

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.