

## Proposed Conditions

**Appeal Reference** APP/B3030/W/25/3364181

**LPA Reference** 23/01837/FULM

**Appellant Name** Assured Asset Solar 2 Ltd

**Site Address** Land To The West Of Main Street Kelham

DRAFT

## Conditions as provided for in the Committee Report

1.1 The below replicates as appeared in the Committee Report and was proposed for this Project.  
The completion of a S106 Agreement requiring:

- i. Details, timescales and measures to ensure all biodiversity improvements are in place and are appropriately monitored for the lifetime of the development, and
- ii. That a highways condition survey is undertaken in agreement with the Highway Authority and all potential damage to the public road rectified

And the following conditions detailed below:

01

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

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

02

The planning permission hereby granted shall be for a temporary period only, to expire 40 years after the date the of the first import of electricity to the development or generation of electricity on the development (the "Commission Date"). Written confirmation of the Commission Date shall be provided to the Local Planning Authority within one month after the event.

Reason: To define the temporary nature of the development and to comply with the requirements of the submitted application.

03

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

Drawing Reference HC1002 05 01 REV 0 Site Location Plan  
Drawing Reference HC1002 05 2A REV 1 Planning Application Boundary Sheet 1 of 2  
Drawing Reference HC1002 05 2B REV 1 Planning Application Boundary Sheet 2 of 2  
Drawing Reference HC1002 01 03 REV 0 Constraints Mapping  
Drawing Reference HC1002 02 01 REV 1 LVIA Study Area  
Drawing Reference HC1002 02 02 REV 1 Landscape Planning Constraints  
Drawing Reference HOR1002 02 03 REV 0 Zone of Theoretical Visibility Barriers  
Drawing Reference HC1002 02 04 REV 1 Landscape Character Policy Zones  
Drawing Reference HC1002 02 05 R3 REV 3 Landscape Mitigation  
Drawing Reference HC1002 02 06 R3 REV 0 Cumulative Sites  
Drawing Reference HC1002 02 07 REV 1 Residential, Settlement and Transport Receptors  
Drawing Reference HC1002 02 08 REV 0 Viewpoint Location Plan  
Drawing Reference HC1002 02 09 REV 0 Viewpoint Location Plan received 12 July 2024  
Drawing Reference HC1002 05 03 REV 4 Site Layout received 2 Dec 2024  
Drawing Reference HC1002 05 04 REV 1 Substation and BESS Compound Arrangement  
Drawing Reference HC1002 05 05 REV 0 PV Panel Details (including details of different mounting systems, to be read in conjunction with Drawing no. HC1002/5/28 Archaeology Mitigation Areas)  
Drawing Reference HC1002 05 06 REV 0 DNO Substation Details  
Drawing Reference HC1002 05 07 REV 0 Solar and BESS Switchgear Cabins Details  
Drawing Reference HC1002 05 08 REV 0 Solar Transformer Station Details

Drawing Reference HC1002 05 09 REV 0 Spares Cabin Details  
 Drawing Reference HC1002 05 10 REV 0 Container Details  
 Drawing Reference HC1002 05 11 REV 0 Battery Modules Details  
 Drawing Reference HC1002 05 12 REV 0 Battery Transformer Inverter Details  
 Drawing Reference HC1002 05 13 REV 0 Battery Firewall Details  
 Drawing Reference HC1002 05 14 REV 1 Point of Connection Details  
 Drawing Reference HC1002 05 15 REV 0 Sections Through Substations and BESS Compound  
 Drawing Reference HC1002 02 16 REV 2 Landscape Masterplan received 20 Dec2024  
 Drawing Reference HC1002 05 17 REV 0 Fencing and Security Details  
 Drawing Reference HC1002 05 18 REV 0 Internal Access Track Construction Detail  
 Drawing Reference HC1002 05 19 REV 0 Palisade Fencing Details  
 Drawing Reference HC1002 05 20 REV 0 Deer Mesh Fencing Details  
 Drawing Reference HC1002 05 21 REV 0 Acoustic Fence Details  
 Drawing Reference HC1002 05 22 REV 0 Paladin Fence Details  
 Drawing Reference HC1002 05 23 REV 1 Site Access Details received 21 June 2024  
 Drawing Reference HC1002 05 24 REV 0 Site Access Construction Details  
 Drawing Reference HC1002 05 25 REV 2 Temporary Site Set Down Area Details  
 Drawing Reference HC1002 05 26 REV 0 Indicative 132kv Substation Details  
 Drawing Reference HC1002 05 27 REV 2 Public Access Details received 20 Dec 2024  
 Drawing Reference HC1002 05 28 REV 2 Archaeology Mitigation Areas  
 Drawing Reference HC1002 05 29 REV 2 Translocated Hedgerow Plan received 21 June 2024  
 Drawing Reference WPD EPEX GA 03 REV B AND WPD EPEX GA 01 Communication Mast  
 Indicative Specification

Reason: To define this permission and for the avoidance of doubt.

04

No later than 12 months before the expiration of a period of 40 years months from the Commission Date, or within 6 months of a cessation of operation of the facility for a period of 12 months (unless otherwise agreed with the Local Planning Authority) a Scheme of Decommissioning and Restoration shall be submitted to and agreed in writing by the Local Planning Authority. The Scheme shall include:

- (a) The management and timings of any works;
- (b) A Traffic Management Plan to address likely traffic impact issues during the decommissioning period;
- (c) An Environmental Management Plan to include measures to be taken to protect wildlife and habitats during and after the decommissioning period;
- (d) A De-construction Environmental Management Plan to include measures to protect the amenities of neighbouring residents during the decommissioning period as well as site restoration measures.

All equipment and associated works shall be removed within 12 months of the Scheme being approved by the Local Planning Authority, unless alternative timings are agreed within the Scheme.

Reason: In the interests of highway safety, visual and residential amenity, biodiversity and environmental protection.

