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Dear Councillor

**PLANNING COMMITTEE - THURSDAY, 6TH JULY, 2023**

I now enclose, for consideration the following additional information that was unavailable when the agenda was published.

**Agenda No    Item**

5.    **Land South of Staythorpe Road, Staythorpe - 22/01840/FULM** (Pages 2 - 20)
6.    **Appleby Lodge, Barnby Road, Newark On Trent - 23/00060/FUL** (Pages 21 - 28)

## Land South of Staythorpe Road, Staythorpe | 22/01840/FULM Construction of Battery Energy Storage System and associated infrastructure Committee Report – Clarification Notes

Dear Committee Members

Having reviewed the officer's report, which we consider to be very comprehensive and thorough in its presentation, we are pleased with the positive recommendation for approval of this important energy infrastructure project.

There are, however, some comments within the report which we feel would benefit from further clarification (committee report quotations are represented in *italics*).

### Page 1: Conditions

*That full planning permission is APPROVED, subject to conditions set out in Section 10 in the report – We would request that this resolution also authorises the Head of Planning to make any alterations to the proposed conditions that they consider necessary prior to the issue of the decision notice.*

### Page 1: Departure from Development Plan

The report refers to the application as *being a departure from the development plan*. However, there is no further justification in the report as to why it is considered as a departure. We consider that the application is in accordance with the Development Plan and this position is confirmed within the committee report conclusions.

### Page 25: Best & Most Versatile agricultural land

*To conclude, the proposal would represent the loss of a significant amount (7ha – 70% of the wider application site) of BMV agricultural land which would weigh heavily against the proposal in the overall planning balance, discussed at the end of the report.*

The Applicant has chosen the lowest possible land grading available within the site selection radius. The Applicant selected land classified as medium quality Grade 3 ALC (Agricultural Land Classification), in favour of the better Grade 2 land surrounding the site. There are no lower grade land parcels available and no suitable brownfield sites within the site selection radius. In the report's conclusion the shift from significant harm to moderate harm in the planning balance is due to the temporary nature of the Development. The Applicant considers that loss of BMV land should not be considered to *weigh heavily* against the proposal because this was the lowest grade land available, and on balance the most appropriate site.

### Page 29: Sequential Test

*Appendix A lists the various other sites considered by the applicant within a 1.5km area and the application of the flood risk Sequential Test. However, there does appear to be a windfall site identified (part of PDA 16 on the maps above) that is also a 10ha area of land approx. 620m (as the crow flies) to the north-east of the application site that is located within Flood Zone 1, which is included within application 23/00317/FULM. The submitted ST identifies this area and acknowledges its lower flood risk*

*but states it is unsuitable on the basis that it is a higher Grade (2) of agricultural land. However, it is not considered an appropriate or reasonable approach to the application of the flood risk ST to dismiss this land at lower flood risk based on a different material consideration. On the basis of the submission of application 23/00317/FULM, it appears that the land is reasonably available. As such, it is considered that the application fails the flood risk Sequential Test. This therefore weighs significantly against the proposal in the overall planning balance.*

The Applicant considers that the Sequential Test is passed.

The Applicant has taken the correct approach to the Sequential Test by identifying reasonably available sites in areas with a lower risk of flooding and then considering these in the context of wider sustainable development objectives (e.g. in this case considering the ALC land grading and protection of designated heritage assets).

The Officer Report (at page 29) suggests that it is not possible to discount an alternative site *on the basis of another material consideration*, however the National Planning Policy Framework (NPPF) does require this to be considered, as it directs decision makers to take “into account wider sustainable development objectives” (para 163).

Therefore, it is considered that the approach taken by the Applicant was reasonable and in accordance with the established guidance, including the NPPF.

Secondly, PDA 16 (as discounted in the Applicant’s Sequential Test Report) was suggested as a *windfall* site by the Council. However it is not reasonably available, as it is controlled by a different developer and subject to a live Planning Application (23/00317/FULM). Land availability is to be judged when the application is determined, taking into account all relevant information at the time.

In addition to this, the Applicant and the Council agree that the Exception Test is met. The Applicant has thus appropriately satisfied the requirements of both the Sequential Test and the Exception Test.

### **Page 31: Emergency Access**

*The agent has indicated that the newly inserted emergency access would equate to a total of 7sqm within Flood Zone 3b, which means that there would be capacity to provide for this additional feature within the proposed flood storage compensation scheme, without resulting in flooding elsewhere, although this has not been provided in writing.*

The Applicant hereby clarifies that the emergency access junction (not the entire access track), will need to be raised to connect to Staythorpe Road. The total area of this combined with other hard surfaces will remain within the parameters of the Flood Risk Assessment (FRA) assessed up to 500sqm, therefore the conclusion in the committee report remains unchanged.

### **Page 37 and 38: Landscape and Photomontages**

Photomontages have been prepared to illustrate the scheme at Year 3 and Year 7, not Year 1 and Year 15 as stated within the Landscape and Visual Assessment (LVA). These timings were selected to reflect the proposed landscape mitigation as part of advanced planting works, ahead of the main construction period. The photomontages demonstrate significant screening will be achieved by Year 7, attaining a more rapid benefit than a typical 15 year assessment period.

**Page 52 and 53: Lighting Plan**

*An Outline Lighting Plan (Drawing No: UK008\_049\_Rev C) has been submitted late in the process which shows proposed external lighting for the operational phase of the development. This appears excessive given that the original submission stated that the site would not be illuminated during the operational phase, with the exception of security lighting at the main compound.*

An operational Outline Lighting Plan was a validation requirement. It was included as part of the original planning submission process. This drawing was subsequently superseded, however the principles have not changed, the layout of the infrastructure has simply been updated.

