

TABLED UPDATE 2 FOR EXTRAORDINARY PLANNING COMMITTEE – 28th FEBRUARY 2024

23/503812/SUB – Land at Cleve Hill, Graveney

Further Representations

Members will be aware of further representations submitted by GREAT (Graveney Rural Environment Action Team) and by The Barrister Group on behalf of the Faversham Society, both of which were sent directly to Members of the Planning Committee.

The GREAT representation summarises objections already submitted to the Council, but also includes the following further comments –

- Reference to an appeal dismissed on 16th Feb 2024 relating to a BESS system in East Devon, in part due to insufficient information on health and safety measures and risks to residents and the environment.
- Challenge to advice provided by Kent Fire and Rescue Services
- Concern that GREAT cannot speak at the meeting.

The representation from The Barrister Group includes an invite to Members to seek further comments from Paul Gregory of BST&T Consultancy on various matters relating to battery safety. These are not repeated here, but Mr Gregory will be present at the meeting to answer questions from members. The representation also raises the following points –

- As this relates to an unusual and highly technical subject matter, The Faversham Society scientific expert will only be allotted a 3-minute timeframe to speak, whereas Mr Gregory will receive more time, being a consultant employed by the Council. Likewise GREAT should be allowed to speak.
- The late drafting of the report on third party comments by BST&T Consultancy
- The KFRS advice
- The misunderstanding in the committee report between COMAH and the need for Hazardous Substances Consent
- The failure of the report to identify alternative options for Members and the ability for the applicant to make an appeal.

In addition, 14 further representations have been received. The objections are similar to those already summarised in the main report, but include the following additional points –

- A paper from professors at Oxford University has just been submitted to the Journal of Fire Technology which concludes that high stored energy density in large battery systems has potential for catastrophic disasters and danger to life. These systems must be categorised as potentially “Hazardous.”
- Work is urgently required to establish statutory safety standards and regulations for BESS.
- Appropriate and rigorous training if site operators, workers, emergency and first responders, especially fire-fighters needs to be established.
- BESS construction must be paused while such procedures are established in law.
- A county-wide plan for solar should be established to utilize suitable sites and not farmland.
- The evidence collated by Sir David Melville (on behalf of the Faversham Society) is compelling, as are the objections from parish councils, The Faversham Society and

GREAT

- NFCC guidance has not been adhered to and the toxic plume dispersion modelling remains incomplete, as has explosion risk.
- Endorse comments from the Barrister Group representing the Faversham Society

The BST&T review of third-party comments

This report was circulated to Members as a Tabled Update on Friday. Members will note that appendices are referenced in the report, but these were not circulated with the Tabled Update. These appendices relate to documents in the public domain that are easily available via an internet search, other than Appendix 2 (IAFC Bulletin). This is a short 1-page document which has been attached to this Tabled Update.

Members should also note that this document is not an amendment to the BST&T report appended to the committee report, which reviews the suitability of the BSMP.

Officer comments on the additional representations

In terms of committee procedure, Members will be aware that this is set out in the Council's Constitution. This allows only 1 speaker for or against an application being presented to Planning Committee.

In terms of advice received from KFRS as a key consultee on this application, Members will be aware that significant weight should be given to the views of expert consultees in the planning process.

In terms of decision making, Members will clearly be aware that they are not obliged to follow the officer recommendation. However, they must provide clear planning grounds and reasoning for not doing so. Whilst the applicant would have a right of appeal if this application were refused, Members will be aware that the Council would be at risk of costs if it is unable to substantiate its reasons for refusal.

In terms of the advice in paragraph 6.16 of the committee report, if Hazardous Substances Consent was required for the development, then this would be subject to a separate application process that does not prevent determination of the BSMP. It would mean that the development would require approval for both the BSMP and for Hazardous Substances Consent.

In terms of the Devon appeal decision, there are clear differences between this and the Cleve Hill site. Separation distances between the battery units would be 6 metres and accords with NFCC guidance (shown as 2 metres in the Devon scheme), and the scheme is designed to hold firewater within the compound. KFRS have advised that access arrangements are acceptable for Cleve Hill, unlike the position in the Devon appeal.

RECOMMENDATION – that the Battery Safety Management Plan is Approved.