STATERA
BALANCING THE GRID

APPEAL ON LAND AT ROOKERY FARM, GRANBOROUGH, BUCKINGHAMSHIRE, MK18 3NU

APPELLANT'S STATEMENT OF CASE

FEBRUARY 2025

APPELLANT: EAST CLAYDON STORAGE LIMITED

LPA REF: 23/03875/APP

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Contents

1 INTRODUCTION

1.1.1 This Statement of Case (SoC) has been prepared by Statera Energy Limited on behalf of East Claydon Storage Limited (the "Appellant"). It has been prepared to accompany a planning appeal against the decision of Buckinghamshire County Council (the "Council") to refuse planning permission for the following:

> *"Development of a battery energy storage system (BESS), connected directly to the national Grid with associated infrastructure including access, drainage and landscaping (amended plans received)".*

1.1.2 The Proposed Development is located on land at Rookery Farm, Granborough, Buckinghamshire, MK18 3NU (the "Appeal Site") (LPA Ref: 23/03875/APP).

1.1.3 The application for full planning permission for the Proposed Development with planning reference 23/01438/SO (the "Application") was validated by the Council on 15th December 2023 and was accompanied by appropriate plans and supporting information. Planning permission was refused by decision notice dated 20th December 2024 (the "Decision Notice"). This followed a meeting of the Council's Strategic Planning Committee on 19th December 2024, where members resolved to refuse the Application, contrary to the recommendation of officers.

1.1.4 The Decision Notice (CD Ref: 2.5.1) contains one reason for refusal which is also set out within the Statement of Common Ground (SoCG).

1.1.5 This SoC is the primary evidential document submitted in support of the Appellant's appeal. We have complied a list of Core Documents and Drawings which are referenced as appropriate within this SoC and the submitted SoGC. The Core Documents (CD) comprise the following:

- CD 1: Appeal Submission Documents;
- CD 2: Documents Relating to the Application Process, including: Application Documents (as submitted), EIA Scoping, Statutory Consultees, Committee Report and a copy of the Decision Notice;
- CD 3: Relevant Material Considerations, including: Legislation, National Planning Policy and Guidance and National Energy Policy and related Documents;
- CD 4: Relevant Planning and Appeal Decisions; and
- CD 5: Other Documents relevant to the Appeal.

1.1.6 This SoC is provided in support of the appeal being made under Section 78 of the Town and Country Planning Act 1990 and has been prepared in accordance with the Procedural Guide: Planning Appeals – England (updated September 2024) which sets out the Appellant's appeal case. It includes the following:

- Section 2: Describes the Appeal Site, Background and Proposed Development;
- Section 3: Summarises the relevant Policy and Legislation;
- Section 4: Sets out the Appellant's Case against the reason for refusal;
- Section 5: Outlines the Planning Balance for the Proposed Development; and
- Section 6: Provides the Appellant's Summary and Conclusions.

Appeal Process

1.1.7 Given that there is a single reason for appeal and high level of local interest, the Appellant considers that the appeal should be dealt with by way of a Hearing.

1.1.8 The Appellant reserves the right to respond to other matters if they are raised by the Council or any other party subsequent to the submission of the appeal.

1.1.9 A draft Statement of Common Ground (SoCG) has been prepared by the Appellant and has been submitted with the appeal. This SoCG remains in draft and has not yet been agreed with the Council.

1.1.10 A draft copy of a section 106 agreement is provided within CD1.1.6.

1.1.11 An Article 13 and 36 Notice has been served on the current landowner of the Appeal Site and the relevant landowner certificate has been completed as part of the appeal.

2 BACKGROUND

Appeal Site and Surroundings

2.1.1 The Appeal Site is located on land at Rookery Farm, Granborough, Buckinghamshire, MK18 3NU. The Appeal Site extends approximately 33 hectares in total, comprising mainly flat and level land located to the south east of East Claydon Substation (c. 830m) and between the settlements of Granborough and East Claydon. The site location plan is shown in CD2.1.97.

2.1.2 The entirety of the Appeal Site sits within the administrative area of Buckinghamshire County Council.

2.1.3 The site is irregularly shaped, consisting of three separate fields predominantly in arable use. It extends from the Claydon Brook, which forms the northern and western boundary of the development site and rises toward neighbouring fields to the south and east with Hogshaw Road beyond, from which operational access is proposed.

Figure 2.1 Aerial view of the Appeal Site outlined in red

Source: Google Earth

2.1.4 A temporary construction haul route is proposed to connect the site from the north to East Claydon Road. This temporary route is proposed for use during site construction.

2.1.5 There are two public rights of way (PRoW) which sit adjacent to the site (GRA2/1 and GRA 2/2), one bounding the site to the north and the other running to the east of the Appeal Site. The two PRoW intersect to the northeastern corner of the site as shown on CD2.1.9.

2.1.6 The Appeal Site:

- Is not subject to any local or national landscape designations;
- Is located within a Minerals and Waste safeguarding Area;
- Is located within flood zones 1, 2 and 3 (the majority of the site lies in Flood Zone 1, including the entirety of the developable BESS area);
- Does not contain any nationally designated heritage assets. However, there are two Grade II Listed buildings within 1km of the site and several other designated heritage assets are located within the wider area;
- Does not lie within a Conservation Area;
- Does not lie within the Green Belt;
- Lies within Natural England's Impact Risk Zone of two statutorily designated sites (Sheephouse Wood Site of Special Scientific Interest (SSSI), and Finmere Wood (SSSI). These sites are located 4.6km and 4.3km south-east, respectively; and,
- Does not comprise Best and Most Versatile Agricultural land, with an agricultural land classification of 3b.

2.1.7 There are no relevant planning history records related to this site.

2.1.8 The Application has been screened under the Environmental Impact Regulations and it was found that an Environment Impact Assessment was required. An Environmental Statement (ES) was submitted with the application.

2.1.9 The surrounding area is characterised by open countryside between villages, including arable and pastoral farmland with farms and associated buildings located in the wider vicinity. Electricity infrastructure forms characteristic features of the location with the nearby National Grid substation to the north of the site and overhead electricity lines connected to this and crossing the application site, supported by numerous pylons.

2.1.10 There are several development proposals within the local area. An approved solar farm is located to the north of East Claydon Road (Tuckey Farm, Ref: 19/00983/APP), HS2 railway line located further west of the Appeal Site and an approved ega prison located in Grendon (LPA Ref: 21/02851/AOP, PINS Appeal Ref: APP/J0405/W/22/3307860). There are also several solar and battery development proposals at the pre-application stage.

The Proposed Development

2.1.11 A full description of the Proposed Development is provided in Section 4 of the draft SoCG which accompanies the appeal. The Masterplan SL261_L_X_GA_1 (Rev C)(CD2.1.9) illustrates the Proposed Development, as summarised below.

2.1.12 The Proposed Development seeks temporary planning permission for a 500MW Battery Energy Storage System (BESS), an underground connection to East Claydon Substation, drainage and landscaping, for a period of up to 40 years from the first exportation of electricity from the site.

2.1.13 The scheme was redesigned during determination to address various consultee comments including the Landscape Officer's comments (see CD2.2.35 for further detail). The final Proposed Development therefore comprises 518 battery containers, 19 inverter buildings (previously 37, design changes as mentioned above), storage containers, control room buildings and all associated works.

2.1.14 The appeal scheme submitted has not been amended following the Council's decision to refuse planning approval and is as considered by the Council.

Site Selection

2.1.15 The Proposed Development would store electricity from the national grid at times of excess supply and low demand, and would release this power back onto the national grid at times of high demand / reduced generation capacity. The Proposed Development would assist in balancing grid frequency and voltage at times of system stress. The Proposed Development would provide a flexible back-up power source to the grid and could respond rapidly to variations that result from local and national energy demand, alongside increasing fluctuations in generation from an ever-greater use of intermittent renewable energy sources. Accordingly, the Proposed Development would contribute towards ensuring that there is a reliable and constant supply of electricity across National Grid's transmission network whilst supporting increased renewable penetration onto the UK electricity network.

2.1.16 System frequency and voltage is a continuously changing variable that is determined and controlled by the second-by-second (real time) balance between system demand and total generation. If demand is greater than generation the frequency falls, while if generation is greater than demand the frequency rises. If the transmission system is not maintained within the required frequency and tolerances, system stress can result in widespread power supply issues (blackouts) and damage to network infrastructure. Similarly, it is very important for the transmission system to manage the voltage fluctuation on the network to ensure the efficient transmission of electricity across the UK.

2.1.17 In addition to grid balancing services, the Proposed Development would be able to supply additional services to National Grid that will further reduce their reliance on fossil fuel generators. Further detail on the need for the proposal is set out within in paragraphs 2.1.27 - 2.1.42 of this SoC.

2.1.18 To be most effective in contributing to increased renewable penetration onto the UK electricity network, the proposals need to be of a large capacity (i.e., over 50MW) (see paragraph 5.1.8 below) and located in an area where there is a significant need for new capacity to support renewable energy generation.

2.1.19 The site itself is located in close proximity to the East Claydon Substation, and there is a confirmed grid connection into the substation from the site. The Appeal Site is level, with established boundary screening on most aspects. Figure 2.2 provides an image of the Appeal Site taken in the winter, looking towards the north west. The image shows the existing level of boundary screening and the site's flat topography, illustrating site suitability for the Proposed Development. The Proposed Development is located within an area already dominated by existing electrical infrastructure, providing a landscape which is suitable for the Proposed Development within the existing setting.

Figure 2.2 Winter image of Appeal Site looking north west

2.1.20 The Site Selection process is set out in full in Appendix 2.2 of Chapter 2 of the ES (CD 2.1.51). The Site Selection process:

- identifies why a transmission connection is necessary, and identifies the benefits of a transmission connection as opposed to a distribution connection;
- identifies the key selection criteria in locating a connection to the transmission grid, being: location in a region where there is a need for voltage and power flow support; connection to 275/400kv networks; the availability of three or more 275/400kv networks; an available grid connection by 2030; and location in a heavily constrained transmission area; and
- identifies additional criteria considered, including being: adjacent to a transmission system substation; a suitably sized site; consideration of environmental and planning constraints; separation from settlements; and ease of access for construction.

2.1.21 The Appellant identified that, within the transmission network, the B9 boundary had a great need for the Proposed Development. This was based on independent network planning undertaken by NGESO. Having identified the B9 boundary, the Site Selection assessment sets out how East Claydon Substation was identified and how the Site was selected. This is a robust site selection process.

2.1.22 Through a combination of the strategic location of East Claydon substation, the proximity of the site to this substation and site specific features such as screening and prevalence of existing electricity infrastructure, the development site was selected as being suitable for the scale and type of technology proposed.

Grid Connection

2.1.23 The Appellant's contracted connection date with National Grid to connect into the East Claydon substation is 2026, and the planning application is submitted on this basis.

2.1.24 As with all energy infrastructure projects, the closer the scheme to Point of Connection (PoC) into the national grid, the greater the prospect it has of being delivered. This is because scheme viability increases with shorter distances, as fewer materials are required (costs are therefore lower), fewer electrical inefficiencies arise and PoC designs are usually simpler.

2.1.25 When considering a greater distance from a PoC there are, therefore, significant implications in terms of increased costs associated with longer cable routes, transmission losses, new substation equipment and the likely requirement to cross third party land which would add additional costs in the form of time delays, legal complications and physical works. As a merchant plant, it is therefore essential for development sites to be located in close proximity to remain viable and cost effective which in turn drives down electricity prices for consumers.

2.1.26 The Appellant is aware of the potential for a new National Grid substation to be constructed adjacent to the existing substation. The Appellant is expecting a new contract to be issued by National Grid with a later connection date, but at the time of writing this has not been received.

Need for the proposal

2.1.27 As the UK continues the transition towards a low carbon economy, renewable energy is ever more prominent as the lowest cost form of electricity generation for consumers. At the same time renewable energy is helping to ensure security of electricity supply for the United Kingdom while providing a cleaner, greener outlook for future generations.

