



## Report to West Area Planning Committee

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<b>Application Number:</b>	20/08321/FUL
<b>Proposal:</b>	Temporary planning permission (25 years) to undertake the development works required for the construction and operation of a battery energy storage facility, associated infrastructure and landscaping.
<b>Site Location:</b>	Land Between Landfill Site Coldmoorholme Lane Bourne End Buckinghamshire
<b>Applicant:</b>	Mr Steve Wheeler
<b>Case Officer:</b>	Stephanie Penney
<b>Ward(s) affected:</b>	Flackwell Heath, Little Marlow & SE
<b>Parish-Town Council:</b>	Little Marlow Parish Council
<b>Date valid application received:</b>	16th December 2020
<b>Statutory determination date:</b>	10th February 2021
<b>Recommendation</b>	Approval

### 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Temporary permission is sought to undertake the development works required for the construction and operation of a battery energy storage facility, associated infrastructure and landscaping.
- 1.2 The application is reported to Planning Committee at the request of the local members.
- 1.3 Councillor's Watson and Johncock have requested the application is heard at Planning Committee.
- 1.4 The application is recommended for approval subject to conditions.

### 2.0 Description of Proposed Development

- 2.1 Temporary planning permission (25 years) is sought to undertake the development works required for the construction and operation of a battery energy storage facility, associated infrastructure and landscaping.
- 2.2 The development comprises of:
  - 2 x 13.7m battery containers
  - 3 x 6.06m inverters

- Car Park
- Paladin fencing
- Proposed planting
- Low level CCTV cameras
- Proposed tree planting
- Proposed new fence

- 2.3 The proposal is to develop a distribution-connected storage facility occupying an area of approximately 0.35ha. The facility would draw energy from the grid when demand is low, and supply is high, and store it for release when required in periods of higher demand. The facility would provide a source of flexibility to help address some of the challenges associated with the transition to a low carbon electricity sector. By storing energy, when demands are low and releasing it over long periods of time, will help the energy sector cope with the peaks in supply and demand that the energy sector faces daily.
- 2.4 The site will be connected to the National Grid via underground cables.
- 2.5 The application site is located on land to the west of Coldmoorholme Lane. The site is undeveloped and land to the north, south and west of the application site is undeveloped, with some vegetation present along field boundaries. Overhead powerlines run across the site from the north-eastern site corner across to the south-western corner of the application site.
- 2.6 The site is located to the west of Coldmoorholme Lane, approximately 1.2km north-west of Bourne End and approximately 5.2km south-east of High Wycombe. The substation is located opposite the application site to the east of Coldmoorholme Lane.
- 2.7 The site is located within the Green Belt. The site is also within the Little Marlow Gravel Pits, Corridor Biodiversity Opportunity Area and Little Marlow Country Park. The site is within 500m of a SSSI. The closest public right of way is located approximately 150m to the south of the application site.
- 2.8 Well End and Abbotsbrook Conservation Area are within 1km of the site. Coldmoorholme Cottage (Grade II) is south east of the site entrance and there are two further Grade II listed buildings further down the lane.
- 2.9 The proposed two battery storage containers are 3m high and 13.7m in length. The units are metal in the colour green. The three inverters are 2.5m high. The equipment is located in the north western corner of the site and would be positioned on concrete footings. Additional planting has been proposed around the site. The proposed site will be enclosed by security fencing.
- 2.10 The proposed development will assist with energy supply during periods of peak demand and will strengthen electricity supplies into the Heathrow area in particular.
- 2.11 The application follows a previously withdrawn application, but has since been reduced in scale from seven battery units to two. However, the two battery units will be able to store the same amount of energy as the previous seven, 7.2MW. The seven units were 12m in length and 3m in height. In addition, a substation is no longer required.
- 2.12 The amount of equipment, form and scale, has therefore been significantly reduced.
- 2.13 The application is accompanied by:
- a) Planning Statement
  - b) Green Belt Statement and Alternative Sites Assessment.