The Applicant hereby re-iterates that the site will not be permanently lit. Lighting will only be used in an emergency, for emergency maintenance and for security in the event of trespassing.

To confirm, these comments are provided as a clarification to some of the points raised in the committee report and hopefully they will help provide further context for Members when considering the proposal. The Applicant would like to thank officers for their thorough reporting and for their help in presenting this application to the July planning committee. We look forward to its consideration by the Council.



## **1. Introduction**

- 1.1. The BESS Staythorpe Residents Action Group were concerned about the validity of the survey results publicised by Instinctif Partners on behalf of ECAP Renewables, because there is a very clear sense of feeling in the local villages, high attendance at resident's meetings discussing the proposal and a significant number of objections lodged with Newark and Sherwood District Council Planning Department
- 1.2. The Action Group chose to produce and distribute their own survey based on the Instinctif one to compare results. Without available resource to employ a PR consultancy the group chose to use the leading global survey platform, Survey Monkey, to generate a basic survey using exactly the same questions as Instinctif.
- 1.3. During the Covid-19 pandemic each of the three villages set up a WhatsApp group to provide a method of communication between villagers, provide help and support for each other such as collection/delivery of medication, shopping, walking dogs and providing general help where needed, sometimes just a joke or tale to lift the moods of those in isolation. The village WhatsApp groups proved a huge success and have continued to be a great source of communication across the parish and are very widely used. They are used to communicate events, lost and found, items for recycling, sharing photos and news.
- 1.4. The survey was produced using the same questions as the Instinctif Survey with one additional question asking if the respondent had been consulted as part of the door to door survey. The survey also captured a village location, postcode and house number as an optional field.
- 1.5. A link to the Survey Monkey survey was provided on the three individual village WhatsApp groups for Averham, Kelham and Staythorpe on 12th May 2023. The survey was closed 22nd May 2023 and results analysed.
- 1.6. Unlike the Instinctif survey extending its door to door survey to villages outside the parish namely Rolleston, Fiskerton and Upton, it was decided to keep our survey within the parish and ask the opinion of those closest to the proposed development who are most impacted by the proposal in an attempt to ***optimise rather than maximise*** response participation.
- 1.7. Not every respondent answered every question, therefore, percentage figures relate to the numbers who responded to each individual question, which varies. Detailed response numbers are provided in section 4 of this report.

## **2. Headline Feedback from the Residents Community Survey**

- 2.1. A total of 96 parish residents participated in the survey and responded to the questions about the proposed Battery Energy Storage System, which we understand is a very good take-up level, especially given the survey did not incorporate villages further afield.
- 2.2. A majority **65% of respondents had not been contacted as part of the door to door survey** conducted by Instinctif on behalf of ECAP Renewables. Of the 35% that had been contacted, 11% chose not to engage with their survey. This suggests **only 24% of local residents closest and most impacted by the proposal took part in ECAP's door to door survey.**
- 2.3. All residents (100%) were aware of the proposals for the BESS Site.

- 2.4. There was a consensus in support of using more electricity from renewable sources with 57% agreeing, 25% disagreeing and 18% unsure.
- 2.5. Overall wind and solar were most popular forms of energy generation followed by tidal and nuclear. A number of respondents selected gas and commented that this would be in conjunction with carbon capture. No one selected Fracking and other comments included Hydro Electric and home generated solar.
- 2.6. A large majority of residents 92% said they were concerned about the impact of climate change.
- 2.7. Hardly surprising that 93% of residents had personally been impacted by rising energy costs
- 2.8. Remarkably there was an equal balance in numbers in support of the principal of Battery Energy Storage Systems to balance the grid with 38% neither agreeing nor disagreeing and 24% unsure.
- 2.9. The Instinctive survey included a question on the take up of community support funding to individual households in the three villages – we understand this is not a material consideration for planning department purposes, but chose to include this in our residents survey. **Only 38% (35 no) of respondents said they would accept the funding if the application were approved.**
- 2.10. **Overall 70% of residents stated they were against the proposals with 20% in support.**
- 2.11. There were 3% relatively supportive and 6% relatively against – this **equates to 76% of residents against and 23% supportive of the proposals** with 1% having no strong feelings either way.
- 2.12. **The highest concerns for opposition focused on site selection and location being so close to residential properties, public rights of way, railway line and river along with the safety aspects of the technology malfunctioning and thermal runaway. Other repeatedly mentioned comments included the size of the development in relation to other similar sites, impacts on the rural community and the wider environment and wildlife. Emphasis was also placed on untested technology, noise impacts, flooding issues, lack of regulations and guidance, and use of agricultural land. Other comments referred to the cumulative effect of this and other proposed developments in the area.**
- 2.13. In general, support focused on achieving a sustainable future with renewable energy for a better environment and reduced effects of climate change. Comments were noted about decarbonising the grid and providing cheaper electricity. Some comments simply said nimbyism must stop and support for the community benefit payment.

### **3. The Approach to the Residents Survey**

- 3.1 Using Instinctif's expertise in generating the initial door to door survey and based on available resource and capacity of the Residents Action Group it was decided the most effective way of communicating, gathering and understanding the views of our local community would be to use a globally well-known online platform, Survey Monkey and the well-used method of local communication, WhatsApp groups, to distribute the survey. We understand from a number of residents that the method of door to door survey was very leading with the brief information heavily weighted in favour of the development and some residents found it intimidating.
- 3.2 The **opportunity for respondents to remain 'anonymous'** by only noting their village location meant that the survey would be more likely to engage and record the views of the community as a whole regardless of how strongly they feel about the proposal. The results show a spread and those in support and against of the proposals felt secure to not indicate a location, simply give a village location or in some cases provide postcode and house number.