2.1.28 With a higher proportion of our energy sourced from renewables, it is becoming increasingly challenging to balance the UK electricity system because of the intermittency of wind and solar output. For example, in summer months on bright, windy days it is not uncommon for too much electricity to be generated, whereas on cloudy wind-less days in winter months there may be a shortfall. In each case, National Grid, acting as the System Operator, will need to take balancing actions to ensure that supply meets demand.

2.1.29 Battery storage facilities support this constant need for balancing. Statera's battery systems are developed and designed to deliver the most efficient, reliable service that can adapt to the various market conditions to help provide a secure supply of electricity to the end consumer at the lowest cost.

2.1.30 Britain's renewable energy has been increasing year on year, with a record 58% of UK's electricity generated from low carbon sources in 2024[1].

[1] https://www.carbonbrief.org/analysis-uks-electricity-was-cleanest-ever-in-2024/ (CD5.1.1)

2.1.31 In June 2019, the UK Government committed to a legally binding target to achieve a 100% reduction in greenhouse gas emissions by 2050 compared with 1990 levels[2]. This is referred to as the 'net zero target'. Battery storage forms an important element of renewable energy infrastructure to ensure that the government's legally binding climate targets can be met.

2.1.32 To help achieve the net zero target, the Government committed to decarbonise the power system by 2035[3]. The Government identified a need for around 30 GW of total low carbon flexible capacity (including battery storage) in 2030, and 60 GW in 2050[4] to maintain energy security and cost-effectively integrate high levels of renewable generation. The National Energy System Operator (NESO) identifies in 2024 that there is currently 4.7GW of battery storage, with aims to provide 28GW by 2030 and 36GW by 2050 in the Holistic Transition and Electric Engagement scenarios[5].

2.1.33 In December 2024, the UK Government accepted independent advice from the NESO on the energy infrastructure required to deliver clean power by 2030[6].

2.1.34 It states that, based on NESO and the Department of Energy Security and Net Zero (DESNZ) battery storage growth scenario for 2020, it expects 23-27GW of battery storage to be needed by 2030 to support clean power, a very significant level of increase. The Government expects the majority of this to come from grid-scale batteries with small-scale batteries also making a contribution.

2.1.35 Flexible technologies like batteries will form part of the UK's smarter electricity grid, supporting the integration of more low-carbon power, heat and transport technologies, which it is estimated could save the UK energy system up to £40 billion by 2050[7].The NESO report recognises that successful delivery will require rapid deployment of new clean energy capacity. The delivery of clean power is complemented by flexible capacity which includes battery storage.

2.1.36 The NESO report goes on to explain that there are, amongst other things, specific actions necessary for battery storage to deliver on its potential for supporting clean power. Improving the time it takes for grid-scale batteries to obtain grid connections and planning decisions are the most significant actions in order to deliver the huge increase in grid-scale battery capacity.

2.1.37 The Proposed Development is located within the NESO local region D4 in the East of England, where there is a 'moderate' requirement for voltage support at the East Claydon substation. During high north and south flows in the national electricity system this particular area would benefit from voltage support.

2.1.38 The curtailment of renewable generation is a particular issue for the Nation's energy sector. When renewable energy is unable to be transported to the final consumer, due to issues such as network constraints, carbon-intensive gas generation typically needs to be turned up to compensate, resulting in higher carbon emissions and higher costs to consumers. It

[2] Climate Change Act 2008 (2050 Target Amendment) Order 2019 (CD3.1.1)

[3] Net Zero Strategy: Build Back Greener (October 2021) (CD3.3.18)

[4] The Department for Business Energy and Industrial Strategy, Smart Systems and Flexibility Plan 2021 (page 5) (CD3.3.7)

[5] NESO Future Energy Scenarios, July 2024 (page 119) (CD3.3.19)

[6] Clean Power 2030 Action Plan: A new era of clean electricity (December 2024) (CD3.3.1)

[7] https://www.gov.uk/government/news/battery-storage-boost-to-power-greener-electricity-grid (CD3.3.20)

is estimated that wind curtailment cost in the UK cost consumers £299m in 2020, and £507m in 2021[8], a cost to pay for electricity which is ultimately wasted.

2.1.39 Projects such as the Proposed Development would ensure that the electricity generated from UK renewable energy sources can be stored for times of peak demand. This will reduce the instances of curtailment and reliance on imports. This will ultimately reduce electricity costs to consumers as renewables become the dominant energy source and ensure energy security.

2.1.40 Each year, National Grid ESO produce a UK-wide report on a range of credible ways to reach the UK 2050 net zero target. The latest version of Future Energy Scenarios (FES) was published in July 2024. It reinforces the need for large scale electricity storage replace the flexibility provided by natural gas today, leading to lower emissions in future years. The UK currently has 4.7GW of operational battery storage capacity, the holistic transition to a more renewable future requires the need to have 28GW of battery storage by 2030 and transitioning to 36GW by 2050

2.1.41 The importance of projects such as the Proposed Development was recognised in the Infrastructure Planning (Electricity Storage Facilities) Order 2020. When announcing the changes in Parliament on 17 September 2020, the Minister for Business Energy and Industrial Strategy (BEIS), explained that the planning impacts of battery storage are low compared to other forms of generation and the extra time and cost of the NSIP[9] regime were not proportionate and that the current regime was limiting the size of BESS. The Minister explained that the change would "*unlock investment in larger storage projects, support low-carbon jobs and help to decarbonise our energy system*," and that unlocking investment in these larger storage projects was "*critical to the net zero strategy that we [the Government] have set ourselves*"[10]. The Storage Order was therefore enacted to facilitate the delivery of large-scale battery storage infrastructure such as the Proposed Development given its recognised importance in decarbonising the energy system in England.

2.1.42 Services that the Proposed Development can supply are set out below:

- Frequency response – The balance between supply and demand of electricity is reflected in the grid frequency (50Hz in the UK), and it is National Grid's role as system operator to keep the system in balance. If supply exceeds demand, the frequency rises above 50Hz, if demand exceeds supply, frequency falls below 50Hz. Most electrical devices require frequency to be in a certain range – if frequency goes outside of this range for a prolonged period of time the UK can encounter black-outs or electrical devices, such as televisions or computers, will turn off to protect themselves. Statera's batteries can respond in sub-second times to dynamically balance supply and demand on a second-by-second basis, providing a valuable tool to National Grid in helping to "keep the lights on".
- Renewables integration – Due to their nature, batteries can both supply energy when demand outstrips supply, but also store energy when supply exceeds demand (such as excess wind or solar), meaning this energy is not wasted, but stored to release when required.
- Capacity Market – If a major power plant, such as a large nuclear reactor or large gas generator, fails during winter, this could potentially lead to blackouts across the country

[8] https://www.drax.com/wp-content/uploads/2022/06/Drax-LCP-Renewable-curtailment-report-1.pdf (CD5.1.2)

[9] Infrastructure Planning (Electricity Storage Facilities) Order 2020 (CD3.3.21)

[10] https://hansard.parliament.uk/commons/2020-09-17/debates/a6ba83a1-0f95-4edc-9007-13351fd4b595/DraftInfrastructurePlanning(ElectricityStorageFacilities)Order2020

unless other generation can be brought on line to replace the power lost by the failed plant. Capacity Market participants provide these back-up services. All of the Appellant's assets are designed to deliver this reserve service to National Grid.

Additional information and list of documents

2.1.43 Further details sought through consultation, which have been provided in relation to Landscaping and other matters, have been listed in the following documents:

1) Landscape Officer comments (CD2.3.35)
2) Landscape Officer comments (CD2.3.38)
3) Draft Section 106 Planning Obligations Agreement (CD1.1.6)

Planning Application Process

2.1.44 The planning application was submitted to Buckinghamshire Council on Tuesday 12th December 2023 and subsequently validated on 15th December 2023. Following the receipt of comments provided by consultees, the Appellant provided a comprehensive response to address comments raised and revised the scheme to address comments, including landscape officers' comments (CD2.3.35). These revisions were submitted to the Council on 26th July 2024 (CD2.1.9). The main changes to the scheme included:

a. Removal of the compound containing BESS equipment from Field 3. Field 3 to remain in agricultural production.
b. Doubling the length of the inverter houses within Field 1 so that the number of inverters for the whole scheme remained unchanged.
c. Field 4 remained as a landscaped field to provide biodiversity net gain, screening and permissive open space. Within Field 4 ponds were amended to be small wildlife ponds and the previously proposed orchard was replaced by woodland.
d. Minor changes to the layout in Field 1 were also made to accommodate larger inverter houses.
e. Replacement of previously proposed biodiverse inverter house roofs with shallow pitched roofs. The inverter houses now to be painted in three different shades of receive greens to create a disruptive colour pattern (note: only one of each of these shades will be used for each inverter house – it is not proposed to mix colour or provide a camouflage pattern).
a. Creating a more random distribution of trees within hedgerows to create a more naturalistic effect.
b. Proposed planting was set back at least 10m from the tributary of Claydon Brook and footbridges across side ditches to be upgraded to allow crossing by maintenance vehicles to maintain the watercourse (following comments by the drainage authority). All permanent development, including proposed tree planting, will also not sit within the 9m easement of the drainage board.

2.1.45 As a result of the reduced scale of the Proposed Development, all impacts assessed were reduced in comparison to those identified as part of the original scheme. Changes in effect on archaeology and land use (and to a lesser extent construction traffic) were most notable, as summarised below:

- Archaeology: As a result of the changes to the site layout there will be no disturbance of unknown buried archaeology within Field 3.

- Land Use: The removal of built development from Field 3 means that this field can be kept in productive agricultural use.
- Traffic: In terms of construction vehicle movements, no changes are proposed to construction or operational vehicle routes as part of the scheme update, these remain as originally submitted. However, the removal of Field 3 from Proposed Development equals the removal of 2.4 hectares of developed land under compound, this is a reduction in electrical infrastructure area of 24.56%. The number of containers is also significantly reduced from the previous 888 to 518 (a reduction of over 40%). A reduction in vehicle numbers during construction in comparison to those previously assessed as part of the submitted scheme can therefore be reasonably expected.

2.1.46 In addition to the above, other consultee comments were addressed within the revisions submitted, which included clarifications in relation to the Emergency Services and Fire Safety, Ecology and the Buckingham and River Ouzel Internal Drainage Board.

2.1.47 In addition to the above, an updated landscape ES chapter was submitted, including updated summer and winter views alongside an updated Landscape and Visual Addendum. The purpose of these documents was to address scheme revisions and update the project landscape assessment accordingly (CD5.1.4).

2.1.48 During the determination of the Application, the Appellant was in discussions with the Council's Planning Officer to address comments raised by the Council Officers. The Case Officer worked proactively with the Appellant during the determination period and it was possible to address most of the comments raised by consultees.

2.1.49 Prior to the resubmission of the revised scheme, the Appellant sought a meeting with the Landscape Officer and Case Officer to work proactively and respond to the comments raised, the appellants provided a response to the landscape officer comments before this meeting (CD5.1.3).

2.1.50 The Case Officer confirmed verbally that the Landscape Officer's objection on the proposal remained, however due to the nature of the proposal and the significant need for the development, the Case Officer was of the view to consider the landscape matter within the planning balance and proceed to planning committee. The Landscape Officer did not issue a formal response to the revised scheme following resubmission or prior to determination of the Application.

2.1.51 The Landscape Officer sought to include the consideration of Rosefield Solar proposal into cumulative assessment of schemes. Rosefield Solar is not an existing or approved development and is at a formative stage in project development.

2.1.52 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 require that an environmental statement must include a description of the likely significant effects of the development on the environment resulting from the cumulation of effects with "***other existing and/or approved projects***".

