

NOTTINGHAMSHIRE COUNTY COUNCIL

DEADLINE 4 SUBMISSION

POST HEARING STATEMENT –

ACTION POINTS WHICH THE COUNTY COUNCIL AGREED TO RESPOND IN WRITING FOLLOWING ISSUE SPECIFIC HEARINGS 2 AND 3

ISH2 AP1: SUBMIT A DRAFT, UNSIGNED, IF NECESSARY, STATEMENT OF COMMON GROUND.

This has been updated and agreed with the Applicant and will be submitted by the Applicant. It remains unsigned at present to allow for further updates in light of subsequent discussions on outstanding matters and will be signed by the County Council at Director level ahead of Deadline 5.

ISH2 AP3: PROVIDE FURTHER CLARITY ON THE ACCESS TO THE PROPOSED BESS FROM COMMON LANE, INCLUDING WHETHER IT IS A HIGHWAY; WHETHER IT IS GATED; AND RESPOND TO THE QUERY REGARDING WEIGHT RESTRICTION.

Common Lane in Sturton le Steeple has dual status of being A) an adopted all-purpose highway and B) a restricted minor byway. It is not gated at the point where the BESS access would be created and is an all-purpose highway at this point. There is a legacy weight restriction sign which exists because of the former culvert/bridge over the Catchwater Drain. However, NCC Highways Structures have confirmed that the bridge saddle structure was strengthened to 40 tonnes GVW in 1991. All legacy weight limit signs were not entirely removed to help deter HGV vehicles using this area. So, in short, Common Lane is suitable for heavy vehicle access, although there are some signs that say otherwise.

ISH3 : ARCHAEOLOGICAL REQUIREMENTS

The County Council considered the proposed requirement wording for archaeology insufficient to accommodate the complexity of a scheme where the applicant proposes a post-consent phase of evaluation to inform an updated Archaeological Mitigation Strategy (AMS), and multiple phases of work programmes.

Draft wording (is based on appropriate wording that has recently been approved by the SoS for similar schemes) was informally shared with the applicant at the start of ISH3 on 13 February . The relevant Planning Authority would be NCC. We received some comments from the applicant on 18 February which suggested revisions to the proposed requirements considering our wording and then went back with revised

proposals which the applicant has commented on and we have agreed as of 19 February at 15.50 :

- (1) No phase of the authorised development, and no part of the site preparation works, may commence until:
- a. a scheme for additional trial trenching an archaeological written scheme of investigation (WSI) for that phase has been submitted and approved by the local planning authority in consultation with the county archaeologist.
 - b. additional trial trenching has been carried out in accordance with the scheme approved under sub paragraph (a);
 - c. a Written Scheme of Investigation (WSI) for each phase, to account for the results of the additional trial trenching carried out, is submitted to and approved in writing by the local planning authority.

(2) Any archaeological works or programme of archaeological investigation carried out under the approved WSIs must be carried out by an organisation registered within the Chartered Institute for Archaeologists or by a member of that Institute, and the nominated organisation and its relevant specialists will be identified and agreed within the WSI.

(3) This The WSIs shall include:

- (1) a scheme for additional trial trenching each phase or mitigation work setting out where archaeological work is required and to ensure appropriate measures from protection, preservation and/or recording of archaeological remains.
- (2) measures for post-excavation analysis, reporting, publication and archiving for appropriate archaeological remains; and
- (3) measures for protection and preservation for appropriate archaeological remains; and
- (4) and shall be in substantial accordance with the outline WSI.

(4) Any archaeological works must be carried out in accordance with the approved WSIs, including any post-excavation analysis, reporting, publication and archiving.

(5) For the purposes of this paragraph only, any works undertaken in pursuance of sub-paragraph 1(b) are excluded from the definition of “commence” in article 2 of this Order.

ISH3 AP3: TIMINGS FOR DETERMINING A PERMIT UNDER NCC’S PERMIT SCHEME.

The timescales for the street authority to issue a permit following receipt of an application are set out within the [Nottinghamshire County Council Permit Scheme Order](#) and will vary according to the proposed work category.

Table 2 of the Scheme Order confirms an application for a permit will be issued **within 5 days** for standard and major work.

The Steeples DCO should be amended to make explicit reference to the Permit Scheme Order. The Applicant is referred to the recently made Tillbridge Solar Order for precedent on how this should be integrated into Part 3 of the dDCO (see below).

Application of the relevant permit scheme

9.—(1) The relevant permit scheme applies with the modifications set out in this article to street works carried out under the power conferred by article 8 (street works) of this Order.

(2) For the purposes of this Order—

- (a) a permit may not be refused or granted subject to conditions which relate to the imposition of a moratoria; and
- (b) a permit may not be granted subject to conditions where compliance with those conditions would constitute a breach of this Order or where the undertaker would be unable to comply with those conditions pursuant to the powers conferred by this Order.

(3) References to moratoria in sub-paragraph (2) mean restrictions imposed under section 58 (restrictions on works following substantial road works) or section 58A (restrictions on works following substantial street works) of the 1991 Act.

