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## Extraordinary Planning Committee

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Wednesday, 28 February 2024 from 7.00 pm - 10.43 pm.

**PRESENT:** Councillors Andy Booth, Simon Clark, Kieran Golding, James Hall, Angela Harrison (Substitute for Councillor Charlie Miller), James Hunt, Elliott Jayes (Vice-Chair, in the Chair), Peter Marchington, Claire Martin, Richard Palmer (Substitute for Councillor Mike Baldock), Hannah Perkin (Substitute for Councillor Mike Henderson), Julien Speed, Paul Stephen, Terry Thompson, Angie Valls, Karen Watson and Tony Winckless.

**OFFICERS PRESENT:** Andy Byrne, Philippa Davies, Paul Gregory (Battery Safety and Testing Consultant), Emma Wiggins and Ceri Williams.

**OFFICERS PRESENT (VIRTUALLY):** Jamie Parsons.

**ALSO IN ATTENDANCE:** Councillors Alastair Gould and Chris Palmer.

**ALSO IN ATTENDANCE (VIRTUALLY):** Councillors Monique Bonney, Carole Jackson and Dolley Wooster.

**APOLOGIES:** Councillors Mike Baldock, Mike Henderson and Charlie Miller.

### 696 **Vice-Chair in-the-Chair**

Councillor Elliott Jayes (Vice-Chair) took the chair for this meeting and would be referred to as 'Chair' for the remainder of these minutes.

### 697 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

### 698 **Declarations of Interest**

Councillor Kieran Golding declared a Disclosable Non-Pecuniary Interest on the item being considered as he was a member of the Faversham Society who had made representations on the application.

Councillor Andy Booth declared a Disclosable Non-Pecuniary Interest on the item being considered as he was a previous board member at Kent Fire and Rescue Service (KFRS).

The Chair said that although he was employed by one of the statutory consultees, he would consider the application with an open mind.

### 699 **2.1 - 23/503812/SUB Land at Cleve Hill, Graveney, Kent**

The Area Planning Officer introduced the application as set out in the report. He referred to the two updates which had been emailed to Members and added to the website.

The Area Planning Officer gave an overview and some history of the application, noting

that permission for a large-scale solar park had been approved by the Secretary of State in 2020. A Development Consent Order (DCO) was made in May 2020 and came into force in June 2020. He explained that the development was currently under construction. There were nine main elements of works within the DCO. Requirement no. 3 of the DCO related specifically to the submission of a Battery Safety Management Plan (BSMP) and this application sought approval of the Plan.

The Area Planning Officer presented plans and photographs of the site. He drew Members' attention to paragraph 6.1 in the report and said Members needed to be clear on the nature of the application in front of them, that an energy storage facility had already been approved as part of the DCO, and that this application specifically related to the acceptability of the BSMP that had been submitted. The Area Planning Officer acknowledged that this was a highly specialised topic and he explained that the Council had employed Paul Gregory, Battery Safety and Testing Consultant to advise on the subject. The Council had also received expert advice from KFRS.

The Consultant was invited to speak. He gave an overview of the BSMP which was broken down into three phases: construction; operation; and de-commissioning and he said that, following some revisions, he was fully satisfied with its content.

Parish Councillor Mike Newman, representing Graveney with Goodnestone Parish Council, spoke against the application.

Parish Councillor Jeff Tutt, representing Dunkirk Parish Council, spoke against the application.

Sir David Melville, representing the Faversham Society, spoke against the application.

A visiting Ward Member spoke against the application.

A visiting Member spoke against the application.

The Chair moved the officer recommendation to approve the application, and this was seconded by Councillor Andy Booth.