2.1.53 The Environmental Impact Assessment Guidance[11] under paragraph 024 confirms that:

> *"There are occasions, however, when other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development."*

[11] https://www.gov.uk/guidance/environmental-impact-assessment (CD3.3.23)(Page 19)

2.1.54 Therefore, other developments which were not existing or approved (including Rosefield Solar) were not included as part of the cumulative assessment forming part of the planning application submitted and were not included within the ES. This is appropriate given the formative stage that Rosefield Solar is currently at.

Buckinghamshire Recommendation and Committee

2.1.55 The Officer's report provided a recommendation for approval of the Proposed Development taking into account the provisions of the development plan and all relevant material considerations. Although it was identified the Proposed Development would result in some harm to the landscape, and run counter to some policies within the Development Plan, the Case Officer recognised substantial material considerations that strongly support approval. This recommendation was made based on the Landscape Officer's written comments (see CD2.3.35) and so related to comments made on the harm being more significant (the previous scheme design).

2.1.56 The Officer's balancing exercise attributed substantial weight to the benefits of the scheme through its contribution towards strengthening the electricity network and addressing climate change objectives. The Officer concluded that this was sufficient to clearly outweigh cumulative landscape and visual impacts. As such, the Officer recommended approval of the planning application, subject to conditions. These draft conditions are set out in CD1.1.7.

2.1.57 The Appellant supports the Officers recommendation and considers that this is a correct interpretation of the guidance in the National Planning Policy Framework (NPPF), Local Development Plan policies and other material considerations.

2.1.58 On Thursday 19th December 2024, the Buckinghamshire Council - Strategic Sites Committee convened to deliberate the Proposed Development. The Case Officer's report on the Proposed Development is provided within CD2.4.1. A supplementary committee report was issued ahead of the committee to address updates to the NPPF, which were released shortly before committee, and additional matters raised by the Granborough Parish Council and two local residents (CD2.4.2).

2.1.59 The committee deliberated the proposal for a number of hours discussing topics such as Fire Safety, Drainage and landscape. The Proposed Development was refused by members on a vote of seven to two, citing a single reason for refusal, which related to landscape. The full reason for refusal as cited in the decision notice (CD2.5.1) is set out in Section 4of this Statement of Case.

2.1.60 Section 4 of this statement sets out the Appellants case addressing the aforementioned single reason for refusal.

2.1.61 Following the committee meeting and issue of the Decision Notice, and at the request of the Appellant so that it could understand the Landscape Officer's position prior to submission of this Appeal, on 20th January 2025 a comment from the Landscape Officer was uploaded to the Council's online portal confirming the Landscape Officer's views remained. The comments stated:

> *"Most of previous comments still stand except incongruous proposed orchard is removed from proposal and one field of containers. However, tallest element of scheme (substation) unchanged and large areas of containers remain in Field 1. Therefore, whilst removal of Field 3 might reduce visual impacts a little, I believe on the whole significant harm to most would remain, as reported in Table 1 of previous comments. Also, as before, significant harm to landscape character at Site, Local and wider LCA levels as well as significant cumulative visual and landscape harms as previous*

comments. It's fair to say the revised layout does reduce the harms to some degree but they were very high to start with and they will remain in the significant bracket despite revisions."

2.1.62 The Appellant's position is that the Landscape Officer's updated comments do not engage with the information submitted alongside the resubmission and are based on an incorrect approach to the assessment of cumulative effects.

3 POLICY AND LEGISLATIVE CONTEXT

Legislation

3.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the 2004 Act) requires that planning applications are determined in accordance with the provisions of the Statutory Development Plan, unless material considerations indicate otherwise.

Development Plan

3.1.2 The Appeal Site lies within Buckinghamshire Council – a unitary authority that replaced four district councils and one county council in 2020. The Council currently operates with a local plan for each of the four district areas. The site is located entirely within Aylesbury Vale, with the statutory Development Plan comprising:

1) Vale of Aylesbury Local Plan (VALP, September 2021);
2) Buckinghamshire Minerals and Waste Local Plan 2016-2036 (July 2019);
3) Granborough Neighbourhood Plan 2020-2035 (June 2022); and
4) Various Supplementary Documents and other 'Material Considerations' Documents (including the Vale of Aylesbury Design SPD 2023, Biodiversity Net Gain SPD July 2022 and Aylesbury Vale Landscape Character Assessment May 2008).

3.1.3 As required by Article 35(1)(b) of the Town and Country Planning (Development Management Procedure)(England) Order 2015, the Decision Notice specifies all policies which Buckinghamshire allege conflict. A summary of the relevant parts of the Development Plan policies and material considerations referred to in the reasons for refusal are summarised below:

Vale of Aylesbury Local Plan (VALP) 2021

- **Policy C3 (Renewable Energy)** and its explanatory text supports renewable and low carbon energy provision wherever any adverse impacts can be "addressed satisfactorily". The explanatory text to the policy notes that, "The potential local environmental, economic and community benefits of renewable energy schemes will be a key consideration in determining planning applications." The policy provides further detail, stating that planning applications involving renewable energy development will be encouraged provided that there is no unacceptable adverse impact, including cumulative impact, on the following issues: a) Landscape and biodiversity including designations, protected habitats and species, b) visual impacts on local landscapes, c) the historic environment including designated and non-designated assets and their settings, d) the Green Belt, particularly visual impacts on openness, e) aviation activities, f) highways and access issues, and g) residential amenity.
- **Policy BE2 (Design of new development)** sets out the need for proposals to be well designed as it is a priority to preserving and enhancing the quality of the built environment within Aylesbury Vale. The explanatory text references a need for proposals to reflect the scale and characteristics of its surroundings and add to the built quality of the area. This is sought in the policy by requesting new development proposals to respect and complement the following criteria: a) the physical characteristics of the site and its surroundings including the scale and context of the site and its setting; b) the local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural

detailing and materials; c) the qualities and features of the area; and d) the effect on important public views and skylines.

- **Policy NE4 (Landscape character and locally important landscape)** requires development proposals to recognise the individual character and distinctiveness of particular landscape character areas set out in the Landscape Character Assessment (LCA), their sensitivity to change and contribution to a sense of place. It states that developments should consider the characteristics of the landscape character area by taking consideration of, inter alia, visual amenity and important on-site and off-site views towards important landscape features; local character and distinctiveness in terms of settlement form and field pattern, topography and ecological value; design scale and massing; impacts of lighting; and level and frequency of noise in areas relatively undisturbed and valued for their recreational or amenity value.

Granborough Neighbourhood Plan (GNP) 2022

- **Policy RC2 (Protecting the Landscape)** seeks to ensure developments are appropriate to their scale, nature and location in order to protect and enhance the historic and natural landscape and local character of the Parish. The policy states proposals should ensure they do not impacts on the skyline by ensuring developments are in keeping with adjacent development. Where necessary mitigation and/or design solutions should be incorporated to offset impacts. In addition to this, the policy seeks to protect and incorporate field patterns and elements of landscape heritage within the area. Their long term management and maintenance details should be included as part of any proposals.
- **Policy RC3 (High Quality Design)** requires all development proposals to be designed in a way, appropriate to their scale, nature and location. The policy sets out the following requirements, development proposals should: I) Relate to the existing development pattern in terms of enclosure and definition of streets/spaces; II) Be of a scale, mass and density in proportion to its setting; III) Use high quality materials to complement the development's context; IV) Be well integrated with the surroundings; reinforcing connections and taking opportunities to provide new ones; V) Provide convenient pedestrian/cyclist access to community services and facilities; VI). Be of a design with a locally inspired or distinctive character; VII) Take advantage of the local topography, landscape and water features, trees and plants, wildlife habitats, existing buildings and site orientation; VIII) Respect views into/from the site to enable retention of rural character, particularly at the edges of the village; IX) Integrate any required car parking within the broader landscaping of the development so that it does not dominate the street scene; X) The height of new dwellings should reflect and be sympathetic to the scale and height of adjacent building; and XI) Provide or contribute towards the provision of infrastructure such as drainage including the incorporation of Sustainable Drainage Systems (SuDS) to manage surface water runoff and foul sewerage of a type and design best able to serve the development.

NPPF

3.1.4 The NPPF sets out Government planning policies for England and how these are expected to be applied. Paragraph 11 of the NPPF (2024) states that the purpose of the planning system is to contribute to the achievement of sustainable development and that a presumption in favour of sustainable development is at the heart of the Framework. The NPPF makes it clear that the policies within the NPPF are material considerations which should be taken into account in dealing with applications.

3.1.5 Sustainable development is broadly defined in Paragraph 8 of the NPPF as having three overarching objectives, namely economic, social and environmental.

3.1.6 Section 14 of the NPPF supports the growth of low carbon and renewable energy infrastructure and emphasises the need for the "planning system to support the transition to net zero by 2050…" (para 161).

3.1.7 Paragraph 161 of the NPPF further provides that the planning system should "*support renewable and low carbon energy and associated infrastructure*".

3.1.8 Paragraph 168 of the NPPF states that planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure are not required to demonstrate the overall need for these technologies. In addition to this local authorities should *"… give significant weight to the benefits associated with renewable and low carbon energy generation and the proposals contribution to a net zero future*."

3.1.9 The reason for refusal states the Proposed Development conflicts with paragraph 187 of the NPPF.

3.1.10 Paragraph 187 of the NPPF relates to the need for planning policies and decisions to enhance the natural and local environment. This is 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 and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;*

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*."

Relevant Material Considerations

3.1.11 Summaries of the relevant considerations listed below are provided within Appendix A.

Legislation

- The Climate Change Act 2008 (as amended);
- Infrastructure Planning (Electricity Storage Facilities) Order 2020;
- Five Year Review of the Energy Act 2013 (May 2022).

National Planning Policy

- National Planning Policy Framework (December 2024)
- National Planning Practice Guidance (NPPG) (March 2014 and updated thereafter)
- Overarching National Policy Statement for Energy (EN-1)
- National Policy Statement for Renewable Energy Infrastructure (EN-3)

National Energy Policy and related documents

- Clean Power 2030 Action Plan: A new era of clean electricity (December 2024)
- Secretary of State for Energy Security and Net Zero Statement (8 July 2024)
- Invest 2035: the UK's modern industrial strategy (14 October 2024)
- UK Battery Strategy (November 2023)
- National Infrastructure Assessment (October 2023)
- British Energy Security Strategy (April 2022)
- Transitioning to a net zero energy system: smart systems and flexibility plan 2021 (July 2021)
- Industrial Decarbonisation Strategy (March 2021)
- Energy White Paper. Powering our Net Zero Future (December 2020)
- The Committee on Climate Change: The Sixth Carbon Budget. The UK's Path to Net Zero (December 2020)
- National Infrastructure Strategy Fairer, Faster, Greener (November 2020)
- Progress in reducing emissions: 2023 Report to Parliament (June 2023)
- Net Zero – Opportunities for the power sector (March 2020)
- Committee on Climate Change Net Zero Publications (May 2019)
- Net Zero – The UK's Contribution to Stopping Global Warming (May 2019)
- Technical Annex: Integrating Variable Renewables (May 2019)
- National Infrastructure Commission's Smart Power Report (March 2016)

Local Evidence base, local energy related policy and related documents

- Buckinghamshire Council Climate Change and Air Quality Strategy (2023-2024 Progress Report)

Infrastructure Operator related documents

- 2024 NESO FES (July 2024)
- National Grid ESO: The Electricity Ten Year Statement 2023
- National Grid ESO: Day in the Life 2035 Second Edition (October 2022)

Recent Appeal Decisions

3.1.12 An initial list of the appeals that may be referred to in evidence is provided below and found within CD4.1.1 - CD4.1.5.