3.3 The Survey Monkey platform sends a thank you message when a survey is submitted and if the person attempts to complete again it displays a message to say, you have already completed this survey. It also records IP addresses of all respondents so we are able to ensure there were not multiple responses from the same households/individuals or any attempt to influence the results.

3.4 The local area selected for the survey was kept to the **local residential areas closest to the proposed development and are most impacted by the proposal to optimise rather than maximise** response participation. A map has been produced to show the areas responses were recorded

3.5 The survey included the following questions:

Q1. Were you approached by Instinctif on behalf of ECAP to take part in their door to door survey?

- Yes - responded to their survey questions
- Yes - but chose not to engage in their survey
- No
- Village (Postcode and House Number preferred but optional)

Q2. Are you aware of the proposal?

- Yes
- No

Q3. Do you support using more electricity from renewable sources in your local area?

- Yes
- Maybe
- No

Q4. What is your preferred form of energy generation to ensure continuity of supply in times of system stress locally?

- Wind
- Solar
- Gas
- Nuclear
- Coal
- Biogas
- Fracking
- Hydrogen
- Tidal
- Other (please specify)

Q5. Are you concerned about the impact of climate change?

- Yes
- Maybe
- No

Q6. Have you personally been impacted by rising energy costs?

- Yes
- Maybe
- No

Q7 Given that renewable energy generation is intermittent, do you support the principle of Battery Energy Storage Systems to balance grid deployment?

- Yes
- Maybe
- No

Q8. If the scheme is approved, would you accept the community support funding?

- Yes
- Maybe
- No
- Any other comments

Q8 From 1 to 5, how supportive are you of this proposed Battery energy storage system?

- Supportive
- Relatively supportive
- No strong feelings either way
- Relatively against
- Against
- What is the main reason for your views?

3.6 Unlike the door to door survey which was conducted during working hours on a Thursday and Friday the Survey Monkey survey was available for completion 24/7 and over a period of several days to capture those who may be at work or on holiday – 12<sup>th</sup> to 21<sup>st</sup> May.

3.7 Survey Monkey provided further detail to show:

- The typical time taken to complete the survey was 3 minutes and 44 seconds
- The most skipped question was Q4 skipped by 5 respondents and Q8 skipped by 4 respondents
- The first 63 responses were completed on the day the link was first shared 12/05/23, notably a number were completed on 19<sup>th</sup> May and again after a reminder the survey was closing on 21<sup>st</sup> May

3.8 In line with the comment from Instinctif that 103 respondents from a local area in a survey of this nature gives an accurate representation of very local views - we conclude that **96 respondents from a more local perspective gives a more accurate representation of very local views.**

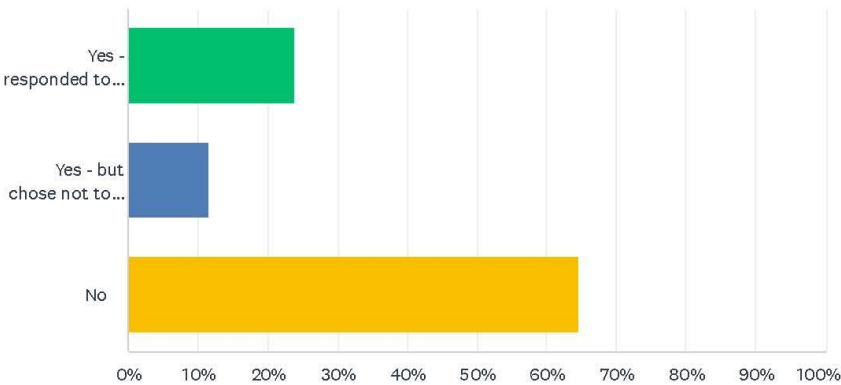
4 Results

Staythorpe Battery Energy Storage System Survey

SurveyMonkey

Q1 Were you approached by Instinctif on behalf of ECAP to take part in their door to door survey?

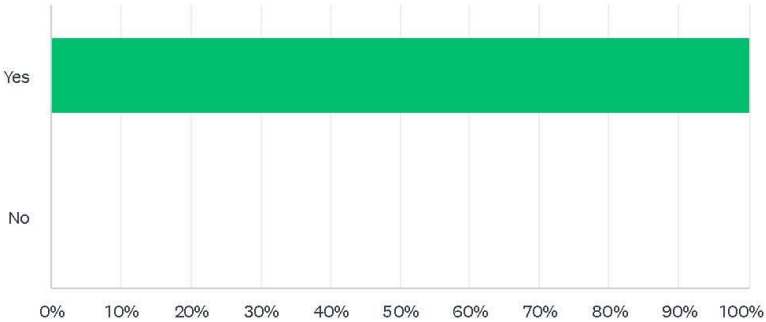
Answered: 96 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes - responded to their survey questions	23.96%	23
Yes - but chose not to engage in their survey	11.46%	11
No	64.58%	62
TOTAL		96

Q2 Are you aware of the proposal?

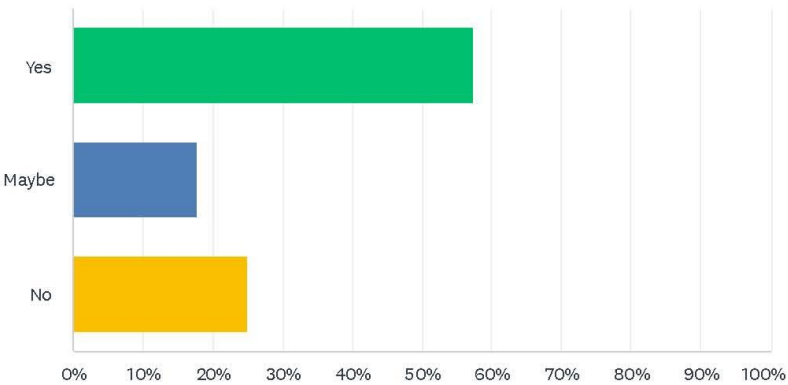
Answered: 96 Skipped: 0



ANSWER CHOICES		RESPONSES	
Yes		100.00%	96
No		0.00%	0
TOTAL			96

Q3 Do you support using more electricity from renewable sources in your local area?

