



Report to Buckinghamshire Council – Central Area Planning Committee

Application Number:	22/00986/APP
Proposal:	Construction of a solar farm together with all associated works, equipment and necessary infrastructure
Site location:	Callie's Solar Farm, Owlswick Road, Ford, Buckinghamshire, HP17 8XW
Applicant:	Low Carbon UK Solar Investment Company Limited
Case Officer:	Zenab Hearn
Ward affected:	STONE AND WADDESDON
Parish-Town Council:	DINTON FORD AND UPTON
Valid date:	15 March 2022
Determination date:	9 May 2023
Recommendation:	

The recommendation is that the application be deferred and delegated to the Director of Planning and Environment for APPROVAL subject to the satisfactory completion of a S106 agreement to secure the matters set out in the report, subject to the receipt of no new material representations, and the conditions as proposed and any other considered appropriate by Officers, or if these are not achieved for the application to be refused.

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 This application is being presented to the Central Planning Committee following the quashing, by consent, of the previous grant of permission issued in November 2022.
- 1.2 This application seeks planning permission for the construction of a solar farm together with associated infrastructure with a capacity of 49.9MW for a period of 40 years from the date of the first exportation of electricity from the site.
- 1.3 Pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, this application must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Buckinghamshire Minerals and Waste Plan (2019) and the Vale of Aylesbury Local Plan (2021). For the reasons discussed in detail below, the principle of development is supported and broadly complies with VALP Policy C3 but noting that there is identified landscape and visual impacts which result in some conflict with development plan policies NE3 (The Chilterns

AONB and Setting), NE4 (landscape) although the impacts are not considered to lead to reasons for refusal. There is also some conflict with NE7 (agricultural land) of VALP and Policy 1 of the BMWLP (Safeguarding Mineral Resources), and again the impacts of the development are not considered to be unacceptable. Subject to securing appropriate conditions and obligations, the proposal is considered to comply with VALP C4 (protection of public rights of way); NE1 (biodiversity and geodiversity); NE2 (river and stream corridors); NE8 (trees, hedgerows, and woodlands) T4 (capacity of the transport network); BE1 (heritage assets); BE3 (residential amenity); and I4 (flooding). In terms of policy C3 (renewable energy) there are identified impacts, but it is considered that these are not unacceptable adverse impacts and therefore the proposal accords with C3.

- 1.4 There is conflict with Policy 1 of the BMWLP (Safeguarding Mineral Resources). The proposal includes 1.57 hectares of land located within a Minerals Safeguarding Areas (MSA) and was not accompanied by a Minerals Assessment, as required by BMWLP Policy 1. However, the proposal is limited to a lifespan of 40 years and will not therefore permanently sterilise a potential minerals resource (which is the overall aim of Policy 1). Therefore, the harm arising is limited by the nature and permanency of the development and furthermore, having regard to the size of the potential minerals' resources (1.57ha), limited weight is given to this conflict.
- 1.5 On the basis that the proposal includes 5.6 hectares (equivalent to 9% of the total site area) of grade 3a agricultural land and the applicant has not undertaken an assessment of agricultural land quality beyond the application site, there is a degree of conflict with VALP Policy NE7. However, having regard to the temporary nature of the proposed development and the fact that the most recent National Policy Statement for Renewable Energy Infrastructure (EN-3) publication November 2023 (p91) makes clear that solar is a highly flexible technology and can be deployed on a wide variety of land types. While land type should not be a predominating factor when determining the suitability of the site location applicants should, where possible utilise suitable previously developed land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible. The development of ground mounted solar arrays is not prohibited on BMV but the impacts should be considered. In this instance this conflict with policy NE7 (even when considered cumulatively with other policy conflicts) is not considered to justify the refusal of permission. While it is recognised that Policy EN-3 applies to nationally significant infrastructure projects, it is also considered to be a material consideration and an indication of the Government's direction of travel in relation to major energy schemes.
- 1.6 The proposal would cause some harm to landscape character and visual amenity that results in some conflict with VALP Policy NE4. However, weighed against the benefits of the development, that harm is not considered to be unacceptable adverse harm and therefore does not give rise to a conflict VALP Policy C3 or to justify the refusal of permission, even when considered cumulatively with other policy conflicts.

