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Dear Councillor

PLANNING COMMITTEE - THURSDAY, 6TH JULY, 2023

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

Agenda No	Item
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| 5. | <u>Land South of Staythorpe Road, Staythorpe - 22/01840/FULM</u> (Pages 2 - 17) |
| 6. | <u>Appleby Lodge, Barnby Road, Newark On Trent - 23/00060/FUL</u> (Page 18) |

Planning Committee Members Briefing Pack

For

Planning Application: 22/01840/FULM

This briefing pack has been generated by the Averham, Kelham & Staythorpe Parish Council Working Group in conjunction with the Staythorpe BESS Action Group.

It is a response to the 'Instinctif Partners Planning Committee Members Briefing prepared on behalf of ECAP and the 'NSDC Planning Officer Report to Planning Committee 6 July 2023' for planning application number: 22/01840/FULM, due to be considered at the Newark and Sherwood Planning Committee Meeting, Thursday 6th July 2023.

The pack consists of five documents:

1. Reasons for Refusal and Counter claims to the Instinctif Partners Planning Committee Members Briefing document
2. Application failures against National and Local Policy
3. Location map of the FOUR known and current proposals.
4. Community Survey Results

We trust the above provides sufficient information to aid a determination that this application should be REFUSED.

Response and Counter Claims to 'Instinctif Partners Planning Committee Members Briefing prepared on behalf of ECAP and 'NSDC Planning Officer Report to Planning Committee 6 July 2023'

Application number: 22/01840/FULM

Averham, Kelham & Staythorpe Parish Council Working Group – Jun2023

REASON FOR REFUSAL

- ✓ This is NOT A RENEWABLE ENERGY SCHEME it is purely energy storage
- ✓ No evidence to support that there is a need for Energy Storage ON THIS SITE OR IMMEDIATE VICINITY
- ✓ Overwhelmingly objected to by local residents (76% were AGAINST or RELATIVELY AGAINST in a local survey conducted by Staythorpe BESS Action Group*)
- ✓ 118 letters of objection received by NSDC Planning
- ✓ Objections from Averham, Kelham & Staythorpe and Rolleston Parish Councils
- ✓ This development is ONE of FOUR known and current Battery Energy Storage System development proposals surrounding Staythorpe (see attached Map & Summary)
- ✓ Staythorpe in danger of being 'engulfed or subsumed' by the CUMULATIVE EFFECT of industrial development
- ✓ Intensive Industrial Development in Open Countryside
- ✓ Extremely close proximity to residential properties (14m to the nearest property and rest of the village within 120m or less)
- ✓ UNREGULATED & NEW technology with proven HIGH RISK of FIRE, EXPLOSION & TOXICITY
- ✓ UNCLASSIFIED DEVELOPMENT which is NOT recognised by the NPPF
- ✓ The development will incur the loss of 10.1 hectares (25 acres) of good to moderate quality agricultural land – 70% of which is Grade 3a (Best and Most Versatile (BMV))
- ✓ 100% of the site is within Flood Zone 2 & 3: The applications FAILS the Sequential Test even though the search area was limited to just 1km
- ✓ No evidence to support the applicants claim that the maximum viable distance from the site to substation connection has been determined to be no more than 1km.
- ✓ Fails to satisfy NSDC Local Development Framework Core Strategy & Allocations, including the Adopted Core Strategy (ACS) and Allocations and Development Plan (ADMDP)

Summary & Response:**Applicant Claim 1: When surveyed, 74.8% of local residents were in support or neutral regarding the proposal:**

ECAP alleged that a door to door survey was conducted on 21st and 22nd January 2023, with 103 residents participating.

“ECAP Staythorpe BESS also conducted door to door outreach with residents surrounding the site across two days on the 21st and 22nd January 2023. 103 residents participated in the survey and responded to the questions about the Battery Energy Storage System, a good take-up level, given the low population density locally.”

AKS Response: Local residents meet regularly to review the Staythorpe BESS proposal, have an active ‘BESS Staythorpe Action Group’ and a number of WhatsApp Groups with regular updates. We have yet to discover any resident that took part in this survey, let alone responded in support. A small number of residents have confirmed that they were approached and rejected the survey without response.

At the most recent Parish Council meeting on 16th May 23, this claim was raised and again it was confirmed that no councillors or attending residents had taken part.

