Contact: Stephanie Penney DDI No. 01494 421823

App No : 17/05825/FUL App Type : FUL

Application for : Creation of compound with 2.4 m high boundary fence & gates housing 20 x banks of battery units, 20 x transformer units, 1 x metering room and 1 x 132/33kv transformer to provide energy balancing services to the national grid.

At Bumpers Farm, Ilmer Lane, Ilmer, Buckinghamshire, HP27 9RE

Date Received : 03/04/17 Applicant : Harmony Energy Storage

Target date for decision: 29/05/17

1. Summary

1.1. This report recommends approval of a full planning application for the installation of an energy storage facility to the west of Ilmer in the North of the District.

2. The Application

2.1. The site is located to the south east of a recently constructed 52ha solar farm. The site is just under 0.9 ha of arable farmland situated about 300 metres west of the village of Ilmer and lying to the south of the A4129. The main Marylebone to Birmingham rail line is to the south west of the site and there a number of public footpaths on the margins of the site and in the surrounding area. The site is approximately 4.5km from the AONB.

2.2. The proposal is for the creation of compound with 2.4 m high boundary fence & gates housing 20 x banks of battery units, 20 x transformer units, 1 x metering room and 1 x 132/33kv transformer to provide energy balancing services to the national grid. The containers are similar in style to shipping containers, powder coated in grey – green finish. The containers would be accessed by doors on their side elevations. All containers will sit on a reinforced concrete foundation. The wider site would be bounded by a 2.4m fence.

2.3. The proposed development comes as a result of the closure of thermal generation plants and the need for battery storage facilities charged from renewable energy. The need for such facilities are demonstrated by the fact that the National Grid runs a tender process and issues contracts for such plants to ensure security of supply for the UK. The batteries would be charged solely from renewable energy sources (predominantly wind and solar energy) but would not necessarily store the energy generated from the adjacent solar farm. Energy would be transferred via cable connections would be made between the HV container and the local network operator's HV switchgear at the closest substation. The applicant intends to enter into a Power Purchase Agreement with a renewables provider, which would ensure that all energy stored at the facility comes from renewable resources.

2.4. The application is accompanied by:

- Planning (Design and Access) Statement
- Landscape and Visual Impact Assessment
- Heritage Statement
- Flood Risk Assessment
- Highway Access Appraisal

2.5. The application has been amended significantly since it was originally submitted reducing the overall height of the storage units by 2.2m, inverters reduced in height by 1.5m. In addition a Highways Access Appraisal has been prepared with regard to

access safety and potential impact on the local highway network.

2.6. The proposed battery storage facility is separately owned and operated from the solar farm.

3. Working with the applicant/agent

3.1 In accordance with paragraphs 186 and 187 of the NPPF Wycombe District Council (WDC) take a positive and proactive approach to development proposals focused on solutions. WDC work with the applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions, and,
- by adhering to the requirements of the Planning & Sustainability Customer Charter

The application has been amended significantly since it was originally submitted reducing the overall height of the storage units by 2.2m, inverters reduced in height by 1.5m. In addition a Highways Access Appraisal has been prepared with regard to access safety and potential impact on the local highway network. Following the receipt of no objections from the Highways Officer, the application progressed without delay and an extension of time agreed.

4. Relevant Planning History

Solar Farm

4.1. In March 2014 the Council adopted a screening opinion concluding that this application was not EIA development.

4.2. Aylesbury Vale District Council granted planning permission on 5th September 2014 for the parts of the development that lie within their district (the access tracks). (Reference 14/01926/APP).

4.3. 14/06582/FUL. Construction of a ground mounted solar farm including supporting infrastructure comprising 14 x inverter enclosures, Distributor Network Operator (DNO) cabin, security fencing and CCTV system, underground cabling, landscaping and associated works to include creation of access tracks. Appeal allowed.

4.4. 16/08195/MINAMD. Proposed non-material amendment to permission for Construction of a ground mounted solar farm including supporting infrastructure comprising 14 x inverter enclosures, Distributor Network Operator (DNO) cabin, security fencing and CCTV system, underground cabling, landscaping and associated works to include creation of access tracks granted under pp 14/06582/FUL appeal ref: APP/K0425/W/14/3001711. Application permitted. Agreed amendments:

a) Introduction of a site phasing drawing 001916_10 Phasing Plan_RevA. The site will be built in two stages one energising in March 2017 the other in November 2017.
b) The height of the solar panels to reduce from 2.135m to 2.03 metres. With a conventional pile driven post system except for the archaeological area where ballast is used. The land area for the utilised by the solar farm will reduce but the number of modules will be the same. An array within the flood risk area has been removed. The site layout drawing is now 001978_01_PL Site Layout Planning_Rev E.
c) The cables will be low voltage surface mounted. This will ensure less damage to the archaeological area.
d) 4 central inverter transformer buildings will be reduced to six small LV buildings as shown on drawing 001916_11 Planning Typical Buildings_RevA.
e) The site, size and location of the DNO buildings has changed. The revised drawing is 001978_06_Typical Buildings_RevA.

f) Inclusion of six energy storage units (batteries) and associated buildings. This will store the energy generated during daylight and released onto the grid when the demand is highest. They are coloured dark green. Drawing 001978_17 ESS Typical Buildings_RevA refers.

g) The replacement of CCTV cameras with discrete infra-red beam detection systems with no artificial light or noise.

h) 2.2m high deer fence to allow a 150mm gap beneath the fence for the free movement of small mammals.

