



Directorate For Planning, Growth And Sustainability

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Kirsty Cassie
Statera Energy
Email to: kcassie@stateraenergy.co.uk

18 September 2023
Our Ref: 23/02205/SO

Dear Ms Cassie,

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (As Amended)

Proposal: 500 MW Battery Energy Storage System (BESS) with the associated infrastructure, access, drainage and landscaping

At: Land Off Hogshaw Road, Hogshaw Road, Granborough, Buckinghamshire, MK18 3NL

I refer to your enquiry dated 07 July 2023 in which you requested an EIA Scoping Opinion from the Local Planning Authority under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Part 4, Regulation 15 (1). The proposed development falls within the provision of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and the submitted Scoping Report identifies a range of topics to be included and topics that are 'scoped out'. I hereby attach the Local Planning Authorities Scoping Opinion.

A number of comments are raised, which would need to be addressed as part of any future planning application for the site. Please also note that under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Part 4, Regulation 15(9) and 25, the Local Planning Authority is not precluded from requiring additional information in connection with any statement that may be submitted as an environmental statement in connection with an application for planning permission.

No indication of the likely success of an application for planning permission for the development is implied in the expression of this EIA Scoping Opinion.

The applicant is advised to notify the Council if there are significant changes to the proposed scheme, as a revised EIA Screening / Scoping Opinion may be required.

BUCKINGHAMSHIRE COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

(Environmental Impact Assessment) (ENGLAND AND WALES) Regulations 2017 (As Amended)

1. Introduction

Statera Energy Limited (The Applicant) is preparing to submit a planning application for the development of a Battery Energy Storage System, comprising a battery storage facility with associated infrastructure, access and landscaping on land located off Hogshaw Road, Granborough, MK18 3NL. The Proposed Development will be known as the East Claydon Battery Energy Storage System (BESS) Project.

An Environmental Impact Assessment (EIA) Screening Opinion was provided by the Council Reference: 23/01438/SO on 8 June 2023 which, following consideration of the relevant selection criteria for screening, concluded that the development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (hereafter referred to as the 'EIA Regulations'). The Council concluded that the Proposed Development is likely to result in significant environmental impacts. Therefore, in exercising the powers granted by Regulation 6(6) of the EIA Regulations, the Council considers that an EIA is required for the development to ensure that any potential significant environmental impacts are taken into consideration in assessing the planning application.

Consequently, a formal Scoping Opinion Request has been submitted, accompanied by an EIA Scoping Report (SO Report), prepared by Statera Energy Limited to assist the Local Planning Authority (LPA) to provide a Scoping Opinion under Regulation 15 of the 2017 Regulations.

The Scoping Opinion will consider:

- The environmental topics or areas of which there are likely to be potential impacts which will need to be addressed in the Environmental Statement (ES)
- The geographical area and timeframe over the potential likely impacts.
- Methods to be used to determine the likely significant environmental effects that will arise as a result of the construction and operational phases and cumulative impacts.
- The potential impacts to be scoped out as not being likely to give rise to significant environmental effects.

2. Information Provided

In line with Regulation 15(2) of the 2017 Regulations the following has been provided:

- A plan sufficient to identify the land (Figure 1 and 2).

- A brief description of the nature and purpose of the development, including its location and technical capacity (Section 3, SO Report).
- An explanation of the likely significant effects of the development on the environment (Section 5, 6, 7, 8, SO Report).
- Such other information or representations as the person making the request may wish to provide or make (Section 16, SO Report).

3. Consultation

In line with the Regulations 15(4), the LPA has consulted the following bodies on the Scoping Opinion Request.

External Consultees

- Environment Agency
- Natural England – Response received

Internal Consultees

- Biodiversity and Ecology Officer - Response received
- Climate Change and Sustainability
- Economic Development - Response received
- Environmental Health - Response received
- Heritage - Response received
- Highways and Transport - Response received
- Landscape and Urban Design Officer - Response received
- Lead Local Flood Authority - Response received
- Public Rights of Way Officer - Response received

Responses received to date by the Local Planning Authority, are attached at Appendix 1. Any additional comments received will be forwarded separately for information.