As a result, a Survey has been independently commissioned and distributed to all local residents (Restricted to the AKS Parish only), using the same format and questions as the original ECAP document.

*The Survey Report is attached and summary results are as follows:

- 96 parish residents participated in the survey and responded to the questions
- **A majority 65% of respondents 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.**
- 76% of residents against and 23% supportive of the proposals with 1% having no strong feelings either way.
- 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.

In addition, there have been in 118 written objections to this application.

Both the AKS & Rolleston Parish Councils voted to OBJECT to the application.

Conclusion: Misleading Claim. Very little or no support from the local residents

Applicant Claim 2: No technical objections from both statutory and non-statutory consultees.

AKS Response: Technical details are a Non Material Planning Consideration and irrelevant.

However, there were objections raised by the Notts Fire & Rescue Service regarding the Emergency Access roads and also from Highways regarding visibility splays. Both of which have been addressed by the applicant with measures that will have a significant impact on the Visual Impact of the development as the revised proposals include the removal of unacceptably large sections of established ancient hedging and trees along the Staythorpe Road site boundary and further hard surfacing across the site.

Conclusion: Non Material Planning Consideration, irrelevant and should be discounted from the decision process.

Applicant Claim 3: A Community Benefit Trust distributing revenue worth approx. £100,000 to AKS Parishioners annually

“The applicant is creating a CBT to distribute a proportion of revenue from the project to every household as recognition of the fact that the Parish shall house the project. The proposed CBT would distribute revenue from 2 Megawatt hours (MWh) of Staythorpe BESS to the parishioners of AKS worth approx. £100,000 per year in today’s market.”

AKS Response: A CBT is a Non-Material Planning Consideration and therefore irrelevant.

In addition, there have been no details provided to the Parish or residents regarding the alleged CBT scheme. The PC has created a Working Group of Councillors and local residents to review such details if they were provided. However, despite an initial meeting with ECAP representatives on 23rd January 23, there have been no further proposals or details to review.

Conclusion: The proposed CBT is unsubstantiated and a clear effort to entice and influence support. Non Material Planning Consideration, irrelevant and should be discounted from the decision process.

Applicant Claim 4: Generating an estimated £1.5m in Business Rates

AKS Response: This is again a Non-Material Planning Consideration and therefore irrelevant.

In addition, similar revenues could be achieved if the site were to be developed for housing or commercial units, both of which would be immediately dismissed as ‘over intensive’ and ‘over development’ of the site and also contrary to Policies SP3 – Rural Areas and Core Policy 13 – Landscape Character of the Newark and Sherwood Amended Core Strategy Development Plan Document (March 2019) at the very least.

Conclusion: The claim is unsubstantiated and a clear effort to entice and influence support. It is a NMPC and should be discounted from the decision process.

Applicant Claim 5: Creating 30-50 high skilled jobs during construction

AKS Response: This is again a Non-Material Planning Consideration and therefore irrelevant.

There is no evidence to support this claim. In fact, it is highly likely that the skills required for the construction phase and most definitely the technical installation phase would be sourced from outside the region and possibly from outside of the UK, given how new this type of development is to the UK.

Conclusion: The claim is unsubstantiated and a clear effort to entice and influence support. It is a NMPC and should be discounted from the decision process.

Applicant Claim 6: Almost half of the site is reserved for landscaping, biodiversity and ecological enhancement

The proposal would cover an area of 25 acres, though this includes approx. 12 acres for uses other than hosting the BESS and substation infrastructure. This site includes 204 battery units and a substation.

A new permissive footpath would be created and the proposal includes 129 new trees to be planted and 1.33 hectares of new native species grass and wildflower meadow as well as over 600 linear meters of hedgerow enhancement and planting.

AKS Response: Firstly, the claim is misleading as the NSDC Planning Officer Report to the Planning Committee states **268 battery units** will be installed. Site plans clearly indicate that the extent of the infrastructure and development dominates the land. Whilst the proposal includes a new permissive footpath, new trees, grass etc. there are no details of the alleged 600 linear meters of hedgerow enhancement, other than those areas that will need to be removed or damaged during the construction phase.