5. Issues and Policy considerations

Policy Overview

5.1. Before moving on to consider the specific proposals Members are asked to consider the following overview of national policy. This is intended to highlight only the key national policy issues relevant to the application.

National Planning Policy Framework

5.2. The core aim of the NPPF is to support sustainable development:

5.3. "...to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions." (Paragraph 8)

5.4. Whilst they have certain obvious green credentials it would be wrong to conclude too easily that any particular renewable energy infrastructure proposal was, in the round, sustainable.

5.5. The environmental strand includes both **"protecting and enhancing our natural, built and historic environment"** and "**adapt to climate change including moving to a low carbon economy."** This inherent tension between preservation and change also runs through the core land-use planning principles that should underpin decision making. As set out in paragraph 17 of the NPPF planning should (amongst other things):

> "take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, **recognising the intrinsic character and beauty of the countryside** and supporting thriving rural communities within it;
>
> support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and **encourage the use of renewable resources** (for example, by the development of renewable energy);"

5.6. At paragraph 97 and 98 the NPPF says:

> "To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.
>
> When determining planning applications, local planning authorities should:
>
> not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
>
> **approve the application if its impacts are (or can be made) acceptable.** Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent

applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas."

5.7. On the topic of 'Conserving and enhancing the Natural Environment' paragraph 109 of the NPPF says:

> "The planning system should contribute to and enhance the natural and local environment by:
>
> **protecting and enhancing valued landscapes**, geological conservation interests **and soils**;
>
> recognising the wider benefits of ecosystem services;
>
> minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

National Policy Statements (Energy)

5.8. Alongside the NPPF the Government has published a series of National Policy Statements (NPS) on Energy.

5.9. Generally the NPS are designed to guide the parliamentary Infrastructure and Planning Committee on national infrastructure projects – however they can also be material to LPA decisions on local schemes. This can be seen for example in the widely reported recovered appeal at Southminster (APP/X1545/A/12/2174982). The Energy NPS were approved by the Secretary of State in July 2011, however they have not been replaced by the NPPF and, as shown by the Southminster appeals, they are given full weight by the Secretary of State.

5.10. EN1 Overarching National Policy Statement for Energy paragraph 1.2.3 says:

> "Further information on the relationship between NPSs and the town and country planning system, as well as information on the role of NPSs is set out in paragraphs 13 to 19 of the Annex to the letter to Chief Planning Officers issued by the Department for Communities and Local Government (CLG) on 9 November 2009"

Paragraph 16 of said letter:

> "16. Under existing planning law, decisions by LPAs on planning applications must be taken in accordance with the development plan unless material considerations indicate otherwise. In cases where development plans have not yet been updated to take account of a particular NPS, the NPS is likely to be a material consideration which the LPA (and the Secretary of State on appeal or call-in) will have to take into account when determining planning applications. Whether or not the NPS is a material consideration in this or any other circumstance and the weight to be applied to it by the decision-maker will have to be determined on a case by case basis."

5.11. EN1 Paragraph 2.2.4:

> "The role of the planning system is to provide a framework which permits the construction of whatever Government – and players in the market responding to rules, incentives or signals from Government – have identified as the types of infrastructure we need in the places where it is acceptable in planning terms. It is important that, in doing this, the planning system ensures that development consent decisions take account of the views of affected communities and respect the principles of sustainable development."

5.12. EN1 3.3.11

"As part of the UK's need to diversify and decarbonise electricity generation, the Government is committed to increasing dramatically the amount of renewable generation capacity"

"An increase in renewable electricity is essential to enable the UK to meet its commitments under the EU Renewable Energy Directive 24. It will also help improve our energy security by reducing our dependence on imported fossil fuels, decrease greenhouse gas emissions and provide economic opportunities."

National Planning Practice Guidance

5.13. On 9 April 2014 The Rt Hon Eric Pickles Minister for Communities and Local Government submitted a written statement to Parliament saying (amongst other things) that:

"We have published planning guidance to help ensure planning decisions on green energy do get the environmental balance right in line with the National Planning Policy Framework. The guidance is designed to assist local councils in their consideration of Local Plans and individual planning applications. In publishing the guidance, we have been quite clear that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities."