05

Prior to any obstruction to Kelham Footpath No. 4 and Averham Footpath No.6, the permissive footpath shown on Site Layout Plan (Drawing Reference HC1002/5/03 r4) shall be installed and made available for public use and retained for the lifetime of the development in accordance with a scheme for its laying out along the route shown on Site Layout Plan (Drawing Reference HC1002/5/03 r4) together with the arrangements for maintaining the footpath during the life of the development that shall first be submitted to and approved in writing by the Local Planning Authority (the "Permissive Footpath Scheme"). The said scheme shall include the programme of delivery, details of the footpath

specification and any arrangements for the temporary restriction of access to the public to Kelham Footpath No. 4 and Averham Footpath No.6.

Reason: To maintain and enhance the recreational use of the site both during the construction period and through the lifetime of the development.

06

Prior to commencement of development a Full Construction Environmental Management Plan (based largely on the submitted outline) shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt that shall include, but not be limited to:

- i. a scheme to control noise and dust/dirt and mitigation measures;
- ii. except for emergency works, construction works on the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays and 08:00 to 13:00 hours on Saturdays and no time at all on Sundays or Bank Holidays;
- iii. that deliveries shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed for abnormal load deliveries;
- iv. the parking of vehicles of site operatives and visitors;
- v. loading and unloading of plant and materials;
- vi. storage of plant and materials used in constructing the development;
- vii. wheel washing facilities;
- viii. details of the wooden fencing to enclose temporary compound area;
- ix. traffic management signage scheme;
- x. full details of any temporary external lighting;
- xi. measures for the protection of habitats and species within the Site.

The approved Construction Environmental Management Plan shall be fully complied with until the completion of construction on the site.

Reason: In the interests of residential amenity, biodiversity.

07

Prior to commencement of development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority that shall include a Construction Staff Travel Plan detailing proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall include arrangements for monitoring of progress of the proposals, Construction delivery details and details of staff parking as well as details of comprehensive signage to indicate construction traffic routing, and traffic management arrangements.

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

08

Before development commences and notwithstanding the submitted drawings, the A617 site access, as indicatively shown on drawing number Drawing Reference HC1002/5/23 r1 - Site Access Details (save for the provision of gates), shall be constructed in accordance with a detailed design to be first submitted and approved in writing by the Local Planning Authority. The approved access shall be maintained for the life of the development.

Reason: In the interests of highway safety.

09

The required 2.4m x 160m site access visibility splays, as shown on drawing number 153626-002 Rev D, shall be provided prior to the A617 access being brought into use. Any hedge or other vegetation within 1m of the rear of the visibility splays shall be removed and the splays shall then be kept clear of all obstructions of 0.26m above adjacent carriageway level for the lifetime of the development.

Reason: In the interests of highway safety.

10

Notwithstanding the submitted drawings, gates at the A617 access shall be constructed in accordance with a detailed design to be first submitted to and approved in writing by the Local Planning Authority. The approved gates shall be retained for the life of the development unless otherwise agreed by the Local Planning Authority.

Reason: In the interest of highway safety.

011

There shall be no vehicular or pedestrian access into the development site via Broadgate Lane.  
Reason: To prevent development traffic from using Broadgate Lane for access, or for parking in connection with access, to the proposed development in the interest of residential amenity and highway safety.

012

The noise associated with the development hereby approved shall be limited to those specified in paragraph 6.2.3 of the submitted Noise Impact Assessment by NVC Ltd dated 10.10.2023 and all noise mitigation measures detailed in the assessment shall be installed and be operational prior to any use of the site being made for energy generating purposes. All noise mitigation measures shall remain operational and in place for the lifetime of the development.

Reason: In the interests of residential amenity.

013

Notwithstanding any submitted details hereby approved, prior to the installation of any permanent external lighting to serve the operational use, full details of all external lighting proposed (to include methods to restrict times of illumination, luminance levels, glare potential) shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be designed to minimise the use of external lighting on the site, prevent light spillage and be directed away from sensitive receptors and high value and boundary habitats, such as woodland. External lighting for the operational phase shall be installed and thereafter maintained in accordance with the approved details for the lifetime of the development.

Reason: In the interests of residential amenity and biodiversity.

014

Notwithstanding the submitted Soil Resources and Management Plan (Land Research Associates Report 1909/3, May 2024), an updated report shall be submitted to and approved by the Local Planning Authority before development commences that shall have regard to the Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Working, British Society of Soil Science Guidance Notes, in particular the note titled 'Benefitting from Soil Management in Development and Construction'. It shall also include:

a) An assessment of agricultural land and soil resource at the site pre-construction.  
restoration detail of ALC graded agricultural land included in the SMP;

- b) An aftercare programme which would enable a satisfactory standard of agricultural after-use;
- c) to be reached. Details of how the Agricultural Impact Assessment (Jan 2024) informs the SMP to maintain agricultural production to the same standard after decommissioning;
- d) The methods by which the applicant intends to restore appropriate affected areas to agricultural use after works including excavations and restoration has finished; and
- e) Remediation in the event of compaction (inc cultivating, reseeding, draining or irrigating, applying fertiliser, or cutting and grazing the site)

Thereafter, the development hereby approved shall be carried out in accordance with the approved details.

Reason: To ensure soil quality is suitable maintained of the lifetime of the development and to ensure that its appropriately can be effectively restored to agricultural use, with no change in the agricultural capability (ALC grade) of the land

015

The installed electrical generating capacity of the development hereby approved shall be restricted to a maximum of 49.9 megawatts (MW) measured as the AC installed export capacity.

Reason: To limit the generating capacity of the site based on the submitted information and to accord with the National Policy Statement for Renewable Energy Infrastructure (EN-3), and for the avoidance of doubt.

