

PLANNING COMMITTEE –19 JUNE 2024

Schedule of Communication Received after Printing of Agenda

Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
4 23/00317/FULM	Local Resident	10.06.2024	<p>Letter of objection stating the contents of their previous letter is still relevant and applicable, especially with regard to cumulative impacts – see submitted plan, which does not include the Great North Road Solar Park, also proposed in the immediate area. It is your remit to also protect wildlife, agricultural land, environment stewardship, landscape character, visual impact, resident wellbeing with the very real threat to health and safety with the unknown impact of catastrophic failure.</p> <p>Plan (attached as Appendix 1) to accompany objection already submitted showing 4 different sites highlighted in red – Site 1 – BESS development site approved at appeal; Site 2 – the subject of this application; Site 3 – application 23/01837/FULM - Proposed ground mounted photo voltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and ancillary work – pending consideration; Site 4 – unknown.</p>	<p>Officers are not aware of any proposal relating to Site 4.</p> <p>Cumulative impacts are considered within the officer report at paragraphs 7.200 and 7.201.</p> <p>In relation to the Great North Road Solar Park (GNRSP) National Infrastructure Project, an extract from the current pre-application scheme that has under-gone public consultation is attached at Appendix 2, which shows it in relation to the application being considered here. This currently shows a proposed increase in size of the existing Staythorpe Substation and a proposed BESS development and substation on the north side of the A617. This pre-application scheme is currently under consideration and maybe revised prior to the submission of any formal NSIP application. Given no permission is currently in place for this development, no weight can be given to the cumulative impact of this in the determination of this application.</p> <p>The other impacts listed are considered within the officer report.</p>
4 23/00317/FULM	Local Resident	10.06.2024	<p>Letter of objection relating to cumulative impacts on a small parish as well as those outside the parish – at Knapton and South Muskham and the GNR Solar Park will be looking to connect to the grid at Averham</p>	<p>Noted, see the comment above in relation to the GNRSP. The solar developments at Knapton and South Muskham do not currently have the benefit of planning permission and so can be given no weight in the cumulative impact of the</p>

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			Staythorpe substation. The large amount of high-grade agricultural land being lost to food production and the government saying the agricultural land should be protected from BESS and Solar development.	consideration of this application. The loss of a large amount of high-grade agricultural land is considered in the officer report.

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4 23/00317/FULM	Local Resident	11.06.2024	<p>At the recent planning appeal for the BESS at Staythorpe, the Inspector repeatedly stated that comments regarding other applications should not be used in relation to the application considered being discussed. The same principle applies to this application and it is totally inappropriate for any of the Planning Inspector's comments to be used in support of this application and they should be redacted. Given the Staythorpe application has been approved, surely this should count against the application for Averham being approved as the area will become more and more industrialised and the character of the area totally despoiled. There is disappointment that the report totally ignores eminent scientists' health and safety concerns, especially Professor Wade Allison. Even if the risk is limited, it is still a risk. Two people died earlier this year in Australia due to lithium-ion battery-related fire. All BESS developments should be sited away from residential areas to avoid such a catastrophe.</p>	<p>The Inspector at the appeal made reference to not being able to take into account proposals where planning permission was not yet granted. However, once planning permission is granted that recent decision would then become a material planning consideration in the determination of an application close by for the same development.</p> <p>Fire and Health and Safety risks are considered within the officer report.</p>
4 23/00317/FULM	Local Resident	10.06.2024	<p>There have been 91 objections and 0 letters of support from members of the public on this application according to the planning portal. Cumulative impacts are referenced in relation to the plan submitted at Appendix A by another resident. Planning permission is recommended to be granted and it may look good on paper but the reality would be very different.</p>	<p>The matters raised have been considered within the officer report.</p>

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			Developers benefit to maximise their profits with total disregard for the safety and well being of our community.	