There is currently a Public Right of Way/Bridleway through the middle of the proposed site, which will remain if the development was undertaken. Therefore, there is NO need for a further permissive footpath around the site? Indeed, WHY would local residents or visitors to the area wish to walk around the site containing such large scale industrial development, surrounded by 2.4m high security fencing?

Is this a deliberate attempt for a future application for a permanent closure and diversion of the current PRoW by offering an established suitable alternative route that would link the two sites as one large undivided site?

In addition, the large scale industrial infrastructure, housing of 268 large containers (9.3m x 1.7m x 3.8m high) on concrete plinths, spaced at 0.5m end on end and 2.5m side by side, 4m high acoustic fencing, tarmac roadways, traffic and vehicle movements, constant noise of the equipment and the risk of fire, flood and toxicity will have an undeniably and significantly negative impact of the Landscape and Ecology of the land and the security fencing would significantly restrict movements and habits of local wildlife.

The loss of 10.1 hectares (25 acres) of good to moderate quality agricultural land – 70% of which is Grade 3a (Best and Most Versatile (BMV)) is significant and unnecessary.

Conclusion: The claim is misleading and unsubstantiated. Any decision should also consider the negative impact that an over intensive large scale industrial development in open countryside would have on the local landscape and ecology.

Applicant Claim 7: New permissive footpath to be created
See above

Applicant Claim 8: Supporting the National transition to affordable green energy use

AKS Response: This is again a Non-Material Planning Consideration and therefore irrelevant.

There is no evidence within the application to suggest that this development would contribute to affordable or green energy use. On the contrary, the well published business model for such initiatives is simply to Import (Buy) electricity at the cheapest off peak rates, store temporarily, and then Export (Sell) at much higher rates when at high demand periods.

Whilst the NSDC PO Report acknowledges that the proposal in itself is not an energy generating development, it frequently refers to 'renewable and low carbon development' of which there is no evidence within the application to support this proposal being either.

The NSDC PO Report also acknowledges that there is **no specific guidance of battery energy storage system (BESS) sites** in national or local policy and so **subjectively** assumes that '*site-specific impacts to consider are likely to be similar to those used in the assessment of large-scale ground mounted solar farms*'. This assumption is at best questionable and could be considered an incorrect and a disproportionate comparison given the size and scale of the components proposed. The comparison could be likened to Apples and Strawberries!

In addition, the proposal claims to support the greater use of renewable energy through reducing waste of energy from renewable sources and improving the use and efficiency of such energy production, thus increasing domestic energy supplies to the national grid and in turn has the impact of reducing reliance on fossil fuels and therefore the resulting reduction in harm to climate change. However, the proposal **FAILS to establish** a need for such a development on this specific rural site in open countryside.

Conclusion: The claim is unsubstantiated and a clear effort to entice and influence support by inference to green energy. NO credible or justifiable NEED has been established to host the development on the proposed rural site and there is also NO evidence to suggest that this proposal will directly support or benefit the local community.

Applicant Claim 9: Preventing approximately 1.8 million tonnes of CO2 throughout its 40 years lifetime.

AKS Response: This is again a Non-Material Planning Consideration and therefore irrelevant.

There is no evidence within the proposal to suggest that this development will directly or indirectly contribute to the CO2 reduction.

On the contrary, there are significant concerns with lithium mining and its environmental impact. The process of extracting lithium consumes significant amounts of water and energy, and lithium mining can pollute the air and water with chemicals and heavy metals. In addition, mining lithium can disrupt wildlife habitats and cause soil erosion, leading to long-term ecological damage. Whilst lithium is not currently mined in the UK, the applicant makes reference to the 2022 Committee on Climate Change (CCC) (The UK's Contribution to Stopping Global Warming) and various commitments that the UK Government have in regards to Global Climate Change initiatives.

As a result, the UK has a duty of care to consider Global impacts of such technology and it would be inappropriate and unbalanced not to.

Conclusion: The claim is unsubstantiated and a clear effort to entice and influence support. It is a NMPC and should be discounted from the decision process.

Applicant Claim 10: Storing 360 MW of power – enough for approx. 150,000 households for 2 hours.

AKS Response: This is again a Non-Material Planning Consideration and therefore irrelevant.

Conclusion: The claim is unsubstantiated and a clear effort to entice and influence support. It is a NMPC and should be discounted from the decision process.

Applicant comment - Why this site?

