



Appeal Decision

Site visit made on 19 April 2023

by **H Wilkinson BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 July 2023

Appeal Ref: APP/K0425/W/22/3294722

Land off Coldmoorholme Lane, adjacent to the electrical substation, Well End, Bourne End, SL8 5PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Wheeler of Well End Green Energy Hub Ltd against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref 20/08321/FUL, dated 4 December 2020, was refused by notice dated 15 September 2021.
 - The development proposed is described as a temporary planning permission (25 years) to undertake the development works required for the construction and operation of a 7.2MW battery energy storage facility, associated infrastructure and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for a temporary planning permission (25 years) to undertake the development works required for the construction and operation of a 7.2MW battery energy storage facility, associated infrastructure and landscaping on land off Coldmoorholme Lane, adjacent to the electrical substation, Well End, Bourne End, SL8 5PS in accordance with the terms of the application, Ref 20/08321/FUL, dated 4 December 2020, subject to the conditions set out in the schedule attached to this decision.

Preliminary Matter

2. In reaching my decision, I have had regard to the third-party representation forwarded to me by the Council. Whilst this representation was received following the final deadline, in the interests of fairness, I have fully considered the comments made therein.

Main Issues

3. The appeal site lies within the Green Belt. The Framework indicates that the construction of new buildings within the Green Belt is inappropriate development. Paragraphs 149 and 150 thereafter define different types of development that would not be inappropriate development in the Green Belt. Policies CP8 and DM42 of the Wycombe District Local Plan 2019 (Local Plan) broadly conform to the general thrust of the national Green Belt policy objectives in this regard.
4. It is uncontested by the main parties that the appeal proposal would fail to comply with the exceptions set out within the Framework and the development plan. Based on the evidence before me, I have no reason to disagree with this

conclusion. The proposal would therefore constitute inappropriate development in the Green Belt. Accordingly, the main issues are:

- the effect of the proposed development on the openness of the Green Belt;
- the effect of the proposed development on the Little Lakes Country Park (Country Park);
- whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Openness

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness can be perceived both visually and spatially. Paragraph 138 thereafter sets out the five purposes served by Green Belts, one of which relates to the safeguarding of the countryside from encroachment.
6. The appeal site lies on the western side of Coldmoorholme Road which is largely free of built form. The appeal site comprises an open field which is enclosed by mature trees and hedgerows and is crossed by an overhead line. Vehicular access is provided via an existing gateway off the adjacent highway. There is a dense area of woodland located further to the south.
7. The proposed battery energy storage facility (BESF) would occupy a narrow strip of land and would lie adjacent to the existing field boundary. The main components of the BESF would consist of two battery containers and three inverters which would be of a relatively modest scale and would vary in height, the highest being around three metres. The site would be enclosed by paladin fencing whilst areas of hardstanding (car parking and the internal access road) would be provided.
8. The proposed BESF would be visible from the adjacent highway whilst there would also be glimpses of the development from the nearby public right of way. However, these views would be generally fleeting, and the proposal would be seen in the context of the existing and proposed screening, which would largely screen the development such that the visual effects from the immediate area would not be unacceptable.
9. Furthermore, due to the landform, relatively low-lying nature of the proposed BESF together with the abundance of greenery, the overall visual effect of the proposal from wider views, including from within the Country Park and Chilterns Area of Outstanding Natural Beauty would be limited. In spatial terms, the introduction of industrial features including hardstanding and the enclosed compound would undoubtedly erode the undeveloped nature of the appeal site. This would result in the loss of openness and encroachment of the countryside.

10. Considering the visual and spatial effects of the proposed BESF, I find that the scheme would reduce the openness of the Green Belt and encroach on the countryside. Consequently, the proposal would be contrary to the Framework.

Little Lakes Country Park

11. The appeal site lies within a locally designated Country Park which extends to approximately 329 hectares of land and lies entirely within the Green Belt. The supporting text to Local Plan Policy RUR4 identifies that the main purpose of the Country Park is to provide and improve opportunities for the enjoyment of the countryside by the public.
12. Policy RUR4 thereafter sets out, that amongst other criteria, all development within the Country Park should provide for environmental improvement, including the provision of publicly accessible open space, ecological and biodiversity enhancements, and contribute to the continued development and long-term management of the Country Park.
13. An Ecological Impact Assessment accompanied the planning application and concluded that suitable mitigation measures would be incorporated into the scheme to avoid and mitigate any potential impacts to ecological features. The findings of the assessment are not disputed by the Council. In addition, the assessment also outlines opportunities to provide enhancement through the implementation of new native species planting and the provision of bird boxes within the appeal site. Whilst I recognise that certain measures listed within the assessment would be intended to mitigate the accidental loss/damage of ecological features and green infrastructure during site clearance, the evidence nevertheless demonstrates that there would be a net gain to biodiversity overall.
14. Although I recognise that the proposal would not provide publicly accessible space, given that public access to the appeal site is already restricted, the current levels of access would not be compromised nor would the accessibility to the wider area be adversely affected.
15. Accordingly, whilst there is a degree of conflict with Policy RUR4 in so far as the proposal would not provide publicly accessible space, I find that the appeal scheme would not undermine the function of the Country Park or compromise the public's enjoyment of the countryside. Moreover, the implementation and future maintenance of the additional landscaping would complement the existing green infrastructure and in doing so, it would contribute to the continued development and long-term maintenance of the Country Park. The proposal therefore would not conflict with the overall aim of the policy.

