

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 19/02710/FUL
Proposal Description: Development of a battery energy storage facility at land off Titchfield Lane, incorporating access road, security fence and associated infrastructure (temporary 25-year permission)
Address: Land South Of Ash Farm Titchfield Lane Wickham Hampshire
Parish, or Ward if within Winchester City: Wickham
Applicants Name: Mr Rob Newberry
Case Officer: Rose Lister
Date Valid: 4 December 2019
Recommendation: Permit

Link to Planning Documents : <https://planningapps.winchester.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q1ZX10BPI4Y00>

Pre Application Advice: No



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General Comments

The application is referred to Committee due to the Parish Council's request for it to be determined by Planning Committee, see Appendix 1

Site Description

The application site is located to the east of Titchfield Lane and measures approximately 0.6ha. The site is an agricultural field with a significant level change to the east of the site where the ground drops towards Marshes Plantation SSSI and the river Meon. The site is located at the top of this hill and is screened to the west by mature trees and hedges.

Proposal

Development of a battery energy storage facility at land off Titchfield Lane, incorporating access road, security fence and associated infrastructure (temporary 25-year permission). The proposal would comprise 26 no. 49mw battery units, 1 client container, 24 inverter/transformer skids, 1 auxiliary transformer and a substation. Landscaping to mitigate the impact on the surrounding area is also proposed.

The batteries will allow for storage of excess energy generated in low usage times and used in high demand times to prevent power loss.

Relevant Planning History

None relevant

Consultations

Service Lead: Built Environment - Strategic Planning:

'The starting point is that this form of development is in the countryside and is contrary to MTRA4. Policy DM22 does, however, provide some general support for 'telecommunications and infrastructure' and there are benefits in terms of renewable energy and security of supply which in this case are considered to be important considerations.

The departure from the Development Plan will need to be carefully weighed against the positive benefits of the proposal, the degree of harm caused and whether these could be sufficiently mitigated. From a policy perspective, in order to come to this planning judgement, it would seem reasonable to assess the proposal against the criteria in Policy DM22 and DM23 in order to determine whether it would be possible to grant a departure from the Development Plan. The location, scale, appearance and nature of operation of the facility will have a bearing on this planning judgement.'

Service Lead: Environment -Environmental Protection:

No objection subject to condition 15

Service Lead: Environment - Landscape:

No objection subject to condition 13

Service Lead: Environment - Ecology

No objection subject to condition 2, 3, 14 and 15

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Service Lead: Environment - Trees

No objection subject to conditions 4 - 10

HCC Highways:

No objection

Hampshire Countryside Services

No comment received

Natural England

No objection subject to condition 11

Representations:

Wickham Parish Council – Object for the following material planning reasons:

- The proposal is contrary to policies MTRA4, CP12, DM23 and DM19
- The proposal would have a detrimental impact on the neighbouring properties at Ash Farm.

3 letters received from one address objecting to the application for the following material reasons:

- Visual intrusion
- Impact on residential amenity
- Impact on the countryside

Reasons aside not material to planning and therefore not addressed in this report

- Loss of view

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy

MTRA4, CP12, CP16,

Winchester District Local Plan Part 2: Development Management and Site Allocations

DM10 DM15, DM16, DM17, DM19, DM20, DM22, DM23,

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Supplementary Planning Guidance

High Quality Places SPD

Planning Considerations

Principle of development

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Paragraph 47 of the NPPF requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The development is situated outside of a settlement boundary where countryside policies apply.

MTRA4 generally restricts development within the countryside unless there is an operational need. It is considered that the proposal is required to balance the power supply in the area to prevent power loss.

A cover letter has been submitted indicating two other sites within the vicinity that would meet the requirements for the location of battery storage; these are the solar farm at the adjacent land and the industrial site at Laveys Lane. The letter has detailed that the solar farm does not have the capacity within the site to accommodate the battery storage and that there is no vacant area within the industrial site to accommodate the proposal.

Whilst the operational needs of this type of development is not fixed to a countryside location it is considered that there is sufficient justification in this case to accept the principle of development given the lack of alternative sites and need for a close connection to the National Grid.