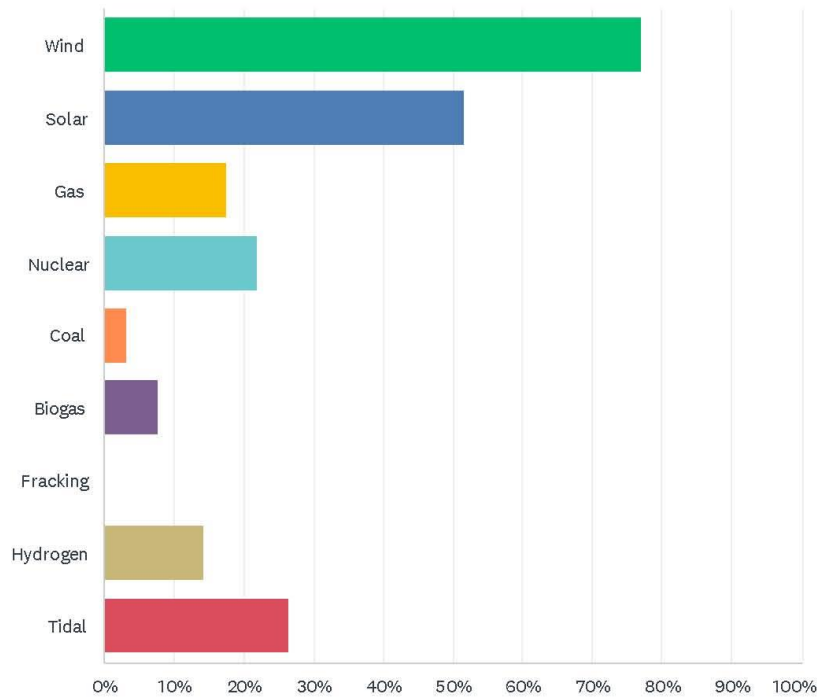
Answered: 96 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	57.29%	55
Maybe	17.71%	17
No	25.00%	24
TOTAL		96

## Q4 What is your preferred form of energy generation to ensure continuity of supply in times of system stress locally?

Answered: 91 Skipped: 5

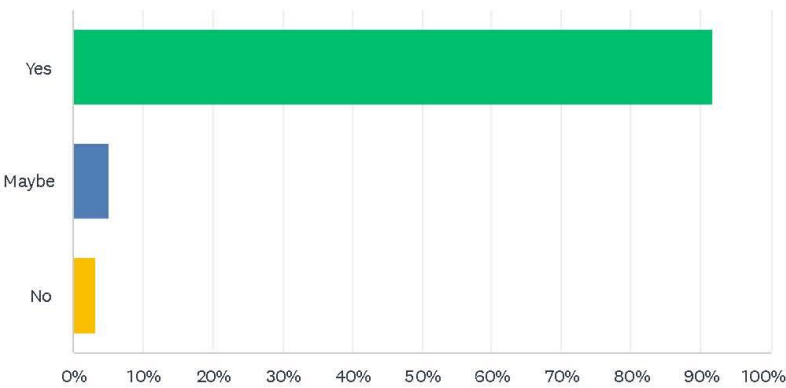


ANSWER CHOICES	RESPONSES	
Wind	76.92%	70
Solar	51.65%	47
Gas	17.58%	16
Nuclear	21.98%	20
Coal	3.30%	3
Biogas	7.69%	7
Fracking	0.00%	0
Hydrogen	14.29%	13
Tidal	26.37%	24
Total Respondents: 91		



Q5 Are you concerned about the impact of climate change?

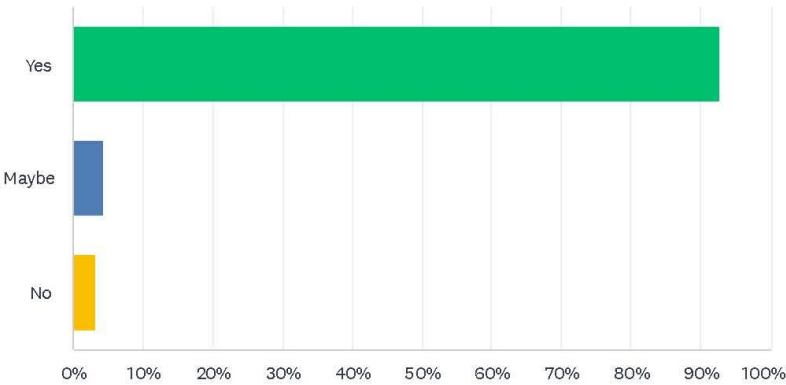
Answered: 96 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	91.67%	88
Maybe	5.21%	5
No	3.13%	3
TOTAL		96

Q6 Have you personally been impacted by rising energy costs?