(4) Without restricting the undertaker's recourse to any alternative appeal mechanism which may be available under the relevant permit scheme or otherwise, the undertaker may appeal any decision to refuse to grant a permit or to grant a permit subject to conditions pursuant to the permit scheme in accordance with the mechanism set out in Schedule 16 (procedure for discharge of requirements) of this Order.

“relevant permit scheme” means the Lincolnshire Permit Scheme for Road Works and Street Works Order 2016 or the Nottinghamshire County Council Permit Scheme Order 2020 which are made under Part 3 of the Traffic Management Act 2004, as applicable for the location of the relevant street works;

ISH3 AP4: COMMENTS ON THE ADDITIONS OF PARAGRAPHS (4) TO (7) TO ARTICLE 10 (POWER TO ALTER LAYOUT, ETC., OF STREETS) ADDED BY THE APPLICANT

Without the additional text proposed by the Applicant, the undertaker could alter unlisted streets without needing approval. With the extra paragraphs included, the undertaker may alter unlisted streets only with the street authority's consent, or after 6 weeks if there is no response (deemed consent). This additional text is considered necessary. However, NCC maintains that the works to the listed streets in Schedule 4 should be subject to technical design approval to ensure their safety prior to implementation; it does not accept that the order should grant power to alter the listed streets without necessary verification from the Highway Authority. NCC requests that any alterations to the layout of the adopted highway or creation of accesses within the adopted highway pursuant to Article 10 (power to alter streets) and Article 11 (access to works) of Part 3 (Streets) are subject to full technical approval from the Highway Authority (HA), with the costs to the HA to be covered by the developer.

NCC would wish to see a specific requirement included at Schedule 2, or an obligation integrated within the Outline Construction Traffic Management Plan which would

ensure that the safety of the proposed works is demonstrated and approved by the HA prior to those works being undertaken. It is standard practice for this procedure to be outlined within the CTMP (see for example Springwell Solar Project REP4-028). However, the preference of NCC is for this to be set out within a separate requirement with details of fees outlined in the Procedure for Discharge of Requirements.

- 1) *No construction works shall be undertaken in the adopted public highway until the detailed design of those works has been submitted to and approved in writing by the county authority including:*

A programme for the works, details of the construction method and traffic management requirements;

- a) *A detailed design pack of drawings and specifications detailing the works and any service / utility works that may need to be accommodated, informed by additional surveys including topographical surveys and additional speed survey data;*
- b) *The necessary health and safety information required under the Construction, (Design & Management) Regulations, or their equivalent at the point of submission;*
- c) *Details of the proposed contractor, including their insurance provisions;*
- d) *If required by the county authority the appropriate stage Road Safety Audit (RSA)*
- e) *Details of any necessary road signage and road markings; and*
- f) *Details of any proposed remediation proposals should the works not be permanent.*

- 2) *The authorised development must be carried out in accordance with the approved details.*

ISH3 AP8: UPDATE ON POSITION REGARDING SECURING AN INDEPENDENT DESIGN REVIEW PROCESS TO INPUT INTO THE DETAILED DESIGN. ALSO, PROVIDE DETAILS ON HOW THE LOCAL COMMUNITY WOULD BE CONSULTED AND COULD ENGAGE ON DETAILED DESIGN PROPOSALS.

The County Council maintains its previous position on the topic of independent design review (made in response to ExQ1 Q 4.0.04). It has not however had opportunity to discuss this with Bassetlaw District Council who may have a different perspective.

It is not considered essential for the dDCO to mandate a formal independent design review process, provided that robust design controls are secured through Requirements relating to:

- Detailed design and layout.
- Materials and colour treatment.
- Landscape mitigation and long-term management.
- Construction compounds, access routes and site management.

The imposition of a mandatory independent design review panel may introduce uncertainty regarding how recommendations would be implemented, enforced or weighed against any statutory approval process. However, where key components of the scheme remain subject to post-consent design development, the Councils acknowledge that an independent design review group may add value, provided that:

- Any review process is advisory rather than determinative.
- The scope, timing and remit of the review are clearly defined.
- The Councils are engaged in the process, including agreement of the brief.
- Any recommendations are capable of being secured through subsequent Requirement approvals.

It is important that, should an independent design review be undertaken, its findings are clearly documented and form part of the decision-making context for any subsequent approvals.

We consider that, while the Proposed Development does not necessarily require mandatory independent design review, certain components could benefit from additional design scrutiny, particularly where final solutions are yet to be confirmed and where landscape and visual effects may be influenced by detailed design choices. These components may include:

- Large above-ground built elements, such as substations, where scale, massing, form, materials and colour treatment will have a strong influence on landscape and visual effects.
- Construction compounds and temporary works, where mitigation is inherently difficult to implement effectively, particularly in relation to: Proximity to residential

receptors of high sensitivity; Visual intrusion arising from plant, materials storage and welfare facilities; and access routes and vehicular movements affecting existing vegetation and landscape features; and

Landscape mitigation measures, including landform, bunding, boundary treatments and structural planting, where long-term integration with the receiving landscape is critical.

