

**WRITTEN STATEMENT OF JG PEARS PROPERTY LTD IN RESPONSE TO THE
QUESTIONS RAISED BY THE INSPECTORS FOR EXAMINATION**

MATTER 12 GREENING BASSETLAW

12.2 POLICY ST51

- a. *'Is Policy ST51 justified and consistent with national policy? Are the requirements of the Policy clear and would they be effective?'***

Representations

- 1.1 The question refers to three of the tests of 'soundness' (Framework, paragraph 35)

Justified

- 1.2 The Sustainability Appraisal of the Bassetlaw Local Plan Publication Version Addendum January 2022 (PUB-016) merely states that 'Policy ST51 is likely to have a significant positive effect on SA Objective II: Climate change in accordance with the provision of criterion (a). No spatial, environmental, or technical analysis is provided within the SA as to how High Marnham was selected as being the 'Area of Best Fit' which fundamentally implies a comparative assessment of other locations has been undertaken.

Consistency

- 1.3 High Marnham, with the availability of a large high voltage substation, is considered to be a '*suitable area*' for renewable energy (Framework, paragraph 155b).
- 1.4 The Framework (Section 6) states, paragraph (81) in **both plan-making** and decision taking, that the need to support economic growth and productivity should take account of '*local business needs and wider opportunities for development*'. The supporting text to Policy ST51 (10.2.12) states that the Area of Best Fit does not '*mean that land within the area must be development for renewable energy exclusively*'. It is submitted that Policy ST51 as presently worded is not consistent with national policy in not addressing local business needs of JG Pears for growth and enhanced productivity or the opportunities for other businesses to co-locate with the availability of electrical power from the electricity sub-station and other businesses on this large scale site.

- 1.5 Criterion 3 (relating to land outside the Area of Best Fit) requires developers to '*demonstrate an operations and/or economic need for the development in that location*'. This policy requirement is in direct conflict with the Framework, paragraph 158 a).
- 1.6 Criterion a) is not consistent with the Framework, paragraph 158b, which sets a positive approach for the approval of applications where the 'impacts are (or can be made) acceptable'. Acceptability requires a planning judgement to be made against the benefits from renewable energy development and the residual impacts. All development brings about some degree of change. Policy ST51 does not make clear that the benefits from renewable energy development need to be weighed against the residual environmental impacts, which should be minimised.
- 1.7 It is evident from the supporting text at paragraph 10.2.9 that the Council expects developers seeking consent for renewable energy generation development outside the Area of Best Fit to have undertaken some form of 'sequential test'. The Framework 158b does not impose any form of sequential test to be imposed on proposals located on areas beyond these identified in a development plan as being suitable for renewable and low carbon energy.

Effective

- 1.8 The former High Marnham power station extends to some 60 hectares. It is not a practical, nor a reasonable policy requirement for JG Pears, or any other developer to identify all future land uses for High Marnham on a masterplan at the outset whether comprising renewable energy development or business developments. Further there is considered to be no justification for a phasing plan.
- 1.9 High Marnham will be developed in response to emerging market demand for renewable energy technologies and businesses needs within the development management process.
- 1.10 Criterion 2 states that an 'agreed masterplan' is required prior to proposals being submitted as planning applications. There is no mechanism for the Council to 'agree' a masterplan outside a statutory scheme. In so far as the developer may produce a masterplan to show intentions for future uses of land, this could only be made within the statutory planning application process.