5.14. On 6 March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. (The NPPG) This was a comprehensive review of secondary planning guidance and amongst other things it replaced the "Planning practice guidance for renewable and low carbon energy" July 2013.

Development Plan Policy

5.15. There are a range of policies which are directly relevant to the current application relating variously to development in the countryside, the transport impacts of development, for example. These are detailed further in the main body of the report.

5.16. From 16 October 2017 the emerging policies of the Wycombe District Local Plan (Regulation 19) Publication Version will also be material. The weight to be given to individual policies will be assessed in accordance with paragraph 216 of the NPPF.

5.17. Weight is of course a matter for the decision maker but the NPPF says:

Para 216. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Other Guidance

5.18. In December 2012 Natural England published updated technical guidance on soil classification.

http://publications.naturalengland.org.uk/file/4424325

Principle and Location

Adopted Local Plan (LP): C10 (Development in the Countryside Beyond the Green Belt)
Core Strategy Development Planning Document (CS): CS1 CS2 CS7 CS17 CS18
Delivery and Site Allocations Development Plan Document (DSA) DM1 DM17

Emerging Local Plan (Regulation 19) Publication Version: CP1 (Sustainable Development) Policies, CP10 (Green Infrastructure and the Natural Environment); DM32 (Landscape Character and Settlement Patterns); DM34 (Delivering Green Infrastructure and Biodiversity in Development) and DM44 Development in the Countryside Outside of the Green Belt.

5.19. The site is in open countryside outside of the Green Belt and the Chilterns AONB and is not previously developed land.

5.20. In the terms of the NPPG before a greenfield development can be considered in detail it is necessary to first consider "whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land". The previous identification and assessment of the solar farm has been referred to.

5.21. The first part of this requires the identification of a search area for alternative sites. There is no government guidance on this point but there is an appeal precedent from elsewhere that indicates that this is likely to be a wide area and will not necessarily relate to political boundaries. This is especially relevant where, as in the current case, the application site is adjacent to the District Boundary. For this reason Officers have taken the view that a reasonable area of search for alternate 'non-agricultural' sites would be the combined Buckinghamshire and Oxfordshire area, allowing that the Chilterns AONB should be excluded. The applicant has undertaken an analysis of alternative development sites on this basis. This sets out a number of reasonable search criteria regarding the size of site and its location relative to the necessary national grid infrastructure and similar factors. The initial search identifies 6 potential sites (including for example Land at Royal Ordnance, Westcott and RAF Bicester) and assesses their potential for solar farm development. Officers are satisfied with their conclusions and it is therefore considered that the use of some agricultural land is necessary.

5.22. The second part of this test requires a more detailed analysis of soil quality to ensure that 'poorer quality land has been used in preference to higher quality land'. Higher quality land in this context is a reference to what is termed the 'best and most versatile' agricultural land (BMV) which encompasses grades 1 to 3a inclusive. In response to feedback from Officers the applicant has recently completed a detailed soil test assessment in accordance with the relevant technical guidance. This demonstrates that the majority of the site is subgrade 3b – moderate quality - with two small areas within the westernmost field comprising subgrade 3a – good quality. The assessment then argues that as the vast majority of the field which includes some small areas of BMV is poorer quality that the field would not ever be used as BMV in practice. This is a reasonable assumption and as such it is considered that no objection should be raised with respect to this.

5.23. It should be acknowledged that with respect to the solar farm site, the Inspectorate concluded that the proposed development would not result in the substantive loss of one of the District's areas of high quality BMV agricultural land.

5.24. It is considered that the location of the proposed development is acceptable in principle. The determining issues will therefore be whether the proposal is also acceptable in terms of landscape and the other impacts discussed below. National policy is clear that the need for renewable energy does not automatically override the need to protect local environmental quality.

Landscape and Biodiversity

Does the proposal (either singly or cumulatively) have a significant adverse impact on the landscape?

What is the impact on the Chilterns AONB?

What impact does the proposal have on biodiversity?

Adopted Local Plan (LP): C10 G10-11 L1
Core Strategy Development Planning Document (CS): CS2 CS7 CS17 CS18
Delivery and Site Allocations Development Plan Document (DSA) DM14 DM15
Emerging Local Plan (Regulation 19) Publication Version: CP1 (Sustainable Development) Policies, CP10 (Green Infrastructure and the Natural Environment); DM32 (Landscape Character and Settlement Patterns); DM34 (Delivering Green Infrastructure and Biodiversity in Development) and DM44 Development in the Countryside Outside of the Green Belt.