- 1.7 In addition, whilst the proposal seeks to minimise harm to the AONB via mitigation (consistent with paragraph 176 of the NPPF), it will still be visible within a limited number of panoramic views from within the AONB and will result in some limited harm to the setting of the AONB, despite the mitigation. Great weight is afforded to this harm in accordance with paragraph 176 of the NPPF.
- 1.8 There is also conflict with BE2 (Design of new development) in so far as the criteria that is relevant to a solar array renewable energy project. The project has been designed to respect the physical characteristics of the site respecting the field boundaries and existing landscape. While there are aspects of the proposal which fails to respect and complement such as local distinctiveness and vernacular character of the locality and the natural qualities and features of that area.
- 1.9 By virtue of being located within their setting, the proposal would result in less than substantial harm to Grade II* listed Waldrige Manor and a Scheduled Ancient Monument. Having regard to the importance of these assets, very great weight is given to their conservation in accordance with paragraph 199 of the NPPF. In accordance with VALP policy BE1 and the NPPF (paragraph 202), where the development leads to less than substantial harm to heritage assets, this harm must be weighed against the public benefits.
- 1.10 The overarching public benefits of providing a large-scale renewable energy scheme in line with climate change interest and supporting national energy need carry significant positive weight in the decision-making process. The scheme is not just limited to meeting local needs but offers potential clean renewable energy production in the short term to the National Grid. Those public benefits are considered to outweigh the less than substantial harm to the setting of the heritage assets.
- 1.11 A limited level of harm to the setting of undesignated heritage assets of archaeological potential has been identified, however subject to conditions securing further archaeological investigation, no harm will be caused directly to any assets of archaeological significance present on the site. Pursuant to paragraph 203 of the NPPF, the effect of a development on the significance of non-designated heritage assets should be taken into account in determining this application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgment is required having regard to the scale or any harm or loss and the significance of the asset. In this case, the benefits of the proposed development are considered to outweigh the limited harm to the setting of non-designated heritage assets.
- 1.12 In ecological and biodiversity terms, subject to securing a CEMP and LEMP and a S106 agreement to secure Skylark mitigation the proposal complies with VALP policies C3, NE1, NE2 and NE8, the Biodiversity Net Gain SPD and the aims of the NPPF.
- 1.13 The proposal will deliver economic benefits and a significant net gain in biodiversity.
- 1.14 Overall, having regard to all elements of policy conflict and compliance, the proposed development is considered to accord with the development plan, read as a whole. When

weighed in the planning balance, the benefits arising from the development are considered to substantially outweigh its harm and to justify the grant of planning permission. Even if, in the alternative it is considered that the application conflicts with the development plan when read as a whole, officers consider that there are the very significant benefits to the scheme which would justify a departure from the plan. The scheme would deliver renewable energy and thereby help to tackle the climate emergency crisis. Low cost renewable energy projects such as this make a positive contribution to energy security in the UK. These factors represent very significant national benefits that are considered to justify the grant of permission.

- 1.15 **Recommendation** – The recommendation is that the application be deferred and delegated to the Director of Planning and Environment for APPROVAL subject to the satisfactory completion of a S106 agreement to secure the matters set out in the report, subject to the receipt of no new material representations, and the conditions as proposed and any other considered appropriate by Officers, or if these are not achieved for the application to be refused.

2.0 Description of Proposed Development

- 2.1 The application site extends to approximately 62 hectares and comprises agricultural land located to the south west of Lower Waldrige Farm. The site is located to the south of the hamlet of Ford and approximately 2.2km south east of the village of Haddenham.
- 2.2 The site is irregularly shaped consisting of 11 separate fields predominantly in arable use with some grazing land lying between Olswick Road and the A4129 Thame Road to the south. The southern area of the site occupies the rising southern bank of the river valley and the plateau of higher ground further south and ultimately links to the A4129 Risborough Road, from which access is proposed. The surrounding area is predominantly open countryside, including arable and pastoral farmland with isolated farms and associated buildings located in the wider vicinity.
- 2.3 This application seeks planning permission for the construction of a solar farm with a design capacity of up to 49.9 MW for a period of 40 years from the date of the first exportation of electricity from the site.
- 2.4 The application is accompanied by the following plans:
- SP-01 Rev. 03 – Site Location Plan
 - PLE-01 Rev. 18 – Indicative Layout Plan (received 26.08.2022)
 - DZ-01 Rev. 16 – Ilmer Development Zone Plan (received 26.08.2022)
 - SD-17.1 Rev. 01 – Panel Arrangement 4 Landscape 21 degree tilt (received 26.08.2022)
 - SD-01 Rev. 02 – DNO Substation Elevations and Dimensions Plan
 - SD-01 Rev. 01 DNO Substation Floor Plan
 - SD-02 Rev. 02 – Customer Substation Elevations and Dimensions Plan
 - SD-15 Rev. 01 – Customer Substation Floor Plan
 - SD-03 Rev. 01 – Indicative CCTV Posts

- SD-04 Rev.02 – Security Fence and CCTV Detail
- SD-06 Rev. 01 – Access Track Cross Section
- SD-07 Rev. 01 – Indicative Deer Fence (received 26.08.2022)
- SD-08 Rev. 02 – Inverter Elevations and Dimensions Plan
- SD-16 Rev. 01- Inverter Floor Plan
- DFU-27-1 Rev. 02– Footpath Cross Section (received 26.07.2023)
- ASA-9-2 Rev. 03 – Footpath Cross Section (received 26.07.2023)
- P21-0188 Rev. H – Landscape Strategy (received 26.07.2023)