- Land at Berden Hall Farm, Ginns Road, Berden (Appeal Ref: S62A/22/0006)
- Land at Somerford Farm, Brinkworth SN15 5AU (Appeal Ref: APP/Y3940/W/24/3346309)
- Land off Golf Road, Wythenshawe, Manchester M33 2JT (Appeal Ref: APP/Q4245/W/24/3343250)
- Land West of Battlesbridge, Rettendon, Wickford, Essex SS11 7RJ (Appeal Ref: APP/W1525/W/22/3306710)
- Land off Chapel Lane, Great Barr, Walsall (Appeal Ref: APP/V4630/W/24/3347424)
- Rawfield Lane, Fairburn, Selby LS25 5JB (Appeal Ref: APP/N2739/W/22/3300623)

4 THE APPELLANT'S CASE

Introduction

4.1.1 This section of the Statement of Case considers the strong support for the principle of the Proposed Development at the Appeal Site for a Battery Energy Storage System and then continues with consideration of the single reason for refusal.

Compliance with the development plan

4.1.2 The Appellant considers that the Proposed Development accords with the Development Plan as a whole. As such, the Proposed Development benefits from the statutory presumption in favour of the Development Plan as set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004.

4.1.3 The Proposed Development constitutes essential low carbon energy infrastructure. It will make a significant contribution to the Government meeting its 2050 net zero target for emissions, its 2035 target for a 78% reduction in emissions and clean electricity generation by 2030 by supporting the growth of renewable energy generation through the provision of energy storage and grid stabilisation. Therefore 'significant weight' in support of the renewable and low carbon energy benefits of the Proposed Development should be applied to the overall planning balance as directed by the NPPF. There are other benefits which also attract positive weight.

4.1.4 Overall, the Proposed Development should be granted planning permission without delay in accordance with the presumption in favour of sustainable development outlined by Paragraph 11 of the NPPF.

Reason for Refusal

4.1.5 A single reason for refusal was cited on the Decision Notice and is set out below:

> *The proposal which is a large-scale energy development will be introduced into a strongly agricultural landscape and would be significantly incongruous. It will have, despite the proposed mitigation, significant adverse impact on visual amenity and on the landscape character at the site, local and landscape character area levels. Furthermore, the cumulative effects of the proposal with Tuckey Farm (consented permission) and the existing East Claydon sub-station would lead to cumulative visual and landscape character effects which would be significantly adverse. Together this would change the existing predominantly pastoral landscape to one defined by energy development. The proposal is contrary to Policy C3, BE2 and NE4 of the Vale of Aylesbury Local Plan (VALP) 2021 and RC2 and RC3 of the Granborough Neighbourhood Plan (GNP) 2022 and paragraph 187 of the National Planning Policy Framework (NPPF) 2024.*

Assessment of Landscape and Visual Impact

4.1.6 The landscape and visual impact assessment for the application was undertaken by Christopher McDermott, a director of Sightline Landscape. Mr McDermott has a Bachelor of Science in Botany and in Landscape Design. He qualified as a Chartered Landscape Architect in 1989 and has been a member of the Landscape Institute until 2020. He set up

Sightline Landscape in 2013 having previously worked for a mix of large multi-disciplinary consultancies and smaller practices. He has undertaken Landscape and Visual Impact Assessment (LVIA) work on a wide range of developments but specialises in renewable energy projects.

4.1.7 Chris McDermott has prepared the following response to the reason for refusal (set out in Section 4 of this report).

4.1.8 A single reason for refusal was cited in the Decision Letter (CD2.5.1), as outlined within paragraph 4.1.5 above. There are separate aspects to this single reason. First, the reason for refusal is based on the following assumptions:

g) **Strongly agricultural landscape**: The reason for refusal states that the Proposed Development would be within a "strongly agricultural landscape" and secondly that it would be "significantly incongruous". This fundamentally misrepresents the role that the Site plays and the fact that the Site is situated within a landscape which is already heavily influenced by electricity infrastructure. The Appellant's case is that the landscape is agricultural but is heavily influenced by energy development; and

h) **The Proposed Development would change the existing predominantly pastoral landscape to one defined by energy development**. Again, this proceeds on an assumption that the landscape within which the Proposed Development is situated is predominantly pastoral and is not defined by energy development. The Appellant's case is that the landscape is one that is already heavily defined by energy development. This is demonstrated by Figure 2.2.

4.1.9 Beyond this, the reason for refusal can be broken down into the following aspects:

i) **Landscape Character**: That the Appeal Scheme will have significant adverse effect on the landscape character of the Site, local and landscape area character levels, contrary to policies C3 and NE4 of the Local Plan and policies RC2 and RC3 of the Granborough Neighbourhood Plan.

j) **Visual Effects**: That the Appeal Scheme will have significant adverse impact on visual amenity, contrary to Policies C3 and BE2 of the Vale of Aylesbury Local Plan 2021.

k) **Cumulative Landscape and Visual Effects:** That the Appeal Scheme will have significant adverse landscape and visual cumulative effects with the Tuckey Farm (approved but yet to be constructed) solar farm and the existing East Claydon Substation, changing the existing predominately pastoral landscape to one defined by energy development.

4.1.10 Each of these aspects is considered in turn below.

Issue a) Landscape Character

National Character Area (NCA)

4.1.11 The National Character Area profile published by Natural England (Natural England 2013) has been produced to develop an appreciation of the wider landscape, landscape character and context of the area.

4.1.12 The Appeal Site and the study area lie predominantly within the Upper Thames Clay Vales character area 108. The character area forms a broad belt of gently undulating farmland stretching from Swindon in the south-west to Aylesbury in the north-east. The narrow

central spine of the Midvale Ridge Character Area 109 forms a separate upland area within the clay vales.

Aylesbury Vale Landscape Character Assessment 2008

4.1.13 This landscape character assessment was carried out by Jacobs on behalf of the Aylesbury Vale District Council and Buckingham County Council and was published in May 2008 (CD3.4.6). Buckinghamshire is divided into 13 Landscape Character Types (LCT). The zone of theoretical visibility (ZTV) for the proposed scheme extends over three landscape types (LCT 9 Low Hills and Ridges, LCT 5 Shallow Valleys and LCT 7 Wooded Rolling Lowlands). These are subdivided into eight Landscape Character Areas (LCA) which are located within Figure 5.9 of the Landscape and Visual section of the ES (CD5.1.5).

LCA within the Shallow Valleys Landscape Character Type

4.1.14 The Appeal Site and the majority of the study area lies within the Shallow Valleys LCT which extends south of Buckingham to Haddenum as a series of connected landscape features. The Proposed Development lies within the Hogshaw Claylands LCA. The key characteristics of this character area, and landscape guidelines for the landscape area, are set out within Appendix 4.1.

4.1.15 The Appellant considers that the Proposed Development will deliver the objectives set out in the landscape guidelines shown in bold within Appendix 1, and therefore the proposed landscape and habitat creation works which cover the majority of the Appeal Site will be compliant.

4.1.16 The surrounding LCA guidelines within the theoretical ZTV assessment is set out within Appendix 2.

Landscape Value of the Appeal Site

4.1.17 The Hogshaw Claylands are not subject to any national or local landscape designations. A range of criteria is used to assess the value of a landscape to society including landscape quality, scenic value, rarity, representiveness, cultural associations, recreational and ecological. The Proposed Development was assessed against this criteria and is presented within the Landscape and Visual Chapter of the ES (CD2.1.85). The value of the Appeal Site for each of these criteria is Low or Low to Medium giving an aggregated Landscape Value of the Site of Low to Medium and that of the immediate surrounding area Medium.

Landscape Susceptibility of the Appeal Site

4.1.18 The LVIA Guidelines define susceptibility as:

> *"The ability of the landscape receptor (whether it be the overall character or quality / condition of a particular landscape type or area, or an individual element and / or feature, or a particular aesthetic and perceptual aspect) to accommodate the Proposed Development without undue consequences for the maintenance of the baseline situation and / or the achievement of landscape planning policies or strategies".*

4.1.19 The Proposed Development will not keep in with the current rural character, but will represent a new form of electrical infrastructure within an area where there is already an abundance of other forms of electrical infrastructure playing a strong influence on landscape character. The low lying, almost flat character of the Site, is distant from residential properties and surrounding villages, combined with the strong hedgerow network, means that it has the ability to absorb a fairly low-level form of development.

4.1.20 Overall, the susceptibility of the Site to absorb this type of development is Medium.

Landscape Sensitivity

4.1.21 Landscape sensitivity is determined by combining Landscape Quality with Landscape Susceptibility. Landscape quality has been determined as Low to Medium and Susceptibility as Medium, therefore the Site has a less than Medium (Moderate) sensitivity to the type of development proposed.

4.1.22 It is concluded that the Appeal Site lies in one of the least sensitive parts of the Hogshaw Claylands due to its low-lying nature, the strong framework of boundary vegetation and adverse influence of the nearby East Claydon Substation and associated transmission lines. There are opportunities for enhancing both the landscape character and biodiversity of the Site.

Effect of the Proposed Development on the Landscape Character of the Site

4.1.23 The BESS compound and substation will substantially alter the character of the two fields in which they will be situated for a temporary period, replacing the rural character influenced by electrical infrastructure with one of electrical engineering. Apart from the Customer Substation, the electrical infrastructure will be under four metres high and the scheme has been carefully designed to fit within the existing fields with only short sections of hedge being lost to allow access. The fields are fairly level, making them suitable for the creation of level compounds. The sensitivity of the Appeal Site is less than Medium and the magnitude of change in and around the BESS compounds will be High, resulting in at most a Moderate to Major adverse effect on the landscape character of part of the Site, a Significant effect.

4.1.24 The developed area will occupy 7.55ha (29% of the Site) while 18.7ha (71%) of the Appeal Site south of the brook will be a combination of permitted access greenspace, landscaping (including BNG habitat creation) and retained farmland. Of the 18.7 ha, 12ha will be accessible to the public for the operational period of the facility and 3.6ha will remain as agricultural land with skylark mitigation. The areas and percentages quoted in relation to changes in land use within the Site refer only to the land south of Claydon Brook and do not include the area within the red line north of the brook required to route the underground cables, since this will be returned to agriculture. A variety of habitats will be established within the 'green' areas of the Appeal Site to create an enriched landscape which achieves a Biodiversity Net Gain of 47%. All of these landscape and habitat creation interventions accord with the landscape guidelines for the Hogshaw Claylands, resulting in a Moderate benefit to Landscape Character of the BNG areas.

4.1.25 If the effect of the Proposed Development is assessed as a whole (greenspace and electrical infrastructure) the Moderate to Major adverse effect of the BESS and Customer Substation should be balanced with the Moderate benefit to landscape character that will be achieved for the greater part of the Appeal Site. Thus, the harm to the Landscape character of the whole of the Appeal Site should be considered to be less than significant.

Overall Effect on the Hogshaw Claylands

4.1.26 This is a low-level landscape where hedges and woodland results in there being foreshortened views across the fields that make up the claylands. Viewed from within the claylands the fields are far less visible than those on the surrounding hills and ridges. The perception is of an enclosed rural landscape, adversely affected by electrical infrastructure with a dominating backdrop of higher rural ground with sporadic settlements. The low-level BESS electrical infrastructure elements will have a limited influence on this perceived landscape character of the claylands. The influence of the Appeal Scheme will rapidly diminish just a few fields away from it.

4.1.27 The Proposed Development comprises low elements which will be screened by the mature hedgerow around the field's perimeter. The upper section of the customer substation will initially be visible but as the extensive landscaping matures its visual influence on landscape character will decline. The extensive proposed landscape works extend across the larger proportion of the Site and are in accordance with the guidelines set out within the Council's LCA study. The residual effect will be of increased tree and hedge cover within the valley, further foreshortening views across the claylands.

4.1.28 While the loss of land within the Site to electrical infrastructure increases this negative but existing feature of this LCA, the more extensive landscape and habitat creation works are beneficial and so the net effect on the Local Landscape and Hogshaw Claylands LCA is considered to be Minor Adverse during the operational life of the Proposed Development, becoming Minor beneficial once the electrical infrastructure is removed.