1.11 Criterion 4 expects details of expected power generation based on yield or local self-consumption. National planning policy does not require such details to be provided. There is no District target to be achieved as a contribution to national zero carbon targets. This provision should not form part of a development plan policy. There is a risk that yields will become operational requirements through the imposition of planning conditions or obligations. Yields are for climatic reasons not certain, whereas installed capacity can be defined.

b. ***'How was the 'area of best fit' arrived at? Is it supported by robust evidence?'***

Representation

1.12 It is submitted that the designation of the 'area of best fit' is not supported by robust evidence. High Marnham is a suitable area for renewable energy development and other forms of development to support economic growth

c. ***'In the case of wind turbines does the Policy reflect guidance in Planning Practice Guidance and the Written Ministerial Statement of 18th June 2015?'***

Representation

1.13 Policy ST51 does not reflect guidance in the PPG and the WMS June 2015 for the identification of a site suitable for wind energy developments.

d. ***'Are there any omissions from the Policy? Is it appropriately flexible?'***

Representations

1.14 Policy ST51 fails to recognise the locational benefits of the site to meet the local business needs of JG Pears, and the opportunity for other businesses to co-locate with renewable energy generation from a range of renewable energy technologies. In this respect Policy ST51 is not 'appropriately flexible' to address development needs.

1.15 The Council's response to Inspector's Initial Questions states (10.4):

'The policy approach and the potential use of the site have been assessed through the Bassetlaw Sustainability Appraisal (PUB-024) paragraphs 6.293 – 6.297'. Paragraph 6.297 from the SA.

*'While the requirements of this Policy could be seen as potentially restrictive to housing **employment and other forms of new development...**'* Emphasis added.

1.16 It is submitted that Policy ST51 does not provide flexibility in the use of this large scale PDL site, which is suitable to meet other development needs in conjunction with its opportunity for renewable energy generation. A formal Screening Opinion requests have been made for the proposed development of a hydrogen generation plant and for battery storage.

1.17 The Council's response to the Inspector's Initial Questions in respect of Renewable Energy Generation seek to justify the allocation with reference to J G Pears engagement stating (10.3):

'The landowners of High Marnham had previously promoted the former power station site and their wider land interests for renewable energy and low carbon technology development, partly because of the site's ability to connect to the national grid'.

1.18 This comment is considered partial in its scope. JGP has from the outset of the engagement with the local plan review promoted the site for mixed use including industrial development and not exclusively for renewable energy development.

1.19 High Marnham has a large high voltage connection to the National Grid. The site, in consequence of its former use as a coal fired power station, has substantial areas of hardened concrete, and underlying pipes and conduits. High Marnham is suitable for a range of renewable energy projecting for example hydrogen production, battery storage. High Marnham as a previously developed site is not suitable for the provision of a solar array. The below ground structures and services require solar arrays to be mounted on concrete blocks with the site levelled using Type 1 granular material. These works would increase the costs of installation by (50% when compared to the installation of a solar tables on adjoining land which can be mounted on legs spiked into the ground).

e) *'What are the reasons for the Council's proposed modifications to the Policy? Are they necessary for soundness? If so, are they clearly articulated and supported by clear evidence?'*

Representation

1.20 Criterion 5 is not effective in its application to High Marnham. Following decommissioning of renewable energy technologies at High Marham the site cannot be restored to its 'original use'

Conclusion

1.21 The following redrafting of Policy ST51 is put forward to be consistent with the Framework in making provision for business needs, including local business needs, and to be consistent with national planning policy for renewable and low carbon development.

High Marnham Power Station and Renewable Energy Generation

1. The former High Marnham Power Station

At the former High Marnham Power Station, the following forms of development will be supported as identified on the Policies Map.

- a. Development that generates, shares, transmits and/or stores zero carbon and/or low carbon renewable energy (other than wind energy development).**
- b. Employment development to meet local business needs**
- c. Employment development that would benefit from the availability of renewable energy generated at High Marnham or requires an extensive availability of electrical power to meet business needs.**

2. Elsewhere in the District

Elsewhere in the District development that generates shares, transmits and/or stores zero carbon and/or low carbon renewable energy including community energy schemes will be supported (other than wind energy development) where the environmental impacts are (or can be made) acceptable. Environmental effects should be minimised to the extent that the residual effects are outweighed by the benefits of the proposals.

3. Decommissioning

All proposals for renewable energy generation should be accompanied by a decommissioning strategy to achieve a satisfactory restoration of the site after cessation of renewable energy production within the duration of the consent and at the expiration of the planning permission.