016

Prior to the commencement of the development hereby approved (including all preparatory work), a scheme for the protection of the retained trees (together with all planting carried out under the requirements of Condition 04 of this permission), in accordance with BS 5837:2012, including a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Details of construction within the RPA or that may impact on the retained trees.
- c) Boundary treatment works within the RPA and a full specification for their installation.
- d) a full specification for the construction of any roads and parking areas, including details of the no-dig specification and extent of the areas of the roads and parking areas to be constructed using a no-dig specification. Details shall include relevant sections through them.
- e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- f) A specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing.
- g) a specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- i) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- j) Methodology and detailed assessment of root pruning.
- k) Arboricultural supervision and inspection by a suitably qualified tree specialist.
- l) There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees.

Reason: Required prior to commencement of development to satisfy the Local Planning

Authority that the trees to be retained will not be damaged during construction and to protect and enhance the appearance and character of the site and locality and pursuant to section 197 of the Town and Country Planning Act 1990.

017

Prior to the Commission Date hereby approved, details of the treatment of all areas of the site not included within requirements of Condition 4 and not covered by buildings/structures shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or Commission Date, whichever is the sooner. Details shall include:

- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted.
- 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:
  - a) permeable paving
  - b) tree pit design
  - c) underground modular systems
  - d) Sustainable urban drainage integration
  - e) use within tree Root Protection Areas (RPAs);
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
- 5) types and dimensions of all boundary treatments.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality.

018

No retained or planted tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase, unless it is diseased or dangerous, and thereafter within 10 years from the date of the Commission Date, other than in accordance with the approved plans and particulars. Any trees/shrubs which, within a period of ten years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 - 1992 Part 1-Nursery Stock Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

019

Prior to the Commission Date a Landscape and Ecological Management Plan (LEMP) based on the approved Landscape Mitigation Plan (Reference HC1002/5/16 r2 - Landscape Masterplan) which shall include all planting carried out in compliance with Condition 18 and a maintenance schedule of watercourses within the site for surface water disposal, with timescales embedded shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include a ten-year maintenance programme for all planting. The approved LEMP shall be fully implemented and maintained for the lifetime of the development.

Reason: In the interests of biodiversity and the landscape character and rural amenities of the area.

020

Prior to the Commission Date, an updated Fire Safety Management Plan detailing the specification of all plant and machinery shall be submitted to and approved by the Local Planning Authority thereafter the development shall be fully implemented and shall be retained and maintained as such for the lifetime of the development.

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

021

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the Flood Risk Assessment (FRA) and Drainage Strategy prepared by KRS Environmental Limited (October 2023), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use Sustainable Drainage Systems throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.
- Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.  
No surcharge shown in a 1 in 1 year.  
No flooding shown in a 1 in 30 year.  
For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems, including Staythorpe Sidings Drain, shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

The development shall be implemented in full accordance with the approved detailed surface water drainage scheme.

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.

022

The development hereby permitted shall be carried out in strict accordance with the pre, post and during construction mitigation and enhancement measures outlined in the Geophysical Survey prepared by Archaeology England dated December 2022 (Ref: 2092

Version 2), Heritage Impact Assessment prepared by Archaeology England dated August 2023 (Ref: 2218 Version 2), Archaeology and Cultural Heritage Desk Based Assessment prepared by Archaeology England dated September 2023 (Ref: 2027 Version 2), Archaeological Evaluation Report dated August 2023 (Ref: 2222 Version 01) (Part 1, 2A, 2Bx2), Noise Impact Assessment prepared by Noise & Vibration Consultants Ltd dated 10th October 2023 (Ref: R23.0603/DRK), Outline Construction Environmental Management Plan prepared by Sirius Planning Ltd dated October 2023 (Ref: HC1002/CEMP), Landscape and Visual Impact Assessment prepared by Sirius Planning Ltd dated October 2023 (Ref: HC1002 02 01/LVIA Final) including: LVIA, LVIA Addendum prepared by Sirius Planning dated June 2024 (Ref: HC1002/02/Adden), Design and Access Statement prepared by Sirius Planning Ltd dated October 2023 (Ref: HC1002/DAS Final), Soil Resources and Agricultural Quality Report prepared by Land Research Associates Ltd dated 19th September 2023 (Ref: 1909/2), Soil Management Plan prepared by Land Research Associates Ltd dated 19th September 2023 (Ref: 1909/2) (ref: 1909/3), Agricultural Land Impact Assessment prepared by Assured Agronomy dated January 2024 (No Ref), Transport Statement prepared by Sanderson Associates Consulting Engineers dated October 2023 (Ref: 153656 001 02), Stage 1 Road Safety Audit Brief prepared by Sanderson Associates Consulting Engineers dated July 2023 (Ref: 153262 002 03), Construction Traffic Management Plan prepared by Sanderson Associates Consulting Engineers dated June 2024 (Ref: 153262 007 02)

The mitigation and enhancement measures shall be implemented and maintained for the lifetime of the development.

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

023

#### Archaeology - Part 1

No development shall take place until an archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved in writing by the Local Planning Authority. The Mitigation Strategy will include appropriate Written Schemes of Investigation for evaluation trenching, open area excavation and provision for other mitigation work as necessary. These schemes shall include the following:

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

024

#### Archaeology - Part 2

The archaeological site work must be undertaken only in full accordance with the approved Written Scheme of Investigation. The developer shall 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 to the methods and procedures set out in the approved Written Scheme of Investigation 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.

025

#### Archaeology - Part 3

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

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

026

The development shall be undertaken in accordance with the approved mitigation and enhancement measures and/or works and shall be carried out in accordance with the details contained in the:

- Ecology Appraisal prepared by FPCR Environment and Design Ltd dated September 2023 (Ref: 9511 Rev B)
  - Bird Report prepared by FPCR Environment and Design Ltd dated September 2023 (Ref: 9511 Rev D)
  - Biodiversity Net Gain Calculation/Report received 21 June 2024
- together with any subsequently approved details and all features shall be retained in that manner thereafter.

Reason: To ensure the development contributes to the enhancement of biodiversity on the site having regard to Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (December 2024) and to conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

027

No development shall take place (including demolition, ground works, vegetation clearance) until a separate construction environmental management plan specifically in respect of Biodiversity has been submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly

competent person.

