

# Public Document Pack



## PLANNING APPLICATIONS COMMITTEE SUPPLEMENT AGENDA

**Date:** Thursday, 16 June 2022

**Time:** 2.00 pm

**Venue:** The Council Chamber, Moorlands House, Stockwell Street, Leek

Please find below an additional report which was unavailable when the agenda was published.

### PART 1

11. NOTE - A Late Representations Report will be circulated prior to the meeting i.e. any representations received since this agenda was published. **(Pages 3 - 8)**

**MARK TRILLO**  
**EXECUTIVE DIRECTOR & MONITORING OFFICER**

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## PLANNING APPLICATIONS COMMITTEE

### Late Representations – 16<sup>th</sup> June 2022

FILE REF.	SITE AND DETAILS	ITEM
SMD/2022/0047	<p><b><u>Land adjacent to Cellarhead Substation, Rownall Road, Wetley Rocks</u></b></p> <p><b><u>Local Highway Authority</u></b> Verbally confirmed no objection subject to conditions including a Construction Traffic Management Plan</p> <p><b><u>Further information/representations from the applicant's Agent</u></b></p> <ol style="list-style-type: none"> <li>1. <u>Noise</u> An updated Noise Assessment was received by e-mail on Monday 13<sup>th</sup> June at 17.23. This has been forwarded to the Environmental Health Officer. Members will be verbally advised at the meeting of any update</li> <li>2. <u>Landscape</u> A response was received by e-mail on 15<sup>th</sup> June at 13.36. It confirms that the applicant would be willing to accept the improvements suggested by the Council's Landscape Consultant including curving the new access road, further screening the southern boundary and having a less uniform acoustic fence. In summary, it says that the proposed development will inevitably result in changes to the landscape character of the site, however the LVA shows that the proposals are limited in extent and effects will be localised. The proposed development is low level by nature and will be further contained by landscape proposals including additional boundary planting and habitat enhancements. Sensitive visual receptors are limited to a low number of public footpath users in the immediate vicinity of the site, as a result of the site location and existing landscape features in the form of hedgerows and trees. Views will be softened by the proposed planting, and where visible, the proposed facility will be seen in the context of the existing substation.</li> </ol>	ITEM 6

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FILE REF.	SITE AND DETAILS	ITEM
SMD/2021/0695	<p><b><u>Land adjacent to Cellarhead Substation, Rownall Road, Wetley Rocks</u></b></p> <p><b><u>Representation from the applicant's Agent</u></b></p> <p>The applicant is critical of the Officer report. He considers that the benefits of the development have not been understood or portrayed correctly in the report. He is concerned that the report contains a number of inconsistencies and factual errors (as opposed to reasonable differences of planning judgement) that should be rectified before the application is presented to members. A series of questions have been posed by the applicant and are summarised below with Officer comment provided to each.</p> <ul style="list-style-type: none"> <li>• <u>Why do officers not accept the evidence that there is an essential need for the site location?</u></li> </ul> <p><b>Officer comment:</b></p> <p><i>It is accepted that the applicants have a connection agreement at Cellarhead. This is clearly shown on the TEC Register which is National Grids data base listing those projects that hold contracts for Transmission Entry Capacity (TEC) with them. National Grid confirm that new switchgear is required to be built within the site at Cellarhead in order for the applicant to connect; the timescale is indicated to be 2024 for connection. It is also known that grid capacity in the region for connections is limited.</i></p> <p><i>However it is not considered that these matters equate to an 'essential' need for development on this particular site. The Committee report recognises and gives significant weight to the national need for battery storage as a means of balancing the grid and of the contribution the proposal would make to supporting renewable and low carbon energy and addressing climate change (para 7.46). However it is not considered to outweigh the harm to the Green Belt to which substantial weight must be given and harm to the character and appearance of the area.</i></p> <ul style="list-style-type: none"> <li>• <u>Why do officers not accept that the benefits of the scheme are equivalent to renewable energy generation?</u></li> </ul> <p><b>Officer comment:</b></p> <p><i>The point made in the Committee report is that battery storage systems are, as their name suggests, a</i></p>	ITEM 7