5.25. The application is supported by a Landscape and Visual Impact Appraisal.

5.26. The height of the facilities have reduced significantly since the application was submitted. The battery units were approximately 5m high, with 6 converter units at 4m high and switchgear equipment at 8.6m high. The amended scheme results in the battery units at 2.2m high, the metering unit at 4m high and the transformer at 6.8m high.

5.27. The first point to note is that whilst the development is technically reversible the 25 year duration of the impacts is effectively permanent and should be judged on this basis. However, reference should be made to the solar farm where the Inspectorate attached an expiry date on the application from 25 years of when electricity is first exported from any of the solar panels to the electricity grid.

5.28. The proposal inevitably has a significant impact on the existing landscape character of the site itself, but this is not considered to be a sensitive landscape area, and this is not considered to justify an objection to the proposal.

5.29. The Landscape Officer has concluded that the amended development would have a permanent Moderate/Minor Adverse visual effect on users of local PRoW's, LCI/12/1 and LCI/34/1 and a Minor/Negligible Adverse effect on landscape character. The landscape and visual impact of this development could be reduced if the 6.8m high transformer apparatus was located in the southern corner of the site, where it could be set against some existing tree cover and the railway embankment, leaving the lower and less impactful battery storage units and inverters to be located further north where there is less existing landscape cover. Either way, a high quality, mixed native hedgerow and tree planting scheme would be required as a condition of any permission.

5.30. The Landscape Officer did request that the transformer apparatus be relocated to the southern corner of the site to further reduce visual impact. However, the Agent advised that the location of this apparatus is dictated by the need for this equipment to be located as close as possible to the connection with the grid. The further the transformer is located from the connection with the grid, the greater the system losses and the less efficient the storage facility become. Therefore, moving the transformer to the south of the site would have a noticeable impact on the efficiency of the facility.

5.31. The proposed development is not expected to result in adverse impacts on protected or notable species and habitats.

5.32. In conclusion on these points it is therefore considered that the proposal is acceptable with regards to landscape impacts and biodiversity.

Heritage

Does the proposal result in an unacceptable loss of significance to a heritage asset?

Adopted Local Plan (LP):HE3 HE11 HE19
Core Strategy Development Planning Document (CS):CS17
Delivery and Site Allocations Development Plan Document (DSA)
Emerging Local Plan (Regulation 19) Publication Version: DM31 Development effecting the Historic Environment.

5.33. The site lies to the north 9approximately 270m) of the Ilmer Conservation Area. The Conservation Area includes the Grade II*Listed St Peters Church. The proposal is considered to have no significant impact on their setting. This was also concluded by the Inspectorate with reference to the solar farm appeal.

Impact on adjoining uses

What is the impact of the proposal on adjoining uses in terms of noise and disturbance?

Adopted Local Plan (LP): G8 G15
Core Strategy Development Planning Document (CS):
Delivery and Site Allocations Development Plan Document (DSA)
Emerging Local Plan (Regulation 19) Publication Version: DM35 Placemaking and Design Quality and DM37 Small scale non-residential development.

5.34. Surrounding land uses are mainly agricultural with a number of nearby residential properties, mainly in the village of Ilmer. Due to the nature of the development and its location the proposal has the potential to generate noise and disturbance both during the construction phase and during the operational phase.

5.35. Construction work is inherently noisy and a degree of short-term disturbance is to be expected. Usually such noise disturbance is regulated outside of the planning regime but due to the location and nature of this development it will be necessary to control construction hours by way of a formal planning condition.

5.36. In conclusion it is considered that the impact on neighbouring uses is acceptable.

Impact on the transport network

What is the impact of the proposal on the safe operation of the highway network?

What is the impact of the proposal on the safe use of the rights of way network?

What is the impact of the proposal on the safe operation of the railway?

Adopted Local Plan (LP): T2 T4
Core Strategy Development Planning Document (CS): CS16 CS20
Delivery and Site Allocations Development Plan Document (DSA): DM2
Emerging Local Plan (Regulation 19) Publication Version: DM35 Placemaking and Design Quality

5.37. Due to the nature of the development the significant highway impacts are limited to the construction phase. Access to the site is proposed via the same access to the solar farm which is via an existing stone road extending from a gated access on Ilmer Road. Ilmer Road is an unclassified rural lane and is subject to the national speed limit. The width of the road is between 4.2 and 4.3m. Ilmer Road does not have any road markings and grass verges are either side of the carriageway. Visibility at the proposed access is constrained to the right by the bridge.

5.38. The construction period is expected to be 16 weeks and traffic generation over this period will be approximately 165 HCV two-way trips, equivalent to 10 trips per week or 2 trips per day. Post construction, it is expected that the site will generate 12 trips per year to support site operations and maintenance activities. Height restrictions at the railway bridge means that HCV access to the site will only be made via a right turn from the highway and egress movements from the site will only be made via a left turn movement onto Ilmer Road.