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

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

028

Notwithstanding the submitted details, prior to the commencement of the development, a Biodiversity Management Plan (BMP) shall also be submitted to and be approved in writing by the Local Planning Authority. The content of the BMP shall include the following:

- a. The location and summary description of the features to be maintained and/or enhanced, or created;
- b. The proposed actions to maintain and/or enhance or create the features, and the timing of those actions;
- c. The proposed management prescriptions for those actions;
- d. An annotated plan providing a summary of the elements covered by items a, b, and c;
- e. An annual work schedule covering a 5-year period (with the view that the management proposals would be reviewed every 5 years over the operational lifetime of the solar array);
- f. Identification of who will be responsible for implementing the BMP; and
- g. A schedule for monitoring the implementation and success of the BMP, this to include monitoring reports to be submitted to Newark and Sherwood District Council at appropriate intervals. The provision of the monitoring reports shall then form part of the planning condition.

Informatives

01

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

02

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

03

Environmental permit

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

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk/activitiesenvironmental/permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with the EA at the earliest opportunity.

04

Should a Temporary Closure of Kelham Footpath No. 4 and / or Averham Footpath No.6 be needed, this may be granted to facilitate public safety during the construction phase, subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section contact [countryside.access@notsscc.gov.uk](mailto:countryside.access@notsscc.gov.uk), as least 5 weeks' notice is required to process the closure.

05

In order to carry out the off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties. Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 278 Agreement is issued.

06

Planning permission is not permission to work on or from the public highway. In order to ensure all necessary licences and permission are in place you must contact [licences@viaem.co.uk](mailto:licences@viaem.co.uk)

07

Severn Trent Water advise that although their statutory sewer records do not show any public sewers with the area specified, there may be sewers that have been recently adopted under, The Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

08

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

It is recommended the resulting written schemes of investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.

09

National Highways have requested that that the develop to consult with the A46 Newark ByPass Team in the event that their detailed plans incorporate new or diverted services with the verges of the A617, to ensure the impacts to the A46 Newark Bypass scheme proposals for the flood compensation area are taken into consideration. Contact details:  
[a46newarkbypass@nationalhighways.co.uk](mailto:a46newarkbypass@nationalhighways.co.uk)

010

The applicant is advised to contact Trent Valley Internal Drainage Board to ensure that no part of the development contravenes their by-laws which are intended to protect the watercourses and the maintenance of them ([planning@tvidb.co.uk](mailto:planning@tvidb.co.uk))

DRAFT

## Suggested Amendments to conditions as proposed

1.2 The references to condition numbers are as appears above, please refer to this section for the wording as currently proposed.

1.3 This section lays out the conditions as they are proposed to be amended.

| Condition number | Agreed/Amendments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| 01               | <u><b>Agreed.</b></u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 02               | <u><b>Agreed.</b></u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 03               | <p>Whilst the principle is agreed, the following plans can be removed from the condition:</p> <ul style="list-style-type: none"> <li>• Drawing Reference HC1002 01 03 REV 0 Constraints Mapping</li> <li>• Drawing Reference HC1002 02 01 REV 1 LVIA Study Area</li> <li>• Drawing Reference HC1002 02 02 REV 1 Landscape Planning Constraints</li> <li>• Drawing Reference HOR1002 02 03 REV 0 Zone of Theoretical Visibility Barriers</li> <li>• Drawing Reference HC1002 02 04 REV 1 Landscape Character Policy Zones</li> <li>• Drawing Reference HC1002 02 06 R3 REV 0 Cumulative Sites</li> <li>• Drawing Reference HC1002 02 07 REV 1 Residential, Settlement and Transport Receptors</li> <li>• Drawing Reference HC1002 02 08 REV 0 Viewpoint Location Plan</li> <li>• Drawing Reference HC1002 02 09 REV 0 Viewpoint Location Plan received 12 July 2024</li> <li>• Drawing Reference WPD EPEX GA 03 REV B</li> </ul> <p>In line with condition 08 and 09 the following plans must be inserted into this condition 03:</p> <ul style="list-style-type: none"> <li>• HC1002/5/23 Rev 1 Site Access Details</li> <li>• Drawing: 153626- 002 Rev D (splays )</li> </ul> <p>The reference to the following plans '<i>Drawing Reference HC1002 05 2A REV 1 Planning Application Boundary Sheet 1 of 2</i>' and '<i>Drawing Reference HC1002 05 2B REV 1 Planning Application Boundary Sheet 2 of 2</i>' is incorrect and should read '<i>Drawing Reference HC1002 05 2A REV 1 Planning Application Boundary Sheet 2 of 2</i>' and '<i>Drawing Reference HC1002 05 2B REV 1 Planning Application Boundary Sheet 1 of 2</i>'</p> <p>The reference to the following plan '<i>Drawing Reference HC1002 02 16 REV 2 Landscape Masterplan received 20 Dec 2024</i>' is in need of clarification as the referencing is currently incorrect. This is a result of confusion between the Masterplan and Mitigation plan during the evolution of the Appeal. The Mitigation plan is being retired so the reference should be amended as follows:</p> <ul style="list-style-type: none"> <li>• '<i>Drawing Reference <b>HC1002 02 16 REV 3 Landscape Masterplan received on 11 July 2025</b></i>'</li> </ul> <p>As a result of an update the Landscape Masterplan HC1002/02/16 Rev 3, the following plans should also be updated in this condition, to reflect the most up to date versions:</p> <ul style="list-style-type: none"> <li>• <i>Drawing Reference HC1002 05 03 <b>REV 5</b> Site Layout received <b>18 July 2025</b></i></li> <li>• <i>Drawing Reference HC1002 05 27 <b>REV 3</b> Public Access Details received <b>18 July 2025</b></i></li> <li>• <i>Drawing Reference HC1002 05 28 <b>REV 3</b> Archaeology Mitigation Areas received <b>18 July 2025</b></i></li> </ul> |