The following paragraphs shall assess the suitability of the site from an environmental perspective

Design/layout

The proposal would see 26 batteries with associated equipment and planting. The site would be accessed off an existing track from Titchfield Lane. Two other structures would be included for the running and storage of maintenance equipment and a substation. Each battery would be approximately 3m high, 2.2m wide and approximately 12.3m long. The substation would be approximately 5m high, 3.5m wide and 4m long. The site would be surrounded by a 2.4m high fence and planting around the outside of the fence to mitigate the impact of the site.

Impact on character of area and neighbouring property

The site is located at the top of a sloping field where the ground falls to the east toward the River Meon. The proposal would see cutting and filling to terrace the site.

There is a Public Right of Way to the north of the site however this runs to the west away from the site. It is not considered that the proposal would be visible from this path and therefore the proposal would not have a detrimental impact on the enjoyment of the countryside in this respect. It is noted that there is a path that runs along the river to the south however it is considered that the proposal would be screened by Mashers Plantation and Marshes Copse. The proposal may be visible in long distance views however a landscaping scheme has been submitted to sufficiently mitigate the impact on these views. Further information in regard to boundary treatments, plant schedules and implementation have been recommended (condition 13).

There are two residential properties to the north of the site at Ash Farm. Concerns have been raised in regard to landscaping, loss of outlook, impact on the neighbour amenities and noise in respect of these properties. It is considered that the site would be

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approximately 100m from the residential properties to the north therefore it is not considered that the proposal would result in overlooking, over bearing or loss of light. It is considered that while there would certainly be a change in the outlook from the neighbouring properties it is not considered that this would be sufficiently harmful to residential amenity to warrant refusal. Additional planting has been proposed on amended landscaping plans to intensify the planting so that views to the site would be better screened.

With regard to noise impacts a noise report has been submitted to support the scheme that has been assessed by the Environmental Health Officer. This has demonstrated that the general every day running of the proposed batteries and supporting equipment would not have a harmful impact on surrounding properties. It is noted that the report did highlight that in emergency situations the noise levels may become adverse to the nearest property at Ash Farm. However, the Environmental Health Officer considered that these occurrences would be very limited and would be unlikely to be frequent enough to cause harm to the residents of nearby properties to warrant the refusal of planning permission. This is therefore considered to be acceptable.

No lighting is proposed for the site however due to the site being within a sensitive countryside location condition 15 has been recommended to prevent light disturbance to the neighbouring residents, local ecology and the wider landscape area.

Trees

The site is adjacent to the existing mature hedges and trees along Titchfield Lane. The site is also approximately 50m from the Marshes Copse SSSI. The edge of the site is approximately 9m from the existing site trees and hedges along Titchfield lane. It is therefore considered that the proposal would not have a detrimental impact on the nearby trees and hedges. An arboricultural report and method statement have been submitted to demonstrate that the proposal would not result in harm to the trees. It is considered appropriate to condition these (conditions 4- 10).

Ecology

The site is located approximately 50m from the Marshes Copse and Stonyfield Copse SSSI, Marshes Plantation SINC and the River Meon. It is also considered to be a floodplain grazing marsh priority habitat. An Ecological Impact Assessment and Ecological Enhancement Plan has been submitted. It is proposed that the surrounding grassland would be partially given over to wildflower meadows and additional hedging would be planted to enhance the biodiversity of the area. A number of dormouse, bird and bat boxes are also proposed. This is considered to be acceptable however conditions requiring the recommendations within the ecological report have been included as well as a condition requiring details of the positions of the proposed dormouse, bat and bird boxes (conditions 2, 3 and 14)

Natural England raised no objection provided a Construction Environmental Management Plan is submitted. This has been recommended as condition 10.

Highways/Parking

The site benefits from an existing access to the farm land from Titchfield Lane. It is considered that once constructed, the site would only generate a limited amount of traffic for monitoring and maintenance. The access is considered to be acceptable and

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there would be sufficient space within the site for parking and turning of a vehicle. Titchfield Lane is a 40mph road and is relatively busy. Therefore it is considered appropriate to include a condition requiring details to prevent mud on the road during construction (condition 12).