4. The LPA's Scoping Opinion

The Scoping Opinion will consider:

- The environmental topics or areas of which there are likely to be potential impacts which will need to be addressed in the Environmental Statement
- The geographical area and the timeframe of the potential likely impacts
- Methods to be used to determine the likely significant environmental effects that will arise as a result of the construction and operational phases including cumulative impacts
- The potential impacts to be scoped out as not being likely to give rise to significant environmental effects

The Scoping Opinion takes into account the information provided by the applicant about the proposed development, the specific characteristics of the proposed development, the type

concerns, and the environmental features likely to be significantly affected by the development, as required by Regulation 15(6).

5. The Development Proposals and Alternatives

The Scoping Report does not consider suitable alternative sites within the Applicant's control. It is expected that the Applicant will provide details of suitable alternative sites considered and an assessment of a "Do Nothing" scenario (which assumes no development is implemental and the current baseline conditions continue).

National Planning Practice Guidance states that the 2017 Regulations do not require an applicant to consider alternatives. However, where alternatives have been considered, paragraph 2 of [Schedule 4](#) requires the applicant to include in their Environmental Statement a description of the reasonable alternatives studied (for example in terms of development design, technology, location, size and scale) and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

7.Consultation as part of the EIA process

The Applicant is consulting the LPA as part of the EIA process. Consultee comments received by the LPA during the preparation of this Scoping Opinion will be referred to in summary in relevant parts of this response. The Applicant is however advised to consider the consultation responses included as Appendix 1 in full.

8. Geographical Scope

The proposed EIA will include the physical extant of the Site as shown in Figures 1 and 2. However, the impact of the proposal is likely to extend beyond the proposed site boundary. Where relevant, these matters are set out under each topic. The geographical extent of the EIA will also need to include the potential impact of related and un-related activities and any other land required for development specific infrastructure outside the proposed site boundary.

9. Temporal Scope

The construction of the project is likely to take 18 months and the Proposed Development is proposed to be operational for a period of 40 years.

The Environmental Statement (ES) should clarify the temporal scope of the Proposed Development, for both construction and operational phases of the development. It should also clarify if there is any decommissioning proposed after the 40 year period. If decommissioning is proposed, what are the likely timescales including the timescales for site restoration.

10. Cumulative Scope

The Scoping Report identifies the following schemes which are likely to result in the potential for cumulative impacts with regards to highways, biodiversity, landscape, heritage and residential amenity within the EIA:

- Tuckey Solar Farm (consented under ref: 19/00983/APP)
- Planned expansion by National Grid of the East Claydon Grid Substation
- HS2
- East-West Rail

The LPA agrees that the potential cumulative effects of the Proposed Development in association with other committed developments should be included, both during the construction phase and following the completion.

11. Vulnerability of the proposed development to major accidents or disasters that are relevant to the development

Fire risk is identified as the only potential relevant accident and disaster for the BESS site. However, it is noted that there is an area susceptible to flooding, as identified by the Environment Agency, running through the site.

It is recommended that the ES sets out any consultation undertaken by the Applicant with relevant infrastructure operators and regulatory bodies (including the HSE) and any other relevant technical consultees in the preparation of the EIA.

The Applicant should make use of appropriate guidance (eg that referenced in the Health and Safety Executives (HSE) Annex to Advice Note 11) to better understand the likelihood of an occurrence and the Proposed Development's susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed Development to a potential accident or disaster and also the Proposed Development's potential to cause an accident or disaster. The assessment should specifically assess significant effects resulting from the risks to human health, cultural heritage or the environment. Any measures that will be employed to prevent and control significant effects should be presented in the ES.

Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

12. Planning Policy Context

The Proposed Development will need to be considered in accordance with relevant policies and guidance at local and national levels.

Reference to the Buckinghamshire Minerals and Waste Local Plan (2016-2036) may be relevant in relation to specific environmental topics and the ES should include such reference where relevant.

Appropriate reference to the relevant policies within the VALP 2013-2033 (2021) must be made in the ES.

For consistency, all environmental topic chapters within the ES should refer to the National Planning Policy Framework (NPPF), Planning Practice Guide (PPG), Best Practice/Guidance and

Standing Advice, as relevant to that topic matter.

13. Environmental Topics considered in the EIA Scoping Process

The Scoping report has scoped out the following matters:

- Land Use
- Air Quality
- Population and Health
- Geology, hydrology and ground conditions
- Materials and Waste
- Project Vulnerability

Land Use

Any future Application should be accompanied by an Agricultural Land Classification assessment. This should be at a detailed level. The survey data should inform suitable soil handling methods and appropriate reuse of soil resources where required.

The ES should set out details of how any adverse impacts on BMV agricultural land is avoided.

The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain.

Air Quality

The LPA agrees that with suitable mitigation secured through a construction environmental management plan (CEMP), air quality as a topic in the ES can be scoped out. The LPA would, however, expect to see mitigation secured in a draft/ framework CEMP and that effort is made to agree with the relevant consultation bodies and submitted with the application. The CEMP should include measures explicitly, but not limited to, address impacts from dust during construction.

Ground Conditions

There is insufficient evidence that the Proposed Development will not significantly affect ground conditions, including the creation of new contamination pathways or worsen existing contamination pathways. Therefore, the LPA does not agree with the approach that a ground conditions assessment can be scoped out of the ES on the basis of anticipated results. The ES should include an assessment of the potential affects the Proposed Development could have on ground conditions.

Population and Health

The LPA agrees that impacts to human health receptors from Electromagnetic Fields (EMF) can be scoped out of the ES. The LPA also agrees that a number of other topics consider health as part of their assessment. Therefore, with appropriate cross-referencing, a stand-alone topic

chapter is not required for the ES.

Materials and Waste

The LPA agrees that waste does not need to be a separate chapter of the ES and that the description of the potential streams of construction waste and estimated volumes can be included in the ES description of development chapter. However, an assessment of the likely significant effects that may arise from waste should also be included within the ES. In addition, the ES should describe any measures implemented to minimise waste and state whether the waste hierarchy will be utilised. The CEMP should include as much detail as possible on on-site waste management, recycling opportunities, and off-site disposal. If off-site disposal is required, an assessment of likely significant effects including intra-cumulative effects should be included within the ES.

Project Vulnerability

The LPA agrees to scoping out project vulnerability. The LPA also agrees that a number of other topics consider vulnerabilities as part of their assessment. Therefore, with appropriate cross-referencing, a stand-alone topic chapter is not required for this in the ES.

Landscape and Visual

The Applicant should provide a Zone of Theoretical Visibility (ZTV) study that uses sufficient sample points to adequately demonstrate the full potential extent of the development, to the full height applied for. The assessment study area should be determined with regard to the extent of the impacts and the potential for significant effects.

The ES should clearly present any assumptions made with regards to the height that any mitigation planting will have reached by the assessment years for purposes of generating photomontages.

Whilst there may be no landscape planning designations within the Scheme Boundary, the Applicant should take into consideration relevant landscape planning designations within the study area. The assessment should also consider potential effects to the Quainton Wing Hills Area of Attractive Landscape (AAL) and locally important landscapes including North Marston Undulating Claylands and Claydon Valley. In this respect, the Applicant's attention is drawn to Hogshaw Claylands and Claydon Bowl Landscape Character Assessment.

The Applicant should make effort to agree the study area and relevant representative and illustrative viewpoints for assessment with the LPA. In particular, the LPA considers that views experienced by visitors to, and residents of, Granborough and East Claydon and surrounding properties, and the users of the public rights of way.