- c) Design and Access Statement
- d) Detailed Drainage Strategy
- e) Preliminary Ecological Appraisal
- f) Phase 1 Environmental Report
- g) Landscape Strategy Report
- h) Construction Management Plan
- i) Heritage Impact Assessment
- j) Noise Impact Assessment

### 3.0 Relevant Planning History

- 3.1 19/07718/FUL. Creation of compound with 2.5 high boundary fence housing 7 x battery containers, 1 x substation, 1 x Inverter and T x Skid, 1 x client container, CCTV camera and stand; bund and security fencing to provide energy balancing services to the national grid. Application withdrawn.

### 4.0 Policy Considerations and Evaluation

#### Policy Overview

- 4.1. 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

- 4.2. The core aim of the NPPF is to support sustainable development:
- 4.3. “Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) (Para 8)
- 4.4. 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.
- 4.5. 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.**”
- 4.6. At paragraph 158 the NPPF says:
- 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.”
- 4.7. On the topic of ‘Conserving and enhancing the Natural Environment’ paragraph 174 of the NPPF says:

“The planning system should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

### **Green Belt**

4.8. This application site is however in the Green Belt. Paragraph 148 of the NPPF states:

When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

### **National Policy Statements (Energy)**

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

4.10. 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.

4.11. 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.”

4.12. 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.”

4.13. 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.”

### **Energy White Paper**

4.14. The Energy White Paper was produced in 2020 which follows on from the Prime Minister’s Ten Point Plan and the National Infrastructure Strategy. The Energy White Paper provides further clarity on the Prime Minister’s measures and puts in place a strategy for the wider energy system. The White Paper presents a vision on how we make the transition to clean energy by 2050.

4.15. On 15 July 2020, Buckinghamshire Council passed a motion to work alongside national Government with the objective to achieve net carbon zero for Buckinghamshire as a whole by 2050.

### **National Planning Practice Guidance**

4.16. 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.”

4.17. 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. It published “Planning practice guidance for renewable and low carbon energy” June 2015.

#### **Buckinghamshire Energy Strategy (2015)**

4.18. The Strategy states, “Buckinghamshire generates little of its own energy – there are no major power stations in the county and there has been a relatively low uptake of renewable generation projects. As a result, there is an outflow of financial support to those areas which are utilising their energy resources.

4.19. At the same time, we are seeing communities across the country benefiting from the generation of their own energy. Doing nothing is no longer an option. To tackle this, the local authorities in Buckinghamshire in partnership with the Buckinghamshire and Milton Keynes Natural Environment Partnership (the NEP) have led the development of this Energy Strategy.”

4.20. In order to do this, our Energy Strategy focuses action in four key areas:

- Improving the energy efficiency of public, commercial, residential and community buildings.
- Increasing generation which benefits local communities
- Ensuring communities influence and benefit from projects.
- Growing the local green economy.

#### **Background information to battery storage facilities**

4.21. It is acknowledged that there is an increasing reliance on intermittent renewables such as wind and solar energy provision, which can create problems. It has been reported that as we make the switch to a more intermittent and less flexible low carbon generation mix, there is an emerging need to ensure that energy supply is resilient. Planning has a vital role to play in facilitating the provision of energy infrastructure timely way to ensure a consistency of supply.

4.22. Battery storage facilities have two key characteristics:

- They can provide back-up electricity in seconds, as opposed to gas plants which can take more than 40 minutes to supply electricity when called upon.
- They have an ability to operate with a significantly lower carbon footprint than conventional back-up generation plants (i.e. they do not produce emissions)

4.23. Electricity storage is a key technology in the transition to a smarter and more flexible energy system and will play an important role in helping to reduce emissions to net-zero by 2050.