5.39. Access to the solar farm was approved with construction access to the eastern site via a new means of access from the existing layby on the A4129. This was secured by condition. This access is to be remediated post construction.

5.40. The application as originally submitted resulted in an objection from the BCC Highways. BCC Highways stated:

5.41. Due to the culvert weight limit restriction, the restricted width of the carriageway, the horizontal alignment of the highway carriageway, and the associated restricted

forward visibility that results from these conditions, the Highway Authority considers Ilmer Lane to be incapable of safely and conveniently accommodating the specific tonnage, type and quanta of construction vehicles that will implement the proposals subject to this application.

5.42. I note that Ilmer Lane is the sole public highway access for the settlement of Ilmer, and that the proposal of construction vehicles would cause both obstruction and an unsafe situation upon the publically maintained highway. In addition, the only public highway access to Ilmer could become inaccessible should damage occur as a result of the proposed access arrangements. This would have a severe effect upon the settlement of Ilmer and prevent access for emergency services and refuse collection services to Ilmer in addition to highway infrastructure damage.

5.43. The Highway Access Assessment has based the highway impact of vehicular movements upon a mean average, equally distributing vehicular trips across the whole period of development. Additional information will be required to justify the use of a flat rate of construction vehicle trip generation as a mean average assessment is not considered appropriate. It is reasonable to expect certain stages of development to require a larger number of deliveries within a short timeframe and a perfectly distributed pattern would not be expected for a development of this quantum with three hundred and thirty proposed construction vehicle movements, or one hundred and sixty five two-way trips.

5.44. However, BCC Highways did state in their comments that the objections could be overcome by way of Construction Traffic Management Plan demonstrating a temporary access off of the A4129 or the adjacent layby, with the agreement of the landowner, thereby bypassing Ilmer Lane. However, the Agent has pursued access off Ilmer Lane.

5.45. The Access Appraisal advises the site can be accessed safely, with minimal disruption to the local and wider highway network given the anticipated number of vehicle movements. Whilst access to the solar farm during the construction phase is via the A4129, this is a completely separate site with different vehicular movements.

5.46. BCC Highways have now raised no objections to the scheme for the following reasons:

5.47. The applicant has recently submitted additional information in the form of a Highway Access Assessment. I note that my previous comments raised objections to the access proposals of the development, the applicant has suggested off-site works and the use of a Construction Traffic Management Plan in order to overcome the objections of the Highway Authority.

5.48. In response to the culvert weight limit, the applicant will be required to carry out works to either augment or replace the culvert to a standard capable of accommodating the construction traffic required by the proposed development. As such, should these off-site works be approved by the Local Planning Authority, the proposal should overcome the objections of the Highway Authority based upon the unsuitability of the aforementioned Ilmer Lane culvert to take development traffic.

5.49. In order to address the restricted width of the carriageway, the applicant should provide additional off-site works in order to widen sections of the highway to accommodate the required construction traffic and other vehicles utilising the highway. I note that Ilmer Lane is the sole public highway access for the settlement of Ilmer, and that the proposal of all off-site works must therefore ensure continual public access along Ilmer Lane. Details of how access is to be maintained should be submitted along with information upon the agreed off-site works. These proposals should include vehicle tracking for the length of Ilmer Lane, including the proposed culvert and passing bays to demonstrate their viability.

5.50. A Construction Traffic Management Plan detailing the access arrangements should be submitted to the Local Planning Authority for approval in consultation with the

Highway Authority. The requirements are outlined in the below condition.

5.51. Section 59 pre-start/post-construction surveys for the highway between Thame Road (A4129) and the proposed site access are required. This is in order to ensure that any damage to the local highway network during the period of construction will be repaired by the applicant subsequent to the completion of construction.

5.52. Mindful of the above comments, the Highway Authority removes its objection to the proposed application subject to the conditions being placed upon any permission granted.

5.53. Conditions will require submission of details for off-site works and a Construction Management Plan. In addition Highways have advised that the Section 59 of the Construction Management Plan will ensure that any damage to the local highway network during the construction will be repaired by the applicant.

5.54. The proposal does not require the closure or diversion of any rights of way. However, the access I shared with Public Footpath No. 12 in Longwick Parish. Accordingly, the BCC Rights of Way Officer has requested further details of the surfacing works, which can be secured by condition.

5.55. In conclusion on these points the impact on the local transport network is considered acceptable.

5.56. Concerns from local residents and the Ward member have been acknowledged however access to the solar farm is a separate matter and does not form part of this application. Any subsequent application made which uses the access track should not be bound by the condition on a permission to which is has no connection.

Conclusions. Weighing and balancing

Does the proposal accord with the Development Plan?
Does the proposal accord with the NPPF?
Are there other material considerations?
Do the benefits of the scheme outweigh any harm arising?