Consideration should also be given to the preparation of photomontages to illustrate the effects at Years, 1 and 10. The Applicant should make effort to agree the viewpoints for photomontages with the LPA. In line with the guidance, the Applicant must set out the worst case impacts.

The LPA recommends that information relevant to the setting up and recording of data, and

information on viewing distances as set out in Landscape Institute Technical Guidance Note (TGN) on Visual Representation of Development Proposals (2012), is provided within the ES. The Applicant should seek to agree the detailed methodology for the preparation of the photomontages and any wirelines with relevant consultation bodies.

Assessment of the effects on landscape features should include the loss of any existing trees, hedgerows, and other vegetation.

The LPA expect measures which include internal site planting and enhancement of field boundaries as appropriate to context. This should include mitigation for any existing trees lost. The design of the Proposed Development should also seek to retain existing landscape features and consider set back from existing roads and other routes with public access. The potential for enhancement of field boundaries to provide greater connectivity in landcover patterns at the Site should also be considered. Mitigation measures will need to take account of the requirements of National Grid in proximity to their existing infrastructure.

The Landscape Institute Technical Guidance Note 2/19 on Residential Visual Amenity Assessment (RVAA) is guidance that should be taken into account. If there are residential properties likely to experience significant effects to their outlook or visual amenity, an RVAA should be considered as this will provide additional information to inform the assessment, consultation bodies, and the decision-maker.

With regard to cumulative landscape character and visual amenity effects, the LPA expects that the assessment will be assessed separately. The ES should clearly show the locations of viewpoints on a supporting plan, at a scale which enables them to be located on site. Cumulative effects must include sequential cumulative visual effects (where repeated views of the proposal will be seen whilst along a route and the combined visual effect of the Proposed Development in the context of existing and consented development in the area.

The LPA seek an assessment of the development after dark, in particular with regards to changes to currently dark landscapes.

Ecology and Biodiversity

The Scoping Report has acknowledged the need to include Ecology and Biodiversity within the EIA process. Previous Ecology comments on early iterations of this proposal (23/01438/SO) stated the need for ecology to be fully considered to understand the developments impact on features that may be present.

The scope of assessments set out in section 5.3 of the screening Opinion are considered to be acceptable. Species and habitat assessments will be required of the whole site including:

- UK habitat assessment
- Hedgerow assessment
- Riparian mammal assessment
- Badger assessment
- Bat assessment including roost, foraging and commuting
- Bird assessment both breeding and over wintering
- Reptile assessment

- Amphibian assessment
- Invertebrate assessment
- Cumulative assessment on impacts to protected sites
- Biodiversity Net Gain assessment

Further species-specific assessments may be required if considered necessary. This has been acknowledged within the Screening Opinion.

Archaeology

The LPA agrees there is the potential of the development to have likely significant impact on built heritage and agree with its inclusion in the ES.

In line with commitments made in paragraphs 5.4.3 of the Scoping Report, the LPA agrees that archaeological matters are undertaken as part of the EIA. Further trial trench evaluation should be undertaken. The results of the evaluation could form part of the EIA.

The ES should provide details of the surveys used to inform the assessment including any intrusive site surveys undertaken. The ES should also explain how such surveys inform the proposed mitigation strategy. The archaeological investigations should be undertaken by a professionally qualified archaeologist working to an agreed written scheme of investigation based the Council online templates and briefs.

Noise and Vibration

Whilst the Scoping Report does not detail operational vibrations, the mitigation proposed or where it would be secured, the LPA is satisfied that vibration from such operations is unlikely to be a significant effect based on the location of the source and the potential sensitive receptors. Therefore, the LPA considers this matter can be scoped out of the assessment.