4.24. Under Order 2020 (The Infrastructure Planning (Electricity Storage Facilities), No.1218 made it law that Battery Energy Storage Schemes, larger than 50MW in size, will no longer fall under the Nationally Significant Infrastructure Projects Regime. This does not infer that smaller battery development are no longer required, instead a combination of small and large facilities should be used to address the shortfall in energy storage from the current 1GW of battery storage to 10GW by 2024 and potentially up to 30GW by 2030,

- 4.25. The deficit in the current energy capacity, and the future capacity, is compounded by the fact that BESS are dependent on a point of connection to the National Grid, and can only be connected to the Grid where there is sufficient capacity, and the connection is viable.
- 4.26. The change in the planning regime does not negate the need for smaller facilities.
- 4.27. The proposed development would not reduce the need for further energy generation using fossil fuels. Instead, the proposed development would reduce the need for further energy generation using fossil fuels.
- 4.28. The Buckinghamshire Energy Strategy (2015) states that only 3% of the County's energy needs comes from renewable energy and that increasing renewable energy generation can reduce the environmental impact of energy generation, locally and nationally, by reducing carbon emissions for example. The facility would therefore support the UK's transition to renewable energy and as such is in accordance with the Buckinghamshire Energy Strategy.

### **Development Plan Policy**

- 4.29. There are a range of policies which are directly relevant to the current application relating variously to development in the Green Belt, natural environment, the transport impacts of development, for example. These are detailed further in the main body of the report.

### **Principle and Location of Development**

Wycombe District Local Plan (August 2019): RUR4 (Lilittle Marlow Lakes County Park), CP1 (Sustainable Development) Policies, CP8 (Protecting the Green Belt), CP10 (Green Infrastructure and the Natural Environment); CP12 (Climate Change), DM32 (Landscape Character and Settlement Patterns); DM34 (Delivering Green Infrastructure and Biodiversity in Development) and DM42 (Managing Development in the Green Belt).

- 4.30. The site is located within the Green Belt. Policy DM42 sets out the exceptions to inappropriate development. This proposal does not fall within any of these exceptions.
- 4.31. Para 146 in NPPF also sets out some exceptions to inappropriate development. Again, this proposal does not fall within any of these exceptions. In addition, Paragraph 147 of the NPPF states:

“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”

- 4.32. The proposal is therefore inappropriate development, unless very special circumstances exist. This will only exist where the harm is clearly outweighed by other considerations.

### **Very Special Circumstances**

- 4.33. The application is accompanied by a report entitled, “Green Belt Statement and Alternative Site Assessment.” This report aims at justifying the development as very special circumstances and discussed the following:
- An assessment of the Green Belt performance of the parcel of land the yard is located on, and the surrounding developments which are relevant to its function;

- A background to the Grid Connection process. This provides useful context as to why the application site has been identified as suitable for the proposed development;
  - Details of the proposed site location, and justification as to why this location has been selected. This provides useful context, and allows a clear comparison of the sites considered later in the process, and the proposed site;
  - Details of the site requirements to accommodate the proposed development. This allows the scope of the alternative site assessment to be established;
  - An assessment of alternative sites that meet the identified site requirements
- 4.34. The previous application was withdrawn as officers were concerned that the special circumstances could not be demonstrated as the search area was limited to a distance 500m from the point of connection.
- 4.35. This revised application has now been submitted with a Green Belt Statement and Alternative Site Assessment. As part of this, Modo Energy have carried out a detailed assessment of other substations, showing that they have been considered. The information submitted also confirms that Well End substation is the only available Point of Connection to serve Heathrow airport.
- 4.36 The Applicant has however clarified that it wasn't their intention to justify the proposed battery storage solely on the benefits associated to Heathrow. The intent was to provide a real example, that was familiar, as a way of explaining what benefits battery storage can bring to the locality.
- 4.37 All five substations were considered that feed into Loudwater: Bowerdean; Flackwell Heath; Wycombe March; Loudwater and Well End.
- 4.38 By way of background, once a Point of Connection has been identified, the development should be within 500m. The reason being, the greater the distance of the cable route, the more pronounced the voltage drops will be. In addition, there is a number of criteria that the proposed site must meet:
- Distance to Point of Connection
  - Site area between 3375 and 4000 sq.m
  - Within Flood Zone 1
  - Clear of trees
  - Accessible by HGV
  - Flat
  - Not within an exclusion zone for services
  - Land value economical
  - Not within any local or national designations available.
- 4.39 The Statement demonstrated that the proposed site meets all the criteria, except for the land designation as the site is within the Green Belt. However, the statement showed that only one other site was available within 500m (Point of Connection criteria), but was within Flood Zone 2.
- 4.40 The Statement also refers to the temporary use of the site to the south for film making purposes (Pinewood Studios) which is also in the Green Belt and should be considered similar to this, being strategically important.
- 4.41 The site is within the broad site allocation of the Little Marlow Lakes, but is not considered to prejudice this allocation given that there are no rights of way through the

site and will not impact on any of the natural characteristics or how the Country Park is to function.