Effect on the character of the wider LCA

Claydon Valley LCA 5.6

4.1.29 Views of the Proposed Development from within this area are restricted by the valley sides, tree and hedge cover within the valley and the East Claydon Substation which lies within this LCA. The character of this LCA is influenced by the substation and the transmission lines which radiate out from it.

4.1.30 The low-level infrastructure of the BESS, combined with the existing screening hedge structure and proposed tree and hedge planting will result in it having very little visual influence on the Claydon Valley LCA. The taller Customer Substation will have some visual influence, largely to the small area of fields south of the East Claydon Road.

Quainton Hill LCA 9.2

4.1.31 Quainton Hill affords panoramic views across the vale in which the Appeal Scheme will lie, but the electrical infrastructure will be at distance and seen in the context of existing electrical infrastructure and other development such as the villages and farm buildings. This is illustrated by the photomontage produced from the clearest vantage point on the summit of Quainton Hill (View 22 within CD2.1.121 and 2.1.122). Once the proposed landscape mitigation has established the vale will appear more wooded. The key character aspect of these hills is that they comprise farmed upland which affords extensive views across the vale. The Proposed Development will not erode this characteristic.

Issue b) Visual Effects of the Proposed Development

4.1.32 The Landscape and Visual chapter of the ES (CD2.1.85) which accompanied the Application included a visual impact assessment. It concluded that there are eight notable locations where the Proposed Development will be visible to sensitive receptors, adversely affecting their visual amenity:

- Residents within a few properties on the west side of Granborough
- Users of a short section of a PRoW GRA 10/1 on the west side of Granborough
- Users of PRoW GRA 2/2 as it approaches the Site from the west.
- Users of PRoW GAR 1/1, GAR 1/2 and GAR 2/1 and as they pass close to the Site.
- Users of PRoW ECL 4/2 as it climbs the valley side to the north.
- A few residents within properties on the southern edge of Winslow.
- Residents within a few properties at Botolph Claydon.
- Walkers on Conduit and Quainton Hill 4km to the southwest.

4.1.33 These few viewpoints/receptors should be seen in the context of the many areas, including surrounding roads, footpaths and properties, where it will not be possible to see the Appeal Scheme. This is illustrated within the Landscape and Visual chapter of the ES (CD2.1.85) which includes views from key local visual receptors to show how they will be unaffected. The adverse visual effects can be reduced to an acceptable level within ten years through the landscape mitigation proposed.

4.1.34 The planning application included photomontages (for both winter and summer conditions) from these key viewpoints to show the change in the view as a result of the Proposed Development (CD2.1.121 and CD2.1.122).

4.1.35 It is evident in the photomontages that the landscape is significantly influenced by existing electrical infrastructure and that the Proposed Development will not be particularly prominent and that the existing strong hedgerow framework combined with the significant level of tree and hedge planting proposed will reduce the visibility of the proposed electrical infrastructure to an acceptable level within an acceptable timeframe.

Changes to the layout during the application as a result of comments received from the Landscape Officer

4.1.36 Comments on the Application were received from Buckinghamshire Council's Landscape Officer in January 2024 (CD2.3.35). The document summarised the concerns as follows:

> *"At year 1, the proposal would have a significant adverse impact on visual amenity from a range of well used local public rights of way and viewpoints, including Conduit Hill in the Quainton Hills Area of Attractive Landscape. Whilst the proposed mitigation would go some way to reduce these visual impacts over time, the development is of such a scale that it would remain visible to those living in and/or moving through the surrounding landscape either on roads or the PRoW network.*
>
> *It would have a significant adverse effect on landscape character at all scales – Site, Local and Landscape Character Area. The introduction of large scale energy development into this strongly agricultural landscape would be significantly and permanently incongruous. The proposed mitigation does not in many cases, reflect the character of the wider landscape and the features in themselves would appear incongruous. This significantly lessens the benefits that they bring and their ability to compensate for the significant landscape character harm caused by the development*
>
> *The cumulative effects of Rookery Farm BESS, Rosefield Solar/BESS, Tuckey Farm solar and East Claydon Substation would be significantly adverse. This would be in all scenarios - combined visual effect, combined sequential effects and combined landscape character effects. Together, these large scale energy developments would change the predominantly pastoral landscape to one entirely defined by energy development".*

4.1.37 While the Appellants's landscape professional did not agree with most matters raised within the response, the Appellant decided to make substantial changes to the initial Block Plan (CD2.1.98) to further minimise landscape and visual effects. The changes are discussed at paragraph 2.7.2 of this statement, in a landscape specific context these changes were:

- Omit entirely development within Field 3, leaving one BESS compound in Field 1;
- The majority of Field 3 now remains in agricultural production;
- To maintain the same BESS power output the number of inverters within Field 1 was increased, resulting in the inverter houses increasing in length from 12 to 24m (the main effect on function is that the length of time the BESS can deliver power is now reduced).

- Changes to the landscape mitigation to accord closer to the landscape type, including removal of the orchard, and
- The biodiverse roofs on the inverter houses have been replaced with a shallow pitched seamed metal roofs.

4.1.38 Changes were also made to the Landscape and Ecological Management Plan to respond to comments from the Landscape Officer. Although the revised, much reduced BESS layout was submitted to the planning authority and comprises the final Proposed Development to which this appeal relates, no further comments were received from the Landscape Officer. The Landscape Officers' comments are based on an outdated scheme and as such cannot be relied upon.

4.1.39 The following benefits of the Proposed Development (Rev C, CD2.1.9) compared to the initial Block Plan are as follows:

- The developed area (electrical infrastructure and access tracks) within the original scheme occupied 10.32 ha. within three fields, this has been reduced to 7.5ha. within the Appeal Scheme, occupying two fields. The third field has been returned to agriculture. This represents a significant reduction in agricultural land occupied by electrical infrastructure which directly reduces the adverse effect on landscape character and visual amenity.
- The orchard has been replaced with woodland planting which will in time increase the level of screening of the Appeal Scheme, in views from the south and southwest, including Quainton Hill.

4.1.40 While the Landscape Officer considered that some of the residual landscape and visual effects after 10 Years would be Moderate adverse, not Minor adverse (for the larger scheme) it is noted that none of these were Moderate to Major or Major, which would be considered a Significant effect. The area of electrical infrastructure (compounds) has been reduced by 24.56% resulting a further reduction in adverse effects. It is also implicit that if the mitigation has reduced visual impact by Year 10, the level of screening will continue to increase in subsequent years, further reducing adverse visual effects.

4.1.41 The Landscape Officer considered that the large bodies of water were not in keeping with the Hogshaw Claylands LCA but these were misinterpreted. They will be shallow grassy depressions acting as swales during extreme rainfall events (most of the attenuation is incorporated within the gravel of the compounds). Seasonal flooding of grassland along the existing brook is a characteristic of the area.

4.1.42 The Landscape Officer assumed that the proposed development would be permanent and so the adverse effects permanent, but a temporary consent is sought for 40 years. The Appellant agrees with the approach taken by the Inspector P Griffiths BSc (Hons) BArch IHBC in the Berden Hall Farm solar farm application hearing (Reference: S62A/22/0006, CD4.1.1), where the Inspectors Report states in paragraph 32 that:

> *"A period of 40 years is a long time in terms of the human lifespan. However, I would question whether that is the correct way to measure the duration of the proposal. Tackling the effects of climate change is not a short-term project. We are still some way off 2050, when 'net zero' is meant to be attained, and it is fair to observe too that if/when 'net zero' is attained in 2050, it will need to be maintained thereafter. In simple terms, current generations are being asked to take action to address the impacts of climate change in their lifetimes, with the attendant impacts of those actions, in an attempt to ensure that future generations inherit a tenable way of life.*
>
> *The 40-year period proposed must be considered in the light of longer-term aspirations in relation to our climate; aspirations that stretch well beyond current generations".*

4.1.43 The Inspector goes on to stress in paragraph 34 that:

> *"The most important point, it seems to me, is not whether the scheme would endure for 40 years or longer, but the fact that it could be reversed".*

4.1.44 The Proposed Development would for the most part be reversable, except for the retained landscaping which would be beneficial to landscape character since it will result in the implementation of many of the guidelines set out in the Council's landscape character assessment.

4.1.45 The Landscape Officer considered cumulative effects on the permitted Tuckey Farm Solar and the proposed Rosefield solar/BESS DCO, but the Rosefield Solar Farm was not then, or at the time of writing this Statement of Case, not formal within the planning consent process. The reasons for refusal correctly only cite the Tuckey Farm Solar Farm and the existing East Claydon Substation. The East Claydon Substation is an existing feature and in terms of function is the main driver for locating the BESS in this area. Most large National Grid substations lie within countryside. While every application should be assessed on its own merits, as a broad principle, if building additional electrical infrastructure next to existing electrical infrastructure to meet the Government's climate goals is considered such a significant adverse cumulative effect that it warrants refusal, then achieving the goals set out in the Clean Power 2030 Action Plan (December 2024) will be extremely difficult.

4.1.46 Inspector H Nicholls FdA MSc MRTP allowed an appeal for a BESS within a rural landscape adjacent to the National Grid Minety Substation a (Decision date: 17 October 2024, Appeal Ref: APP/Y3940/W/24/3346309, CD4.1.2) reasoning that although "*The proposal would cause harm to the landscape character and visual amenities of the area, in conflict with the development plan"* the conflict is "*outweighed by the great weight I attach to the public benefits of the scheme from its alignment with the Framework and layers of national policy and guidance which support energy storage solutions a component of energy infrastructure that supports renewable energy. Therefore, the material considerations in this case indicate that a decision should be made other than in strict accordance with the development plan".*

4.1.47 A similar conclusion is reached by Andrew McGlone BSc MCD MRTPI who allowed an appeal for a BESS within countryside within Green Belt and the Mersey Valley Valued Landscape area (Decision date 18th October 2024, Appeal Ref: APP/Q4245/W/24/3343250, CD4.1.3).

4.1.48 Assessing the planning balance he noted that the Core Strategy and *"national policies, such as the National Policy Statement for Energy also support the need for energy storage solutions"*.

> *"The proposal would result in benefits but also cause harm. Weighing the two up is not a mathematical outcome; it is an overall judgement. The other considerations must clearly outweigh for very special circumstances to exist, not just tip the balance. I consider that all the other considerations do clearly outweigh the identified harm. Hence, the very special circumstances necessary to justify the development do exist, and the proposal would accord with the development plan as a whole, and there are no material considerations that indicate that I should take a decision other than in accordance with it". Paragraph 40.*

4.1.49 The Proposed Development does not lie within Green Belt or a valued landscape.

4.1.50 There are landscape and visual benefits in locating electrical infrastructure within a landscape where its character is already strongly defined by electrical infrastructure rather than in a landscape where there is no such infrastructure and any intervention is likely to be seen as having a greater adverse effect on landscape character and potentially visual impact.

Issue C: Cumulative Landscape And Visual Effects

Cumulative effect on the Claydon Valley LCA

4.1.51 The consented, but unbuilt, Tuckey Farm Solar Farm (the masterplan of which is CD5.1.7) lies within the Claydon Valley LCA, the greater portion of which occupies the valley north of the East Claydon Road, where because of topography, there will be no intervisibility with the Proposed Development. The Tuckey Farm Solar Farm will increase the negative characteristic of electrical infrastructure within this valley, but the Proposed Development will have a Negligible influence.

4.1.52 The Tuckey Farm Solar Farm will occupy part of one field south of the East Claydon Road where there will potentially be intervisibility with the upper part of the proposed Customer Substation. As a result, there will be a slight adverse cumulative effect of increased electrical infrastructure around the transition between these two LCA. It will be possible to see part of the Proposed Development and the Tuckey farm solar farm within the panoramic view afforded from a short stretch of footpath ECL 4/1 as it crosses high ground north of the Site. Viewer will have to turn their heads to see both but view is dominated by the NG East Claydon Substation which lies between the viewer and the two sites.