The LPA is content that the Proposed Development is unlikely to generate large volumes of operational traffic. Therefore, significant effects from noise and vibration from traffic during operation are not anticipated and can be scoped out of the assessment.

The Scoping Report does not address road traffic noise during construction, operational and decommissioning stages of the development. Details such as construction traffic routes and operational traffic routes are still to be determined, the LPA cannot agree to these matters being scoped out. Any significant effects associated with these matters should be assessed in the ES.

There are concerns that ground-borne vibration from the construction, operation and decommissioning would result from the proposal as a result of construction. The LPA cannot agree to scoping these matters out and the ES should include the likely significant effects associated with these matters.

Hydrology and Flood Risk

The LPA is in general agreement with the proposed scope of the proposed ES Hydrology and Flood Risk Chapter.

As noted within Section 5.7, portions of the site are located within the Fluvial Flood Zone 2 (medium risk) and Flood Zone 3 (high risk), associated with the watercourses located along the western and southern boundaries of the site, referred to as the East Claydon Brook and Granborough Brook respectively. However, it is acknowledged that the majority of the built development proposed is located within Flood Zone 1 (low risk).

Review of the Risk of Flooding from Surface Water (RoFSW) provided by the Environment Agency shows that the site partially lies in an area of high risk of surface water flooding (meaning there is greater than 3.3% likelihood of flooding occurring in a given year). An online version of this mapping data is available to view through the Environment Agency's Long term flood risk information mapping.

Given the site is greater than 1ha and is partially located within the fluvial and pluvial flood zones, a detailed Flood Risk Assessment (FRA) and Drainage Strategy report will be required that assesses all sources of flood risk, and, provides details on the surface water management scheme for the site. It is envisaged that the FRA and Drainage Strategy report will form a technical appendix to the ES Hydrology and Flood Risk chapter.

The LPA notes that both of these watercourses form tributaries of the Claydon Brook, and are designated as IDB watercourses that fall under the remit of the Buckingham and River Ouzel IDB (Refer to Bedford Group IDB Area Map (arcgis.com)). The IDB are a non-statutory consultees, although the local planning authority will consult the IDB on any future planning application in relation to drainage matters. It is recommended that the applicant undertakes pre application engagement with the Buckingham and River Ouzel IDB watercourse to understand their views and requirements in relation to surface water discharge rates and works requiring land drainage consent under their bylaws powers.

Climate Change and Carbon/Greenhouse Emissions

The ES should clearly describe and assess measures incorporated to adapt to climate change. The measures should be developed in light of predicted extreme weather events, precipitation, temperature, and wind patterns. The Applicant should make effort to agree the necessary measures with relevant consultation bodies.

An assessment of the Green House Gas (GHG) impacts is required. The LPA require clarification regarding the role of the BESS in emissions savings and the quantification of the overall emissions benefits. A diagram showing the GHG emissions boundaries should be included.

The LPA would prefer to see a Buckinghamshire wide approach with reference to total GHG emissions. The development will feed power into the local grid, and would be accounted for as part of Net Zero Emissions targets for Buckinghamshire. It will impact on the local distribution network as managed by UKPN. More importantly, the development will impact on local people and the local environment and therefore it should be able to define its benefits and risks in line with those of the community in which it is situated. This approach means that the Magnitude Criteria for GHG Impact Assessment needs to be reviewed.

Given the need to achieve Net Zero Emissions by 2050 and the need for increased levels of carbon

storage and sequestration, the assessment should include data in relation to fluxes of carbon based upon changes to land use over time and in comparison to a baseline scenario where the land is managed in a consistent way to present.

It would be useful to see these once the generation and emissions figures have been clarified. With this in mind and given the oversight of the soil carbon and the need for improvements and carbon sequestration, we do not feel it is sufficient to rely on the emissions savings during operation instead of ensuring the emissions from construction, operation and decommissioning are properly targeted and managed. In addition, the UK Net Zero Emissions target means it is even more important that the construction, operation, and decommissioning emissions arising from the development are minimized as much as possible as the GHG benefits of the site will diminish over time.