5.57. There is public objection, and the Minister has been clear that "the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities". Had Officers found a conflict with a policy, these objections would have added weight to this.

5.58. However the proposal is considered to accord with both local and national policies for the reasons set out in the report above and as such it is recommended for approval.

Recommendation: Application Permitted

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended).

2 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers WDC1, WDC3 rev D, 001J and GM0001 unless the Local Planning Authority otherwise first agrees in writing.
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.

3 This grant of planning permission shall expire no later than 25 years from the date when the site becomes operational. Written notification of this shall be given to the Local Planning Authority within 14 days of its occurrence.
Reason: To ensure that the site is suitably restored upon cessation of the use permitted given the renewable use being of a temporary nature.

4 Prior to the commencement of development a Decommissioning and Restoration Scheme shall be submitted to and approved in writing with the Local Planning Authority. This statement shall include details of the timescale and management of the decommissioning works; the removal of all equipment and all other associated structures and the reinstatement of the land to its former condition. The works shall be carried out in accordance with the approved details.
Reason: To ensure that the site is suitably restored upon cessation of the use permitted given the renewable use being of a temporary nature.

5 Prior to the commencement of development, a fully detailed landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the scheme shall include: a high quality, mixed native hedgerow and tree planting scheme' around the periphery of the site that ties in with existing landscape features and also the planting scheme for the permitted solar farm scheme adjacent.
Reason: To provide landscape and biodiversity enhancements and ensure landscape and visual impacts are reduced to a minimum.

6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the the completion of the development. Any trees, plants or areas of turfing or seeding which, within a period of 3 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.

7 Prior to the commencement of any works on the site, a Construction Traffic Management Plan detailing the management of construction traffic (including vehicle types, routing from the Strategic Road Network, frequency of visits, proposed vehicle convoying, daily time frames, use of signalised traffic lights at the highway access, on-site loading/unloading arrangements, Section 59 pre-start/post-completion survey and parking of site operatives vehicles) shall be submitted and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with such approved management plan.
Reason: This is a pre-commencement condition as development cannot be allowed to take place, which in the opinion of the Highway Authority, could cause danger, obstruction and inconvenience to users of the highway and of the development.

8 No other part of the development shall commence until the off-site highway works have been laid out and constructed in accordance with details to be submitted to and first approved in writing by the Local Planning Authority in consultation with the Highway Authority.
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

9 Prior to commencement of development details of the surface material to be used for the construction of Public Footpath LC/12/2 shall be submitted to an approved in writing by the Local Planning Authority, then laid out and constructed in accordance with the approved details.
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

10 No construction work shall be carried out outside the hours of 07:00 to 19:00 on Mondays to Fridays, 08:00 to 13:00 on Saturdays and not at any any time on Sundays, Bank or Public Holidays
Reason: To protect the amenities of nearby residents.

INFORMATIVE(S)

1 In accordance with paragraphs 186 and 187 of the NPPF Wycombe District Council (WDC) take a positive and proactive approach to development proposals focused on solutions. WDC work with the applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions, and,
- by adhering to the requirements of the Planning & Sustainability Customer Charter

The application has been amended significantly since it was originally submitted reducing the overall height of the storage units by 2.2m, inverters reduced in height by 1.5m. In addition a Highways Access Appraisal has been prepared with regard to access safety and potential impact on the local highway network. Following the receipt of no objections from the Highways Officer, the application progressed without delay and an extension of time agreed.

2 The applicant is advised that the off-site works will need to be constructed under a section 278 of the Highways Act legal agreement. This agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 8 weeks is required to draw up the agreement following the receipt by the Highway Authority of a completed Section 278 application form. Please contact the Transport Development Control Section at the following address for information:-

Development Management, Buckinghamshire County Council, 9th Floor, County Hall, Walton Street, Aylesbury, Buckinghamshire, HP20 1UY
Tel: 01296 395000

3 It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

4 No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

5 The applicant is advised to contact the Highways Development Management delivery team to determine the extent of pre-condition surveys.

6 The comments received from Network Rail are drawn to your attention:

The developer should contact the Network Rail Asset Protection using the reference: WM/NAJ2/27/3/LF - in all correspondence.

When designing proposals, the developer and LPA are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary fence, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments which might be adversely impacted by third party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability.

The developer/applicant must ensure that their proposal, both during construction and as a permanent arrangement, does not affect the safety, operation or integrity of the existing operational railway / Network Rail land. The works on site must not undermine or damage or adversely impact any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and boundary treatments. Any future maintenance must be conducted solely within the applicant's land ownership.