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|    | <p><b><u>The condition should therefore read as follows:</u></b></p> <p>The development hereby permitted shall not be carried out except in accordance with the following approved plans,</p> <p>Drawing Reference HC1002 05 01 REV 0 Site Location Plan<br/> Drawing Reference HC1002 05 2A REV 1 Planning Application Boundary Sheet 2 of 2<br/> Drawing Reference HC1002 05 2B REV 1 Planning Application Boundary Sheet 1 of 2<br/> Drawing Reference HC1002 02 16 REV 3 Landscape Masterplan received on 11 July 2025<br/> Drawing Reference HC1002 05 03 REV 5 Site Layout received 18 July 2025<br/> Drawing Reference HC1002 05 04 REV 1 Substation and BESS Compound Arrangement<br/> Drawing Reference HC1002 05 05 REV 0 PV Panel Details (including details of different mounting systems, to be read in conjunction with Drawing no. HC1002/5/28 Archaeology Mitigation Areas)<br/> Drawing Reference HC1002 05 06 REV 0 DNO Substation Details<br/> Drawing Reference HC1002 05 07 REV 0 Solar and BESS Switchgear Cabins Details<br/> Drawing Reference HC1002 05 08 REV 0 Solar Transformer Station Details<br/> Drawing Reference HC1002 05 09 REV 0 Spares Cabin Details<br/> Drawing Reference HC1002 05 10 REV 0 Container Details<br/> Drawing Reference HC1002 05 11 REV 0 Battery Modules Details<br/> Drawing Reference HC1002 05 12 REV 0 Battery Transformer Inverter Details<br/> Drawing Reference HC1002 05 13 REV 0 Battery Firewall Details<br/> Drawing Reference HC1002 05 14 REV 1 Point of Connection Details<br/> Drawing Reference HC1002 05 15 REV 0 Sections Through Substations and BESS Compound<br/> Drawing Reference HC1002 05 17 REV 0 Fencing and Security Details<br/> Drawing Reference HC1002 05 18 REV 0 Internal Access Track Construction Detail<br/> Drawing Reference HC1002 05 19 REV 0 Palisade Fencing Details<br/> Drawing Reference HC1002 05 20 REV 0 Deer Mesh Fencing Details<br/> Drawing Reference HC1002 05 21 REV 0 Acoustic Fence Details<br/> Drawing Reference HC1002 05 22 REV 0 Paladin Fence Details<br/> Drawing Reference HC1002 05 23 REV 1 Site Access Details received 21 June 2024<br/> Drawing Reference HC1002 05 24 REV 0 Site Access Construction Details<br/> Drawing Reference HC1002 05 25 REV 2 Temporary Site Set Down Area Details<br/> Drawing Reference HC1002 05 26 REV 0 Indicative 132kv Substation Details<br/> Drawing Reference HC1002 05 27 REV 3 Public Access Details received 18 July 2025<br/> Drawing Reference HC1002 05 28 REV 3 Archaeology Mitigation Areas received 18 July 2025<br/> Drawing Reference HC1002 05 29 REV 2 Translocated Hedgerow Plan received 21 June 2024<br/> Drawing Reference WPD EPEX GA 01 Communication Mast Indicative Specification<br/> Drawing Reference 153626- 002 Rev D (splays)<br/> Drawing Reference HC1002/5/23 Rev 1 Site Access Details</p> <p>Reason: To define this permission and for the avoidance of doubt.</p> |
| 04 | <p>The reference to '<i>40 years months</i>' needs amending due to superfluous wording. '<i>Months</i>' required deletion.</p> <p><b><u>The condition should therefore read as follows:</u></b></p> <p>No later than 12 months before the expiration of a period of 40 years from the Commission Date, or within 6 months of a cessation of operation of the facility for a period of 12 months (unless otherwise agreed with the Local Planning Authority) a Scheme of Decommissioning and Restoration shall be submitted to and agreed in writing by the Local Planning Authority. The Scheme shall include:</p> <p>(a) The management and timings of any works;<br/> (b) A Traffic Management Plan to address likely traffic impact issues during the</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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|    | <p>decommissioning period;<br/> (c) An Environmental Management Plan to include measures to be taken to protect wildlife and habitats during and after the decommissioning period;<br/> (d) A De-construction Environmental Management Plan to include measures to protect the amenities of neighbouring residents during the decommissioning period as well as site restoration measures.</p> <p>All equipment and associated works shall be removed within 12 months of the Scheme being approved by the Local Planning Authority, unless alternative timings are agreed within the Scheme.</p> <p>Reason: In the interests of highway safety, visual and residential amenity, biodiversity and environmental protection.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 05 | <p>Given that this condition already references the Site Layout Plan (which is being updated to R5) with accompanying drawing reference, the second reference to the Site Layout Plan shall be amended to read '<i>...along the route shown on the Plan together with the arrangements..</i>'</p> <p>References in this condition to 'footpaths' should be reference to permissive 'bridleways' as this was what was submitted with the planning application</p> <p><b><u>The condition should therefore read as follows:</u></b></p> <p>Prior to any obstruction to Kelham Footpath No. 4 and Averham Footpath No.6, the permissive bridleway shown on Site Layout Plan (Drawing Reference HC1002/5/03 r5) shall be installed and made available for public use and retained for the lifetime of the development in accordance with a scheme for its laying out along the route shown on together with the arrangements for maintaining the bridleway during the life of the development that shall first be submitted to and approved in writing by the Local Planning Authority (the "Permissive Footpath Scheme"). The said scheme shall include the programme of delivery, details of the bridleways specification and any arrangements for the temporary restriction of access to the public to Kelham Footpath No. 4 and Averham Footpath No.6.</p> <p>Reason: To maintain and enhance the recreational use of the site both during the construction period and through the lifetime of the development.</p> |
| 06 | <p>Given that measures in relation to biodiversity will be agreed by condition the reasoning linked to biodiversity for this condition, should be removed.</p> <p>Delete (xi). <i>measures for the protection of habitats and species within the Site</i> from the list in this condition, as there is to be a separate Biodiversity CEMP.</p> <p>References to protecting rights of way and waste management should be included within this section.</p> <p><b><u>The conditions should therefore read as follows:</u></b></p> <p>Prior to commencement of development a Full Construction Environmental Management Plan (based largely on the submitted outline) shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt that shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>i. a scheme to control noise and dust/dirt and mitigation measures;</li> <li>ii. except for emergency works, construction works on the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays and 08:00 to 13:00 hours on Saturdays and no time at all on Sundays or Bank Holidays;</li> </ul>                                                                                                                                                                                                                                                                                                                                |