The applicant claims to have strategically selected this site adjacent to the National Grid Substation due to the substations significant need for energy storage.

Whilst there again is NO evidence within the proposal to substantiate this other than subjective claims by the applicant, it is perhaps likely that energy storage would be beneficial to the National Grid. However, again there is NO evidence or justification to suggest that this needs to be adjacent to the NG Substation. It is just as likely that the ONLY reason for siting adjacent would be cost of the infrastructure for a longer connection service. Commercial and economics are NOT Material Planning Considerations.

Neither should the size of the development be a consideration when comparing alternative sites within the Sequential Test (ST). The proposal includes a number of suggested alternative sites, discounted as 'Area not large enough to support scale of development'.

In addition, the ST is limited to a radius of 1km maximum distance from the NG Substation. This again is likely a commercial restriction rather than operational or practicable as there is no evidence to suggest otherwise.

The topography of the land and restrictions of equipment siting due to the acknowledged flood risks and proximity to residential properties would suggest that this site is wholly unsuitable.

The tallest structures are proposed to be sited on the highest point and the 268no containers are sited on 1.2m plinths due to the flood risks. This intrusive development will be visible from miles around.

As a result, there could be more suitable and appropriate sites available in a wider radius and this has not been tested.

Application failures to meet National and Local Planning Policy

Review of NSDC Local Development Framework Core Strategy & Allocations

Whilst the PO Report acknowledges The Development Plan and makes reference to some of the policies it fails to address many of the Spatial & Core Policies.

The **Spatial Policies** of the ***Adopted Core Strategy Development Plan Document*** states:

The themes which emerge from our Core Strategy Vision and Objectives and the locational Policies of the Regional Plan are:

- **Development should be located in the most sustainable locations**
- **That such development should support the role of settlements**
- Regeneration of settlements should be supported
- **Rural communities should be supported**
- **Development should seek to secure a mixed and balanced community**

On the evidence provided to, this application and proposed development **DOES NOT** support these themes/objectives.

As the Adopted Core Strategy (ACS) provides a Settlement Hierarchy for Newark and Sherwood which identifies which settlements are central to the delivery of Newark and Sherwood's Spatial Strategy and the role of these settlements in delivering that Strategy. The Hierarchy is defined below:

- Sub-Regional Centre
- Service Centre
- Principal Village
- Other Villages (Staythorpe)

As Staythorpe falls into the 'Other Villages' category, the ACS sets out that ***“development will be considered against the sustainability criteria set out in Spatial Policy 3 Rural Areas”***

Within this **Spatial Policy 3/Rural Areas** states:

The District Council will support and promote local services and facilities in the rural communities of Newark & Sherwood. Local housing need will be addressed by focusing housing in sustainable, accessible villages. The rural economy will be supported by encouraging tourism, rural diversification, and by **supporting appropriate agricultural** and forestry development. **The countryside will be protected and schemes to enhance heritage assets, to increase biodiversity, enhance the landscape and, in the right locations, increase woodland cover will be encouraged.**

Beyond Principal Villages, proposals for new development will be considered against the following criteria:

- **Location** - new development should be in villages, which have sustainable access to Newark Urban Area, Service Centres or Principal Villages and have a range of local services themselves which address day to day needs. Local services include but are not limited to Post Office/shops, schools, public houses and village halls;
- **Scale** - **new development should be appropriate to the proposed location and small scale in nature;**
- **Need** - Employment and tourism which are sustainable and meet the requirements of the relevant Core Policies. New or replacement facilities to support the local community.

Development which supports local agriculture and farm diversification. New housing where it helps to support community facilities and local services. Neighbourhood Plans may set detailed policies reflecting local housing need, elsewhere housing schemes of 3 dwellings or more should meet the mix and type requirements of Core Policy 3;

- **Impact** - **new development should not generate excessive car-borne traffic from out of the area. New development should not have a detrimental impact on the amenity of local people nor have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network; and**
- **Character** - **new development should not have a detrimental impact on the character of the location or its landscape setting.**

The current application, fails to meet any of the above Policy Criteria, for the following reasons:

- **Location:** Whilst Staythorpe has access to Newark Urban Area, Service Centres or Principal Villages via road network and Public Transport, it does not have any of the listed *local services* within the immediate area. The nearest service is 2 miles (Post Office – Fiskerton). The application Design & Access Statement refers to a 1km Search Area of suitable sites due to the proximity to the National Grid connection. There is NO evidence to support the claim that this type of development **must** be sited within 1km of such a facility, which is supported by two further proposed facilities nearby (beyond 1km) and numerous other Planning Applications across the UK for similar developments. Most of which are beyond 1km from a National Grid connection.

