributions for on-going maintenance, to meet any deficiencies in local provision that will be caused by the development. Similar advice is contained in paragraph 92 of the NPPF which states that planning decisions should enable and support healthy lifestyles, through the provision of safe and accessible green infrastructure and sports facilities.

The monies to upgrade existing play infrastructure would be secured by S106 agreement, in accordance with the policies outlined above.

## **FLOODING/DRAINAGE**

The NPPF at paragraph 155 and policy DM12 of the Core Strategy makes it clear that development in areas at risk of flooding should be avoided by directing development away from the areas at the highest risk.

Paragraph 163 of the NPPF requires that proposals do not increase flood risk elsewhere and should be developed in line with a site specific flood risk assessment which incorporates a Sustainable Urban Drainage solution.

The Lead Local Flood Authority has confirmed that the subject to the development being carried out in accordance with the submitted Drainage Strategy, the proposed development would have no adverse impact on flood risk. The management and maintenance of a Sustainable Urban Drainage System (SuDs) would be secured through conditions.

Accordingly, it is considered that the proposed development would comply with the provisions of the policies outlined above.

## **CONTAMINATED LAND**

Paragraph 178 of the NPPF requires that in making decisions on schemes consideration is taken account of the ground conditions and any risks arising from contamination.

An investigation into site contamination together with any necessary mitigation would be secured by condition on any subsequent permission, therefore ensuring compliance with the above guidance.

## **ECOLOGY**

The Environment Act 2021 has introduced a requirement for development to deliver a 10% net gain to biodiversity. Opportunities to achieve 10% net gain in planning decisions are welcomed, however this will not become mandatory until November 2023 for large sites and April 2024 in the case of small sites. In the interim, with the absence of an up-to-date Local Plan, the Authority will approach biodiversity in accordance with paragraph 180 of the NPPF which makes clear that there should be no net loss to biodiversity as a result of development.

The content of paragraph 180 of the NPPF states that in dealing with planning applications, councils must consider the harm of a scheme on biodiversity. It states that the following principles should be applied (in summary):

- If significant harm cannot be avoided adequately mitigated or compensated for permission should be refused.
- Development within or outside a SSSI which is likely to have an adverse impact on it should not normally be permitted. The only exception is where the benefits of location outweigh its impact.
- Development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are exceptional reasons or compensation.
- Development whose primary objective is to conserve or enhance biodiversity should be supported. Opportunities to improve biodiversity in and around developments should be integrated as part of their design especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Policy DM9 of the Core Strategy is consistent with the above and adds that development proposals will be expected to take opportunities to restore or enhance habitats and species' populations and to demonstrate that they will not adversely affect or result in the loss of features of recognised importance.

The Government's Consultation response on Biodiversity Net Gain has been published in February 2023 and makes clear that exemptions for the assessment and delivery of Biodiversity Net Gain will be made in the following instances:

- Development impacting habitat of an area below a 'de minimis' threshold of 25 metres squared, or 5m for linear habitats such as hedgerows
- Householder applications
- Biodiversity gain sites (where habitats are being enhanced for wildlife)
- Small scale self-build and custom housing

This is subject to change should any secondary legislation or further supplementary guidance be published by the Government.

The application is supported by a Preliminary Ecological Appraisal dated 2015, that was originally submitted in support of outline planning application ref: 15/01477/OUT. It concluded that this section of the site consisting of arable land and a dwelling, had low ecological value and low to moderate value to support a range of wildlife such as reptiles and birds.

Whilst the submitted ecological appraisal is over 7 years old, it is important to note that the current application site has been used as a construction site entrance and general works compound and office. As such any ecological value has been further reduced by the construction activities.

Notwithstanding the above, an updated bat survey submitted with the application confirmed that no evidence of roosting bats was identified on the building exterior (such as droppings, staining or scratch marks), although several potential access points were identified.

Consequently, the building was assessed as having 'moderate' potential to support roosting bats. As such it recommends that two nocturnal surveys are recommended to be undertaken within the bat active season (May-September inclusive) to determine the presence / likely absence of bats to inform any mitigation pursuant to the buildings demolition. The additional survey and mitigation would be secured by condition.

In terms of maintaining and protecting retained features of value the application seeks to retain the boundary hedges and trees on the site frontage. These will be retained and suitably protected throughout the construction phase of development.