- 2.5 The solar panels are to be arranged in rows, mounted on frames that are pile driven into the ground, with a maximum height of 2.5 metres.
- 2.6 The proposals include 2 points of vehicular access from the highway - one from the A4129 and one from Owlswick Road. Sections of new access track will connect the proposed development to the two points of vehicular access, in addition to internal access tracks throughout the development for maintenance purposes.
- 2.7 As usual with solar farm development, the proposed solar arrays will be accompanied by supporting equipment and boundary treatment as follows:
- DNO substation comprising a prefabricated building measuring approximately 6m (width) x 8m (length) x 4.1m (height), located within the most southerly field of the application site;
 - Customer switchgear comprising a prefabricated building measuring approximately 4m (width) x 10m (length) x 3m (height), located opposite the proposed DNP substation in the most southerly field of the application site;
 - Inverters and transformers will be located through the solar farm, housed within prefabricated buildings with an appearance akin to shipping containers measuring approximate 2.5m (width) x 12m (length) x 2.9m (height);
 - Security site fencing (2m high) located around the perimeter of the site; and
 - CCTV cameras mounted on 2.3m height poles.
- 2.8 No telecommunications mast or electrical substation is proposed within the application site. The proposed solar farm will connect to the national grid via an underground cable to the existing off-site electricity distribution site located off the A4129, to the south of the proposed solar farm.
- 2.9 Although a plan has been submitted showing a layout for the solar arrays and the details of the associated plant and equipment, at this stage, these are intended to show the ‘worst-case’ scenario and are intended to be indicative only. The applicant seeks a degree of flexibility, utilising the Rochdale Envelope approach, so that discussions with National Grid and innovations in technology can inform the final design.
- 2.10 The Rochdale Envelope approach is a widely accepted approach in renewable development, to provide flexibility in design options where details of the whole project are

not available when the application is submitted, while ensuring the impacts of the final development are fully assessed. Consents granted on the basis of the Rochdale Envelope are conditional on providing the final details for agreement prior to construction (secured by an appropriately worded condition).

3.0 Relevant Planning History

The application site

- 3.1 The current planning application was submitted as valid in March 2022. On 23 November 2022 the application was presented to the Central Buckinghamshire Area Planning committee with an Officer's recommendation for approval subject to conditions. Following debate, Members of the Central Buckinghamshire Area Planning Committee resolved that application 22/00986/APP be deferred and delegated to the Director of Planning and Environment for approval, subject to the receipt of no new material representations, and the conditions as proposed and any other considered appropriate by Officers.
- 3.2 In line with the resolution reached by Central Planning Committee, a decision notice granting planning permission subject to 23no. conditions and 5no. informatives was issued on 24th November 2022.
- 3.3 That decision was subject to Judicial Review from an interested party. Pursuant to a Court Order dated 5th February 2023, the planning permission was quashed by consent and the planning application was remitted to the Council for re-determination.
- 3.4 Owing to the passage of time, the council considered it appropriate to conduct a further round of consultation and advertisement on 15th March 2023 to ensure that any further comments from interested parties and consultees were captured.
- 3.5 Since the consideration of the application by Central Planning Committee on 23 November 2022, no material changes have been made to the proposal. The following amended plans have been submitted to the LPA (the changes made are explained in brackets) however, these do not materially change the proposals and have not therefore triggered a requirement to re-advertise the application to consultees and interested parties:
 - DFU-27-1 Rev. 02– Footpath Cross Section received 26.07.2023 (drawing number updated and inset map added to make clear which PRoW the section applies to).
 - ASA-9-2 Rev. 03 – Footpath Cross Section received 26.07.2023(drawing number updated and inset map added to make clear which PRoW the section applies to);
 - P21-0188 Rev. H – Landscape Strategy received 26.07.2023 (annotation updated to clarify the proposed position of new hedgerows in relation to PRoW).
- 3.6 Other relevant planning history for the application site is listed below.

Reference: 10/02550/APP

Development: Temporary 50.2m anemometer mast for a period of 18 months

Decision: Approved Decision Date: 19 May 2011

Reference: 10/60001/SO

Development: Erection of two wind turbines
Decision: No EIA required Decision Date: 5 January 2011

Reference: 12/60000/SO
Development: Scoping Opinion - proposed wind turbine
Decision: Scoping Opinion issued Decision Date: 23 February 2012

Reference: 12/01806/APP
Development: Construction, operation and decommissioning of single 3 bladed wind turbine with maximum height to tip of blade of 101.5 metres and associated infrastructure including new highways access, access tracks, temporary site compound, crane pad and substation
Decision: Refusal Decision Date: 17 January 2013

Reference: 21/00770/SO
Development: Screening Opinion to determine whether there is a requirement for an Environmental Impact Assessment (EIA) to accompany a planning application for development at the above location for a solar farm.
Decision: No EIA required Decision Date: 7 May 2021

Reference: 21/02310/APP
Development: Construction of a solar farm together with all associated works, equipment and necessary infrastructure. This previous scheme covered a significantly larger area (circa 30 ha larger, crossing a river bed) than that which is now proposed. While it is a relevant consideration, the present scheme has been assessed on its own merits, having regard to the significantly smaller site area that it covers.
Decision: Refusal Decision Date: 21 December 2021

The application was refused for the following reasons:

- impact on the landscape setting,
- the absence of a minerals assessment
- the loss of priority habitat
- failure to adequately assess flood risk

This application seeks to address the previous reasons for refusal. The key differences between the previous application and this application are:

- The site area of the solar farm is on a smaller, more consolidated parcel of land (62ha) compared with 97ha with the northern land parcels removed;
- Solar arrays maximum height of 2.5m compared with 3m previously;

- Use of more efficient solar arrays with an output of approx. 600kw compared to 350kw previously;
- Wider corridors to protect the existing Public Rights of Way;
- Ecological mitigation and compensation area to address issues regarding priority habitat;
- Site is now exclusively within flood zone 1 and
- A connection under a riverbed which lies within flood zone 2 and 3 no longer forms part of the application.

Surrounding Area

3.7 There are a number of existing, permitted and proposed solar farms within the vicinity of the application site. Where relevant, cumulative impacts of the proposal have been assessed by the LPA.

