

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 RENEWALBLE 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.