The site location is predominantly within Flood Zone 2 & 3. **Core Policy 9 states:**

The Council will aim to steer new development away from areas at highest risk of flooding. Development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk Flood Zones. Where development is necessary within areas at risk of flooding it will also need to satisfy the Exception Test by demonstrating it would be safe for the intended users without increasing flood risk elsewhere.

As previously stated the proposal FAILS the Sequential Test, which was unnecessarily limited in geographical area. Given that there is no evidence of 'need' for such a development within the region or local area, there is no reason to limit this search area and as such a wider geographical search would likely identify more suitable options.

Proximity to residential properties. The proposed development would become one of, if not the largest of its kind in Europe. It is therefore, inconceivable that it would ever be appropriate or suitable to site such a facility so close (within 38m to the boundary/77 m to the nearest noise emitting device).

Core Policy 9 & DM5 (ADMDP) also states:

- 1. Access: Provision should be made for safe and inclusive access to new development.**

The proposed Site Access is located on the internal apex of blind bend of a 50mph road with restricted visibility and could not be deemed a safe proposition.

- 3. Amenity: The layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.**

Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

Proximity to residential properties. The proposed development would become one of, if not the largest of its kind in Europe. It is therefore, inconceivable that it would ever be appropriate or suitable to site such a facility so close (within 38m to the boundary/77 m to the nearest noise emitting device).

4. Local Distinctiveness and Character: The rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

In accordance with Core Policy 13, all development proposals will be considered against the assessments contained in the Landscape Character Assessment Supplementary Planning Document.

Proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area.

Inappropriate backland and other uncharacteristic forms of development will be resisted.

The application contains a number of Photographic Existing Viewpoints. These were conveniently taken from low level access points, during the summer when hedgerows and trees were full. They do not consider views during autumn, winter and early spring when there is minimal barrier. Attached are some recent photos of similar viewpoints.



1.1 Viewpoint – Opposite Staythorpe Farm Cottages – Dec 22



1.2 Viewpoint – Opposite Staythorpe Farm Cottages – Dec 22



1.3 Viewpoint – First Floor Window Old Farm House, Pingley Lane – Dec 22



1.4 Viewpoint – Proposed Site Access Dec 22

- **Scale:** The proposed development is neither **appropriate** nor **small scale in nature**.
- **Need:** Whilst it is argued that the proposed development *supports farm diversification*; it does not meet any of the other criteria of need and has not demonstrated either a local or regional requirement for such a facility.
- **Impact:** The proposed development **will** generate significant **excessive vehicle traffic**, in particularly heavy vehicles, through the construction phase (ECAP suggest up to 1 year). And once the facility is operational, any traffic movement is likely to be an increase to the extremely limited use of farm vehicles accessing the land for agricultural use. The proposal will have significantly negative impact on how local people experience the immediate site (Public Right of Way) and surrounding area due to the visual impact, noise & light pollution, disruption to transport, dust and noise from construction related operations, increased flood risk and environmental concerns.
- **Character:** The proposed development will have an obvious and highly visual **detrimental on the character of the location and its landscape setting**.

Policy DM8 (ADMDP) Development in the Open Countryside:

In accordance with the requirements of Spatial Policy 3, development away from the main built up areas of villages, in the open countryside, will **be strictly controlled and limited to the following types of development;**

1. Agricultural and Forestry Development Requiring Planning Permission
2. New and Replacement Rural Workers Dwellings, the Extension of Existing Dwellings, and the Removal of Occupancy Conditions Attached to Existing Dwellings.
3. New and Replacement Dwellings
4. Replacement of Non Residential Buildings
5. Conversion of existing buildings
6. Rural Diversification

Proposals to diversify the economic activity of rural businesses will be supported where it can be shown that they can contribute to the local economy. Proposals should be complimentary and proportionate to the existing business in their nature and scale and be accommodated in existing buildings wherever possible.
7. Equestrian Uses
8. Employment uses
9. Community and Leisure Facilities
10. Roadside Services
11. Visitor Based Tourism Development
12. Tourist Accommodation

All proposals will need to satisfy other relevant Development Management Policies, take account of any potential visual impact they create and in particular address the requirements of Landscape Character, in accordance with Core Policy 13.