Reference: 14/06582/FUL –

Development: Construction of a ground mounted solar farm including supporting infrastructure comprising 14 x inverter enclosures, Distributor Network Operator cabin, security fencing and CCTV system, underground cabling, landscaping and associated works to include creation of access tracks

Decision: Appeal Allowed. The development has been implemented.

Bumpers Farm - This site lies in the vicinity of the application site, within the West area of Buckinghamshire Council's administrative planning area.

Reference: 21/03182/APP

Development: Construction of a temporary 24.06MW Solar Farm, to include the installation of Solar Panels with transformers, a substation, a DNO control room, a customer substation, GRP comms cabin, security fencing, landscaping and other associated infrastructure

Decision: Approved 22.02.2022. The development is under construction.

Moat Farm – located 4km to the east of the site.

Reference: 21/08157/FUL

Development: Proposed energy storage facility to provide energy balancing services to the National Grid

Decision: Approved 22.06.2022. The development is under construction.

Whirlbush Farm (located 0.7km to the west)

Reference: 21/02821/APP

Development: Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.99 MW, including mounting system, battery storage units, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, DNO substation, landscaping and environmental enhancements for a temporary period of 40 years.

Decision: Approved Date: 03-03-2022. Conditions discharged.

Land To the South Of Bishopstone (Adjoining Plantation) Off Kimblewick Road (located 1.2km east of the site).

Reference: 23/01115/APP

Development: Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 40MW(AC), including mounting framework, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain and environmental enhancements for a temporary period of 50 years.

Decision: Pending consideration. This application requires the submission of additional ecology information, and this is expected in April 2024.

4.0 Representations

4.1 Statutory site publicity has been given to the application. All representations received have been summarised in Appendix A. Full copies of all representations are available on the Council's planning page and can be provided on request.

5.0 Policy Considerations and Evaluation

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. This is reiterated within paragraph 47 of the NPPF (2023).

The development plan.

5.2 The development plan for this area comprises:

- Buckinghamshire Minerals and Waste Local Plan 2019 (BMWLP)
- Vale of Aylesbury Local Plan (15th September 2021)

5.3 There is no 'made' or draft Neighbourhood Plan for Dinton with Ford and Upton.

- 5.4 The VALP is an up-to-date plan, and in accordance with paragraph 220 of the NPPF (2023) the plan has been examined in the context of the NPPF (2012).

Material considerations

- 5.5 The following documents are material considerations in the determination of this application.

National Planning Policy Framework (NPPF)

- 5.6 The NPPF sets out a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date development proposals should be approved unless specific policies in the NPPF suggest that development should be restricted, or the level of harm would ‘significantly and demonstrably outweigh the benefits’ when assessed against the requirements of the NPPF.
- 5.7 As set out by NPPF paragraph 12, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 5.8 The NPPF sets out a proactive approach towards the provision of renewable energy development to meet aims to reduce greenhouse gas emissions and meet renewable energy targets.
- 5.9 Chapter 14 of the NPPF sets out the national planning policy with regards to climate change, flooding and coastal change. This requires the planning system to support the transition to a low carbon future and to support renewable and low carbon energy and associated infrastructure (NPPF paragraph 152). Paragraph 155 of the NPPF requires plans to help increase the use and supply of renewable and low carbon energy and heat. Paragraph 158 of the NPPF states that applications for renewable energy development are not required to demonstrate the overall need for renewable energy. It also requires applications to be approved where their impacts are (or can be made) acceptable.
- National Planning Practice Guidance (NPPG) - ‘Renewable and Low Carbon Energy’*
- 5.10 The NPPG practice guide on renewable and low carbon energy advises that “increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable”.

- 5.11 Whist the NPPG practice guidance identifies a significant need for renewable energy, it is clear that the need for renewable or low carbon energy does not automatically override environmental protections.
- 5.12 The NPPG advises that “the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively”. It also advises that particular factors to bear in mind in considering applications for ground-mounted solar photovoltaic farms, including:
- a) encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land;
 - b) where a proposal involves greenfield land, consideration should be given to whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to high quality land and whether the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays;
 - c) that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
 - d) the proposal’s visual impact and the effect on the landscape of glint, glare and on neighbouring uses and aircraft safety;
 - e) the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
 - f) the need for, and impact of, security measures such as lights and fencing;
 - g) great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impacts of proposals on views important to their setting. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of heritage assets;
 - h) the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
 - i) the energy generating potential, which can vary for a number of reasons including latitude and aspect.
- 5.13 The PPG advises that the approach to assessing cumulative landscape and visual impact of large scale solar farms should consider the sensitivity of the landscape and visual resource and the magnitude or size of the predicted change. In assessing the impact on visual amenity, factors to consider include establishing the area in which a proposed development may be visible, identifying key viewpoints, the people who experience the views and the nature of the views. In the case of ground-mounted solar panels it should be

noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

- 5.14 Local planning authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances. Other than when dealing with set back distances for safety, distance of itself does not necessarily determine whether the impact of a proposal is unacceptable. Distance plays a part, but so does the local context including factors such as topography, the local environment and near-by land uses.