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4 23/00317/FULM	Local Resident	13.06.2024	The report states the development would result in overtly industrial character, contrasting with the landscape and would dominate and distract from surrounding designated heritage assets. The development would be visible for the early years by anyone passing by and always from the A617. The hedging along Staythorpe Road loses its leaves in the winter and would no longer screen. Given the landscape and heritage impacts identified how can it be recommended for approval? Objections do not appear to have been taken into account. If approved conditions should be added to specific that the development cannot be enlarged during the 40 years and site lighting be operational between the hours of 08:00 and 18:00 and not be left on 24 hours a day. BESS development may be necessary but should be sited away from residential areas even if developer have to pay more for their cable run to connect to the main grid.	Most issues raised are covered in the officer's report. It is not reasonable to impose a conditions that states the development cannot be enlarged during the 40 years. Any application submitted, would have to be considered on its merits. External lighting is conditioned with the aim of keeping any external lighting to the absolute minimum necessary.
4 23/00317/FULM	Local Resident	17.06.2024	No green credentials, will not produce green electricity; Too close to residential property; Dangerous new and untested technology; Highway danger; Noise and light pollution; Risk of increased flooding; Environmental damage in the case of fire or explosion;	All the matters raised are considered within the officer report.

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			Cumulative effect, with Staythorpe and GNRSP; Impact on wildlife; Impact on food sustainability.	

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4 23/00317/FULM	Agent	11.06.2024	Staythorpe BESS Statement June 24, saved on the Council's website.	Noted.
4 23/00317/FULM	Agent	14.06.2024	Letter from agent clarifying matters within the officer report, attached at Appendix 3.	Noted. Matters clarified do not alter the officer conclusion or recommendation set out before Members by the Officer Report.
4 23/00317/FULM	Agent	14.06.2024	Amendments have been suggested to the Conditions set out within the Report, as attached at Appendix 4.	Noted. Proposed Amendment to Condition 02: The planning permission hereby granted shall be for a temporary period only, to expire 40 years after the date of the first commercial import of electricity to the development ("the first import date"). Written confirmation shall be provided to the Local Planning Authority within one month after the first import date. Agreed. Proposed Amendment to Condition 03: No later than 12 months prior to the expiry of the planning permission, or within 18 months of the permanent cessation of electricity storage in the site, whichever is the sooner, a decommissioning scheme shall be submitted to and approved by the Local Planning Authority in writing. The decommissioning scheme shall include a programme and a scheme of work and shall be implemented in accordance with the approved

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				<p>details.</p> <p>The operator shall notify the Local Planning Authority in writing within five working days following the cessation of electricity storage.</p> <p>All buildings, structures and associated infrastructure shall be removed within 12 months of the approval of the decommissioning scheme, and the land restored, in accordance with the approved details.</p> <p>Agreed.</p> <p>Proposed Amendment to Condition 05:</p> <p>No development shall be commenced until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall be prepared in accordance with the Construction Traffic Management Plan Rev C by Pegasus Group and shall confirm the following details:</p> <p>i) The Staythorpe Road access shall not be used for abnormal load deliveries until a comprehensive abnormal loading delivery plan, including temporary signing, construction traffic routing and structural assessments for any highway structures affected by delivery has been submitted to and approved in writing by the Local</p>

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				<p>Planning Authority. Any abnormal load deliveries shall then be implemented in accordance with the approved plan.</p> <p>ii) With the exception of AIL's , deliveries shall not take place outside 08:00 to 18:00 hours Monday to Fridays and 08:00 to 14:00 hours on Saturdays,</p> <p>iii) an indicative programme for the number of HGV and Articulated Indivisible Load (AIL) movements;</p> <p>iv) approved access and egress routes for HGV and AIL movements;</p> <p>v) Traffic Safety Management Plan showing the location and type of traffic management signage and the location of any traffic marshals required to oversee the access and egress of HGVs and AILs;</p> <p>vi) Parking details of vehicles of site operatives and visitors;</p> <p>vii) Wheel washing facilities to prevent mud and debris from migrating on to the adjacent highway; and</p> <p>viii) A timetable for the implementation of each constructional element of the plan.</p>