Proposals resulting in the loss of the most versatile areas of agricultural land, will be required to demonstrate a sequential approach to site selection and demonstrate environmental or community benefits that outweigh the land loss.

The proposed development can only be categorised as **Rural Diversification**. However, there is NO evidence to support a **contribution to the local economy**. There is also NO evidence to satisfy the criteria of Core Policy 13 (see below) and the sequential approach to site selection **does not and cannot demonstrate environmental or community benefits that outweigh the land loss**.

Core Policy 13: Landscape Character

Based on the comprehensive assessment of the District's landscape character, provided by the Landscape Character Assessment Supplementary Planning Document, the District Council will work with partners and developers to secure:

New development which positively addresses the implications of relevant landscape Policy Zone(s) that is consistent with the landscape conservation and enhancement aims for the area(s) ensuring that landscapes, including valued landscapes, have been protected and enhanced.

The proposed development site is located within TW10 of the Landscape Character Zone and is categorised as 'Conserve & Create'.

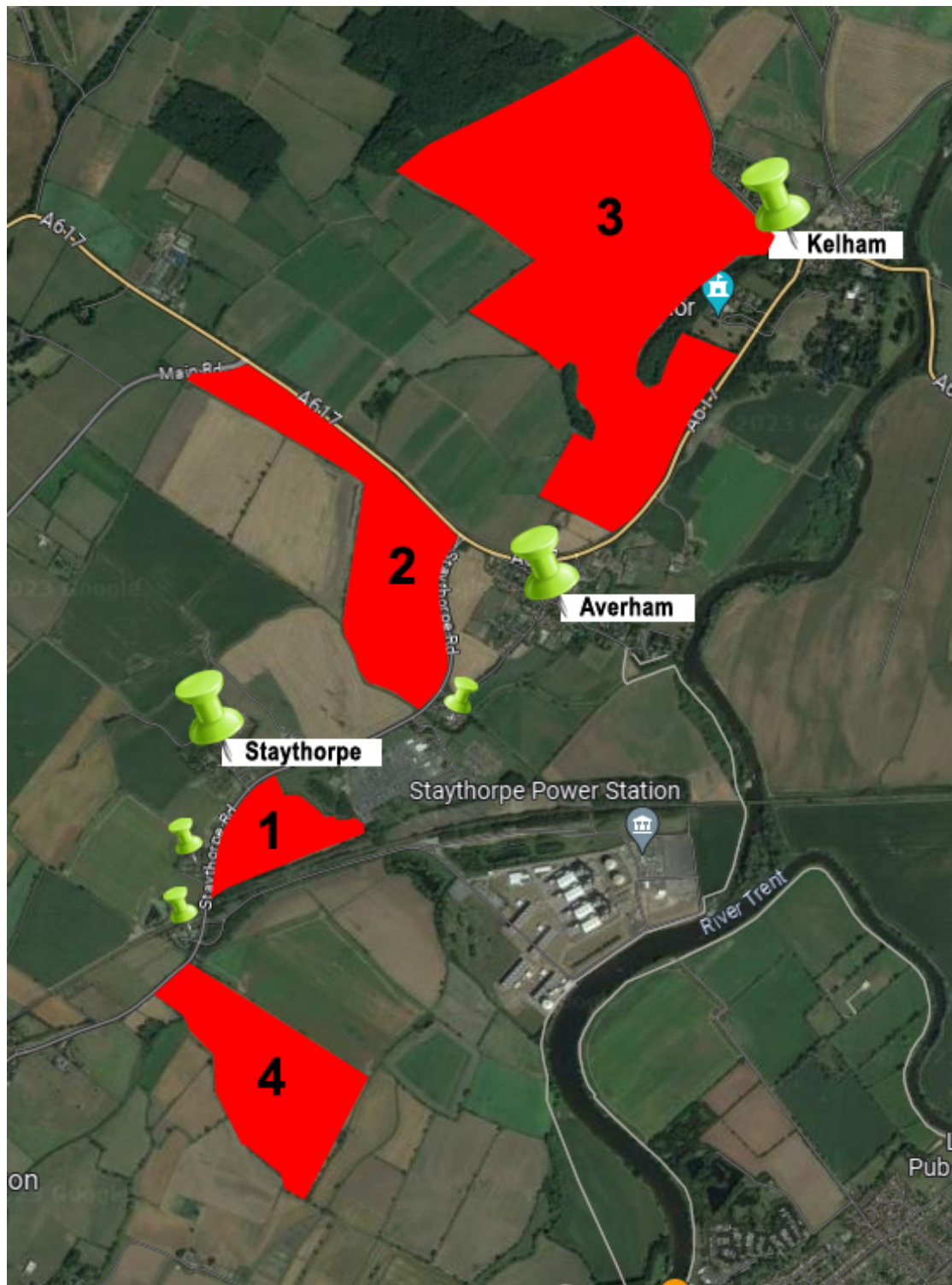
This proposed development will neither Conserve nor Create character of the landscape.