4.1.53 There will be a sequential effect on the perception of landscape character to walkers if they use PRoW WIS 1/1 (which passes east of and then through the main part of the solar farm) and WIS 1/2 as they pass immediately south of the panels south of the East Claydon Road. Walkers can then continue on GRA 1/1 and GRA 1/2 which run along the boundaries of the Proposed Development, but with the electrical infrastructure largely screened by the existing hedges and in time the mitigating landscaping. It is the Appellant's case that this is not a Significant cumulative sequential effect. No sequential cumulative effects will be experienced by users of the highway network. As compensation the majority of the 12ha. of BNG land will become accessible to members of the public.

4.1.54 While this less than Significant sequential cumulative effect is undesirable, there is a trend nationally for new electrical infrastructure to aggregate around substations which are the most efficient and functional point of connection.

Cumulative effect on the North Marston Undulating Claylands

4.1.55 The upper part of the proposed Customer Substation and initially the upper part of the BESS will be visible, leading to a cumulative effect of increased electrical infrastructure within the valley below, as illustrated by Photomontage View 1 (CD 2.1.121 and 2.1.122). The existing East Claydon substation and transmission lines are clearly visible on the right side of the photograph and it is evident how dominant it is. The proposed Customer Substation will be subservient to it and the existing transmission lines and so while the Proposed Development will result in an increase in electrical infrastructure it will not increase the magnitude to a level that results in a significantly greater adverse effect on the setting of this LCA.

Cumulative effect on Quainton Hill LCA

4.1.56 The Tuckey Farm Landscape, Townscape and Visual Impact Assessment (RPS 2019) assessed the visual impact of the solar farm to viewers on Quainton Hill as Negligible. Thus, from this, the most elevated vantage point, there can be no cumulative effect with the Proposed Development. While it is possible to make out the East Claydon Substation it is not that prominent for such a large structure. This is largely because it is fairly well camouflaged due to the characteristics of the dull grey metal infrastructure which allows filtered views of the countryside beyond, and it lies at a considerable distance within a very extensive panorama. The Customer Substation will be of a similar nature, but smaller and set lower within the landscape. It, combined with the limited visibility of the BESS will have

a Negligible/Minor adverse effect on the setting of the Quainton Hills LCA (note: assessed as Moderate adverse in the ES but for that larger scheme).

Other LCA

4.1.57 The Proposed Development will not directly affect any of the remaining LCA and due to the limited cumulative visual effects on their setting will have a Negligible effect on their character.

4.1.58 Summary of differences between the Landscape Officers Assessment and that of the Appellant's Landscape consultant.

4.1.59 The following table summarises the differences of opinions:

Table 4.1 Summary of difference of opinion with the Appellant's Landscape Consultant and the Landscape Officer

Baseline: agreement or disagreement	Impacts of the Scheme on Landscape Character	Agreement or disagreement on impacts
Agree: The main Site lies entirely within the Hogshaw Claylands. **Agree:** A landscape of open, hedged fields and a prevailing agricultural land use. **Disagree:** On the degree of visual influence of the existing substation, towers and overhead lines on the Site/Local Landscape and the Hogshaw Claylands LCA. The published LCA assessment recognises the adverse effect of the electrical infrastructure, especially in the northern part of the Hogshaw Claylands. It states that the overall Sensitivity is Moderate but this implies that the northern area where the Site lies is less than Moderate. **Disagree:** The Landscape Officer considers that the sensitivity of the Site is	**Agree:** That the proposed landscape enhancements will offer benefits to landscape character (hedgerow management, woodland and tree planting etc). **Agree:** That the enhancements would not initially entirely outweigh the negative effect of introducing large scale electrical infrastructure into the local landscape. **Disagree:** On the level of that negative effect, the appellant makes the case that it will not be a Significant adverse effect and beneficial in the long term. The subsequent removal of a BESS compound now results in 70% of the Site being permanently enhanced for BNG, further reducing the adverse effect. While there will be a Moderate to Major adverse effect on the fields in which	**Landscape Officer:** The effect would be in the lower end of the range between Moderate/Major-Major Adverse Effect on Local landscape character. The development would be incongruous. The development would be permanent. **Appellant:** That the impact on local landscape character as a whole would be Minor adverse, becoming Minor beneficial on removal of the electrical infrastructure. The Proposed Development will not be incongruous seen in the context of the existing electrical infrastructure. The electrical infrastructure will be temporary. The beneficial biodiversity enhancements will be permanent.

Medium to High Sensitivity to development of this nature. The Appellant considers it to be less than Medium if the influence of existing electrical infrastructure is factored in. A Medium-High sensitivity would suggest that it is a largely pristine rural, perhaps designated, landscape; it is not.	the substation and BESS compound lie, there will be an increasing beneficial effect as the mitigation and BNG habitat establishes over the wider Site. Within a few years the overall effect on the landscape character of the Site will be less than Moderate adverse and to the wider Local Landscape Minor adverse. **Disagree:** that the proposed mitigation does not in many cases reflect the character of the wider landscape and the features in themselves would appear incongruous. The mitigation proposed is entirely in keeping with the published Landscape Guidelines for the Hogshaw Claylands.	

Compliance With Policies Cited In The Reason For Refusal

NPPF

Paragraph 187

Section a) "protecting and enhancing valued landscapes…."

4.1.60 The Appeal Site and the landscape that immediately surrounds are not valued through designation both locally and nationally. The landscape character and quality of the Appeal Site and the landscape that immediately surrounds it is influenced by existing electrical infrastructure, typically a landscape that does not meet the 'valued' criteria.

Section b) "recognising the intrinsic character and beauty of the countryside….."

4.1.61 Recognition of beauty also implies that other areas may lack beauty or at least be of a lesser beauty. It is maintained that the intrinsic character of the Appeal Site and the landscape that immediately surrounds it is influenced by electrical infrastructure and so is of a lesser beauty and so more suitable for accommodating development of this nature.

4.1.62 It is assumed that reference to Paragraph 187 of the NPPF in the reason for refusal only links to limbs a) and b) of Paragraph 187 of the NPPF, on the basis that: 1) the Proposed

Development positively contributes to limb d) relating to biodiversity and 2) that lmbs c), e) and f) are not relevant to the Proposed Development.

Aylesbury Vale Local Plan

C3 Renewable Energy

4.1.63 The Appellant considers that the Proposed Development is compliant in all aspects A to J and P (since there will be no significant residual adverse effects on landscape). Sections l to O are not applicable, relating to dwellings and commercial schemes.

Policy BE2 Design of new development

4.1.64 The policy states that all new development proposals shall respect and complement the following criteria:

> *"a) The physical characteristics of the site and its surroundings including the scale and context of the site and its setting".*

4.1.65 The electrical infrastructure is located within two flat fields with the loss of only short sections of hedgerow to provide access. The scale reflects the scale of the fields and the context is the existing electrical infrastructure.

> *"b) The local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials".*

4.1.66 This primarily relates to residential and commercial development, not electrical infrastructure.

> *"c) The natural qualities and features of the area".*

4.1.67 The majority of the Proposed Development comprises extensive habitat enhancement and creation which reflect the natural qualities of the area and substantial Biodiversity Net Gain. The Proposed Development includes a permissive path which creates a looped walk linking to existing rights of way which are features of the area.

> *"d) effect on important public views and skylines. More guidance on the detail for the application and implementation of this policy will be provided in the Aylesbury Vale Design SPD."*

4.1.68 The Proposed Development does not affect important public views and skylines.

Policy NE4 Landscape character and locally important landscapes

4.1.69 The policy states:

> *"Development must recognise the individual character and distinctiveness of particular landscape character areas set out in the Landscape Character Assessment (LCA), their sensitivity to change and contribution to a sense of place. Development should consider the characteristics of the landscape character area by meeting all of the following criteria:*
>
> *minimise impact on visual amenity"*

4.1.70 The Proposed Development minimises adverse impacts on visual amenity. Landscaping will occupy 71% of the Site with extensive areas of woodland and hedge planting around all the sides of the electrical infrastructure. The planting specified is a mix of larger nursery stock trees to provide quicker screening, mixed with smaller stock. Many of the species specified, such as poplar, willow and alder (which are characteristic of the locality) are fast growing species which will also ensure rapid screening. The compounds are set within the two fields, retaining the strong hedgerow network, which will be managed at a greater height to enclose the compounds.

"b) be located to avoid the loss of important on-site views and off-site views towards important landscape features".

4.1.71 The Site is currently not accessible to the public and so there are no important on-site views. The Site does not lie within the setting of important landscape features and in any case, views are already marred by the existing electrical infrastructure.

"c) respect local character and distinctiveness in terms of settlement form and field pattern, topography and ecological value".

4.1.72 The Proposed Development respects the field pattern, topography and ecological value of the locality. The temporary electrical infrastructure is in keeping with the existing electrical infrastructure in the locality and although it is contrary to rural character, the habitat enhancement and creation the majority of the Appeal Site respects local character as does the permissive path which creates a new looped walk linking to the existing rights of way.

"d) Carefully consider spacing, height, scale, plot shape and size, elevations, roofline and pitch, overall colour palette, texture and boundary treatment (walls, hedges, fences and gates)".

4.1.73 Primarily this relates to residential development. However, the spacing and height of the Proposed Development has been designed with the adjacent electricity infrastructure in mind.

"e)minimise the impact of lighting to avoid blurring the distinction between urban and rural areas, and in areas which are intrinsically dark and to avoid light pollution to the night sky".

4.1.74 The Proposed Development will be unmanned and will have minimum lighting and so is compliant.

"ensure that the development is not visually prominent in the landscape".

4.1.75 The majority of the Proposed Development will not be visually prominent within the landscape once the mitigating landscaping as established, with the exception of the upper portion of the Customer Substation. Since substation design is fixed by electrical parameters it is not possible to reduce its height and hence visibility.

Granborough Neighbourhood Plan

Policy RC2: Protecting the Landscape and Policy RC3: High Quality Design

4.1.76 These policies appear to have been formulated primarily to control urban development, typically within or immediately adjacent to the village and so their application to the Proposed Development which seeks to deliver enhancement of the electricity grid is tenuous.

4.1.77 In respect of RC2, the Proposed Development is in keeping with adjacent development and mitigation has been incorporated to offset impacts. In addition to this, the Proposed Development protects and incorporates field patterns.

4.1.78 In respect of RC3, the Proposed Development does relate to existing development and is considered proportionate to the setting of the East Claydon Substation. The Proposed Development does reinforce connections and has sought the opportunity to provide a new connection through a permissive path as well as delivering significant BNG and habitat improvements.

Summary Of Landscape And Visual Issues

4.1.79 The Landscape Officers consultation response is based on the initial application block plan and so many of the comments are no longer valid. The appellant disputes other assertions made in the response. The Proposed Development as resubmitted prior to determination represents a 35% reduction in the area of electrical infrastructure compared to the original submission scheme, reducing the adverse effect on landscape character and visual amenity. The Landscape Officer's comments, which post-date the refusal, do not address the resubmission scheme in detail.

4.1.80 The developed area will occupy 7.5ha. of the Appeal site (a direct but temporary adverse effect on landscape character) while 15.2ha. will be subject to habitat enhancement (a benefit to landscape character) and 3.6ha. will remain as farmland with skylark mitigation. As a result, the adverse effect on the landscape character of the Appeal Site as a whole on the day of operation will not be Significant and adverse effects will decline as the habitats mature.

4.1.81 The scheme is temporary and reversible, leaving only the legacy of new habitats such as woodland, hedges, ponds and species rich grassland which comply with the Council's guidelines for the Hogshaw Claylands LCA and so there will be a residual benefit to the LCA and to the setting of adjacent LCA. The temporary nature of the permission, and the reversibility of the scheme are important considerations that must be weighed properly in the overall balance.