The Climate Change Act 2008 (as amended 2019) and Carbon Budget

- 5.15 The Climate Change Act 2008 is the basis for the UK's approach to tackling and responding to climate change.
- 5.16 As amended in June 2019 the Climate Change Act 2008 commits the UK Government to reducing greenhouse gas emissions to net zero by 2050.
- 5.17 The Climate Change Act requires the government to set legally-binding 'carbon budgets' to act as stepping stones towards the 2050 target. A carbon budget is a cap on the amount of greenhouse gases emitted in the UK over a five-year period. Once a carbon budget has been set, the Climate Change Act places an obligation on the Government to prepare policies to ensure the budget is met.
- 5.18 To date, six carbon budgets have been put into law and run up to 2037. The UK is currently in the fourth carbon budget period (2023 to 2027).
- 5.19 The Government's Carbon Budget Delivery Plan, published March 2023, details the government's proposals and policies to enable carbon budgets to be met. This includes a policy aimed at achieving a fivefold increase (up to 70GW) of solar power by 2035.

Sixth Assessment Report of the Intergovernmental Panel on Climate Change

- 5.20 The Sixth Assessment Report of the Intergovernmental Panel on Climate Change identifies that "*climate change is a threat to human well-being and planetary health. Any further delay in concerted anticipatory global action on adaptation and mitigation will miss a brief and rapidly closing window of opportunity to secure a liveable and sustainable future for all*".

National Policy Statements

- 5.21 Renewable and low carbon development over 50 megawatts capacity are currently considered by the Secretary of State for Energy under the Planning Act 2008 as part of a Development Consent Order (as opposed to being considered by the local planning authority).
- 5.22 The Secretary of State must make decisions in line with the framework provided by National Policy Statements (NPSs) which are produced by the government.
- 5.23 The energy National Policy Statements (NPSs), set out the government's policy for the

delivery of energy infrastructure. Although the proposed development is under the threshold for national significance, in England, the Overarching National Policy Statement (NPS) for Energy (EN-1), in combination with any relevant technology specific NPS, may be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). NPS EN-3 covers renewable electricity generation. The National Policy Statement, 2023 revisions are coming into force in early 2024. The 2011 versions of the National Policy Statements remain in force until the revised NPS are designated in early 2024.

- 5.24 Solar (together with wind) is recognised specifically in NPS EN-1 (para 3.3.20) as being the lowest cost way of generating electricity. It explains that by 2050, secure, reliable, affordable, net zero energy systems are ‘likely to be composed predominantly of wind and solar’. NPS EN-1 encourages good design of energy projects which should produce sustainable infrastructure sensitive to place, including impacts on heritage, efficient in the use of natural resources, including land-use, and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. It is acknowledged, however that the nature of energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area.
- 5.25 NPS EN-3 states that solar is a key part of the government’s strategy for low-cost decarbonisation of the energy sector. Solar farms are one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation.
- 5.26 Along with associated infrastructure, a solar farm requires between 2 to 4 acres for each MW of output, albeit this is expected to change over time as the technology continues to evolve to become more efficient. Nevertheless, NPS EN-3 recognises that large scale solar farms will inevitably have impacts, particularly if sited in rural areas.
- 5.27 NPS EN-3 advises that “While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land (avoiding the use of “Best and Most Versatile” agricultural land where possible). Applicants should explain their choice of site, noting the preference for development to be on brownfield and non-agricultural land.”
- 5.28 Applicants are encouraged to design the layout and appearance of the site to ensure continued recreational use of public rights of way, where possible during construction, and in particular during operation of the site. Applicants are encouraged where possible to minimise the visual outlook from existing public rights of way, considering the impacts this may have on any other visual amenities in the surrounding landscape, for example, by screening along public right-of-way networks to minimise the outlook into the Solar Park.

- 5.29 The British Energy Security Strategy (2022) expects a five-fold increase in the deployment of solar energy by 2035.
- 5.30 The strategy supports the effective use of land by encouraging large scale solar projects to locate on previously developed, or lower value land, where possible, and ensure projects are designed to avoid, mitigate, and where necessary, compensate for the impacts of using greenfield sites.

Buckinghamshire Climate Change Motion (July 2020)

- 5.31 In July 2020 the Council passed a motion to work alongside national Government with the objective of achieving net carbon zero for Buckinghamshire by 2050. Energy provision is vital to economic prosperity, and social well-being, and therefore it is essential to ensure that the UK, including Buckinghamshire has secure and affordable energy.

Principle and Location of Development

Vale of Aylesbury Local Plan (VALP): C3 Renewable Energy

- 5.32 Policy C3 of the VALP encourages renewable energy developments provided that there is no unacceptable impact (including cumulative impacts) on landscape and biodiversity; visual impacts on local landscapes; the historic environment; the Green Belt; aviation activities; highways and access issues or residential amenity. It provides that planning permission will normally be granted for off-site renewable energy where it has been demonstrated that all of the following criteria have been met: there is no significant adverse effect on landscape or townscape character, ecology and wildlife, heritage assets (whether designated or not), areas or features of historical significance; there are no significant adverse impacts on local amenity, health and quality of life as a result of noise, emissions, electronic interference or outlook through unacceptable visual intrusion; and there is no adverse impact on highway safety.
- 5.33 As outlined above, the VALP is an up-to-date plan, which in accordance with paragraph 220 of the NPPF (2023) has been examined in the context of the NPPF (2012).
- 5.34 The NPPF (2023) approach in respect of renewable energy is broadly consistent with the NPPF (2012) wording in respect of this matter. On this basis, full weight can be afforded to VALP Policy C3, which is a relevant policy to the current proposal.
- 5.35 For the reasons discussed more fully below, the proposed development is not considered to give rise to any unacceptable or significant impacts in the context of policy C3. A full assessment of the potential impacts associated with the proposed Callie's solar farm, and therefore compliance with the criteria of VALP Policy C3, is undertaken within the report which follows. In light of that assessment, the proposed development is considered to benefit from the encouragement set out in Policy C3.
- 5.36 As identified above at paragraphs 5.5 – 5.31, beyond the development plan, there are numerous material considerations in the assessment of proposals for renewable energy.