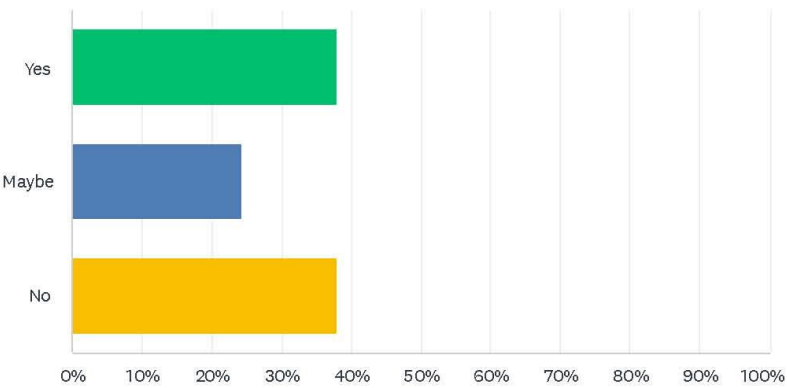
Answered: 96 Skipped: 0



ANSWER CHOICES		RESPONSES	
Yes		92.71%	89
Maybe		4.17%	4
No		3.13%	3
TOTAL			96

Q7 Given that renewable energy generation is intermittent, do you support the principle of Battery Energy Storage Systems to balance grid deployment?

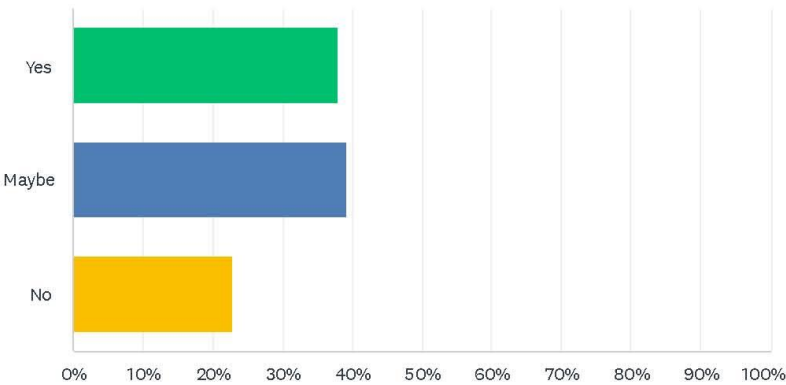
Answered: 95 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	37.89%	36
Maybe	24.21%	23
No	37.89%	36
TOTAL		95

Q8 If the scheme is approved, would you accept the community support funding?

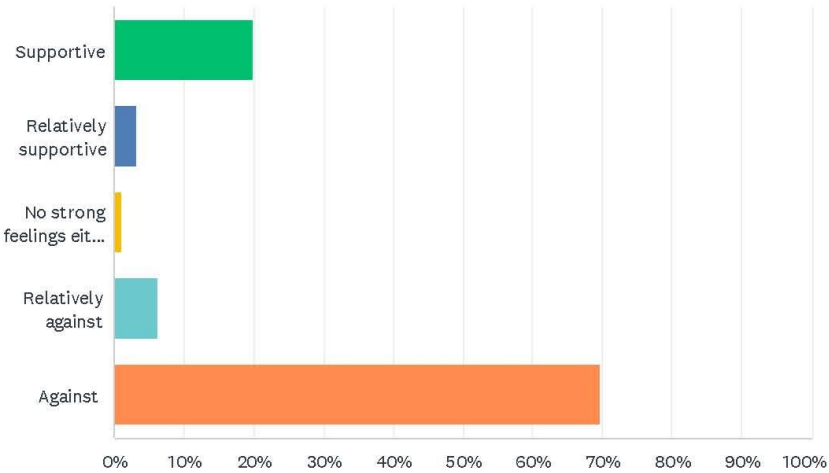
Answered: 92 Skipped: 4



ANSWER CHOICES	RESPONSES	
Yes	38.04%	35
Maybe	39.13%	36
No	22.83%	21
TOTAL		92

Q9 From 1 to 5, how supportive are you of this proposed Battery energy storage system?