1) The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer. The applicant /developer should submit the RAMs directly to: AssetProtectionLNWSouth@networkrail.co.uk

2) The fence must be constructed and maintained wholly within the applicant's land ownership footprint. The foundations must be constructed and maintained wholly within the applicant's land ownership footprint, without over-sailing or encroaching onto or over the Network Rail boundary. The fence must not prevent Network Rail from maintaining and/or renewing its boundary treatments. Network Rail's existing boundary treatment must not be removed, altered or damaged in anyway both during construction and as a permanent arrangement.

3) Any scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, must have at least a 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

4) If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail Asset Protection Engineer for agreement.
   - All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.
   - The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

   Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.

5) All surface water is to be directed away from the direction of the railway. Soakaways, as a means of storm/surface water disposal must not be constructed near / within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.
   - Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains.
   - Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's property.
   - Proper provision must be made to accept and continue drainage discharging from Network Rail's property.
   - Suitable foul drainage must be provided separate from Network Rail's existing drainage.
   - Drainage works could also impact upon culverts on developers land.

   Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land causing flooding, water and soil run off onto lineside safety critical equipment / infrastructure; or lead to de-stabilisation of land through water saturation.

6) Network Rail will need to review and agree all excavation and earthworks within 10m of the railway boundary to determine if the works impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree to the following:
   - Alterations to ground levels
   - De-watering works
   - Ground stabilisation works

   Network Rail would need to review and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The LPA are advised that the impact of third party excavation and earthworks can be different depending on the geography and soil in the area. The LPA and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area; therefore consultation with Network Rail is requested.

   Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.

7) Network Rail requests that the developer ensures there is a minimum 2 metres gap between the buildings and structures on site and the railway boundary. Less than 2m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land. This would not be acceptable. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant's land ownership footprint.

8) As the proposal includes works which may impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

   The applicant / developer should liaise directly with Asset Protection to set up the BAPA.
   For major works / large scale developments an Asset Protection Agreement will be required with further specific requirements.
   AssetProtectionLNWSouth@networkrail.co.uk

17/05825/FUL

Consultations and Notification Responses

Ward Councillor Preliminary Comments

Councillor Clive Harris
First Comment: In view of the uproar locally caused by the initial development and the construction and now service traffic using the Ilmer Road for access and not the main road, I would like to see this application brought to committee if the officers are minded to approve under delegated powers.

Amended comment: The neighbours have indicated that they are very concerned by the visual and vehicular impact on this rural location which provides the only access to the community in Ilmer village. The special nature of vehicles needed to service, maintain and update the site in the future they consider will cause extensive damage to the Ilmer Road. In light of these comments if minded to approve could you please refer at least to Delch but preferably to committee.

Parish/Town Council Comments/Internal and External Consultees

Longwick cum Ilmer Parish Council
Comment: The Longwick-cum-Ilmer Parish Council does not object to this planning application but has the following concerns:-A new means of access to the eastern site via the existing lay-by on the A4129 has been sited for industrial vehicular access to minimise the danger, obstruction and inconvenience to the users of the highway. The construction traffic is not adhering to the agreement in the original planning application to use the access from the Thame Road and is using the Ilmer Road which is totally unsuitable for the size and width of the lorries often wider than the road itself. This condition needs to be enforced to protect the newly resurfaced Ilmer Road and the safety of the residents. The Parish Council does not consider that there is a satisfactory standard of landscaping and requests that the current unsightly screening of the site is improved and sympathetic to the local area.

Control of Pollution Environmental Health
Comment: I have no objections to this application

Cadent Gas Ltd Plant Protection Department
Comment: Not received

Town Planning Team Network Rail
Comment: No objections, but attach an informative for the Applicant's attention.

Rights of Way and Access
Comment: No objection received, but require a condition requiring the surfacing details of the access.

The Ramblers Association
Comment: Not received

County Highway Authority
Comment: No objections subject to conditions.
The applicant has recently submitted additional information in the form of a Highway Access Assessment. I note that my previous comments raised objections to the access proposals of the development, the applicant has suggested off-site works and the use of a Construction Traffic Management Plan in order to overcome the objections of the Highway Authority.

In response to the culvert weight limit, the applicant will be required to carry out works to either augment or replace the culvert to a standard capable of accommodating the construction traffic required by the proposed development. As such, should these off-site works be approved by the Local Planning Authority, the proposal should overcome the objections of the Highway Authority based upon the unsuitability of the aforementioned Ilmer Lane culvert to take development traffic.

In order to address the restricted width of the carriageway, the applicant should provide additional off-site works in order to widen sections of the highway to accommodate the required construction traffic and other vehicles utilising the highway. I note that Ilmer Lane is the sole public highway access for the settlement of Ilmer, and that the proposal of all off-site works must therefore ensure continual public access along Ilmer Lane. Details of how access is to be maintained should be submitted along with information upon the agreed off-site works. These proposals should include vehicle tracking for the length of Ilmer Lane, including the proposed culvert and passing bays to demonstrate their viability.