In terms of community involvement, the process of discharge of requirements of such large-scale development would be expected to be subject to a process of public consultation, where appropriate, to accord with the process for TCPA reserved matters applications, in order that local councils and individuals might be sighted and have opportunity to comment on the submitted documents. We anticipate that design matters and discharge of requirements will be dealt with by Bassetlaw DC until succeeded by the proposals for unitary authorities in Nottinghamshire.

ISH3 AP12: NCC TO CONFIRM WHETHER ANY OTHER MADE DCO'S HAVE IDENTIFIED OTHER APPROPRIATE BODIES FOR DISCHARGING DETAILS SUBMITTED UNDER REQUIREMENTS WHERE DIFFERENT REMITS EXIST BETWEEN AUTHORITIES.

The County Council was asked to provide evidence of discharging responsibilities to be separated into the authorities in two tier areas responsible for that matter. It is standard practice in two tier areas for discharging responsibility to be separated into the relevant planning authority. This ensures that the discharge of requirements goes straight to the responsible authority and avoids any delay caused by sending matters relevant to the County Council to the District Council involving further consultation.

This was applied on the consented schemes in Lincolnshire and is also agreed for One Earth Solar Project and the Great North Road Solar Project, currently at examination stages

See below extract from the [Tillbridge Solar Order](#) made October 2025:

SCHEDULE 2 REQUIREMENTS

Article 3

Interpretation

1. In this Schedule—

“relevant planning authority” means—

- (a) Lincolnshire County Council and Nottinghamshire County Council in their capacity as the local planning authority for their respective administrative areas for the purposes of—
 - (i) Requirement 6 (battery safety management);
 - (ii) Requirement 10 (surface and foul water drainage);
 - (iii) Requirement 11 (archaeology);
 - (iv) Requirement 14 (waste management plan);
 - (v) Requirement 15 (construction traffic management plan);
 - (vi) Requirement 17 (public rights of way);
 - (vii) Requirement 19 (soils management); and
- (b) West Lindsey District Council and Bassetlaw District Council in their capacity as the local planning authority for their respective administrative areas for the purposes of—
 - (i) Requirement 3 (approved details and amendments to them);
 - (ii) Requirement 4 (community liaison group);
 - (iii) Requirement 5 (detailed design approval);
 - (iv) Requirement 7 (landscape and ecological management plan);
 - (v) Requirement 8 (biodiversity net gain);
 - (vi) Requirement 9 (fencing and other means of enclosure);
 - (vii) Requirement 12 (construction environmental management plan);
 - (viii) Requirement 13 (operational environmental management plan);
 - (ix) Requirement 18 (operational noise);
 - (x) Requirement 20 (skills, supply chain and employment);
 - (xi) Requirement 21 (decommissioning and restoration);

and “relevant planning authorities” and “relevant planning authority” means Lincolnshire County Council, West Lindsey District Council and Bassetlaw District Council as applicable.

ISH3 AP13: EXPLAIN FURTHER HOW THIS PARAGRAPH COULD SET OUT HOW FEES COULD BE SPLIT BETWEEN DIFFERENT LOCAL AUTHORITIES INVOLVED WITH THE DISCHARGING PROCESS AND WHETHER THIS HAS BEEN ACCOMMODATED ON ANY OTHER MADE ORDERS.

The County Council considers if the DCO recognises the County Council as a local planning authority for specific discharges (eg as set out in the Tillbridge DCO), fees are therefore payable to the relevant LPA by virtue of Schedule 2 para 31 and this would not need to be changed.

ISH3 AP15: PARTIES TO ADVISE ON HOW IMPROVED ENGAGEMENT WITH LOCAL RESIDENTS WILL BE TAKEN FORWARD.

The County Council has long experience of requiring and establishing community liaison groups where mineral development is occurring near local communities. There is already an established Quarry Liaison Group for the approved Sturton le Steeple sand and gravel quarry which following initial commencement some years ago has been

transferred to another operator and is due to commence sand and gravel extraction in June 2026.

The County Council supports any requirement being placed upon a DCO that the owner of the consent should initiate or actively participate in a local community liaison group. However, where such a group already exists to deal with similar developments, there should be an requirement to work with the LPA and join any grouping established by the local planning authority for the purpose of liaising with the local community during the construction and operation of project for whatever period is deemed appropriate.

Given that there are multiple NSIP schemes within the Sturton and North Leverton area at differing stages of consideration, together with TCPA consents requiring ongoing community liaison, the County Council would support the concept of a wider single liaison group becoming established at which representatives of relevant projects in the Sturton and North Leverton areas could jointly participate to liaise with the community representatives at the appropriate time and avoid the need for multiple individual groups being formed.

With the forthcoming local government re-organisation into unitary authorities, it is likely that a single authority will be involved in co-ordinating this liaison activity going forward after 2028, but in the meantime, the County Council is approaching Bassetlaw District Council to discuss this matter and will also wish to discuss further with the local Councils.



Nottinghamshire County Council

February 19th 2026