Answered: 96 Skipped: 0

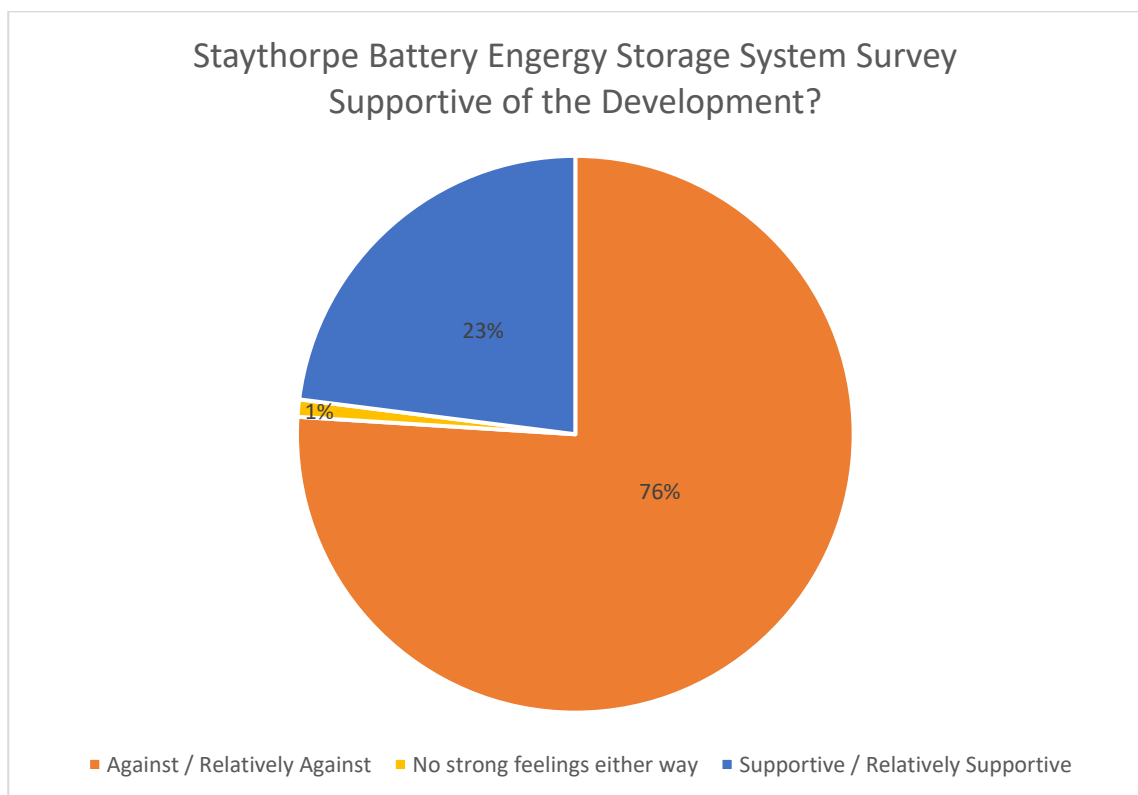
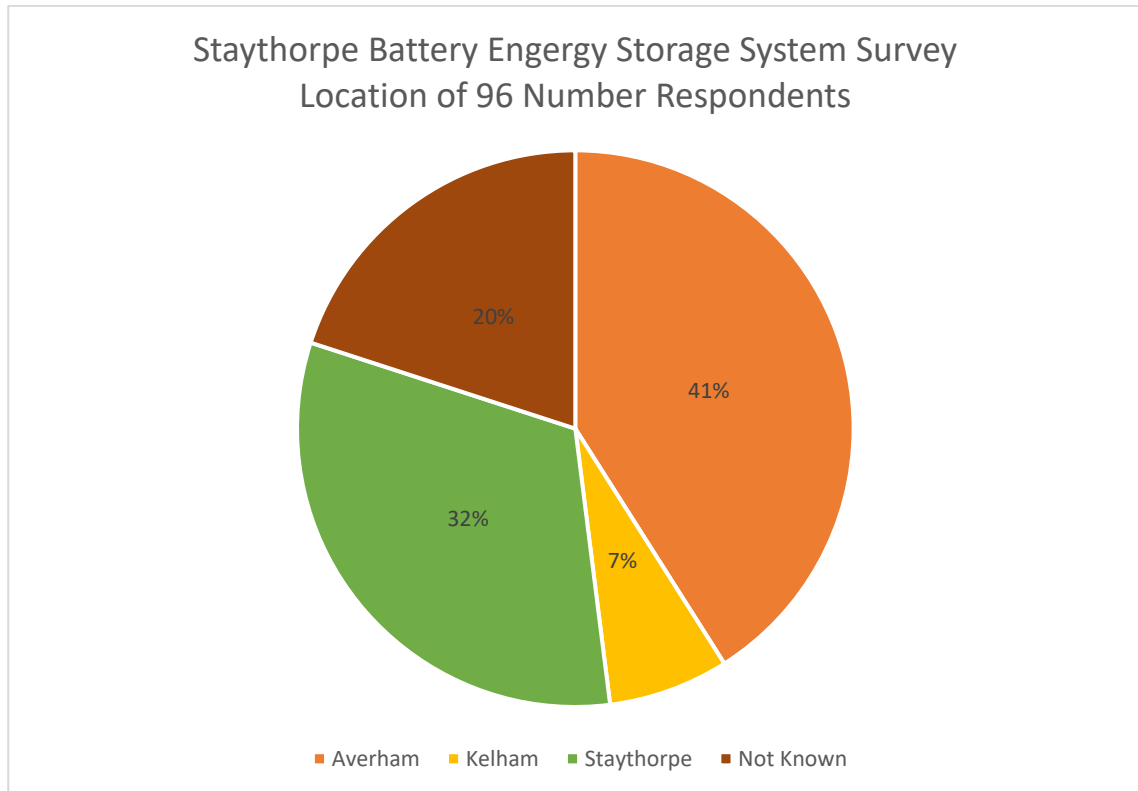


ANSWER CHOICES	RESPONSES	
Supportive	19.79%	19
Relatively supportive	3.13%	3
No strong feelings either way	1.04%	1
Relatively against	6.25%	6
Against	69.79%	67
TOTAL		96