- 5.37 As clearly illustrated by the Climate Change Act 2008 (as amended 2019), associated Carbon Budget and British Energy Security Strategy 2022 and associated policy, solar energy is a key component of the government's legally binding commitment to reduce greenhouse gas emissions to net zero by 2050 with Government policy aiming to achieve a fivefold increase (up to 70GW) of solar power by 2035. The government expects solar, together with wind, to be the predominant source of energy generation by 2050.
- 5.38 The proposed development would generate up to 49.9MW and would contribute towards the targets set out in Climate Change Act 2008 (as amended 2019), associated Carbon Budget and British Energy Security Strategy 2022. The applicant has secured a connection to the grid with UK Power Networks which relies on the proposed development being completed by Summer 2024. The proposal will therefore make a significant and early contribution towards the delivery of additional solar generated electricity nationally. Furthermore, the development will increase the security for provision of renewable electricity supply, in accordance with Buckinghamshire Council's Climate Change Motion (July 2020).
- 5.39 National policy contained in NPSs make clear that large scale solar farms should be assessed on the basis that the government has already established an urgent need for renewable energy, including solar. Nevertheless, national guidance contained in the NPPG and national policy contained in the NPSs recognise that large scale solar farms will inevitably have environmental impacts, particularly if sited in rural areas. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. A full assessment of the environmental impacts associated with the proposed solar farm is set out below.
- 5.40 Officers consider that the need for and benefits of renewable energy sources are material considerations that weigh strongly in favour of the proposed development. Officers have concluded that the development will not give rise to any unacceptable impacts and that the principle of the development finds support in VALP Policy C3.

Transport matters and parking

Vale of Aylesbury Local Plan (VALP): T4 Capacity of the transport network to deliver development, T5 Delivering transport in new development, T6 Vehicle Parking, C3 Renewable Energy

- 5.41 Policy T4 of the VALP (2021) states that new development will be permitted where there is evidence that there is sufficient capacity in the transport network to accommodate the potential increase in travel demand as a result of the development.
- 5.42 Policy T5 provides that all development must provide an appropriate level of car parking, in accordance with the standards set out in Appendix B to the Plan. If a particular type of development is not covered by those standards, then the following criteria will be taken into account: the accessibility of the site; the type, mix and use of development; local car ownership levels; security and public realm; and provision for on and off-street parking, where appropriate.

- 5.43 Policy T6 requires all development to provide an appropriate level of car parking, in accordance with the standards set out in Appendix B. If a particular type of development is not covered by the standards set out in Appendix B then the following criteria will be taken into account in determining the appropriate level of parking:
- a. The accessibility of the site, including the availability of public transport, and
 - b. The type, mix and use of development
 - c. Local car ownership levels
 - d. Security and public realm
 - e. Provision for both on street and off street parking where appropriate
- 5.44 Insofar as relevant to transport matters, Policy C3 provides that applications for renewable energy will be encouraged provided there is no unacceptable impact on highways and access issues.

Access

- 5.45 The proposals include 2 points of vehicular access from the highway - one from the A4129 (via a priority junction) into the southern edge of the proposed solar farm and one from Owlswick Road into the north eastern corner of the proposed solar farm. Sections of new access track will connect the proposed development to the two points of vehicular access.
- 5.46 The proposed access from Owlswick Road will be utilised for construction traffic. Both access points will be retained for use by maintenance vehicles once the proposed solar farm is operational, with the southern access of the A4129 providing direct access to the substation located in the southern most field.
- 5.47 The Highway Authority were consulted on the application and raise no objection to the proposed access arrangements subject to conditions securing the proposed access points and appropriate visibility splays. It is concluded that adequate visibility displays can be delivered for both access points to ensure the safety of road users.
- 5.48 A section plan showing the proposed typical construction of the new access tracks has been submitted with the application, this shows the use of a permeable hardcore aggregate laid over a geotextile membrane at a width of 3.5m. Full details of all the proposed new sections of access track can be secured by condition.

Highway capacity and safety

- 5.49 Once operational, the proposed solar farm will generate minimal vehicle movements. The greatest number of vehicular movements will be generated during the construction and decommissioning phases.
- 5.50 The construction period is estimated to last approximately 4 months with approximately 650 HGV movements over this period in total. Breaking this down, this equates to approximately 8 HGV visits per day. The Highways Authority is satisfied that this level of

HGV movements would not have a material impact on the capacity of the local highway network.