4.1.82 As noted at 4.1.42 above, Inspector P Griffiths in the Berden Hall Solar Farm decision clearly emphasised that it is right that the current generation tolerate 40 years of adverse landscape and visual effects in order to try and prevent the far more substantial longer term adverse climate change effects that might arise and affect future generations, and that on balance the national benefits of BESS can outweigh local landscape and visual harms.

4.1.83 Whilst this site is not green or grey belt, recent BESS appeals also demonstrate that the benefits of BESS meet the very special circumstances test too.

4.1.84 There are landscape and visual benefits in locating electrical infrastructure within a landscape where its character is already strongly defined by electrical infrastructure rather than in a landscape where there is no such infrastructure where any intervention is likely to be seen as having a greater adverse effect on landscape character and potentially visual impact.

4.1.85 The Landscape and Visual chapter of the ES concluded that that after year 10 there will be no Significant adverse effects on visual amenity or landscape character and on decommissioning there will be Neutral to Moderate Beneficial effects on landscape character and visual amenity and no adverse effects. The Landscape Officer's analysis of the original scheme agreed with this conclusion and on the basis that the resubmission scheme reduces impacts we assume that the Landscape Officer continues to agree with this conclusion.

4.1.86 The Appellant's case is that the Proposed Development will not result in any significant direct, indirect or cumulative effects. While every application should be assessed on its own merits, if a precedent is set that building a relatively small area of additional electrical infrastructure next to existing electrical infrastructure to meet the Government's climate goals is considered such a significant adverse cumulative effect that it warrants refusal, then achieving the goals set out in the Clean Power 2030 Action Plan (December 2024) will be extremely difficult. This was recognised in the Berden Hall appeal decision at Paragraph 92, where the Inspector noted that it would be: "*wholly unrealistic to think that attaining 'net zero' can be achieved without some harmful impacts on the landscape,*

heritage assets, and/or other considerations. That is why the Framework tells us that we should approve applications for renewable or low carbon if the impacts are (or can be made) acceptable. Obviously, that does not mean that all such applications should be approved, but at the same time, if the bar for impacts to be regarded as acceptable is set too high, we are not going to get very far towards attaining 'net zero' by 2050". This was in the context of an approved scheme for a 49.9MW solar scheme which attracted "great weight" on the negative side of the planning balance.

4.1.87 The Appellant considers that the benefits of the Proposed Development clearly outweigh any harm caused by reason of definitional harm and any other harm such that the balance of planning considerations weighs heavily in favour of planning consent being granted.

5 PLANNING BALANCE

5.1.1 In weighing the planning balance, paragraph 168 of the NPPF states 'significant weight' should be applied to the benefits associated with renewable and low carbon energy developments and their associated infrastructure.

5.1.2 There is a clear national and regional need to decarbonise the electricity system; provide resilience to the grid; and to secure the UK's energy supply and reduce costs to consumers. The Appellant is satisfied that there are significant benefits of the proposal and whilst there are impacts to the landscape character area, on balance this does not outweigh the significant benefits of the Proposed Development.

Planning benefits

5.1.3 The Proposed Development will result in a range of wider environmental and other benefits, which have been demonstrated to clearly outweigh the harms identified above.

5.1.4 On a broader scale, the proposed need for BESS development is essential infrastructure required to support the UK's transition to a low carbon future and achieve the government's legally binding target of achieving net zero by 2050 and a 78% reduction by 2035.

5.1.5 The Proposed Development responds directly to help meeting the very significant level of increase in battery storage growth identified by the government and will also help realise the rapid deployment of new clean energy capacity.

5.1.6 Paragraph 8 of the NPPF (2024) sets out the three overarching objectives for achieving sustainable development, including:

a) an economic objective – to help build a strong, responsive and competitive economy, by supporting growth, innovation and improved productivity and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

5.1.7 Paragraph 11 of the NPPF (2024) states that a presumption in favour of sustainable development for decision taking means approving development proposals which accord with an up-to-date development plan without delay.

Economic Benefits

5.1.8 An increase in jobs available during the construction period and some jobs during the operational period would result from the Proposed Development. In addition, there will be associated supply chain, taxation and business rates which will benefit the local economy. These are both direct and indirect benefits of the Proposed Development and represent an increase on the existing position which should be given positive weight in the determination of this appeal. The Council did not include this in the planning balance in the Officer's Report.

Social Benefits

5.1.9 The Proposed Development will provide capacity to store 500MW. The proposed 500MW capacity is one of the largest schemes coming forward since the Storage Order was enacted in 2020. Once operational, the BESS would provide enough electricity to serve

more than 540,000 households. Whilst electricity discharged by the BESS would not all be consumed locally, it has the potential to serve the electricity needs of all of the households in Buckinghamshire for four hours at any one time twice a day.

5.1.10 In addition to this, the majority of the 15.6 ha. of BNG land will become accessible to members of the public, the proposal will also provide new permissive routes through the site, with access from the existing PRoW network to the south and east of the Appeal Site. The permissive path passes through the broad landscaped buffers and BNG areas, running along a minimum 5m wide grass corridor to create a new loop linking two existing PRoW providing a real benefit to walkers. Positive weight should be afforded to this in the planning balance and the Council's PRoW officer considered that pedestrian access is improved overall by the permissive paths. The Council afforded this only neutral weight the planning balance in the Officer's Report.

Environmental Benefits

5.1.11 An extensive Landscape strategy resulting in:

- Biodiversity Net Gain of 47%, with maintenance and management secured through a LEMP.
- Inclusion of 8 Skylark Plots, including access to and maintenance and management of the plots.
- Creation of 15.1ha of new habitats including hedgerows, woodland, ponds scrub and species rich grassland.
- Creation of 1.8ha. of new woodland, 1.1ha. of scrub and 9ha. of enhanced grassland (within the 15.1ha. BNG land).

5.1.12 The above enhancements, all of which are permanent, are shown on landscape plan ref. SL261_L_X_GA_1 Rev C (CD2.1.9). Significant positive weight should be afforded to this in the planning balance.

Visual Amenity

5.1.13 The LVA ES Chapter (CD2.1.74) sets out the assessment of landscape and visual impacts of the Proposed Development. Whilst it is agreed the Proposed Development will result in a degree of harm (as set out within Section 4 above). Whilst any renewable energy project is likely to give rise to some landscape and visual effects, the scale of the effects identified for Proposed Development are typical of those likely to arise from a well-considered and designed development. The landscape and visual effects arising as a result of the Proposed Development would be comparatively low for a development of this size and nature as the strong existing landscape framework limits the effects to a g localised area surrounding the Appeal Site. Acknowledging there would be some harm to the landscape of a low level, it is noted that any harm would be temporary for 40 years after which the Proposed Development will be decommissioned, and the Appeal Site available to be reinstated to its previous use, leaving a beneficial landscape legacy.

Grid Connection

5.1.14 The site is suitably located with a close PoC, which is a key benefit of the Proposed Development and one which should be afforded significant weight. Access to the grid is a very important consideration and the ability of the proposal to export power to the grid in an efficient manner is considered to be a significant benefit of the Proposed Development.

5.1.15 The Appellant has secured a Grid Connection to connect into East Claydon substation and should the Appeal be allowed will help deliver the Proposed Development and contribute towards building the Nation's low carbon future.

5.1.16 The Appellant's contract position with National Grid is for a connection into the East Claydon substation by 2026, and the planning application was submitted on this basis. The Appellant is expecting a revised connection contract to be issued by National Grid, but at the time of writing this has not been received. If a new substation is built out by National Grid, and a new cable required into a new substation location, such a connection is outwith the scope of the Proposed Development and will be sought either through permitted development rights, or by way of a separate planning application, if necessary.

5.1.17 The availability of a grid connection in a short timeframe is a benefit. Paragraph 36 of the appeal decision APP/N2739/W/22/3300623 (CD4.1.6) dated 1 December 2022 in respect of a 320MW BESS scheme recognises a near time grid connection as being a significant benefit in the overall planning balance.

Wider Environmental Benefits: Meeting the National and Regional Need for Energy Storage Demand

5.1.18 The Proposed Development has a storage capacity of up to 500 MW. This is of a greater capacity than most schemes in the country, which are mostly up to 50MW. The Government set out its support for delivering larger battery storage schemes with a capacity above 50MW by amending the legislative framework in the 2020 Storage Order.

5.1.19 The Government identified a need for a minimum of 30 GW of low carbon storage by 2030 to help balance periods of high and low renewable output. NESO has set targets for capacity for up to 28 GW of battery storage by 2030 to meet the Government's intention for the electricity system to be fully decarbonised by 2035. The Proposed Development will connect into the national transmission network, where the energy storage will be able to support national and local capacity.

5.1.20 As noted by inspectors in recent appeal schemes, there is a clear and pressing need to deliver all forms of renewable and low carbon energy developments and their associated infrastructure in order to meet UK's legally binding targets to achieve net zero emissions.

5.1.21 East Claydon falls under the NESO D4 local region in the East of England, where there is a 'moderate' need for stability. During high north to south flows within the grid system, the area would benefit from voltage support (which will be delivered by the Proposed Development).

Energy Security

5.1.22 Further energy security benefits arise from the increased capacity of renewable energy generation enabled by the proposed BESS. Increased renewable energy generation will enable the phasing out of fossil fuels, which are often imported and volatile in price and supply, as shown by the impact on prices resulting from current global events, such as the recent pandemic and conflict in Ukraine.

5.1.23 In response, the Government published the British Energy Security Strategy in April 2022. This strategy encourages the development of large-scale, long-duration electricity storage as part of a flexible energy network based on low carbon energy generation, which is generated within the country and less volatile to supply and cost issues from global events.

5.1.24 As a result, moderate weight should be given to these benefits due to the forecast constraints in fossil fuel supplies over the coming years and to support the Government's strategy to generate secure renewable energy within the country.

Harm

5.1.25 The harm considered to the Application relates to landscaping (this harm is discussed within the planning balance (5.1.13 above). Other harms considered through the planning process are considered to have been suitably assessed and mitigated through the planning process and are considered acceptable, subject to relevant conditions (as set out within the Committee Report CD2.4.1).

Other Recent Appeal Examples

5.1.26 The Appellant acknowledges appeals are considered on a site specific basis, but draws the Inspectors attention to recent BESS decisions taken on similar matters.

Land off Chapel Lane, Great Barr, Walsall (Appeal ref: Appeal Ref: APP/V4630/W/24/3347424) (CD4.1.5).

5.1.27 The appeal was allowed and planning permission is granted for the construction of a battery energy storage system and ancillary development.

5.1.28 The Inspector sets out in paragraph 100, that 'great weight' should be applied to the ability of the proposals to make an early contribution to the clean power pathway and are considered 'significant public benefits' by the inspector.

5.1.29 The Inspector goes on to add in paragraph 102 that significant weight is attracted through habitat gains, particularly the hedgerow gains and the contribution they would make in terms of providing wildlife corridors. It was also added by the Inspector that there would be some economic benefits that would flow from employment during construction, operation and decommissioning of the BESS that attract limited weight.

5.1.30 Land West of Battlesbridge, Rettendon, Chelmsford City Council – Planning Inspectorate (Appeal Ref: APP/W1525/W/22/3306710) (CD4.1.4).

5.1.31 The Inspector sets out in paragraph 34 that the overall weight of the environmental benefits of the development, whilst not confined to the site, would not be diminished particularly given the demonstrable need for battery storage and were afforded very substantial weight.

5.1.32 In making this decision, the Inspector acknowledged that there might be other BESS schemes providing environmental benefits elsewhere. However, due to their need to support wider environmental benefits from renewable energy generation, the number of other proposals elsewhere should not dimmish the weight given to the environmental benefits from BESS schemes or for the benefits to be unique to the relevant proposals.

6 SUMMARY AND CONCLUSIONS

6.1.1 The Appellant considers that the Proposed Development accords with the Development Plan read as a whole and is further supported by other material considerations including the NPPF and Government and Local policy supporting the transition to a low carbon electricity network.