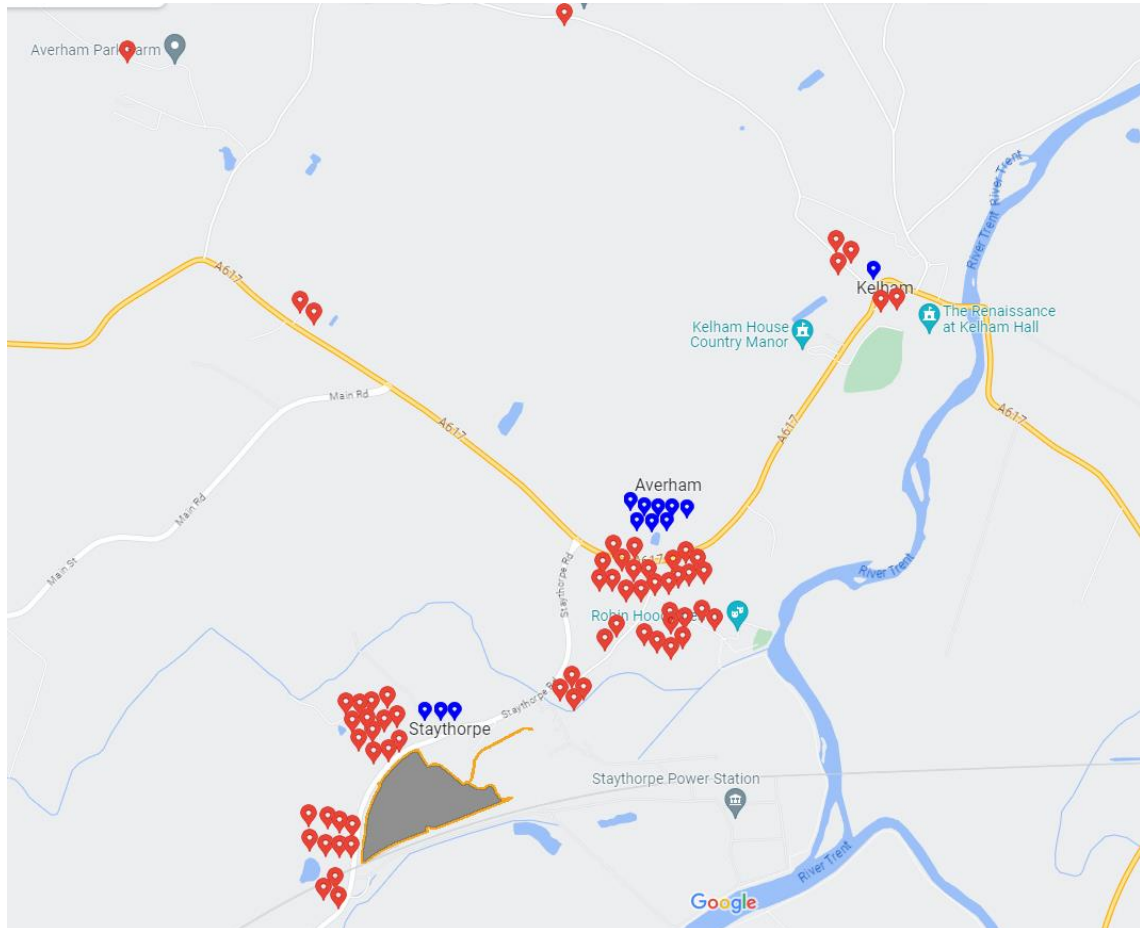
## **5 Summary and Conclusions**

- 5.1 A total of 96 residents participated in the survey and responded to the questions about the proposed Battery Energy Storage System, which we understand is a very good take-up level, especially given the survey did not incorporate villages further afield.
- 5.2 A large majority **65% of residents had not been contacted as part of the door to door survey** conducted by Instintif on behalf of ECAP Renewables. Of the 35% that had been contacted, 11% chose not to engage with their survey. This suggests **only 24% of local residents closest and most impacted by the proposal took part in ECAP's door to door survey.**
- 5.3 All residents (100%) were aware of the proposals for the BESS Site.
- 5.4 There was a consensus in support of using more electricity from renewable sources with 57% agreeing, 25% disagreeing and 18% unsure.
- 5.5 Overall wind and solar were most popular forms of energy generation followed by tidal and nuclear. A number of respondents selected gas and commented that this would be in conjunction with carbon capture. No one selected Fracking and other comments included Hydro Electric and home generated solar. It is important to note that this question allowed multiple options to be selected by the respondent.
- 5.6 A large majority of residents 92% said they were concerned about the impact of climate change.
- 5.7 Hardly surprising that 93% of residents had personally been impacted by rising energy costs
- 5.8 Remarkably there was an equal balance in numbers in support of the principal of Battery Energy Storage Systems to balance the grid with 38% neither agreeing nor disagreeing and 24% unsure.
- 5.9 The Instintif survey included a question on the take up of community support funding to individual households in the three villages – we understand this is not a material consideration for planning department purposes, but chose to include this in our residents survey. **Only 38% (35 no) of respondents said they would accept the funding if the application were approved.**
- 5.10 **Overall 70% of residents stated they were against the proposals with 20% in support.**
- 5.11 There were 3% relatively supportive and 6% relatively against – this **equates to 76% of residents against and 23% supportive of the proposals** with 1% having no strong feelings either way.
- 5.12 **The highest concerns for opposition focused on site selection and location being so close to residential properties, public rights of way, railway line and river along with the safety aspects of the technology malfunctioning and thermal runaway. Repeatedly mentioned comments included the size of the development in relation to other similar sites, impacts on the rural community and the wider environment and wildlife. Emphasis was also placed on untested technology, noise impacts, flooding issues, lack of regulations and guidance, and use of agricultural land. Other comments referred to the cumulative effect of this and other proposed developments in the area.**
- 5.13 In general support focused on achieving a sustainable future with renewable energy for a better environment and reduced effects of climate change. Comments were noted about decarbonising the grid and providing cheaper electricity. Some comments simply said nimbyism must stop and support for the community benefit payment.

6 Survey Respondents



Grey area outlined in orange represents the proposed site location for the Battery Energy Storage Site  
Red location symbols represent respondents who provided postcode and / or house number  
Blue location symbols represent respondents who provided village name only  
Note there were 18 respondents who chose not to give location details





## Appendix D

These photographs have been taken by us personally on our walks to and from school on a random sample of mornings and afternoons, and when it has not posed any safety risks to us or our children in taking photographs, between Wednesday 25 January and 3 February 2023. The photographs and annotations illustrate the existing road safety concerns set out at section 2.