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				<p>The construction of the site shall be carried out only in accordance with the approved CTMP.</p> <p>Agreed.</p> <p>Proposed Amendment to Condition 07:</p> <p>Prior to commencement of development, a detailed hard and soft landscaping scheme for the site has been submitted in writing to the Local Planning Authority for approval. The submitted landscape scheme shall be in accordance with the details set out in the Landscape Master Plan (Drawing No: P22-1211-EN.0003 Rev E) and shall include details of proposed landscape and ecology works, including:</p> <ul style="list-style-type: none"> i) Soft landscape details (to include the western boundary); ii) Hardening surfacing materials; iii) Proposed finished ground levels; iv) Species, type, size and planting density; v) Vehicular and pedestrian access; vi) Soil management measures; vii) Tree protection measures set out in an Arboricultural Method Statement and a Tree Protection Plan prepared in

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				<p>accordance with BS5837;</p> <p>viii)How a biodiversity net gain of at least +28.09% net gain for habitat units and +42.26% net gain for hedgerow units calculated using Metric 4.0 published by the Department for Environment, Food & Rural Affairs will be achieved;</p> <p>ix) A landscape and ecological mitigation, management and maintenance plan in accordance with the submitted Ecological Impact Assessment by Brindle and Green dated September 2023; and</p> <p>x) An implementation timetable.</p> <p>The planting proposed adjacent to Staythorpe Road shall be implemented in the first available planting season following the approval of the landscaping scheme, and the remainder of the approved landscaping scheme shall be implemented in its entirety no later than the first available planting season following completion of the development. The approved landscaping scheme shall be retained and managed in accordance with the approved landscaping scheme for the lifetime of the development.</p> <p>Agreed.</p>

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				<p>Proposed Amendment to Condition 09:</p> <p>The proposed new access to Main Road shall not be commenced until details of the Hedge Translocation (shown on Drawing No: P22-1211_EN_0004 Rev F) including a translocation method statement and timetable for the works, which shall be prepared in compliance with BS5837, has been submitted to and approved in writing by the Local Planning Authority. The translocation of the hedgerow shall thereafter be carried out only in accordance with the approved details.</p> <p>Agreed.</p> <p>Proposed Amendment to Condition 012:</p> <p>No development shall take place until a flood risk mitigation strategy (the 'FRMS') has been submitted to and agreed in writing by the Local Planning Authority. The FRMS shall include the following flood risk mitigation measures:</p> <p>i) finished floor levels for all battery containers located on land indicated to flood during the design flood event (1 in 100 AEP event plus an allowance for climate change) shall be 300mm above peak flood level during the design flood event;</p>

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				<p>ii) level-for-level compensatory flood storage shall be provided in accordance with Appendix A and B of the Level 2 Flood Risk Assessment (dated February 2023, or any update);</p> <p>The FRMS shall be fully implemented and subsequently maintained for the duration of the development hereby permitted.</p> <p>Agreed.</p> <p>Proposed Amendment of Condition 013:</p> <p>The development shall not be brought into use until an operational stage incident plan has been submitted to and approved by the Local Planning Authority in writing. The plan shall be prepared in accordance with the Level 2 Flood Risk Assessment (dated February 2023 or any update). The development shall be implemented in accordance with the approved operational stage flood incident plan.</p> <p>Agreed.</p> <p>Could Condition 017 be merged into Condition 05?</p> <p>Agreed (see above amendment of condition 05). Re-number Conditions 017 to 024, to reflect.</p> <p>Agreed.</p>