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|    | <p>iii. that deliveries shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed for abnormal load deliveries;</p> <p>iv. the parking of vehicles of site operatives and visitors;</p> <p>v. loading and unloading of plant and materials;</p> <p>vi. storage of plant and materials used in constructing the development;</p> <p>vii. wheel washing facilities;</p> <p>viii. details of the wooden fencing to enclose temporary compound area;</p> <p>ix. traffic management signage scheme;</p> <p>x. full details of any temporary external lighting;</p> <p>The approved Construction Environmental Management Plan shall be fully complied with until the completion of construction on the site.</p> <p>Reason: In the interests of residential amenity, biodiversity, protecting rights of way and waste management.</p>       |
| 07 | <p><b><u>Agreed.</u></b></p> <p>The condition contains a capitalisation of 'Construction delivery details..' which should be removed.</p> <p><b><u>The condition should therefore read as follows:</u></b></p> <p>Prior to commencement of development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority that shall include a Construction Staff Travel Plan detailing proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall include arrangements for monitoring of progress of the proposals, construction delivery details and details of staff parking as well as details of comprehensive signage to indicate construction traffic routing, and traffic management arrangements.</p> <p>Reason: In the interests of highway safety and residential amenity.</p> |
| 08 | <p><b><u>Agreed.</u></b></p> <p>See comments at condition 02 re the plan referenced here being included.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 09 | <p><b><u>The condition to be amended and read as follows:</u></b></p> <p>The required 2.4m x 160m site access visibility splays, as shown on Drawing number 153626-002 Rev D (Visibility Splays from Proposed Access), shall be provided prior to the A617 access being brought into use, with associated translocation of the existing northern roadside hedge as depicted on Drawing number HC1002 05 29 REV 2 (Hedge Translocation Plan). The splays shall then be kept clear of all obstructions of 0.26m above adjacent carriageway level for the lifetime of the development.</p> <p>Reason: In the interests of highway safety and biodiversity conservation.</p>                                                                                                                                                                                                                                                                                    |
| 10 | <p><b><u>Agreed.</u></b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 11 | <p><b><u>This is agreed, subject to clarification that this excludes the public rights of way.</u></b></p> <p>Council comments: wording needs to make this clear, that it excludes the PRow – please provide your proposed wording to deal with this</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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|    | <b>Appellant proposal:</b> Whilst the existing public footpath (Kelham FP4) shall be retained, there shall be no other pedestrian, nor vehicular access into the development site via Broadgate Lane                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 12 | <b><u>Agreed.</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 13 | <b><u>Agreed.</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 14 | <p>The condition uses a number of abbreviations which should be expanded on.</p> <p>References to:</p> <ul style="list-style-type: none"> <li>• 'SMP' should read 'Soil Management Plan'</li> <li>• 'ALC' should read 'Agricultural land classification'</li> <li>• 'inc.' should read 'including'</li> </ul> <p>The following typos need correcting by capitalisation:</p> <ul style="list-style-type: none"> <li>• An assessment of agricultural land and soil resource at the site pre-construction. Restoration ...</li> <li>• c) To be reached..</li> </ul> <p>The reason for this conditions omits a full stop at the end of the sentence.</p> <p><b><u>The condition should therefore read as follows:</u></b></p> <p>Notwithstanding the submitted Soil Resources and Management Plan (Land Research Associates Report 1909/3, May 2024), an updated report shall be submitted to and approved by the Local Planning Authority before development commences that shall have regard to the Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Working, British Society of Soil Science Guidance Notes, in particular the note titled 'Benefitting from Soil Management in Development and Construction'. It shall also include:</p> <ul style="list-style-type: none"> <li>a) An assessment of agricultural land and soil resource at the site pre-construction. Restoration detail of Agricultural Land Classification graded agricultural land included in the Soil Management Plan;</li> <li>b) An aftercare programme which would enable a satisfactory standard of agricultural after-use;</li> <li>c) To be reached. Details of how the Agricultural Impact Assessment (Jan 2024) informs the Soil Management Plan to maintain agricultural production to the same standard after decommissioning;</li> <li>d) The methods by which the applicant intends to restore appropriate affected areas to agricultural use after works including excavations and restoration has finished; and</li> <li>e) Remediation in the event of compaction (including cultivating, reseeded, draining or irrigating, applying fertiliser, or cutting and grazing the site)</li> </ul> <p>Thereafter, the development hereby approved shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure soil quality is suitable maintained of the lifetime of the development and to ensure that its appropriately can be effectively restored to agricultural use, with no change in the agricultural capability (ALC grade) of the land.</p> |