- 4.42 It must be acknowledged that while the Assessment demonstrates that there are several 33/11kV substations that have available capacity for additional generation or demand, these substations are relatively small in size and any significant increase in generation or demand, in the local area, could see constraints arising on the network.

#### Conclusion

- 4.43 Officers are of the opinion that very special circumstances do exist. The conclusion is reached on the information submitted, rather than the comparison to the nearby film making location.
- 4.44 The information states that the Well End substation is the only point of connection and that this site is the only site that meets the criteria for site selection within 500m. The site does fail as it is located within the Green Belt, but this is why policy has a criteria relating to 'very special circumstances'. The proposed use is considered key technology in the transition to a smarter and more flexible energy system and will play an important role in helping to reduce emissions to net-zero by 2050.

#### **Transport matters and parking**

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

DSA: DM2 (Transport requirements of development sites)

- 4.45 The development will upgrade and widen an existing field access for the construction stage of the development which should be constructed in accordance with Buckinghamshire Council's guide note "Commercial Vehicular Access Within Highway Limits" 2013 to accommodate the vehicular movements anticipated. Following construction, the fence and verge would be partially reinstated, and the field gate used for maintenance access. The field gate would be set back at least 6m back from the edge of the carriageway to allow a vehicle to pull clear of the carriageway whilst the gate is opening or closing. I am satisfied that visibility splays of 2.4m x 43m are achievable in both directions from the point of access, commensurate with a speed limit of 30mph, in accordance with guidance contained within *Manual for Streets*.
- 4.46 A 4.8m wide access road will be constructed which will widen into a parking and turning area and will be used to accommodate operatives on the site. It is anticipated that once the site is operational, it will generate one vehicular trip every two weeks.
- 4.47 The Highway Authority have analysed the potential transport impact of the developments proposed within the site. No objections are raised to the use, one operational, due to the low number of vehicular movements associated with it.
- 4.48 The Highway Authority have also considered the Construction Traffic Management Plan. This confirms that the largest vehicle visiting the site would be a 16.5m Articulated Lorry carrying a 40ft container.
- 4.49 While the Swept Path Analysis submitted shows that 16.5m Articulated lorries are not able to negotiate the Coldmoorholme Lane/ Marlow Road junction without using both sides of the carriageway, it is proposed that banksmen would be used to assist large vehicles entering and exiting the site.
- 4.50 Given the frequency in which large HGVs would frequent the site during the construction stage and the temporary nature of these visits, this does not pose a significant highway

safety concern. The tracking information provided demonstrates that the largest anticipated vehicle could enter the site, manoeuvre and exit the site in a forward gear. The CTMP confirms that the arrival of deliveries would be limited to after 9am and would not take place between 4pm and 6pm to avoid the network peak times.

- 4.51 The Highway Authority therefore raises no objections to the proposed development in relation to highway safety.

#### **Amenity of existing and future residents**

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality)

- 4.52 A Noise Assessment has been carried out. The predicted sound rating levels are equal to or below the prevailing background noise levels at all locations during the daytime. This indicates that the facility would have a low impact. A further assessment was carried out assessing the internal noise levels. The Assessment demonstrated that that the facility would not have an impact.
- 4.53 The Assessment does recommend a 2.4m acoustic fence is installed along the north, east and south boundaries of the compound.
- 4.54 In conclusion, no adverse impact has been identified and Environmental Services have raised no objection.