A Construction Traffic Management Plan detailing the access arrangements should be submitted to the Local Planning Authority for approval in consultation with the Highway Authority. The requirements are outlined in the below condition.

Section 59 pre-start/post-construction surveys for the highway between Thame Road (A4129) and the proposed site access are required. This is in order to ensure that any damage to the local highway network during the period of construction will be repaired by the applicant subsequent to the completion of construction.

Mindful of the above comments, the Highway Authority removes its objection to the proposed application subject to the following conditions being placed upon any permission granted.

Landscape Officer
Comments: Revised proposals have been submitted that show the proposed battery storage units at a reduced height of 2.2m (from 5m) and the inverters reduced to 2.5m (from 4m). The proposed transformer apparatus is confirmed as having a finished height of 6.8m. The six 4m high transformer units (shown yellow on previous layout) and 4m container (shown red on previous layout) are removed from the scheme. There is some confusion as to the relationship between this proposal layout and landscape scheme, and the landscape scheme permitted for the adjacent solar farm as they appear to conflict. This requires clarification as they cannot both be implemented.

Visual Impacts: The main visual effects would be felt from PRoW LCI/12/2, directly adjacent to the eastern boundary of the site. The PRoW is located on the inside of the existing hedgerow so there would be no screening at all until the proposed hedgerow planting established. The adverse effect would be felt from the point where the PRoW crosses the railway line to the south, to the point where it goes into a wooded copse and joins PRoW ASA/6/1 to the north. Users of this PRoW would experience the development in the context of the existing solar farm, also visible, but also be affected by the new ,vertical elements of the 6.8m high transformer apparatus. Vertical features are not a characteristic of this landscape and their visual effects are therefore greater than those of horizontal, linear features such as solar panels, railways and roads. The proposed development would also be much closer than the existing solar farm. I consider users of LCI/12/2 to have a sensitivity of Medium; and would experience a High magnitude of change, resulting in a Moderate Adverse visual effect. In the longer term, when the hedgerow planting has established (10+ years) this would reduce to Moderate/Minor Adverse effect (as the majority of the development would be screened but the transformer apparatus would still be visible at close quarters).Visual effects would also be felt from the majority of PRoW LCI/34/1, on the other

side of the adjacent field, to the east of the site. Users of this PRoW will not be so affected by the existing solar farm as it is screened by the intervening hedgerow near the eastern boundary of the site. This hedgerow would also help screen the proposed battery storage units etc. but not the 6.8m high transformer apparatus which would look incongruous above the hedge line.I consider users of LCI/34/1 to have a sensitivity of High; and would experience a Medium magnitude of change resulting in a Moderate Adverse visual effect. In the longer term, when the proposed hedgerow trees have established (5+ years) and provide some screening for the transformer apparatus, this would reduce to Moderate/Minor Adverse effect. I agree with the LVA that impacts on PRoW beyond those described above would be minor.

Landscape Character Impacts: I consider the landscape to have a Medium sensitivity; and would experience a Medium magnitude of change (from the introduction of permanent vertical apparatus), resulting in a Moderate/Minor Adverse effect on landscape character. In the longer term, landscape benefits could be gained from the establishment of a high quality, mixed native hedgerow and tree planting scheme. This would help balance the negative aspects and reduce the effect on landscape character to Minor/Negligible Adverse effect.

Conclusion: The development would have a permanent Moderate/Minor Adverse visual effect on users of local PRoW's, LCI/12/1 and LCI/34/1 and a Minor/Negligible Adverse effect on landscape character. The landscape and visual impact of this development could be reduced if the 6.8m high transformer apparatus was located in the southern corner of the site, where it could be set against some existing tree cover and the railway embankment, leaving the lower and less impactful battery storage units and inverters to be located further north where there is less existing landscape cover. Either way, a high quality, mixed native hedgerow and tree planting scheme would be required as a condition of any permission.

Further Comment: I'm happy if they submit a plan with the proposed planting removed and make reference to a proposed scheme on the plan or elsewhere instead. However, there must be a clear requirement in the report for 'a high quality, mixed native hedgerow and tree planting scheme' around the periphery of the site that ties in with existing landscape features and also the planting scheme for the permitted solar farm scheme adjacent. Reason - to provide landscape and biodiversity enhancements and ensure landscape and visual impacts are reduced to a minimum. Details can be agreed at condition stage.

Representations

Nine letters of objection received from seven households:-

- Access route goes against the route approved for the solar farm
- Size, height and scale of the proposal
- Further industrialisation of the landscape
- Impact from background noise
- Heavy construction traffic will undermine the repair scheme to Ilmer Lane.
- The proposed development will bring the solar panels right up to local visibility
- Access to the solar farm is via Ilmer Lane.
- Safety of people who use the site recreationally