In relation to the points above and also the local significance of this development the LPA consider that additional mitigation measures should be put in place to ensure that soil and vegetation carbon storage is improved and the emissions arising from the development are minimised.

Traffic and Transport

The LPA agrees that increases in traffic during operation of the Proposed Development are likely to be minimal and significant effects associated with operational transport are unlikely to occur. Therefore, the LPA agrees that this matter can be scoped out of the assessment.

Predicting traffic data for the decommissioning phase due to uncertainties in relation to the future traffic flows and transport infrastructure is unpredictable. The LPA does consider that there are likely to be measures available which will avoid significant effects, eg a decommissioning travel plan. However, in absence of any firm commitment to produce such a plan the ES should assess impacts from changes in transport and access during decommissioning where significant effects are likely.

The LPA agrees that the construction period that will result in the most impact and generate the most vehicle movements to and from the site. With this in mind, any future planning application will require the submission of a comprehensive Construction Traffic Management Plan (CTMP). This plan should include but not be limited to:

- Vehicle types and dimensions
- Frequency of visits
- Expected daily times of operation/delivery
- Use of a banksman
- Plan showing on-site loading/unloading/manoeuvring arrangements
- Plan showing parking of site operatives vehicles
- Wheel washing facilities/road cleaning initiatives
- Pre and post construction condition survey and commitment to fund any repairs attributed to the construction phase of the development
- Routing to and from the site
- Hoarding arrangements any routing will need to be confirmed and agreed as part of the CTMP.

The LPA require clarification over the use of abnormal indivisible loads (AIL). These abnormal loads need careful consideration and their route to and from the site will require tracking to ensure that any oversize vehicles can access the site safely. The condition of the local highway network must be assessed with regards to its ability to accommodate this level of traffic. Particularly, there are concerns over the width of the carriageway approaching the site on Hogshaw Road. It may be that passing bays need to be introduced to allow opposing vehicles to pass. The ES should explain in full and assess how the Site will be accessed. Furthermore, the ES will need to ensure that traffic movements to and between the parcels of land are quantified and assessed where significant effects will occur.

The route also appears to travel through the centre of Winslow, this must also be carefully considered as there are a number of tight turns and narrow sections of carriageway. Given the likely route to and from the site, it may be that deliveries are restricted to avoid the AM and PM network peak hours to minimise the disruption on the local highway network. The level of vehicle movements is unlikely to warrant any capacity assessments of the local highway network. The access arrangements must also be assessed and will need to be wide enough to allow simultaneous two way vehicle flow. This will most likely require tracking drawings to show this is possible. The level of visibility will also need to be demonstrated; commensurate with the posted speed limit, visibility splays of 151m must be provided either side of the access. Any deviation from this must be accompanied by a speed survey showing vehicle speeds in line with the level of visibility achievable. The access will also need to be upgraded in line with Buckinghamshire Council's guidance.

The ES should explain the study area for assessment and how it relates to the transport assessment including affected junctions and roads. The ES should describe and assess the potential impacts (both positive and negative) associated with any improvements/changes to the access route which are either required to facilitate construction of the Proposed Development or are required for restoration purposes on completion of the works.

Appendix A
Consultee Responses
23/02205/SO

Land off Hogshaw Road, Hogshaw Road, Granborough

1. Buckinghamshire Council - Ecology
2. Buckinghamshire Council - Rights of Way
3. Buckinghamshire Council - Economic Development
4. Buckinghamshire Council - Archaeology
5. Buckinghamshire Council - Heritage
6. Buckinghamshire Council - Environmental Health (Noise and Vibration)
7. Buckinghamshire Council - Lead Local Flood Authority
8. Buckinghamshire Council - Arboriculture
9. Buckinghamshire Council - Highways DM
10. Natural England
11. Great Horwood Parish Council