The Chair invited Members to make comments and points raised included:

- Considered there were very limited parameters on how the Committee could make a decision on this application;
- welcomed all the information that had been provided;
- clarification sought on the evacuation plan for the site and surrounding area;
- clarification sought on the Atkins report and why this had not been included within the paperwork for consideration;
- there was a difference in opinion on the amount of firewater storage required on site;
- disappointed that the Health and Safety Executive (HSE) had not responded to the consultation;
- this was a very complex application with a lot of very technical information;
- Members were being asked to use their planning judgement, but they had no experience of this type of application;
- major concerns with the fire risk and the narrow lanes for emergency vehicles to

- access the site;
- HSE had the technical ability to respond to the application, it was negligent of them not to do so and it would have been beneficial to have had their guidance;
- it would be difficult to give sound planning reasons for any refusal;
- considered this was outside of the Planning Committee's remit;
- needed to consider potential terrorism concerns;
- this was an enormous decision the Committee was being asked to make;
- it was a statistical probability that there would be a fire or explosion at some point on the site;
- there should be two vehicle access points to the site;
- concerned with toxic plumes;
- hydrant supplies appeared to be inadequate;
- thermal runaway was an issue here;
- there was a real risk to local residents and schools;
- the application should be deferred;
- the application was evidence based and Members should delegate to officers;
- happy with the experts' advice;
- public safety concerns; and
- there were too many unanswered questions.

The Consultant clarified where necessary and responded to points raised by Members, advising that the information was set out within the BSMP, the agenda papers and tabled updates.

There was some discussion as to whether some conditions could be added to the application, and officers advised that it was possible under the terms of the DCO to add conditions to a decision on a Requirement.

Councillor James Hunt moved a motion to include the following conditions:

That a construction emergency response plan, a risk assessment and an evacuation plan be submitted and agreed by the Planning Committee; and that an informative be included so that the Applicant engaged with the HSE with the above, all to be triggered prior to the first use of the site. This was seconded by Councillor Peter Marchington. On being put to the vote, the motion was lost.

In accordance with Procedure Rule 3.1.19(2) a recorded vote was taken on the substantive motion and voting was as follows:

For: Councillors Andy Booth, James Hunt, Elliott Jayes, Peter Marchington and Angela Harrison. Total equals 5.

Against: Councillors Richard Palmer, Simon Clark, Kieran Golding, James Hall, Hannah Perkin, Claire Martin, Julien Speed, Paul Stephen, Angie Valls and Tony Wickless. Total equals 10.

Abstain: Councillor Karen Watson. Total equals 1.

Absent: Councillor Terry Thompson. Total equals 1.

The motion to approve the application was lost.

There was some discussion on the potential reasons for refusal.

The Chair moved the following motion: That the application be refused on the grounds that the BSMP failed to demonstrate that the risk to public safety had been adequately assessed by virtue of a lack of on-site water capacity; insufficient access to the battery storage enclosure in the event of a fire; and a lack of a detailed emergency evacuation plan and risk assessment. As such the proposal was contrary to the Local Plan (2017) and the National Planning Policy Framework. This was seconded by Councillor Richard Palmer.

In accordance with Procedure Rule 3.1.19(2) a recorded vote was taken on the motion to refuse the application and voting was as follows:

For: Councillors Richard Palmer, Simon Clark, Kieran Golding, James Hall, Hannah Perkin, Claire Martin, Julien Speed, Paul Stephen, Angie Valls and Tony Wickless. Total equals 10.

Against: Councillors Andy Booth, Elliott Jayes and Angela Harrison. Total equals 3.

Abstain: Councillors Peter Marchington and Karen Watson. Total equals 2.

Absent: Councillors James Hunt and Terry Thompson. Total equals 2.

The motion to refuse the application was agreed.

***Resolved: That application 23/503812/SUB be refused on the grounds that the Battery Safety Management Plan failed to demonstrate that the risk to public safety had been adequately assessed by virtue of a lack of on-site water capacity; insufficient access to the battery storage enclosure in the event of a fire; and a lack of a detailed emergency evacuation plan and risk assessment. As such the proposal was contrary to the Local Plan (2017) and the National Planning Policy Framework.***

#### 700 **Adjournment of Meeting**

The meeting was adjourned from 9.03 pm until 9.15 pm and from 10.01 pm until 10.25 pm.

#### 701 **Extension of Standing Orders**

At 10 pm and 10.30 pm, Members agreed to the suspension of Standing Orders in order that the Committee could complete its business.

#### Chair

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All minutes are draft until agreed at the next meeting of the Committee/Panel