As a result of the above, the application clearly **FAILS to meet the requirements of Spatial Policy 3 and should therefore be refused permission.**

In support of the above statement, there is a history of refused planning applications in the immediate vicinity of the proposed site and in the adjacent villages. Refusals were based on failure to comply with the criteria of Spatial Policy 3 and Amended Core Strategy Policies of NSDC.

Recent examples that have upheld these Policies and reinforce the **Reasons for Refusal**:

- 23/00188/FULM - Change of use of land from agricultural to equestrian use, erection of new stables/livestock building at Flaggs Farm, Caunton Road, Norwell, Newark on Trent, NG23 6LB
Refused by the Planning Committee on 8th June 23 as the proposal is considered to be contrary to Spatial Policy 3 of the Amended Core Strategy and Policy DM8 of the Allocations and Development Management DPD and fails to accord with Core Policy 9 and 13 of the Amended Core Strategy and Policy DM5 of the Allocations and Development Management DPD and the Landscape Character SPD and the NPPF which is a material planning consideration.
- 22/02176/FUL - LAND AT GREENAWAY, ROLLESTON
Refused by the Planning Committee on 20th April 23 as considered an 'Over Intensive Development' and the 'likely impact on the use of Village Hall due to the proximity of the dwellings'



REASONS FOR REFUSAL



1. CUMULATIVE EFFECT

The parish is in danger of becoming a community under siege from the cumulative effect of **4 current proposals** within the parish boundary, so far. 3 of these are for large scale battery energy storage systems (BESS) with additional substation equipment and 1 is a combined solar / battery site. See map.

2. PREMATURITY

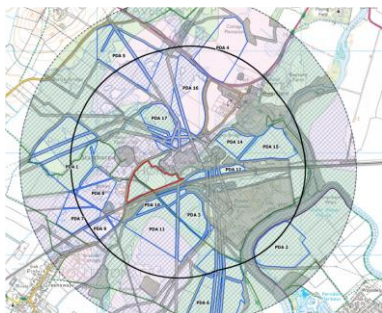
Because of this cumulative effect, the 2 BESS proposals currently at planning application stage i.e. 22/01840/FULM and 23/00317/FULM should be considered jointly. See area 1 and 2 on the map respectively.



3. FLOOD RISK

100% of the site is within Flood Zone 2 & 3, with two thirds of the site in Flood Zone 3b ie. at the HIGHEST risk of flooding. This is forcing all the equipment to be placed on stilts, which in turn increases the height of equipment and, therefore, the visual impact of the site.

Against NPPF, Core Policy 10 and DM5, this is an inappropriate development that CAN be avoided and is NOT being sited here for operational reasons. (pg 25 Report to Planning Committee)



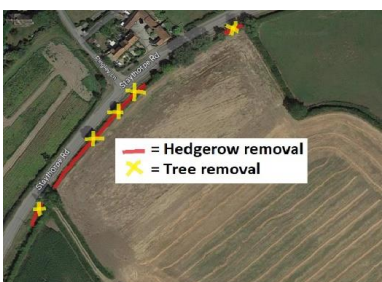
4. FAILS SEQUENTIAL TEST

The application FAILS the Sequential Test even when the search area was limited to just 1km. A site of similar size in Flood Zone 1 (ie. PDA16) was deemed unsuitable. However, this site is pending consideration by the Planning Department under reference 23/00317/FULM – **this weighs significantly against the proposal.** (pg 29 Report to Planning Committee)



5. AGRICULTURAL LAND LOSS

Loss of 10.1 hectares (25 acres) of good to moderate quality agricultural land, 70% of which is Grade 3a (Best and Most Versatile or BMV) - **this weighs heavily against the proposal.** (pg 25 Report to Planning Committee)



6. TREES AND LANDSCAPE

Councils Tree Officer states that the current design does not comply with NPPF.