In addition to the above in order to ensure that no protected species are adversely impacted, by further site clearance, and construction activities, it is recommended that a condition be imposed requiring the submission, approval and implementation of an Ecological Method Statement.

With regard to the creation of new habitats, the application proposes the following:

1. Create an area of amenity value as an integral part of the residential development;
2. Preserve and maximise the ecological value of the retained semi natural habitat within the site;
3. Protect and enhance habitats for their wildlife interest and species diversity;
4. Connect people with the natural environmental and wildlife;
5. The provision of hedgehog homes, bird boxes, butterfly houses, bug & bee biome, and mammals runs.

Whilst the submitted drawings show free standing bird boxes with no bat box provision in the scheme, it is considered that a condition should be applied to any subsequent permission ensuring that integral bird and bat boxes are provided within the development.

Therefore subject to securing the outlined ecological mitigation and enhancements measures it is considered that the development would comply with the policies outlined above.

## **TREES**

The Bassetlaw Local Development Framework contains policy DM9, which states that new development proposals will be expected to demonstrate that they will not adversely affect or result in the loss of features of recognised importance such as protected trees, hedgerows

The arboricultural report submitted with the application identifies that the trees located mainly in the vicinity of the Thievesdale House, range from moderate quality and value to those that would be likely to be dead and dying within 10 years. Whilst the proposed scheme would result in the loss of the trees around the existing dwelling, the report does conclude that 'importantly', the hedges around the outside boundary are to be retained and reinforced by significant additional planting.

It is considered that a replacement tree planting scheme focussing on the northern and eastern boundaries of the site would ensure the loss of the existing trees within the site are adequately mitigated and provide a green buffer on the development edge.

On balance therefore it is considered that subject to securing replacement tree planting, the development would comply with the provisions of the policies and guidance outlined above.

## **INFRASTRUCTURE/CONTRIBUTIONS**

Paragraph 56 of the NPPF makes it clear that contributions can be sourced from schemes where they make the scheme acceptable in planning terms. Paragraph 61 requires that Council's plan to deliver a wide choice of housing to meet local needs and this includes the provision of affordable housing. Paragraph 94 of the NPPF makes it clear that it is important that there are sufficient school places to meet the needs of existing and new communities and that council's should proactively work with school providers to resolve key planning issues relating to development. Paragraph 96 emphasises that access to high quality open space and opportunities for sport and physical activity is important and this is a consideration in determining planning applications.

When outline planning permission was granted in June 2018, a S106 agreement was attached to securing the following:

- 15% Affordable Housing;
- £435,290 Education Contribution
- £68,705 Open Space Contribution;
- £8,368 Library Contribution.
- £8,008 Travel Plan
- £584,166 Highways Improvements
- SuDs Drainage and maintenance.

The above contributions were required in order to mitigate all phases (1, 2, 3 and 4) of the residential development.

The trigger points for when these payments are to be paid, were in the case of the highways contributions prior to the occupation of the 70 dwelling, in the case of the open space contribution prior to occupation of 50% of the dwellings and in the case of the Education Contribution, 50% prior to commencement and the remainder paid within 24 months.

15% of the dwellings on phases 1 and 2 were secured as affordable units. A further 15% would therefore be required on the remaining phases 3 and 4.

The reserved matters refs: 18/00862/RES and 20/00178/RES together consist of 85 dwellings which would not constitute 50% of the total permitted units. The completion of these two phases would not therefore necessarily trigger the required payments.

Therefore as the current application is a separate full application, it is recommended that any S106 agreement should ensure that the full balance of payments is secured.

It is therefore recommended that the following requirements are secured through a S106 agreement in line with the NPPF requirements outlined above, unless the balance has been paid in full:

- i.) 15% Affordable Housing; (Phases 3 and 4)
- ii.) £359,233 Primary school contribution; (Phases 3 and 4)
- iii.) Library Contribution £3,202; (Phases 3 and 4)
- iv.) Open space contribution. £68,705 (Phases 1, 2, 3 and 4)
- v.) Offsite highways contribution £584,166. (Phases 1, 2, 3 and 4)

### **CONCLUSION/PLANNING BALANCE**

As indicated previously the principle of residential development on the site has clearly been established for a wider mixed use development by the previous granting of outline planning permission in June 2018.