#### **Flooding and drainage**

Wycombe District Local Plan (August 2019): DM39 (Managing Flood Risk and Sustainable Drainage Systems)

- 4.55 The site is within Flood Zone 1. Development is considered appropriated and a FRA is not required.
- 4.56 Infiltration rate testing and groundwater monitoring have been undertaken in order to determine the infiltration potential of the underlying geology, storage calculations have been updated in accordance with the results of the ground investigations and a drainage layout has been provided. The viability of the scheme has been demonstrated.
- 4.57 No objections are therefore raised subject to a pre-commencement condition. This has been agreed with the Agent.

#### **Landscape and visual Impact**

Wycombe District Local Plan (August 2019): Policies, CP8 (Protecting the Green Belt), CP10 (Green Infrastructure and the Natural Environment), DM32 (Landscape Character and Settlement Patterns); DM34 (Delivering Green Infrastructure and Biodiversity in Development) and DM42 (Managing Development in the Green Belt)

- 4.58 This proposal would introduce industrial style development in to an undeveloped field on a rural lane. However, the development is small scale and the applicant has identified several opportunities to mitigate landscape and visual impacts through layout design, location of fencing, lighting design and proposed planting.
- 4.59 The site benefits from well-established hedgerow on the east and west boundaries, although there are some gaps. The northern boundary is mostly low level bramble with some hedgerow species. The southern boundary is open to the wider field. The existing access (which would be widened for use) enables views directly into the site from the lane. A helpful analysis of views into the site from the surrounding houses, countryside and nearby footpath is provided in the Landscape Masterplan Report, p.10-15.

- 4.60 A landscape strategy is provided which mitigates the landscape and visual impacts to an acceptable degree. It includes a robust native planting strategy for the boundaries, including hedgerow species plus specimen tree planting (2-2.5m H) which will provide a multi-level screen to the north and south. The west boundary already has a multi-level screen and this will be gapped up where necessary. The layout has been designed to limit views into the site from the lane by putting a 'dogleg' bend into the access road and providing mixed, native shrub planting in the space created by the dogleg. This will create a very useful screen.
- 4.61 The proposed palisade and acoustic fencing are not attractive features. However, they will be viewed against vegetation and if darker muted colours are chosen for the finish (such as dark green, brown or grey) their visual impact can be significantly reduced. The entrance gate should be similarly coloured (rather than a standard light grey which is very urbanising).
- 4.62 Lighting should also be limited to emergency, sensor controlled lighting on the battery units.
- 4.63 In summary, the proposal is not considered to have a detrimental impact on the landscape subject to conditions.

### **Ecology**

Wycombe District Local Plan (August 2019): DM34 (Delivering Green Infrastructure and Biodiversity in Development)

- 4.64 The EclA covers all the important ecological considerations for the location. The Biodiversity Metric shows that there can be a biodiversity net gain as a result of the proposals and the Landscape Masterplan Report shows a suitable landscaping scheme. The EclA claims that a Landscape and Ecological Management Plan (LEMP) is not necessary as it is a relatively small scheme. Although it is accepted the LEMP required would not be substantial as for a larger scheme, it is still considered necessary to ensure that the landscaping and, therefore, the biodiversity net gain would be successful.
- 4.65 In summary, the proposal is not considered to have a detrimental impact on ecology subject to conditions.

### **Historic environment (or Conservation Area or Listed Building Issues)**

Wycombe District Local Plan (August 2019): CP9 (Sense of place), CP11 (Historic Environment)

- 4.66 The proposal is not considered to have a detrimental impact on Well End and Abbotsbrook Conservation Area.
- 4.67 Coldmoorholm Cottage (Grade II) is South east of the site entrance and there are two further Grade II listed buildings further down the lane.
- 4.68 The scheme is not considered to have an adverse impact on the broader setting of the listed buildings.

## **5.0 Weighing and balancing of issues / Overall Assessment**

- 5.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 5.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section

143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the development plan insofar as they are material,
- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- c. Any other material considerations

5.3 As set out above it is considered that the proposed development would accord with most of the development plan policies. The development is considered inappropriate development in the Green Belt, but the Council considers there are very special circumstances.

