



**COTSWOLD**  
District Council

**TOWN AND COUNTRY PLANNING ACT 1990**

**PLANNING PERMISSION**

Agent  
The Environment Partnership  
401 Faraday Street  
Birchwood Park  
Warrington  
WA3 6GA

Applicant  
National Grid  
1-3 Strand  
London  
WC2N 5EH

**Proposed construction of Cable Sealing End Compound (CSEC) to facilitate the connection between underground cables and existing overhead line and associated permanent access roads (and bell-mouth) to the CSECs in addition to temporary bell-mouths created to support the cable construction along classified roads at Land To The South Of Ham Road Whittington Cheltenham Gloucestershire**

**APPLICATION REF: 24/01778/FUL**  
**FILE REF:**

**DATE OF DECISION: 25th March 2025**

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**DECISION NOTICE**

In pursuance of their powers under the above Act, and in accordance with the requirements of the Town and Country (Development Management Procedure) (England) Order 2015, the development has been fully considered and assessed to comply with the relevant policy(ies) contained within the Development Plan.

The Council therefore **PERMITS** the above development subject to the following conditions:

- 1 The development shall be started by 3 years from the date of this decision notice.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby approved shall be carried out in accordance with the following drawing number(s):

12508-LUC-XX-XX-DR-L-0002-S0 P10, 30003359-BHK-XX-XX-DR-HV-0025 03, 30167905-ARC-XX-260-DR-Z-00001 P01 Sheet 1 of 4, 30167905-ARC-XX-260-DR-Z-00001 P01 Sheet 2 of 4, 30167905-ARC-XX-260-DR-Z-00001 P01 Sheet 3 of 4, 30167905-ARC-XX-260-DR-Z-00001 P01 Sheet 4 of 4, 30167905-ARC-XX-260-DR-Z-00002 P01 Sheet 1 of 2 , 30167905-ARC-XX-260-DR-Z-00002 P01 Sheet 2 of 2

PDD-101300-LAY-019 Sheet 01 of 10 Rev 05, PDD-101300-LAY-019 Sheet 02 of 10 Rev 05, PDD-101300-LAY-019 Sheet 03 of 10 Rev 05, PDD-101300-LAY-019 Sheet 04 of 10 Rev 05, PDD-101300-LAY-019 Sheet 05 of 10 Rev 05, PDD-101300-LAY-019 Sheet 06 OF 10 Rev 05, PDD-101300-LAY-019 Sheet 07 OF 10 Rev 05, PDD-101300-LAY-019 Sheet 08 of 10 Rev 05, PDD-101300-LAY-019 Sheet 09 of 10 Rev 05, PDD-101300-LAY-019 Sheet 10 of 10 Rev 05

PDD-101300-LAY-048 sheet 01 of 06 Rev 03, PDD-101300-LAY-048 sheet 02 of 06 Rev 03, PDD-101300-LAY-048 sheet 03 of 06 Rev 03, PDD-101300-LAY-048 sheet 04 of 06 Rev 03, PDD-101300-LAY-048 sheet 05 of 06 Rev 03, PDD-101300-LAY-048 sheet 06 of 06 Rev 03,

PDD-101300-LAY-049 sheet 01 of 02 Rev 01, PDD-101300-LAY-049 sheet 02 of 02 Rev 01,

**Reason:** For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3 Prior to the first use of the development hereby approved, a comprehensive landscape scheme shall be approved in writing by the Local Planning Authority. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

**Reason:** To ensure the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN4 and EN5.

4 The entire landscaping scheme shall be completed by the end of the first full planting season (1st October to the 31st March the following year) following the first use of the development hereby permitted.

**Reason:** To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policies EN2, EN4 and EN5.

5 Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

**Reason:** To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policies EN2, EN4 and EN5.

6 No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:

- i. Risk assessment of potentially damaging construction activities, including activities which may impact Dowdeswell Wood & Reservoir Local Wildlife Site and Colgate Farm, Dowdeswell Conservation Road Verge;
- ii. Identification of 'biodiversity protection zones', including zones to protect Dowdeswell Wood & Reservoir Local Wildlife Site and Colgate Farm, Dowdeswell Conservation Road Verge;
- 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 precautionary working method statement for the following species: reptiles, badger, commuting and foraging bats, dormouse, nesting birds, including ground-nesting birds and barn owl, and Roman snail;
- v. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- vi. The times during construction when specialists 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) or similarly competent person(s);
- ix. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
- x. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

**Reason:** To ensure biodiversity is protected in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 180, 185 and 186 of the National Planning Policy Framework (Chapter 15), the Protection of Badgers Act 1992, Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

7 A 30-year Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and approved in writing by, the local planning authority prior to above ground works of the development hereby approved being undertaken. The plan shall include, but not necessarily be limited to, the following information:

- i. Description and evaluation of features to be managed, including locations shown on a site map;
- ii. Landscape and ecological trends and constraints on site that might influence management;
- iii. Aims and objectives of management, including ensuring the delivery of at least a 10% net gain in habitat and hedgerow units;
- iv. Appropriate management options for achieving the aims and objectives;
- v. Prescriptions for all management actions;
- vi. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5 or 10 year periods;
- vii. Details of the body or organisation responsible for implementation of the plan;
- viii. Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain as well as details of possible remedial measures that might need to be put in place; and
- ix. Timeframe for reviewing the plan.

The HMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The HMMP shall be implemented in full in accordance with the approved details.

**Reason:** To secure the delivery of at least a 10% biodiversity net gain for the required 30-year period and appropriate management of all habitats in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), paragraph 180, 185 and 186 of the NPPF, and Local Plan policy EN8.

8 Hours of work shall be restricted to 07:00 to 19:00 Monday to Friday and 08:00-13:00 on Saturday with no working on Sunday or Bank Holidays except for emergency works. Prior approval from the local planning authority should be sought for any additional works outside of these hours which are not deemed emergency works

9 No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

**Reason:** It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 211 of the National Planning Policy Framework

10 No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR138, or a 'Further Licence') and with the proposals detailed on plan "Land To The South Of Ham Road: Impact plan for great crested newt District Licensing (Version 1)", dated 25th February 2025

**Reason:** In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WMLOR138, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

11 No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR138, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

**Reason:** In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

12 Prior to the first use of the new access onto the A40 hereby permitted, the access and all associated works relating to the layby shall be undertaken fully in accordance with the approved details.

**Reason:** In order to ensure that a safe means of egress and access is achieved to and from the A40 in the interests of highway safety and in accordance with Local Plan Policy INF4.

13 Within 6 months of the substantial completion of the underground cabling works, the layby adjacent to the A40 shall be re-instated to its condition prior to the access works hereby permitted being undertaken or in accordance with details that have first been agreed in writing by the Local Planning Authority.

**Reason:** In order to ensure that the layby is restored to its former condition in the interests of highway safety and the character and appearance of the Cotswolds National Landscape in accordance with Local Plan Policies INF4, EN4 and EN5.

## **INFORMATIVES :-**

1 IMPORTANT: BIODIVERSITY NET GAIN CONDITION - DEVELOPMENT CANNOT COMMENCE UNTIL A BIODIVERSITY GAIN PLAN HAS BEEN SUBMITTED (AS A CONDITION COMPLIANCE APPLICATION) TO AND APPROVED BY COTSWOLD DISTRICT COUNCIL.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan in writing.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Cotswold District Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. If the onsite habitats include irreplaceable habitats (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitats) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.

## **Statement in respect of the positive and creative approach undertaken by the Local Planning Authority**

In accordance with the requirements of the National Planning Policy Framework, the Local Planning Authority has worked with the applicant(s) in a positive and creative manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area.

Your attention is drawn to the NOTES overleaf.

*Adrian Harding*

Adrian Harding  
Head of Planning Services

Cotswold District Council, Trinity Road, Cirencester. Glos GL7 1PX [www.cotswold.gov.uk](http://www.cotswold.gov.uk)

## INFORMATION ABOUT THIS DECISION

This is the Council's formal decision on your application. As your application has been agreed, conditions may have been attached. It is very important that you take careful note of the conditions and comply with them. If there is anything about the decision or conditions that you do not understand, then please contact Customer Services, Cotswold District Council, Trinity Road, Cirencester, Gloucestershire, GL7 1PX Tel 01285 623000.

### ENFORCEMENT

It is very important that you comply with the Council's decision. As your application has been allowed, you must follow the agreed plans carefully and comply with the conditions. It is a developer's responsibility to ensure that the plans granted planning permission and those approved under the Building Regulations are consistent.

If you fail to comply with this Decision Notice, then you could be in contravention of the Town and Country Planning Act 1990 or other legislation. In such circumstances, the Council may well initiate enforcement action.

### APPEALING AGAINST A DECISION

If you disagree with the Council's decision, you can appeal to the Secretary of State against any of the conditions that have been imposed under Section 78 of the Town and Country Planning Act 1990.

The Secretary of State can allow longer for you to lodge an appeal, but only in cases where there are special reasons which excuse the delay in giving notice of appeal.

To appeal, you must complete a form which you can obtain from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or the Appeals area at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). Some personal information will be displayed on this website, please contact the Planning Inspectorate if you have any concerns.

The Secretary of State need not consider an appeal if it seems to him that the Council have no option under planning legislation but to refuse permission or impose a particular condition, having regard to the statutory requirements to the provisions of any development order and to any directions given under a development order.

### BUILDING REGULATIONS

The development may involve building work which requires approval under the Building Regulations. You are responsible to ensure that Building Regulation Consent is granted prior to commencement of work on site. Information about Building Regulation approval, the procedure to be followed and application forms can be obtained from the Council's Building Control Section, Trinity Road, Cirencester, Gloucestershire GL7 1PX Tel: 01285 623000

### DEMOLITION AND OTHER APPROVALS

If the development involves demolition you should contact the Building Control Section for advice on how to proceed.

### DISPOSAL OF WASTE CREATED DURING DEVELOPMENT

For advice please contact the Waste Advice Team at the below address or visit [www.cotswold.gov.uk/go/WasteCarriers](http://www.cotswold.gov.uk/go/WasteCarriers).

### PURCHASE NOTICES

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase the owners interest in the land in accordance with the provisions of Chapter I Part VI of the Town and Country Planning Act 1990.

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Cotswold District Council, Trinity Road, Cirencester, Gloucestershire, GL7 1PX Tel 01285 623000 [www.cotswold.gov.uk](http://www.cotswold.gov.uk)

**OCTOBER 2010**