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| 15 | <p>This condition should be changed to reflect the export capacity refers to the solar farm, not the BESS. and should read as follows:</p> <p><b><u>The condition therefore should read as follows:</u></b></p> <p>The maximum installed AC electrical export capacity of the solar farm hereby approved shall be limited to 49.9MW.</p> <p>Reason: To limit the generating capacity of the site based on the submitted information and to accord with the National Policy Statement for Renewable Energy Infrastructure (EN-3), and for the avoidance of doubt.</p>                                                                                                                                                                                                                                                                                            |
| 16 | <p><b><u>Replace with two amalgamated conditions – see TBC2 below.</u></b></p> <p>Council comment: not agreed, the Council's preference would be to keep this as a separate condition for Arboricultural matters and not combine it with other biodiversity/landscape matters. We do not accept this amendment to amalgamate it.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 17 | <p><b><u>Replace with two amalgamated conditions – see TBC2 below.</u></b></p> <p>The reasoning of this condition should recognise that it provides ecological, environmental and biodiversity benefits.</p> <p>Council comment: to prevent duplication we are happy to amend the requirements of this condition but this condition is more in relation to hard and soft landscaping and boundary treatments so should be its own distinct condition.</p>                                                                                                                                                                                                                                                                                                                                                                                                       |
| 18 | <p><b><u>Agreed.</u></b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 19 | <p><b><u>Replace with two amalgamated conditions – see TBC2 below.</u></b></p> <p>The reference to condition 18 in this provision, should be to condition 17.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 20 | <p>The following sentence <i>'approved by the Local Planning Authority thereafter the development shall be fully implemented and shall be retained and maintenance as such for the lifetime of the development'</i> should be replaced to read <i>'approved by the Local Planning Authority thereafter, the development shall be implemented and operated in accordance with the approved plan.'</i></p> <p><b><u>The condition should therefore read as follows:</u></b></p> <p>Prior to the Commission Date, an updated Fire Safety Management Plan detailing the specification of all plant and machinery shall be submitted to and approved by the Local Planning Authority thereafter, the development shall be implemented and operated in accordance with the approved plan.</p> <p>Reason: In the interests of fire safety and residential amenity.</p> |
| 21 | <p>Reference to NPFF paragraph 169 should be updated to reference paragraph 182.</p> <p>Reference to Staythorpe Sidings Drain is not relevant to this Site and Development as there will be no discharge into this. Such references should be removed.</p> <p><b><u>The condition should therefore be amended to read as follows:</u></b></p> <p>No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the Flood Risk Assessment (FRA) and Drainage Strategy prepared by KRS Environmental Limited (October 2023), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be</p>                                                                                                                                             |

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|    | <p>implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:</p> <ul style="list-style-type: none"> <li>• Demonstrate that the development will use Sustainable Drainage Systems throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 182.</li> <li>• 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.</li> <li>• 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.</li> <li>• Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods. No surcharge shown in a 1 in 1 year. No flooding shown in a 1 in 30 year. For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> <p>The development shall be implemented in full accordance with the approved detailed surface water drainage scheme.</p> <p>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.</p> |
| 22 | <p>There should be a reference to 'and' before CTMP in this condition.</p> <p>The condition is agreed, but the Appellant seeks clarity regarding subsequent approvals.</p> <p>The end of the condition should be amended to read as follows: <i>'The mitigation and enhancement measures shall be implemented and maintained for the lifetime of the development <b>together with any subsequently approved details and all features should be retained in that manner thereafter</b>'.</i></p> <p><b><u>The condition should therefore be amended to read as follows:</u></b></p> <p>The development hereby permitted shall be carried out in strict accordance with the pre, post and during construction mitigation and enhancement measures outlined in the Geophysical Survey prepared by Archaeology England dated December 2022 (Ref: 2092 Version 2), Heritage Impact Assessment prepared by Archaeology England dated August 2023 (Ref: 2218 Version 2), Archaeology and Cultural Heritage Desk Based Assessment prepared by Archaeology England dated September 2023 (Ref: 2027 Version 2), Archaeological Evaluation Report dated August 2023 (Ref: 2222 Version 01) (Part 1, 2A, 2Bx2), Noise Impact Assessment prepared by Noise &amp; Vibration Consultants Ltd dated 10th October 2023 (Ref: R23.0603/DRK), Outline Construction Environmental Management Plan prepared by Sirius Planning Ltd dated October 2023 (Ref: HC1002/CEMP), Landscape and Visual Impact Assessment prepared by Sirius Planning Ltd dated October 2023 (Ref: HC1002 02 01/LVIA Final) including: LVIA, LVIA Addendum prepared by Sirius Planning dated June 2024 (Ref: HC1002/02/Adden), Design and Access Statement prepared by Sirius Planning Ltd dated October 2023 (Ref: HC1002/DAS Final), Soil Resources and Agricultural Quality Report prepared by Land Research Associates Ltd dated 19th</p>                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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|    | <p>September 2023 (Ref: 1909/2), Soil Management Plan prepared by Land Research Associates Ltd dated 19th September 2023 (Ref: 1909/2) (ref: 1909/3), Agricultural Land Impact Assessment prepared by Assured Agronomy dated January 2024 (No Ref), Transport Statement prepared by Sanderson Associates Consulting Engineers dated October 2023 (Ref: 153656 001 02), Stage 1 Road Safety Audit Brief prepared by Sanderson Associates Consulting Engineers dated July 2023 (Ref: 153262 002 03), and Construction Traffic Management Plan prepared by Sanderson Associates Consulting Engineers dated June 2024 (Ref: 153262 007 02)</p> <p>The mitigation and enhancement measures shall be implemented and maintained for the lifetime of the development together with any subsequently approved details and all features should be retained in that manner thereafter.</p> <p>Reason: In the interests of landscape character, visual and residential amenities and biodiversity.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 23 | <p><b><u>Agreed.</u></b></p> <p>The following typo should be corrected to capitalise 'Schemes' in this sentence: <i>These schemes shall include the following...</i></p> <p><b><u>The condition should therefore be amended to read as follows:</u></b></p> <p>Archaeology - Part 1</p> <p>No development shall take place until an archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved in writing by the Local Planning Authority. The Mitigation Strategy will include appropriate Written Schemes of Investigation for evaluation trenching, open area excavation and provision for other mitigation work as necessary. These Schemes shall include the following:</p> <ol style="list-style-type: none"> <li>1. An assessment of significance and proposed mitigation strategy (i.e., preservation by record, preservation in situ or a mix of these elements);</li> <li>2. A methodology and timetable of site investigation and recording;</li> <li>3. Provision for site analysis;</li> <li>4. Provision for publication and dissemination of analysis and records;</li> <li>5. Provision for archive deposition; and</li> <li>6. Nomination of a competent person/organisation to undertake the work.</li> </ol> <p>The Scheme of archaeological investigation must only be undertaken in accordance with the approved details.</p> <p>Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework</p> |
| 24 | <p><b><u>Agreed.</u></b></p> <p>The reference to 'Scheme' should be plural.</p> <p><b><u>The condition should therefore be amended to read as follows:</u></b></p> <p>Archaeology - Part 2</p> <p>The archaeological site work must be undertaken only in full accordance with the approved Written Schemes of Investigation. The developer shall 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 to the methods and</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|      | <p>procedures set out in the approved Written Schemes of Investigation shall take place without prior consent of the Local Planning Authority.</p> <p>Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 25   | <b><u>Agreed.</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 26   | <b><u>Replace with two amalgamated conditions – see TBC2 below.</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 27   | <b><u>Replace with two amalgamated conditions – see TBC2 below.</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 28   | <b><u>Replace with two amalgamated conditions – see TBC2 below.</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| TBC1 | <p><b><u>A condition requiring approval of the final telecoms mast is proposed.</u></b></p> <p>The following wording is submitted for this purpose: ‘Prior to installation, final design details of the proposed substation compound telecommunications mast indicatively shown on Drawing WPD-EPX-GA-03 Rev B, shall be submitted to and approved by the Local Planning Authority. Thereafter, the mast shall be erected in accordance with the approved plan.’</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| TBC2 | <p><b><i>Amalgamated condition 1</i></b></p> <p><i>Prior to development, a Landscape and Biodiversity Enhancement, Management and Monitoring Plan (LBEMMP) based on the approved Landscape Masterplan Plan (Drawing Reference HC1002/02/16 R3 - Landscape Masterplan), the related Biodiversity Metric Report (BMR), the Ecology Appraisal and the Bird Report shall be submitted to, and be approved in writing by, the Local Planning Authority (LPA).</i></p> <p><i>This shall include:</i></p> <ul style="list-style-type: none"> <li><i>i) Description and location of ecological features to be retained, created, enhanced, translocated and managed.</i></li> <li><i>ii) Aims and objectives of management in line with desired habitat conditions detailed in the BMR.</i></li> <li><i>iii) Appropriate management methods and practices to achieve the aims and objectives, including sheep grazing.</i></li> <li><i>iv) Prescriptions for management actions, which for sheep grazing may cover inter alia rotational grazing, stocking density, start and stop grazing heights, supplementary feeding, protocols for handling potential issues like animal health problems, extreme weather events, or damage to the solar infrastructure.</i></li> <li><i>v) Required planting details and timetable, together with the locations, type, materials and specifications for all hard landscaping</i></li> <li><i>vi) A work programme (for 30 years capable of being rolled forward to 40 years) adhering to British Standards.</i></li> <li><i>vii) Details of the body or organisation responsible for implementation of the Plan.</i></li> <li><i>viii) Production of a statement of compliance to be submitted to the LPA on completion of planting and enhancement works.</i></li> </ul> |