- 5.51 The application includes a Construction Traffic Management Plan (CTMP) which has been reviewed by the Highway Authority. The Highway Authority support the measures proposed within the CTMP to reduce the impact associated with the construction period, including a routing plan for construction vehicles which avoids the lower bridge on Grove Lane and the use of banksmen at the site access. A temporary car parking area (including spaces for minibuses) will be provided on the site within the contractor's compound.
- 5.52 The Highway Authority wish to see further detail of turning space within the development site for HGVs and wish to secure a before and after construction condition survey of the highway and a commitment to fund the repair of any damage caused. Such details can be secured by conditioning submission of a CTMP for approval prior to the commencement of any development.
- 5.53 It is considered that there is sufficient capacity within the transport network to accommodate the level of traffic generated by the proposal and the mitigation required to prevent any unacceptable transport impacts can be secured by conditioning the CTMP.

Car Parking

- 5.54 The parking associated with the construction phase of the development will be set out and controlled within the CTMP. A temporary car parking area (including spaces for minibuses) will be provided on the site within the contractor's compound. Parking will therefore be contained within the site and is unlikely to result in unnecessary car parking on the local highways network.
- 5.55 Permanent vehicular access for maintenance is proposed via the new access from Owlswick Road or via a new junction onto the A4219 to the south of the site. Once operational, the application site does not require the provision of car parking and therefore there is no car parking provision made for the development. Given the nature of the development, no conflict is found with Policy T6 of the VALP.
- 5.56 The proposed development will not give rise to any unacceptable impacts on highways or access issues, alone or cumulatively. On this basis the proposal complies with VALP policies C3, T4, T5 and T6 and the aims of the NPPF with regards to highway impact.

Raising the quality of place making and design

Vale of Aylesbury Local Plan (VALP): BE2 Design of New Development, C3 Renewable Energy

- 5.57 Policy BE2 (Design of new development) of the VALP (2021) relates to the design of new development. It provides that all new development 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;

- b. the local distinctiveness and vernacular character of the locality in terms of ordering, form, proportions, architectural detailing and materials;
- c. the natural qualities and features of the area; and
- d. the effect on important public views and skylines.

- 5.58 At this stage, the details submitted in respect to the layout are largely indicative to provide the end user of the solar farm with a degree of flexibility. Nevertheless, the details contained within this submission provide the maximum parameters of the proposal utilising the principles of the 'Rochdale Envelope'.
- 5.59 The proposed PV panels are to be laid out across the site from east to west in equally spaced south facing rows, known as arrays, approximately 3.7 metres apart to avoid overshadowing. Each array will be mounted at 21 degrees on fixed, matt finished metal frames made predominantly of steel, with a maximum height of 2.5m and the panels will be coated to maximise daylight absorption and minimise glare potential (to be secured by condition). The frames will be pile driven into the ground and therefore do not require any footings or foundations.
- 5.60 The panels, arrays and associated infrastructure are relatively low-level - the arrays will have a maximum height of 2.5m and all of the plant buildings will be below circa 4m in height. Other than the temporary compound for the duration of the construction period, the scale and mass would remain consistent across the site. Notwithstanding this, it is undeniable that the proposal will significantly change the existing appearance of the site.
- 5.61 Having regard to the requirements of VALP Policy BE2, it is not considered given the nature of the development that criteria b is applicable (responding to local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials). The structures are of a 'standard' design, material and form synonymous with solar farm development. To the extent that criterion (b) could be considered to apply, it is recognised that the proposed development would be likely to conflict with that aspect of the policy.
- 5.62 With regard to criteria a and c of VALP Policy BE2, the applicant has sought to confine the proposed solar farm within the existing field boundaries and to mitigate its visual impact through improving existing hedging where it is sparse and through further hedge/tree planting. In this way the proposal is designed to sit within and respect the existing landscape features, however inevitably the structures are industrial in appearance and will not appear as natural features. The proposal is considered to respect the physical characteristics of the site in so far as it contained within the field boundaries and the existing landscape however given the scale and context of the site which is agricultural fields it does inevitably conflict with criteria a. Also given the nature of the development which are industrial structures within agricultural fields the proposal while designed to minimise their impact fails to respect and compliment the natural qualities and features of the area and conflicts with criteria c. Whilst the proposal is considered to respect the

physical characteristics of the site, owing to its nature, it is an alien feature in this setting, and it does not complement the physical characteristics or the natural qualities or features of the area and therefore conflict is identified with criteria a and c of Policy BE2.

- 5.63 The proposal is required to respect and compliment the effect on important public views and skylines (criteria d of VALP Policy BE2). With regards to the impact on important public views, it is considered that the most important view is from Brush Hill and Whiteleaf. The impact on this view which is in the AONB is discussed in further detail in the Chilterns AONB section of the report. It is acknowledged that there will be some impact on the important views (Brush Hill and Whiteleaf) but this is mitigated to some extent by the distance from the view points. Owing to the nature of solar farms as the structures are low level, the proposal would not adversely impact skylines. When the proposal is considered taking into account cumulative impact some conflict is identified against criteria d of the Policy.
- 5.64 On this basis, some conflict is found with VALP Policy BE2 however the level of harm identified is not considered sufficient to amount to a clear reason for refusal.