Other considerations

16. The evidence indicates that there is less availability of grid connection in urban locations and therefore such developments are becoming more prevalent in rural areas. Due to the increase in cost and potential loss of efficiency over long periods, it is understood that energy projects try to remain within 100 m of the point of connection. The proposed BESF would be located within proximity of the existing Well End substation which is located on the opposite side of the highway.
17. The Framework outlines policy support for the delivery of renewable and low carbon energy and associated infrastructure to mitigate climate change. The

appellant identifies that nationally, there is a critical need for energy storage facilities which contribute to energy reliability, security and actively supports the United Kingdom in achieving the Government 2050 net zero target.

18. Renewable sources, by their very nature, intermittently generate energy. Therefore, there is strong national policy support from the Draft National Policy Statement EN-1 (NPS)¹ and the Government's Energy White Paper² (EWP) for the development of battery energy storage facilities which would aid in the absorption and storage of surplus energy. Additionally, the NPS advises that storage is necessary to reduce the costs of electricity and increase its reliability. Whilst the proposal itself is not a renewable energy project per se, it would nonetheless provide enhanced energy resilience in the National Grid, reduce emissions and aid the transition to increased dependency on renewable energy.
19. Paragraph 158 of the Framework indicates that even 'small-scale projects provide a valuable contribution to reducing greenhouse gas emissions'. In addition, it is noted that in order to achieve the 2050 target, 30GW of grid connected flexibility assets are required by 2030. Therefore, whilst I recognise that the proposed facility is of a relatively modest scale (7.2 MW), it would nonetheless contribute towards carbon neutrality. Consequently, the energy storage benefit of the proposal must be accorded substantial weight.

Other Matters

20. Whilst I have had regard to the comments made by the Council and interested third parties regarding the robustness of the alternative site assessment and capacity of other substations, I have found that the proposal is acceptable for the reasons outlined. As such, I need not consider the alternative sites as they would not lead me to a different conclusion.
21. The advice set out in Paragraph 158 of the Framework indicates that when determining applications for renewable and low carbon development, the applicant should not be required to demonstrate the overall need for the renewable or low carbon energy project. Therefore, whilst I have had regard to the comments made regarding Heathrow Airport, this has not been determinative to this appeal. Rather, it is the contribution to energy resilience and the reduction of emissions on a national scale which carries weight.
22. Issues relating to highway safety, noise and disturbance, flooding and ecology (including Spade Oak Nature Reserve) have been brought to my attention by interested third parties. These matters are largely identified and considered within the Council's Committee report. It is noted that the Council did not consider that these were reasons to refuse the application and I have not been provided with any substantive evidence which would prompt me to disagree with the Council's conclusions on these matters. Matters relating to health and safety are independent of the planning regime and therefore have no bearing on my considerations of the merits of the proposal.
23. In determining the appeal, I have also had regard to the comments made in respect of precedent. However, I have determined this appeal on its own merit, in accordance with the development plan and relevant material considerations. My findings regarding the appeal proposal therefore does not indicate the

¹ Draft Overarching National Policy Statement for Energy (EN-1) (2021)

² Energy White Paper: Powering our net-zero future (2020)

acceptability of any future proposal which would need to be determined on the same basis as the appeal.

24. The Council's Committee Report indicates that the appeal site lies within proximity of Abbotsbrook Conservation Area (CA) which comprises an early twentieth century planned settlement. The CA area derives its significance from the spaciousness of the individual plots, limited street parking together with the abundance of greenery and riverine environment. The surrounding countryside forms the setting of the CA and positively contributes to its significance. Although the proposal would introduce new development onto land which is currently free of built form, given the intervening buildings, road, and landscaping, I do not consider that the proposed development would compromise the setting of the CA.
25. I am also aware that there are several listed buildings located close to the appeal site, including Coldmoorholme Cottage, Ladymead Cottage, September Cottage and Wayside Cottage. Based on the available evidence, it appears that the significance of these listed buildings is their architectural appearance and historic group value. By reasons of their positioning, it appeared to me that the setting of each of these buildings is largely informed by the surrounding countryside which contributes positively to their significance. The closest listed building is Coldmoorholme Cottage which lies to the southeast of the site access. Although visible from the listed building, the development would be offset and therefore open views of the surrounding fields would remain. The proposal would therefore not have a harmful effect on the setting of the listed building. With regards to the other listed buildings identified, as their separation from the site is even greater, their setting would also be unaffected by the proposal.