5.4 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

## **6.0 Working with the applicant / agent**

6.1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

6.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

6.3 In this instance the applicant

- was provided with pre-application advice,
- the applicant/agent was updated of any issues after the initial site visit,
- The applicant was provided the opportunity to submit amendments in relation to surface water drainage.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## **7.0 Recommendation**

7.1 The application is recommended for approval subject to the following conditions, reasons and informatives:

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 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 Within 12 months of the site becoming operational, of which written notification shall be submitted in accordance with condition 2, a Decommissioning and Restoration Scheme shall be submitted to and approved in writing by 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 there is a satisfactory scheme to restore the site upon cessation of the use permitted given the renewable use being of a temporary nature.
- 5 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 occupation of the buildings or the completion of the development, whichever is the sooner. 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.
- 6 The fencing should be located as on dwg. LA.D.000.001.A and coloured dark green, brown or grey.  
Reason: To protect the visual impact of the development.
- 7 Prior to commencement a fully detailed landscape and ecology enhancement plan and specification, for the planting and installation of landscape and ecology features shall be submitted to and approved by the Local Planning Authority. All works shall then proceed in accordance with the approved scheme.  
Reason: To ensure the development delivers a net gain in biodiversity.
- 8 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to operation of the development. The content of the LEMP shall include the following.

  - i. Description and evaluation of features to be managed.
  - ii. Ecological trends and constraints on site that might influence management.
  - iii. Aims and objectives of management.
  - iv. Appropriate management options for achieving aims and objectives.
  - v. Prescriptions for management actions.
  - vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - vii. Details of the body or organisation responsible for implementation of the plan.

viii. Ongoing monitoring and remedial measures.

- 9 The plan shall set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure appropriate protection and enhancement of biodiversity, to make appropriate provision for natural habitat within the approved development and to provide a reliable process for implementation and aftercare.

- 10 No other part of the development shall begin until the new means of access has been altered in accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note "Commercial Vehicular Access Within the Public Highway".

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

- 11 The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

- 12 The development hereby permitted shall be carried out in accordance with the submitted Construction Traffic Management Plan.

Reason: To avoid danger, obstruction and inconvenience to users of the highway and of the development during the construction phase.

- 13 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Ground investigations including, a Infiltration rate testing in accordance with BRE 365 in the location and effective depth of the soakaway. Trial pit logs and locations must be provided.
- Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy as outlined in paragraph 080 of the Planning Practice Guidance.
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Drainage layout detailing the connectivity between the development and the drainage components, showing pipe numbers, gradients and sizes, complete

together with storage volumes of all SuDS components. This drawing must include flow direction for exceedance routes

- Permeable accessway levels to be set and constructed at existing ground levels
- Details of the boundary fencing/screening
- Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
- Details of how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance
- Construction details of all SuDS and drainage components

Reason: The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework (2019) to ensure that there is a satisfactory solution to managing flood risk.

#### Informative(s)

- 1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

In this instance the applicant

- was provided with pre-application advice,
- the applicant/agent was updated of any issues after the initial site visit,
- the applicant was provided the opportunity to submit amendments in relation to surface water drainage.

- 2 The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works 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 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Highways Development Management at the following address for information:

Highway Development Management (Delivery)  
Buckinghamshire Council  
6th Floor, Walton Street Offices  
Walton Street,  
Aylesbury  
Buckinghamshire  
HP20 1UY

- 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.

## **APPENDIX A: Consultation Responses and Representations**

### Councillor Comments

#### **Councillor Watson**

Should the officers be minded to approve this application then I would ask that 20/08321/FUL be referred to the planning committee for determination. My concerns are as follows:

- a) whether or not there are Very Special Circumstances to approve such an application within the Green Belt.
- b) with regards to consistency with council policies on the Little Marlow Lakes Country Park e.g. RUR4.

#### **Councillor Johncock**

I strongly support David Watson's comments that it come before the Planning committee for determination.

### Parish/Town Council Comments

#### **Little Marlow Parish Council**

Thank you for extending the consultation period for Planning Application 20/08321/FUL to enable Little Marlow Parish Council to consider the application at its meeting on 26th January 2021.