Whilst the Council can demonstrate in excess of a 5 year supply of housing, case law has determined that strategic policies such as that contained in the Council's Core Strategies that have not been reviewed within 5 years of their adoption are now out of date, so therefore the weight to be apportioned to the Core Strategy policies is considered to be limited in decision making.

As the Core Strategy is deemed to be out of date having regards to the contents of paragraph 33 of the NPPF, paragraph 11 of the NPPF makes it clear that the scheme should be considered under the planning balance test where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

As outlined above it is considered that the development would have no significant detrimental impacts in terms of highway safety, flood risk/drainage, landscape character, visual amenity, ecology or residential amenity. It is considered therefore that for the reasons discussed above, the development as amended, would comply with policies DM4, DM9, DM11 and DM12 of the Bassetlaw Local Development Framework and parts 12, 14 and 15 of the National Planning Policy Framework.

Therefore, having regards to benefits of the delivery of both market and affordable housing, and the scale and form of the development, it is considered that these when considered cumulatively outweigh any identified harm and as such, the proposal would constitute sustainable development as defined in paragraph 11 of the NPPF and accordingly the scheme should be granted planning permission.

#### **RECOMMENDATION:**

Grant subject to conditions and S106 agreement

#### **CONDITIONS:**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

2. The development hereby permitted shall be in accordance with details and specifications included on the submitted application form and shown on the following approved plans:

Location Plan Drawing No. 1527-07, received 31 October 2022;  
Phases 3 and 4 Site Layout, Drawing No. 1527-08 Rev. J received 26 June 2023;  
Phase 3 and 4 Site Sections, Drawing No. 1527-13 Rev. B, received 2 March 2023;  
House Type Portfolio February 2023, received 2 March 2023;  
Materials Layout Drawing No. 1527-09 Rev. D received 2 March 2023;  
Boundary Treatments Drawing No. 1527-10 Rev. C, received 2 March 2023;  
Garage single- Gable Front Rev. A, received 31 October 2022;  
Garage Pair-Eave Front Rev. A, received 31 October 2022;  
Travel Plan 955/September 2015.

Reason: To ensure the development takes the agreed form envisaged by the Local Planning Authority when determining the application and for the avoidance of doubt.

3. The development shall not commence until details of the proposed arrangements for the management and maintenance of the streets (prior to an agreement being entered into under Section 38 of the Highways Act 1980) including associated streetlighting and drainage have been submitted to and approved by the Local Planning Authority. The streets including streetlighting and drainage shall for the lifetime of the development be maintained in accordance with the approved private management and maintenance details unless an agreement has been entered into under Section 38 of the Highways Act 1980 at which point those streets covered by the agreement will not be subject to the approved management and maintenance details.

Reason: To ensure that the street infrastructure is maintained to an appropriate standard.

4. All vehicles preparing to leave the site during the construction period shall have their wheels thoroughly washed should they be displaying signs of mud or debris and a mechanically propelled road sweeper shall be employed should mud or debris be transported onto the public highway immediately following each occurrence until such time as all mud and debris has been removed.

Reason: To minimise the exportation of mud and debris onto the public highway and to ensure that this is appropriately dealt with in the interest of highway safety.

5. The development shall be carried out in accordance with the approved travel plan reference 955 / September 2015.

Reason: In the interest of sustainable travel.

6. The provision of a 2.0m wide footway on Blyth Road between the emergency access detailed on plan reference 1527-08 Rev J and the existing footway on Thievesdale Lane to the southwest.

Reason: In interest of sustainable travel and highway safety.

7. The provision a pedestrian access and an emergency link in the position detailed on plan reference 1527-08 Rev J at the northern end of the Blyth Road frontage which shall include staggered pedestrian barriers and the removal of the redundant vehicle access arrangements.

Reason: In interest of sustainable travel and highway safety.

8. No part of the development hereby permitted shall be brought into use unless or until the installation of two new bus stops have been made to the satisfaction of the Local Planning Authority and shall include: Real time bus stop poles and displays, low voltage power to the location of the real time bus stop poles, Polycarbonate bus shelter, Solar or electrical lighting, Raised boarding kerbs, Lowered access kerbs, Enforceable bus stop clearways, footways and hardstands.