6.1.2 The Buckinghamshire Strategic Development Committee refused the application, against the Case Officer's recommendation for approval. There was a single reason for refusal cited on the Decision Notice, which references adverse impact on visual amenity and on the landscape character at the site, local and landscape character levels and cumulative effects of the proposal with Tuckey Farm (consented solar farm) and the existing East Claydon substation which would lead to cumulative visual and landscape character effects which are referenced as being significantly adverse.

6.1.3 Although it is recognised that there is a level of impact on visual amenity to the character area, the Appellant considers this to be acceptable given the level of existing electrical infrastructure already present and prevalent within the character area. The site itself is well screened and by year ten the level of screening will help significantly reduce the visual impact on the character at the site, local and landscape character levels.

6.1.4 In planning balance, the harm to the landscape effects is clearly outweighed by the benefits provided by the Proposed Development. The policy clearly weighs in favour supporting the technology proposed at the Appeal Site, at both local plan and national level through the NPPF and other relevant supporting materials.

6.1.5 The benefits of the Proposed Development include:

- Creation of jobs through the construction period and some jobs during the operational;
- Associated supply chain, taxation and business rates which will benefit the local economy;
- Once operational, the BESS would provide enough electricity to serve more than 540,000 households;
- Provide significant flexible storage capacity of up to 500MW, to help support the UK's transition to a renewable and low carbon energy generation future and meeting the Nation's legally binding target to reach net zero by 2050;
- The creation of a new permissive path loop connecting two existing PRoW;
- Biodiversity Net Gain of 47%, with maintenance and management secured through a LEMP;
- Inclusion of 8 Skylark Plots within 3.6ha. of retained farmland, including access to and maintenance and management of the plots;
- Creation of 15.1ha. of other new habitats including hedgerows, woodland, ponds scrub and species rich grassland, the majority of which will be accessible to the public;
- Contracted connection date with National Grid to connect into the East Claydon substation is 2026, if delivered it could have the potential to help towards the Government's commitment to decarbonise the power system by 2035; and
- Further energy security which arise from the increased capacity of renewable energy generation enabled by the proposed BESS. This enables the phasing out of fossil fuels, which are often imported and volatile in price and supply, as shown by the impact on prices resulting from current global events, such as the recent pandemic and conflict in Ukraine.

6.1.6 It is therefore considered that on planning balance there is a significant need for the proposal and that the benefits of the Proposed Development clearly outweigh the impacts.

6.1.7 Therefore, the Proposed Development should be granted planning permission in accordance with the statutory presumption as set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004.

APPENDIX 1 EXTRACT FROM THE LCA

LCA within the Shallow Valleys Landscape Character Type

The application site and the majority of the study area lie within the Shallow Valleys LCT which extends south of Buckingham to Haddenum as a series of connected landscape features. The Site lies within the Hogshaw Claylands LCA. The key characteristics of this character area are as follows:

Hogshaw Claylands LCA 5.7

The Site lies on the northern boundary of this LCA, the Claydon Valley LCA lies immediately to its north. The 2008 assessment states:

"The Hogshaw Claylands LCA comprises a gently sloping bowl of low ground in mixed agricultural use. There is very little settlement and access is via narrow lanes and a good network of Public Rights of Way. Hedgerows are good and often have mature oak trees. The main meandering watercourses tend to have trees and shrubs along their banks. Small plantations of mature poplars in a grid are a feature of the area. Views tend to focus on the surrounding higher ground. The two pylon lines through the area are visually intrusive. There is an electricity grid sub-station just to the north of the area, within Claydon Valley LCA 5.6, which these lines join. The sub-station and other pylon lines are visually intrusive in the very north of the area. The area is quiet but not wild or remote.

It is predominantly an area of calcareous mudstone (Weymouth Member with a transition to West Walton formation in the south) with alluvium deposits in the valley bottom.

There are no major watercourses and a series of minor streams and ditches drain the area. The main tributaries have a meandering course but many of the smaller tributaries are straight and follow field boundaries. There is a scattering of ponds throughout. A mixed agricultural landscape with a slight tendency towards grassland. There are also small areas of woodland and scrub.

There is very little settlement within the area just a scattering of farms some with large barns. A disused railway line passes north-south through the area. The woodlands are small with a notable plantation of mature poplars in a grid next to a lane. The tree cover within hedgerows is generally better adjacent to roads where there are frequent mature oak trees. Elsewhere the tree cover is good adjacent to streamlines.

The principal habitats of the Hogshaw Claylands are a mix of arable and grassland habitat. The grassland is mostly improved however, some unimproved is present throughout.

The agricultural habitats are relieved by a few fragments of woodland habitat - both broadleaved and coniferous are present the most significant area being associated with the line of the disused railway where scrub also occurs. The broad habitat types of rivers and streams and standing open water are well represented by the streams and the ponds across the area.

The historic landscape of Hogshaw is composed of a mixture of fields types; the greatest extent is made up of pre 18th century regular enclosures and is likely a product of the improvements made by such families as the Verneys at Middle Claydon. The eastern side of the area landscape is made up of parliamentary enclosure fields of Granborough enclosed in 1796. The other types are the changes to field boundaries in the 19th century and presence of 20th century enclosures for pony paddocks. The landscape has no historic settlements of note, only isolated historic farmsteads of Lower & Middle Farm.

Condition

The condition of the landscape is moderate. It has a unified pattern of elements with a strong hedgerow pattern and little settlement and only minor roads. There are considered to be few visual detractors across the area as a whole but the impact of the pylon lines running through the area is significant although the rural integrity of the landscape is maintained. The cultural integrity is variable, there is some good surviving examples of ridge and furrow in the landscape and the hedgerow pattern, is in good condition but the condition of the hedgerow trees is generally mature or over mature. Ecological integrity is weak due to suboptimal connectivity and the low area of designated sites and habitats of District significance present compared to other parts of the District. Overall the functional integrity is considered to be weak.

Sensitivity

The area has a distinct landscape character with a good sense of historic continuity. This gives the area a moderate sense of place. The landform is apparent, and the tree cover intermittent with very little in the way of woodland. This produces an area with a moderate level of visibility. Overall, the combination of a moderate sense of place and a moderate visibility combine to create a landscape which is considered to be of moderate sensitivity.

Landscape Guidelines

The landscape guidelines for the Hogshaw Claylands are as follows:

- **"Encourage the retention and strengthening of the historic hedgerow pattern by infilling gaps and establishing new hedgerow trees. Oaks are a feature of hedgerows in this area.**
- **Encourage the management of hedgerows through traditional cutting regimes.**
- **Promote the management and conservation of vegetation adjacent to the meandering watercourses including the pollarding of willow.**
- **Encourage the management of existing woodland and promote the establishment of new woodland particularly where it will reduce the visual impact of pylon lines.**
- **Maintain the condition and extent of unimproved and semi-improved grassland wherever possible. Encourage good management practices.**
- **Improve the management of historic meadows and pastures.**
- **Close to watercourses promote the use of permanent pasture, with low stocking density and flooding regimes to promote biodiversity and landscape enhancement.**
- **Encourage the restoration and management of ponds and the area around them to provide a succession of habitats from open water through to mature trees.**
- **Where possible link ponds to adjacent hedgerows with grassland.**
- **Enhance connectivity of habitats.**
- Identify key views to surrounding higher from publicly accessible land and promote the preservation and enhancement of these views.
- Encourage the preservation of Ridge and Furrow by maintaining grassland."

It is the case of the Appellant that the Appeal Scheme will deliver the objectives set out is the landscape guidelines shown in **bold** (for emphasis) above and so the proposed landscape and habitat creation works which cover the majority of the Appeal Site will be compliant.

APPENDIX 2 EXTRACT FROM THE LCA

Surrounding LCA within the theoretical ZTV

Claydon Valley LCA 5.6

The Claydon Valley LCA lies immediately north of the Site and the Hogshaw Claylands. The key characteristics are:

- "*A Shallow valley.*
- *Meandering brook on flat valley bottom.*
- *Lack of settlement apart from isolated farms on slightly higher ground above flood plain.*
- *Strong irregular field pattern.*
- *Predominantly small and medium fields.*
- *Mixed farming – greater area of pasture but large arable fields are visually dominant.*
- *Good mix of tree and shrub vegetation adjacent to brook.*
- *Disused railway line with trees and shrubs.*
- "*Five pylon lines radiating out of the electricity sub-station northwest of Granborough are the most significant detracting feature of the area".*

The landscape character areas Condition is Good and Sensitivity is Moderate. Landscape Guidelines are to Conserve and Reinforce, including:

- "*Encourage the retention and strengthening of the historic hedgerow pattern by infilling gaps and establishing new hedgerow trees.*
- *Promote the management and conservation of vegetation adjacent to the meandering watercourses including the pollarding of willows*."

The study determines landscape sensitivity to be Moderate.

North Marston Undulating Claylands LCA 5.8

Granborough and North Marston lie within this area. The most significant difference between it and the Hogshaw Claylands is the more undulating landform which allows settlements to occupy the higher drier ground. Key characteristics are as follows;

- *"Undulating landform.*
- *Small hills and ridges.*
- *Meandering Steams.*
- *Predominantly pastoral.*
- *Settlement on high ground.*
- *Good hedgerow pattern.*
- *Ridge and furrow."*

Condition is Good and Sensitivity is Moderate for this LCA".

The Appeal Site is largely shielded from this LCA by a series of small hills on the edge of the claylands, including the hill upon which Granborough lies and a hill south of Wings Farm. While there are some views from the edge of Granborough, views of the Appeal Site are blocked from the majority of the village by a small hill which lies between the Appeal

Site and the village. Where there are elevated views from the edge of the village the upper part of existing substation is visible, together with the transmission lines which radiate from it.

LCA within the Low Hills and Ridges Landscape Character Type

This LCT comprises the high ground that surrounds the lowlying clayland and valley landscapes. The LCA's within this LCT are:

4.12A – Winslow Ridge West

4.12B – Winslow Ridge East

9.1 - Finmere Hill

9.2 – Quainton Hill

9.3 – Pitcott- Whitchurch Ridge

The onsite survey undertaken by the Appellant for the application indicates that views of the Appeal Scheme from the Winslow Ridge are largely limited to the upper windows of residential properties. Views are also distant. The lack of ground level views and limited intervisibility between these LCA means that any indirect effects on the perceived character of LCA's 4.12A and 4.12B will be Negligible. Views are also very limited from Finmere Hill LCA (9.1) and Pitchott-Whitchurch Ridge LCA (9.3). The greater elevation of Quainton Hill (187m AOD) affords the more extensive views across the claylands towards the Appeal Site.

<u>Quainton Hill LCA 9.2</u>

This character area forms a small but prominent area of upland to the south-west of the site. Key characteristics are as follows;

- "*Part of a prominent network of hills.*
- *Pastoral land use.*
- *Long distance views over surrounding countryside.*
- *Area is exposed in winter.*
- *Incised steep sided valleys.*
- *Narrow ridges and promontories.*
- *Lack of woodland cover.*
- *Ridge and furrow.*

Condition is Good and Sensitivity is High for this LCA"

There is the potential for the Appeal Proposal to affect its setting.

The Hogshaw Claylands LCA and Appeal Site does form part of the setting to a small part of the northern edge of this LCA.

LCA within the Wooded Rolling Lowlands Landscape Character Type

<u>Claydon Bowl LCA 7.3</u>

This LCA lies to the west of the Hogshaw Claylands and only the setting of the eastern edge is potentially affected by the Appeal Scheme in the vicinity of Botolph Claydon, but there is no intervisibility with the main bowl area which lies further west beyond the lip of the valley.

Condition is Very Good and sensitivity Moderate.

The small area of this LCA potentially affected is a transition zone with the Hogshaw Claylands and so the effect of the Appeal Scheme on the main Claydon Bowl LCA will be Negligible.