Other Matters

EIA

The proposal has been assessed against the EIA Regulations 2017 and has been found to not require screening as the site would not generate electricity. However the site is considered to be located close to sensitive sites and the impact on these has been assessed above.

Equality

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

Conclusion

The application site is in the countryside however it is considered that there is sufficient justification in this case to accept the principle of development given the lack of alternative sites and need for a close connection to the National Grid.

A landscaping plan and ecological mitigation and enhancement have been submitted to limit the impacts on the wider area.

It is therefore considered that the proposal accords with policies MRTA4, CP16, DM15, DM16, DM17, DM18, DM23, and DM24.

Recommendation

Permit subject to the following conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).
2. The development hereby approved shall be constructed in accordance with the following plans:
 - CRM.376.002.PL.D.002.A
 - CRM.376.002.PL.D.004
 - CRM.376.002.PL.D.003
 - CRM.376.002 101
 - CRM.376.002 LA.D.000.002.B

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CRM.376.002 LA.D.000.001.B

CRM.376.002 LA.D.000.003

CRM.376.002.EC.D.002B

'Ecological Mitigation Plan' By Enzygo dated 20th July 2020 submitted to the Local Planning authority 27.07.2020

'Biometric Calculation' submitted to the Local Planning authority 27.07.2020

Reason: For the avoidance of doubt, to ensure that the proposed development is carried out in accordance with the plans and documents from which the permission relates to comply with Section 91 of the Town and Country Planning Act 1990.

3. The development shall be carried out in accordance with the measures, conclusions and recommendations set out within 'Ecological Mitigation Plan' By Enzygo dated 20th July 2020. Thereafter, the compensation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To provide adequate mitigation and enhancement for protected species.

4. Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement Ref: CRM.376.002Ar.R. shall be installed prior to any demolition, construction or groundwork commencing on the site.

Reason: to ensure protection and long term viability of retained trees and to minimise impact of construction activity.

5. The Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with Ref: CRM.376.002Ar.R. 001 Telephone – Tree Officer. 01962 848403

Reason: to ensure protection and long term viability of retained trees and to minimise impact of construction activity.

6. The Arboricultural Officer shall be informed prior to the commencement of construction of special surfacing under tree canopies so that a pre commencement site visit can be carried out. Telephone 01962 848403

Reason: to ensure protection and long term viability of retained trees and to minimise impact of construction activity.

7. No arboricultural works shall be carried out to trees other than those specified and in accordance with the Arboricultural Impact Appraisal and Method Statement Ref: CRM.376.002Ar.R 001

Reason: to ensure protection and long term viability of retained trees and to minimise impact of construction activity.

8. Any deviation from works prescribed or methods agreed in accordance with the Arboricultural Impact Appraisal and Method Statement Ref: CRM.376.002Ar.R 001. shall be agreed in writing to the Local Planning Authority.

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Reason: to ensure protection and long term viability of retained trees and to minimise impact of construction activity.

9. No development or site preparation prior to operations which has any effect on compacting, disturbing or altering the levels of the site, shall take place until a person suitably qualified in arboriculture, and approved as suitable by the Local Planning Authority, has been appointed to supervise construction activity occurring on the site.

The arboricultural supervisor will be responsible for the implementation of protective measures, special surfacing and all works deemed necessary by the approved arboricultural method statement. Where ground measures are deemed necessary to protect root protection areas, the arboricultural supervisor shall ensure that these are installed prior to any vehicle movement, earth moving or construction activity occurring on the site and that all such measures to protect trees are inspected by the Local Planning Authority Arboricultural Officer prior to commencement of development work.

Reason: to ensure protection and long term viability of retained trees and to minimise impact of construction activity.

10. A pre-commencement meeting will be held on site before any of the site clearance and construction works begins. This will be attended by the site manager, the Arboricultural Consultant and the LPA tree officer.

Reason: to ensure protection and long term viability of retained trees and to minimise impact of construction activity.