Reason: In the interests of sustainable transport

9. The screen fences/walls on plots 52, 64, 65, 70, 73, 74, 82, 85, 86, 87, 88, 95, 99, 108, 112, 116, 133, 137, 140 and 146 shall be constructed, in accordance with the details and in the positions shown on the submitted drawings, before occupation of the house to which each relates.

Reason: To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the houses in question.

10. All site clearance work shall be undertaken outside the bird-breeding season (March - September inclusive). If clearance works are to be carried out during this time, a suitably qualified ecologist shall be on site to survey for nesting birds in such manner and to such specification as may have been previously agreed in writing by the Local Planning Authority.

Reason: To ensure that birds' nests are protected from disturbance and destruction.

11. Before development commences Nocturnal Surveys shall be undertaken in accordance with the RammSanderson Preliminary Bat Roost Assessment Update 20<sup>th</sup> March 2023, and an updated report shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the recommendations and conclusions of the agreed report.

Reason: To ensure that the optimal benefits of biodiversity are achieved

12. Prior to the commencement of development, an Ecological Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Method Statement shall include;

i.) A working methodology to be followed by site contractors.

ii.) Supervision of all site clearance and removal of vegetated habitats by a qualified ecologist.

iii.) Mitigation for, bats, birds newts, badgers and hedgehogs;

iv.) The implementation of suitable stand-offs with appropriate protection measures for all retained hedgerows.

v.) Measures to minimize the creation and impact of noise, dust and artificial lighting.

Once approved, the Ecological Method Statement shall be adhered to at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development is carried out in a way which safeguards protected species, hedgerows and trees.

13. The existing hedges on the northern and eastern boundaries of the application site shall be retained. No part of the hedges shall be removed unless that removal is authorised as part of this grant of planning permission or is the subject of written agreement by the Local Planning Authority.

Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.

14. Notwithstanding the submitted drawings, before development commences a scheme for the enhancement of the site for biodiversity purposes, in accordance with submitted RammSanderson Preliminary Ecological Appraisal Report, dated June 2015, including the creation of new hedgerow habitats with mature standard trees, provision of hedgehog access routes, bird and bat boxes, insect habitats and timescales for their implementation and future management, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.

REASON: To ensure that the optimal benefits of biodiversity are achieved.

15. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy RHL-1294-01-DS-001, April 2023, Inspire Design & Development., has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
- i.) Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.
  - ii.) Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
  - iii.) Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.
    - o No surcharge shown in a 1 in 1 year.
    - No flooding shown in a 1 in 30 year.
    - For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
  - iv.) Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
  - v.) Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
  - vi.) Evidence of approval for drainage infrastructure crossing third party land where applicable.
  - vii.) Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
  - viii.) Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

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

16. No development shall commence above damp proof course level (DPC) on the dwellings on plots. 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 116, 117, 118, 119, 120 and 121, until such a time as a scheme for the acoustic glazing and ventilation where necessary, has been submitted to and agreed in writing with the local planning authority. The agreed acoustic mitigation measures shall be fully implemented before the dwellings to which they relate are first occupied.

Reason: In the interests of residential amenity.

17. A scheme for tree planting on and landscape treatment of the site shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The agreed scheme shall be fully implemented within nine months of the date when the last dwelling on the site is first occupied. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of a size and species similar to those originally required to be planted.

Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.

18. No construction works shall take place outside 8:00am - 6:00pm Monday to Friday, 9:00am - 1:00pm on Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of dwellings located in the vicinity of the application site.

19. Development shall not commence until a LCRM Stage 1 Risk Assessment has taken place and, if required a Stage 2 options appraisal has been carried out to identify the nature and extent of any contamination at the site. The site investigation report shall include a risk assessment to assess the risks to the environment and to human health resulting from any contamination present at the site. Stage 3 remediation and verification measures identified by the investigation shall be carried out before the use of the site / the occupation of the buildings(s), hereby permitted, commences. The report shall be agreed in writing by the Local Planning Authority. In order to comply with the above condition, the proposal should comply with Land Contamination: risk management guidance found at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks> and "BS 10175:2011+A2:2017 Investigation of potentially Contaminated sites - Code of practice".

Reason: To ensure that the site, when developed, is free from contamination, in the interests of safety.

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