25 January 2023 – 08:27



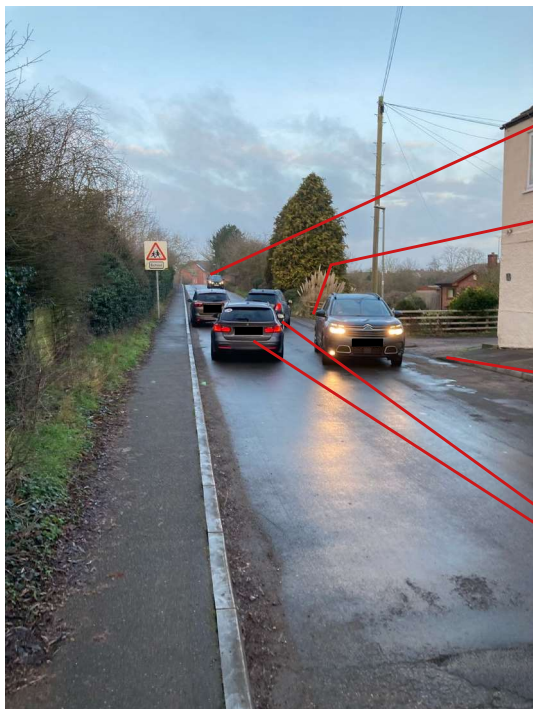
Car parked legally on bridge

Entrance to site of proposed development where car has to pull over due to narrowness of road and parked car immediately opposite

End of pavement and crossing point for pedestrians. Sightlines blocked by car blocking entrance of site of proposed development and by parked cars

Car has to pull onto opposite side of road to avoid parked cars

25 January 2023 – 08:28



Car coming over bridge has to brake and come to a stop because of cars on the wrong side of the road

Entrance to site of proposed development

End of pavement and crossing point for pedestrians

Cars have to pull onto opposite side of road to avoid car parked legally on bridge. In doing so they pull over and across into entrance to site of proposed development

**Appendix D cont'd**

27 January 2023 – 14:56



Entrance to site of proposed development

Cars parked legally on bridge

Car parked illegally on bridge

27 January 2023 – 14:57



Cars parked legally and illegally on bridge

Entrance to site of proposed development

Car has to pull over into entrance to site of proposed development to avoid car on wrong side of the road, which has come across to avoid parked vehicles

End of pavement and crossing point for pedestrians. Sightlines blocked by car blocking entrance to site of proposed development and by parked cars

Car has to pull onto opposite side of road to avoid parked cars



**Appendix D cont'd**

27 January 2023 – 14:59



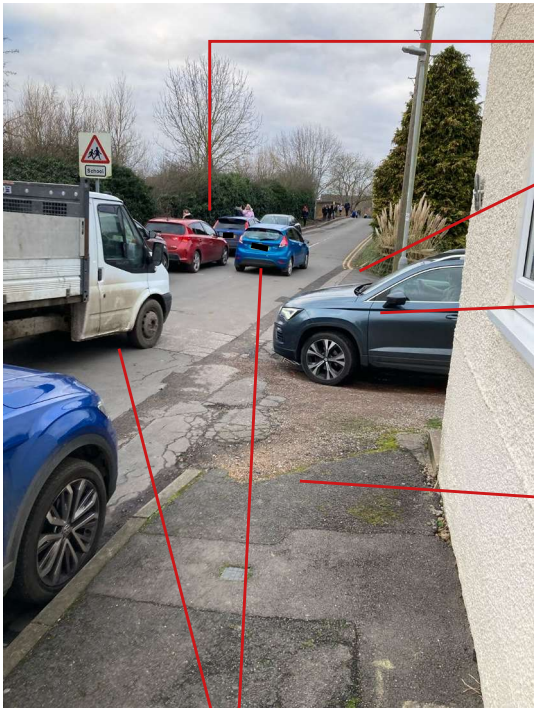
Cars parked legally and illegally on bridge

Entrance to site of proposed development

Car has to pull over, blocking entrance to site of proposed development to avoid car on wrong side of the road, which has come across to avoid parked vehicles

End of pavement and crossing point for pedestrians. Sightlines blocked by car blocking entrance to site of proposed development and by parked cars

27 January 2023 – 15:03



Cars parked legally and illegally on bridge

Entrance to site of proposed development

Car attempting to turn right out of lane immediately adjacent to entrance to site of proposed development

End of pavement and crossing point for pedestrians. Sightlines blocked by parked cars and vehicle turning out

Vehicles have to pull onto opposite side of road to avoid parked cars

**Appendix D cont'd**

27 January 2023 – 15:03



Cars parked legally and illegally on bridge

Entrance to site of proposed development

Car attempting to turn right out of lane immediately adjacent to entrance to site of proposed development. Due to cars parked on bridge and narrow road, vehicle is unable to perform turn in one manoeuvre

End of pavement and crossing point for pedestrians. Sightlines blocked by parked cars and vehicle turning out

27 January 2023 – 15:03



Cars parked legally and illegally on bridge

Car coming over bridge has to brake and come to a stop because of car on the wrong side of the road

Entrance to site of proposed development

Car that has just turned out of lane immediately adjacent to site of proposed development. Vehicle was unable to perform turn in one manoeuvre due to parked cars and narrow road and is now on the wrong side heading towards oncoming traffic

End of pavement and crossing point for pedestrians



**Appendix D cont'd**

30 January 2023 – 08:36



Volume of traffic on approach to site of proposed development

30 January 2023 – 15:10



Cars parked legally and illegally on bridge

Entrance to site of proposed development

Car has to pull onto opposite side to avoid parked cars

**Appendix D cont'd**

3 February 2023 – 08:36



Cars parked legally on bridge

Entrance to site of proposed development

Car performs three-point-turn in entrance to site of proposed development, which it struggles to complete because of car parked legally on bridge

3 February 2023 – 08:36



Entrance to site of proposed development

Cars have to brake and come to a stop to avoid car trying to perform three-point-turn in entrance to site of proposed development

The following photographs were taken on 20 February 2023 and show what we consider to be a small “mobile home” trying to exit the existing site and taking a number of attempts to do so, in so doing blocking the road to vehicles and pedestrians. This was at school pick up time (15:06).

**AGENDA ITEM NO. 6**