11. Prior to commencement of works to the site a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should address the following impacts:

- a. Storage of construction materials/chemicals and equipment;
- b. Dust suppression
- c. Chemical and/or fuel run-off from construction
- d. Waste disposal
- e. Noise/visual/vibrational impacts

Reason: To ensure that the ecological value of the site is not adversely impacted upon by the development.

12. Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the duration of the construction period. No lorry shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

13. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- a. All boundary treatment;
- b. Hard surfacing materials;

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- c. Means of enclosure, including any retaining structures;
Soft landscaping works shall include:
- d. Planting plans (for new trees, hedges and other planting);
 - e. Written specifications (including cultivation and other operations associated with plant and grass establishment);
 - f. Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
 - g. Implementation programme.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

14. Prior to development commencing details of the proposed ecological mitigation measures, including locations of proposed bird, bat and dormouse boxes, shall be submitted to and approved in writing to the Local Planning Authority.

Reason: To provide adequate mitigation and enhancement for protected species.

15. No lighting, whether free standing or affixed to a structure shall be installed on the site.

Reason: To protect the character and appearance of the countryside.

Informatives:

1. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Local Plan Part 1 Joint Core Strategy: MTRA4, CP16,

Local Plan Part 2: DM15, DM16, DM17, DM23, DM24

3. In accordance with paragraph 38 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

-offering a pre-application advice service and,

-updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

4. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

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> For further advice on this please refer the Construction Code of Practice
<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

5. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement Conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council.

6. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

7. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

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Appendix 1

Please return this form to the Case Officer: Rose Lister

From: Wickham Parish Council

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Location Land south of Ash Farm Titchfield Lane Wickham

Proposal Development of a battery energy storage facility at land off Titchfield Lane, incorporating access road, security fence and associated infrastructure (temporary 25- year permission)

Object. The proposals involve a site that is outside the settlement boundary in a countryside location and are therefore contrary to Local Plan Policy Part 2 MTRA4 and LPP P2 Policy DM21 which state that only development with an operational need for a countryside location complying with the Development Plan will be permitted.

The site adjoins Ash Farm which is a site allocated for Gypsy Traveller and Travelling Show People (DPD 2019), the proposals fail to adequately recognise the site or address the health and wellbeing of the long standing residents due to potential noise pollution, additional traffic movements and loss of amenity.

The proposals further fail to meet the requirements of Policy DM21 as there is no evidence from the applicant of a search for sites that could share this facility which would minimise visual harm. It is noted, for instance, that there is an extant permission for a solar farm on the brownfield site opposite the proposed site on Titchfield Lane, and there is also an industrial site at Laveys Lane that could be investigated.

The proposals are contrary to LPP1 Policy CP 12 – Renewable and Decentralised Energy in that the proposals do not integrate with existing development due to the countryside location of the site, there are no identified benefits to the host communities and opportunities for environmental enhancement have not been shown.

The proximity to the electricity network is not convincing and transport to and from the site requires using Titchfield Lane which has a weight restriction for HGVs due to its unsuitability for heavy traffic.

The proposals are contrary to Policy DM22 – Rural Character due the visual intrusion of the battery banks and associated infrastructure on the surrounding landscape. The proposed development would have a detrimental impact on the surrounding landscape due to its height, mass and siting on a relatively high point in the open countryside of the Meon Valley.

Titchfield Lane and Fontley Road have been subject to development creep over the last two decades and this particular site remains an attractive area of open undulating countryside that forms part of an important green undeveloped gap between Whiteley/North Whiteley/ Wickham & Knowle.

The sloping site suggests cut and fill will be necessary to create level foundations for the batteries which will further damage the landscape.

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The proposals raise concerns covered by LPP2 Policy DM18 – Development and Pollution. The technology and its impact on wildlife particularly from noise and vibration and the potential for pollution leaking into the River Meon has not been addressed in the application.

Request made that the application is heard by Winchester City Council's Planning Committee if the officer is minded to grant delegated permission.

Signed:

Nicki Oliver
Parish Clerk

Date 7.2.20