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				<p>Proposed Amendment to Condition 022 (now 021):</p> <p>The development hereby approved shall be implemented in full accordance with all the noise mitigation measures and the rating levels of noise due to the operation of the development on the three identified noise sensitive receptors set out within the submitted Noise Impact Assessment Issue 3 dated 8 February 2024 by Environmental Noise Solutions Ltd (or as updated and approved by the Local Planning Authority). The operational noise mitigation measures shall be maintained for the lifetime of the development.</p> <p>Agreed.</p> <p>Proposed Amendment to Condition 024 (now 023).</p> <p>The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans/drawings:</p> <p>General Plans:</p> <p>Site Location Plan (Drawing No: 60687996-ACM-XX-LAY-GEN-1004 Rev A) Site Layout Plan (Drawing No: 60687996-ACM-XX-LAY-GEN-1001 Rev C)</p>

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				<p>400kV BESS Substation Layout Plan (Drawing No: 60687996-ACM-XX-LAY-EL-1015 Rev A)</p> <p>400kV BESS Substation Elevation (Drawing No: 60687996-ACM-XX-LAY-EL-1016 Rev A)</p> <p>132kV BESS Substation Layout Plan (Drawing No: 60687996-ACM-XX-LAY-EL-1005 Rev C)</p> <p>132kV BESS Substation Elevation (Drawing No: 60687996-ACM-XX-LAY-EL-1006 Rev B)</p> <p>Battery and PCS Unit Indicative Elevations (Drawing No: 60687996-ACM-XX-LAY-GEN-1002 Rev B)</p> <p>Control Building and Storage Building Indicative Floor Plan (Drawing No: 60687996-ACM-XX-LAY-GEN-1007 Rev A)</p> <p>Control Building, Storage Building and Water Tank Indicative Elevations (Drawing No: 60687996-ACM-XX-LAY-GEN-1003 Rev B)</p> <p>Typical Details – Fencing, CCTV, Intercom, Auxiliary Transformer and Fire Hydrant (Drawing No: 60687996-ACM-XX-LAY-GEN-1005 Rev A)</p> <p>Typical Details – Typical Access Track (Drawing No: 60687996-ACM-XX-LAY-GEN-1005 Rev C)</p> <p>Indicative Acoustic Barrier and Bund Elevation (Drawing No: 60687996-ACM-XX-LAY-GEN-1008 Rev B)</p> <p>Construction Compound Indicative only (Drawing No: 60687996-ACM-XX-LAY-GEN-1006 Rev A)</p> <p>Proposed Landscape Plans:</p>

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				<p>Landscape Masterplan (Drawing No: P22-1211-EN.0003 Rev E)</p> <p>Landscape Boundary Sections – Year 1 and 15 (Drawing No: P22-1211-EN.0002 – Sheets 1 and 2 Rev A)</p> <p>Landscape Masterplan – Main Road Access (Drawing No: P22-1211-EN0004 Rev F)</p> <p>Proposed Highway Plans:</p> <p>Main Road Access (Drawing No: P22-1211TR-SK01 B) attached at the end of the Construction Traffic Management Plan Rev C by Pegasus Group</p> <p>Main Road Access HGV Swept Path Analysis (Drawing No: P22-1211TR-SK02 A)</p> <p>Staythorpe Road Access Geometric Parameters (Drawing No: P22-1211TR-SK05 Rev C)</p> <p>Staythorpe Road Access Fire Tender Swept Path Analysis (Drawing No: P22-1211TR-SK06 Rev C)</p> <p>Staythorpe Road Access Abnormal Load Swept Path Analysis (Drawing No: P22-1211TR-SK10 A)</p> <p>Agreed.</p>