The Council RESOLVED to object to the Application on the following planning grounds:1. Inappropriate development in the Green Belt, which is not justified by any of the exceptions listed in policy DM42 of the Wycombe District Local Plan. The harm to the green belt is not reduced by the reduction in the size and scale of the development.

Para 147 of the National Planning Policy Framework states that "When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources'. This facility would be storing energy from all power sources, not just renewable ones. The applicant claims that its 'core objective' and 'purpose' is a development which would feed standby energy into the main network and support supplies into Heathrow Airport'. No supporting evidence is provided indicating that Heathrow's supply is limited or requires support from a Battery Energy Storage System at Well End or indeed any other substation. Furthermore, the facility is designed to supply only 7.2MW so its contribution to Heathrow's energy supply would be negligible.

The applicant claims that given the location of film-making studios within the Green Belt, it has already been established that very special circumstances can exist for a temporary development in this part of the Green Belt and that therefore a longer-term temporary development of an energy storage facility should also be considered to attract very special circumstances. The two developments are not comparable. The Permitted Development approval for the film set would have been terminated in April 2021, within the approved Permitted Development timescale, had it not have been for Covid 19 delays. The film company applied for an extension for 6 months to enable it to complete filming. The film company has indicated that it is planning to vacate the site

by July 2021. The film set is located on a former brown field site which was previously the site of a gravel processing works. This site is unused pending full restoration for Country Park use. The case put forward by the applicant therefore fails to demonstrate any "very special circumstances".

There is insufficient information in the application about how the developers intend to decommission the site, dispose of the batteries and return the land to Green Belt after the 25 year period.

The proposed facility is out of keeping with the character of this rural area and would have a negative impact on nearby listed buildings.

The site falls within the designated area of the Little Marlow Lakes Country Park. Policy RUR4 of the Wycombe Local Plan states that planning permission will not be granted for development within the Country Park which has an adverse effect upon the amenities or setting of the River Thames, watercourses, lakes, wet woodlands, adjoining conservation areas or listed buildings or which prejudices the function of the area for the purposes of a Country Park. The proposed facility is likely to have such an adverse effect.

Coldmoorholme Lane is a narrow, single track country lane with no pavements which is heavily used by pedestrians. It is therefore not suitable for large HGVs.

We note that the drainage strategy submitted as part of the application in order to address the drainage and flood risk points raised by Buckinghamshire Council's objections to the previous application (19/07718/FUL) has obviously not allayed the concerns of Buckinghamshire Council as Lead Local Flood Authority, as the Council has again objected due to insufficient information regarding the proposed surface water drainage system.

The applicant claims that they responded to concerns raised at the public meeting in writing to the Parish Council, but this is not the case.

If the Planning Officer is minded to approve the application, the Parish Council would like the application to be considered by the West Buckinghamshire Area Planning Committee.

#### Consultation Responses

**Highways** – No objection subject to conditions.

**Rights of Way Officer** -

**LLFA** – No objection subject to conditions

**Environmental Health** - No objection

**Ecology Officer** - No objection subject to conditions

**Landscape Officer** - No objection subject to conditions

**Cadent Gas** – Informative points raised

#### Representations

**Wild Marlow**

Concerns regarding impact on nature reserve and ecological value

## **Little Marlow Lakes Country Park Community Partnership**

Unsound case. Fails LP policies and is not VSC. There will be a detrimental impact to the Country Park and will prejudice its development.

### **Chiltern Society**

Objection, the proposal is not VSC.

Residents and Resident Groups

59 letters of objection received:

- Not VSC
- Intrusion to amenity
- Heritage impacts
- Detrimental impact on highway and traffic generation during construction
- Detrimental visual impact from lighting
- Fails LP policies
- The development is an inappropriate industrial form
- 25 years is not temporary
- The comparison to the temporary filming is not relevant or applicable
- Detrimental impact to wildlife
- Impact to country park
- There is only a small benefit to the electricity supply
- Flooding
- No evidence in relation to the Heathrow need / location
- Screening will take a long time to establish

**APPENDIX B: Site Location Plan**

20/08321/FUL  
Scale 1/2500



Planning Committee  
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Ordnance Survey 100062456