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	<p><i>storage facility. They do not generate renewable energy in their own right. National Grid define battery storage, or battery energy storage systems (BESS), as devices that enable energy from renewables, like solar and wind, to be stored and then released when customers need power most. They say that, ‘... battery storage is a vital tool that we use to balance the grid and they play a wide range of roles in doing so. The main function is to provide us with artificial inertia and it is stored electricity that can be called upon to provide fast response’.</i></p> <p><i>Managing peaks and troughs will become more challenging when the target is to achieve net zero carbon production by phasing out fossil fuel plants that have traditionally been used as a back-up to provide a reliable, steady supply of energy. Energy for renewables is more variable -it relies on the sun shining and/or the wind blowing for example. Battery storage is a means to help to balance the Grid and support the move to much greater reliance upon renewable energy. The report recognises this and gives significant weight to it</i></p> <ul style="list-style-type: none"> <li>• <u>Why is the time-limited nature of the development not considered in the committee report and applied to the assessment of Green Belt harm?</u></li> </ul> <p><b>Officer comment</b> <i>It is said that the proposal will be decommissioned after 25 years. However the Green Belt harm and residual landscape and visual harm will endure throughout this 25 year period. It is a considerable period of time and is not considered to be a ‘benefit’ of the scheme</i></p> <p><u>What is the view of officers on the appeal precedent we have drawn attention to, and why has the planning balance in this case departed so significantly from the Inspector's approach?</u></p> <p><b>Officer comment</b> <i>The planning system is built on the premise that each application should be judged on its merits. None of the appeal decisions put forward by the applicant are directly comparable with the application proposal, the sites are not known and nor are the particular circumstances of each case. Of course there are</i></p>	

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	<p><i>appeal decisions for battery storage facilities where Inspectors have judged the harm to outweigh the benefits.</i></p> <ul style="list-style-type: none"> <li>• <u>Why is the landscape consultant's advice represented as a recommendation to refuse?</u></li> </ul> <p><b>Officer comment</b></p> <p><i>That is his recommendation – see consultation response under 'Recommendation' in top box.</i></p> <p><u>Why has the noise issue been included as a reason for refusal when it could be resolved by a standard condition?</u></p> <p><b>Officer comment</b></p> <p><i>That is the advice of the Councils Environmental Health Officer. He is concerned that the predicted night time noise level would exceed pre-existing background noise levels and potentially adversely impact amenity. In his view a condition would not make the development acceptable.</i></p> <p><b>Noise</b></p> <p>An updated Noise Assessment was received by e-mail on the 15<sup>th</sup> June at 14:54. This has been forwarded to the Environmental Health Officer. Members will be verbally advised at the meeting of any update</p>	
SMD/2021/0784	<p><b><u>Land East of Sugar Street, Rushton Spencer</u></b></p> <p><u>United Utilities – Consultation Response on Amended Plans</u></p> <p>The comments in addition to the original consultation response are as follows:</p> <p>According to our records there is/ was a water well within the site boundary. As this historical structure potentially poses a potential on-site pathway for contamination of the deep groundwater, we would request the following planning condition be included on any Decision Notice the Council may deem appropriate to grant:</p> <p><u>Condition</u></p> <p><i>Prior to the commencement of any development, evidence to</i></p>	ITEM 8

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	<p><i>demonstrate the location, investigation and decommissioning of any historic groundwater abstraction well or borehole, located on-site should be submitted and approved in writing by the Local Planning Authority. This should be undertaken utilising current industry best practise.</i></p> <p><i>Reason:-</i> <i>To prevent any risk of future Groundwater pollution.</i></p> <p>As stated in our previous response, there is a record of a discharge from an existing off-site private wastewater system (G. Lees, Alley House, 1983. Ref. AGR_APL_NUMBER 016890332) onto site, along the western, Sugar Lane boundary. We would encourage the applicant to identify this off-site private wastewater system, to ensure it does not impact on the ground within their redline boundary, causing a potential human health and groundwater pollution contamination issue. The LA Environmental Health and Environment Agency may be able to advise further, if flows are discharging to ground on-site.</p> <p><u>Officer Comment in Response to United Utilities Consultation Response</u></p> <p>The above condition relating to the water well shall be added to any planning permission granted for the proposal.</p> <p>With regard to the comments on the “private wastewater system”, UU no longer require further information on this and therefore the recommended Condition 21 (as outlined in the Committee Report) relating to the “private wastewater system” will be removed and replaced with an appropriate informative.</p> <p><u>Other</u></p> <p>No further consultation responses or representations received.</p>	
SMD/2021/0337	<p><b><u>Tean Surgery, Old Road, Upper Tean</u></b></p> <p>None received</p>	ITEM 9

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