ix) A monitoring schedule to assess the success of the ecological creation and enhancement measures at intervals of 1, 2, 3, 5, 10, 15, 20 and 30 years.

x) Provision for monitoring reports to be sent to the LPA at each of the intervals at ix) above. These monitoring reports from the Developer's ecologist will be accompanied by separate verification reports prepared and certified by an independent professional ecologist paid for by the Developer (recognised by the Chartered Institute of Ecological and Environmental Management or equivalent).

*The plan shall also set out (where the results from monitoring show that the Plan's aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented including failed planting.*

*The LBEMMP shall be implemented in full in accordance with the approved details.*

*Reason: To secure significant gains of on-site biodiversity over the lifetime of the development.*

### **Amalgamated condition 2**

*No development shall take place (including demolition, ground works, vegetation clearance) until a separate Construction Environmental Management Plan specifically in respect of Biodiversity has been submitted to and approved in writing by the local planning authority.*

*The CEMP (Biodiversity) shall take full account of the ecological mitigation measures included within the Ecology Appraisal and Bird Report and shall include:*

- i. Risk assessment of potentially damaging construction activities.*
- ii. Identification of "biodiversity protection zones" and tree Root Protection Areas.*
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- iv. A detailed Tree Protection Scheme in accordance with BS 5837:2012, with Tree Protection Plan and an Arboricultural Method Statement.*
- v. The location and timing of sensitive works to avoid harm to biodiversity features.*
- vi. The times during construction when suitably qualified tree specialists and ecologists need to be present on site to oversee works.*
- vii. Responsible persons and lines of communication.*
- viii. The role and responsibilities on site of an ecological clerk of works (ECoW) of similarly competent person.*
- ix. Use of protective fences, exclusion barriers and warning signs.*

*The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.*

### **Amalgamated Condition 3: Road Condition Survey**

*No development shall commence on site until a condition survey of the existing highway as defined on Drawing 153626-010 - Extent of Condition Survey has been undertaken, and the survey results submitted to and approved in writing by the Local Planning Authority. This survey shall include an assessment of the condition of the existing carriageways, footways and soft verges. A further, second survey shall be undertaken within two months of completion of all construction works at the site and a report submitted to the LPA identifying any damage to the highway, attributable to the construction vehicles, with a scheme identifying any proposed repair works and timescales for implementation, to be agreed in writing with the Local Planning Authority. The scheme shall be implemented thereafter as agreed.*

*Reason: In the interest of highway and pedestrian safety.*

Council comment: Amalgamated Condition 3 is agreed, but 1 and 2 is not agreed.

The Council are content for condition 16 and 27 to be merged into one CEMP condition, including relevant provisions for biodiversity.

The Council are also content for condition 19 to be merged with condition 28 to form a combined LEMP and BMP condition.

The Council require that the Arboricultural requirements, landscaping details, agreed biodiversity mitigation measures, landscape/biodiversity management remain as distinct conditions.