Conditions

26. I have had regard to the various planning conditions that have been suggested by the Council and have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and for clarity and consistency.
27. In addition to the standard time limit condition (Condition 1), I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty (Condition 2). To manage the overall impact of the development on the openness of the Green Belt, a condition limiting the consent to a period of 25 years is necessary (Condition 3). For the same reason and to ensure that the appeal site is appropriately restored following expiry of this period, a condition relating to the decommissioning of the site is also necessary (Condition 4).
28. A condition regarding surface water drainage is necessary to ensure adequate drainage is implemented thus managing flood risk (Condition 5). In order to ensure that a net gain to biodiversity is provided, a landscaping and ecology enhancement plan including a strategy for implementation is necessary (Condition 6). To ensure the future management of the above, I have imposed a condition requiring a landscape and ecological management plan (LEMP) to be submitted (Condition 7).

29. In order to manage and safeguard highway safety and movement, a condition requiring the means of access to be altered in accordance with the approved plans is necessary (Condition 8). For the same reason, I have attached conditions relating to the provision of on-site parking (Condition 9) and adherence to the Construction Traffic Management Plan. The requirement for the latter however has been incorporated into Condition 2 in the interests of conciseness.
30. In the interests of the character and appearance of the area and to ensure the effective assimilation of the proposed fencing, a condition specifying the external finish is necessary (Condition 10). I have however amended the condition to remove reference to its siting as this would be adequately controlled by Condition 2.

Green Belt Balance and Conclusion

31. I have concluded that the appeal scheme would result in harm to the Green Belt from inappropriateness and through the encroachment of the countryside and the loss of openness. Consistent with Paragraph 148 of the Framework, I attribute substantial weight to the harm identified. For the reasons outlined, the proposal would not harm the Little Lakes Country Park.
32. Paragraph 151 of the Framework advises that very special circumstances will need to be demonstrated if renewable energy projects are to proceed. It states that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Although of a relatively modest scale, the proposed development would nevertheless contribute to reducing greenhouse gas emissions by providing a facility to store surplus energy and therefore has wider environmental benefits. This factor attracts substantial weight.
33. The policy support given for renewable energy projects in the Framework is caveated by the need for the impacts to be acceptable, or capable of being made so. Whilst located within the Green Belt, I consider that the proposal, by virtue of its scale and siting together with the existing and proposed landscaping means that this would be the case. Furthermore, whilst I recognise that the proposed temporary period of 25 years represents a considerable period over which the effects would be experienced, the effect on the Green Belt would not be permanent. Thus, the long-term effects of the proposal would be limited.
34. Accordingly, for these reasons, I find that the environmental benefits of the proposal are sufficient to clearly outweigh the harm to the Green Belt. Therefore, the very special circumstances necessary to justify the proposal do exist and as such, the proposal would accord with Policies CP8 and DM42 of the Local Plan and the Framework in this respect.
35. Therefore, having regard to the development plan as a whole and all other relevant material considerations, including the Framework, the appeal is allowed.

H Wilkinson

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three year from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans;
 - Drawing no. CRM.347.005.PL.D.001 – Proposed Site Location Plan;
 - Drawing no. CRM.347.005.PL.D.002 – Site Layout Plan;
 - Drawing no. CRM.347.005.PL.D.003 – Site Boundary Plan;
 - Drawing no. CRM.347.005.PL.D.004 – Proposed Site Elevation Plan;
 - Drawing no. CRM.347.005.PL.D.001-004a – Proposed Site Elevation Plan without foliage
 - Drawing no. LA.D.000.001.A – Landscape Strategy Plan, Rev A
 - Construction Traffic Management Plan 2020
 - Ecological Impact Assessment 2020
3. This grant of planning permission shall expire no later than 25 years from the date when the site first becomes operational. Written notification of this shall be given to the local planning authority within 14 days of its occurrence.
4. Within 12 months of the site becoming operational, 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 decommissioning and restoration of the site shall thereafter be undertaken in accordance with the approved scheme and within the agreed timescale.
5. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - include a timetable for its implementation; and,
 - provide a management and maintenance plan for the lifetime of the development which shall include the arrangement for adoption by a public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

6. No development shall commence until a detailed landscaping and ecological enhancement scheme, including an implementation strategy for the planting and installation of landscape and ecology has been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved scheme.
7. A landscape and ecological management plan (LEMP) for the landscaping and ecological enhancements as approved shall be submitted to and approved in writing by the local planning authority prior to first operation of the development. The content of the LEMP shall include the following:
 - Description and evaluation of features to be managed;
Ecological trends and constraints on site that might influence management;
 - Aims and objectives of management;
 - Appropriate management options for achieving aims and objectives.
 - Prescriptions for management actions;
 - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - Details of the body or organisation responsible for implementation of the plan;
 - Ongoing monitoring and remedial measures;
 - 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.
8. No other part of the development shall begin until the 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".
9. Prior to the first use of the development hereby permitted, the parking and manoeuvring area shall be laid out. The area shall thereafter be retained and shall not be used for any other purpose.
10. The fencing as identified on drawing no. LA.D.000.001.A shall be coloured dark green, brown or grey.