In accordance with the Hedgerows Regulations 1997, the 110m of ancient hedgerow to be removed is of 'importance' and is considered significant and the trees to be removed are important to the character of the area.

Adequate justification for removal has not been provided which includes exploration of alternatives or restoration of removed features within 3 years.

This weighs against the proposal. (pg 15 / 46 Report to Planning Committee)



7. LANDSCAPE AND VISUAL HARM

Amongst MANY issues regarding the landscape and visual harm caused by an over intrusive large scale industrial development in open countryside directly opposite residential properties & either side of public right of way. The landscape assessment also FAILS to take account of the cumulative effect alongside application 23/00317/FULM.

The major adverse landscape and visual harm *eventually* reducing to moderate is **one of the most significant impacts of the residential amenities of local residents which weighs against the proposal** and the magnitude of change along the public right of way would remain **large and the visual effect defined as moderate-major**. (pg 60 / 40 Report to Planning Committee)



8. HEALTH & SAFETY – FIRE RISK

There is genuine fear and apprehension about the overall safety of the site. This is UNREGULATED and NEW technology with a proven RISK of FIRE, EXPLOSION and TOXICITY.

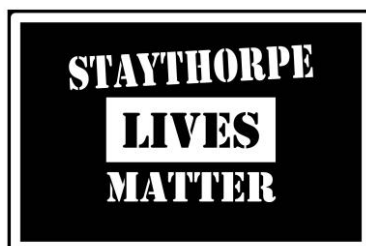
With NO examples of large scale BESS ANYWHERE in the UK, the overall risk can not be proven and can not be completely removed. The fear of fire, therefore, remains a **negative weighting against the proposal** (pg 58 Report to Planning Committee)



9. HEALTH & SAFETY – NOISE

An inadequate assessment of background noise was undertaken which presents results at ground level and NOT at head height. Equipment selection has not been finalised so the contents of the current Noise Assessment and associated addendum can not be construed as either accurate or robust.

NO clear account has been taken of wind direction in these documents. Unlike Staythorpe Power Station, NO condition on noise limits has been recommended. **This lack of clarity and protection leaves residents susceptible to excessive noise levels, particularly at night.** (pg 61 Report to Planning Committee)



10. LACK OF COMMUNITY SUPPORT

Overwhelmingly objected to by local residents (76% were AGAINST in a local survey by Staythorpe BESS Action Group)

118 letters of objection received by NSDC Planning with objections from Averham, Kelham & Staythorpe and Rolleston Parish Councils
NO LOCAL COMMUNITY BENEFIT ONLY LOSS AND NEGATIVE IMPACT
(pg 15 / 13 Report to Planning Committee)

CONCLUSION

In the absence of ANY UK health and safety legislation, and ANY legislative guidance on the construction and operation of Large Scale Battery Energy Storage Systems and specifically on siting these is such close proximity to residential areas, you must be ABSOLUTELY CERTAIN, with NO DOUBT, about the health and safety risks created by siting such a large scale industrial development on this land.

This is NOT a RENEWABLE ENERGY SCHEME NOR is it a SOLAR DEVELOPMENT

There is NO proven evidence to support a NEED for energy storage on THIS SITE

It is an OVER BEARING and INTENSIVE LARGE SCALE industrial development in Open Countryside, just 14m from the nearest property and within 120 m of the rest of Staythorpe.

It also fails to satisfy NSDC Local Development Framework Core Strategy & Allocations, including the Adopted Core Strategy (ACS) and Allocations and Development Plan (ADMDP).

Essentially, the proposal is deemed **TOO BIG, TOO CLOSE and TOO DANGEROUS** and should be **REFUSED**.