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4 23/00317/FULM	Agent	10.06.2024	Main Road Hedgerow Assessment Note dated 10.06.2024 by Pegasus Group and WEL attached at Appendix 6.	Noted and accepted.
4 23/00317/FULM	Agent	10.06.2024	Amended Landscape Masterplan – Main Road Access (Drawing No: P22-1211_EN_004 Rev F) attached at Appendix 5.	Noted. Updates paragraph 7.142 of the Officer Report and plan (Rev E) shown on page 64 of the Agenda. Amend Conditions 09 and 024 to Refer to this Amended Plan.
4 23/00317/FULM	Agent	11.06.2024	BNG Amendment Calculation to accommodate the translocation of the hedgerow and to respond to the Council's Biodiversity and Ecology Officer's concerns about the proposed compounds (temporary laid down area).	Noted and new figures presented are accepted by the Council's Biodiversity and Ecology Officer. Amended Figures to be inserted into Condition 07.
6 24/00088/FUL	Agent	29.05.2024	<p>The agent has comments on the suggested conditions as follows.</p> <p>Condition 5 (visibility splays) Request amendment to wording to make clear that upper branch removal of trees is permitted.</p>	<p>Condition 5 Noted. NCC Highways raise no issue with the suggested amendments and the condition is amended as follows:</p> <p><i>Save for the construction of the visibility splays themselves, the development shall not be commenced until the visibility splays as shown on drawing number (08)101 rev H are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections in an envelope between 2m and 0.6m above the carriageway.</i></p>

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			<p>Condition 6 (widening of public footpath to the north-west of the access) <i>Request that the timing of the condition is amended.</i> Given that this footpath is required for pedestrian safety, it would only really make sense for this to be installed when the site begins to generate pedestrian activity, i.e when the dwellings are occupied. Furthermore, whilst it is certainly possible to widen this path at the commencement of development, it is likely that existing or proposed service connections run through this footpath, and therefore that it will have to be closed and dug up as part of the development. Allowing for these works to take place later in the construction phase would therefore reduce unnecessary expense and disruption. Finally, these works would need a drawing approving by the LPA, and then a s278 agreement with highways, before undertaking, something that tends to take a while for the solicitors to agree. I also understand that as this is outside the application site, it would not be sufficient to implement the permission. If we</p>	<p><i>Reason: In the interests of highway safety. For clarity site clearance, the installation of tree protection measures and matters such as soil sampling are not considered to constitute a start to the development.</i></p> <p>Condition 6 Noted. The reason the condition is currently worded as a pre-commencement condition is because the land where the footpath lies is outside of the application site (not within the red line) which means that there would be enforcement issues if the developer did not undertake the works. There are two workarounds to this, one being to amend the extent of the red line to include the footpath land (which would mean more consultation) or deleting the condition and adding it instead to the s.106 agreement as a prior to occupation trigger which is the preferred approach. This is acceptable to NCC as Highways Authority who had originally suggested it as a prior to occupation condition and means the enforceability robust.</p> <p>The recommendation is therefore to delete condition 6 and insert the requirement into the s.106 legal agreement instead.</p>

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			<p>then are required to wait until the correct season to remove the hedging and open up the visibility splays on the front of the site before doing any further works, this could all get very tight for getting the permission commenced within the allotted 2 years. For these reasons we request that this element of the scheme is required prior to occupation, rather than prior to commencement.</p> <p>Condition 8 (surface water flooding)</p> <p>The condition states it is required for all major development. As this is no longer a major development, is this still required?</p> <p>Condition 13 (Tree Felling)</p> <p>These requirements are well over and above anything I've seen before for felled trees. Usually, we are asked for supervision and checking by an ecologist. There are quite a lot of trees removed here, so this is a lot of work being asked for if we have to endoscope each one. Is there a way to perhaps agree a methodology as part of the RM application?</p> <p>Condition 14 (activities near trees)</p> <p>Point (f)</p>	<p>Condition 8</p> <p>The application exceeds 1 hectare in area (irrespective of the number of dwellings proposed) so the development remains as a major development and the condition remains valid and necessary.</p> <p>Condition 13 (Tree Felling)</p> <p>The condition is based on the recommendations of the applicant's own Ecologist. The Council's Lead Officer for Biodiversity and Ecology has reviewed the condition and considers that it is necessary and reasonable. No amendments are therefore considered to be required.</p> <p>Condition 14</p>

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			<p><i>No stripping of topsoils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site</i></p> <p>needs amending to allow for these activities where they are part of the approved works. This would otherwise restrict such things as installing fencing, building on RPAs where proposed (there is at least one area where we are proposing no-dig paving over an RPA), and other such works.</p> <p>Condition 17 (details of new roads to be provided) As this is essentially a prior-to-commencement condition, can we add the note as per condition 6 to allow for clearance, tree protection works, remediation, ecology works, fencing etc before this is agreed.</p> <p>Can we also define this as referring to the new adoptable road, rather than all the roads on site.</p>	<p>Noted. For clarity the following additional words should be added to the end of point (f):unless they form part of the approved works.</p> <p>Condition 17</p> <p>Noted. The reason for the condition amended to read:</p> <p><i>Reason: To ensure the development is constructed to safe and suitable standards. For clarity site clearance, the installation of tree protection measures and matters such as soil sampling are not considered to constitute a start to the development.</i></p> <p>The condition refers to all roads not just adoptable roads. (NCC Highway Authority confirm in this case their interest in private drives is that they need to meet the standards within a specific distance of the rear of an adopted highway and have drainage to prevent egress of surface water.)</p>

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			<p>Condition 19 (Controlling the housing mix) As per the submitted materials and the categories in the housing requirements, the '4-bed' units should be '4+ bed' units, to allow for these to be 5 bed units if required. Please can this be amended.</p>	<p>Condition 19 Fair point noted. Four-bedroom dwellings or larger still reflect the housing need so there is no issue in amending the condition which should now read: <i>The reserved matters application(s) shall comprise a housing mix of two x 2-bed dwellings, three x 3-bed dwellings and 4 x 4 or more bed-dwellings one of which (Plot 9) shall be single storey. The combined gross internal floor space of all dwellings hereby approved shall be not more than 1,000 square metres.</i></p> <p><i>Reason: This condition is necessary to secure the mix advanced at outline stage, in order to provide a housing mix that responds to the identified local housing need and address the fact that no affordable housing contribution has been advanced which would be triggered by Core Policy 1 if the combined floor space exceeds 1,000m².</i></p>

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6 24/00088/FUL	Cllr Farmer	17.06.2024	<p>Concerns raised by Cllr Farmer about the proposal. Specific concerns:</p> <ul style="list-style-type: none"> - Lack of amenities in Spalford to support the proposal. - Poor public transport. - Undue strain on road network. - Disproportionate increase to village population. - Potential flood risk. <p>Verbatim comments:</p> <p>“Counsellor Freeman , members of the planning committee, I am here today in regards the planning you see before you at the rural hamlet of Spalford. I wish to express my concerns regarding the recent approval to further develop the Shady Oaks site, Spalford. Whilst I understand the importance of providing accommodation for our GRT community, there are several critical issues that have not properly been addressed by the NSDC planning team. Firstly, as a rural hamlet, Spalford is significantly lacking the necessary amenities to support a development of this size. There are no immediate village amenities and is poorly served by public transport and as such there is no ability for villagers to walk to their nearest shops. This deficiency will place an undue strain</p>	<p>These matters have been dealt with in the officer report. The need for GRT pitches outweighs other matters.</p>

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			<p>on the existing road network which are already in poor state of repair and continue to further impact, both the current residents and the incoming families. It is imperative that a comprehensive assessment of the local infrastructure is conducted, and appropriate measures are taken to ensure it can support the increased population. This unsustainable situation should have been obvious had a site visit been carried out.</p> <p>Furthermore, the development of this area, increasing the number of GRT families, will result in a disproportionate increase in the village's population. This sudden surge is likely to disrupt the community's equilibrium, potentially leading to social and logistical challenges. It is crucial that growth is managed in a sustainable manner, in line with the already agreed long-term plan for GRT homes where provision for this has been included in the NSDC 5 year plan. Adhering to this plan would ensure a more balanced and phased integration of new residents, promoting social cohesion and stability.</p> <p>Another significant concern is the utilization of land in close proximity to a significant flood event for the new site. The area has experienced recent flooding, and the risk of</p>	

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