Residential amenity

Vale of Aylesbury Local Plan (VALP): BE3 Protection of the amenity of residents

- 5.65 Policy BE3 of the VALP (2021) notes planning permission will not be granted where a proposed development would unreasonably harm any aspect of the amenity of existing residents.
- 5.66 Insofar as is relevant, Policy C3 provides that applications for renewable energy will be encouraged provided there is no unacceptable adverse impact on residential amenity.
- 5.67 The nearest settlements to the proposal are Ford, located circa 0.6 miles to the north and Aston Sandford, located circa 0.6 miles to the west.
- 5.68 There are a number of dispersed farmsteads and associated residential properties within the vicinity of the application site. The nearest properties to the proposal are Black Barn Farm and Hill Ground Farm to the south, Pasture Farm to the southeast, Waldridge Manor to the east, Lower Waldridge Farm to the northeast, and Kemps Farm/ Aston Mullins to the west.
- 5.69 The applicant's LVIA confirms that none of the nearby residential receptors would have clear and direct views of the proposed scheme owing to hedgerows, trees and existing agricultural buildings which impede intervisibility. It notes that residents at Black Barn Farm may gain some restricted views into the southern most part of the proposed solar farm, however these views would be somewhat obscured by existing buildings and screened by existing and proposed vegetation, so that the overall predicted impact is negligible. Given the vegetative enclosure around the settlement's southern edge and along Main Road, the LVIA suggests that views from residential properties in Ford are unlikely to have direct

views over the proposal. The Council's Landscape officer agrees with this assessment and considers the visual amenity of nearby residential receptors is unlikely to be affected.

- 5.70 The panels are fixed (i.e., they will not move to track the sun) and will be coated to maximise daylight absorption and minimise reflection.
- 5.71 No external lighting is proposed, and this is to be secured by condition.
- 5.72 No part of the proposals would be so close or so high as to have any unacceptable adverse impact on residential amenity. Furthermore, new landscape planting proposed as part of the development (and to be secured by condition) would help to screen views of the development over time, as the planting matures.
- 5.73 Whilst there may be noise and highway disturbance for some residents during the construction phase, particularly the residents of Lower Waldrige Farm and Waldrige Manor (owing to access being taken from Owlswick Road) this would be for a limited period and a Construction Management Plan (to be secured by condition) would help to mitigate this impact. As such, any impact associated with construction phase would not be so great as justify withholding permission.
- 5.74 It is not considered that the proposed development would have an unreasonable or unacceptable impact on residential amenity. On this basis the proposal is not considered to result in harm to the residential amenity of any existing dwellings, consistent with the aims of VALP Policy BE3 and C3.

Ecology and biodiversity

*Vale of Aylesbury Local Plan (VALP): NE1 Biodiversity and geodiversity, NE2 River and Stream Corridors, NE8 Trees Hedgerow and woodland, C3 Renewable Energy
Supplementary Planning Document: Biodiversity Net Gain*

- 5.75 Local Planning Authorities have a Statutory Duty to ensure that the impact of development on wildlife is fully considered during the determination of planning applications under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010).
- 5.76 VALP policy NE1 requires proposals to avoid individual or cumulative adverse impact on an internationally or nationally important Protected Site or species and sites of biodiversity or geological value of regional or local importance. Sufficient information must be provided to allow the council to assess all potential impacts on ecology and biodiversity. In accordance with VALP Policy NE1, development proposals will be expected to promote site permeability for wildlife and avoid the fragmentation of wildlife corridors, incorporating features to encourage biodiversity, and retain and where possible enhance existing features of nature conservation value on site.
- 5.77 VALP Policy NE1 at paragraphs c-i and the Biodiversity Net Gain SPD seeks to protect and enhance biodiversity and geodiversity by delivering biodiversity net gain and avoiding loss.

Where adverse impacts cannot be avoided, the policy seeks appropriate mitigation or compensation. Criteria j of Policy NE1 would not apply to this development as the site is not identified as a local nature reserve.

- 5.78 VALP Policy NE2 provides that development proposals must not have an adverse impact on the functions and setting of any watercourse and its associated corridor. Development proposals adjacent to or containing a watercourse shall provide or retain a 10m ecological buffer (unless existing physical constraints prevent) from the top of the watercourse bank and the development and include a long-term landscape and ecological management plan for this buffer.
- 5.79 VALP Policy NE8 provides that development should seek to enhance and expand Aylesbury Vale's trees and woodland resource. Where trees within or adjacent to a site would be affected by development, a full tree survey and arboricultural impact assessment will be required and any protective measures identified will be secured by condition. Developers should aspire to retain a 10m (with a minimum of 5m) natural buffer around retained and planted native hedgerows.
- 5.80 Insofar as is relevant here, VALP Policy C3 provides that applications for renewable development will be encouraged provided they do not have an unacceptable impact on biodiversity designations, protected habitats and species.
- 5.81 There are no nationally or locally designated sites of ecological importance on or within the vicinity of the application site. The northern edge of the proposed development falls within a red impact zone for Great Crested Newts (GCN) which indicates that the site contains highly suitable habitat for GCN and therefore GCN are present. In addition, the site contains three ponds.
- 5.82 The application is accompanied by an Ecological Assessment dated March 2022, A Biodiversity Impact Assessment dated March 2022, an Ecology Addendum Note dated August 2022 and a Briefing Note on Breeding Birds dated October 2022, all of which have been reviewed by the Council's Ecologist. In this regard, the proposal meets criteria f of Policy NE1. The Council's Ecologist sought additional measures to address impacts on skylarks and indicated that the mitigation measures identified in the applicant's ecological assessment should be secured by condition as well as species and habitat protection measures during construction (through a CEMP condition) and habitat enhancement measures detailed in the applicant's BNG report (through a LEMP condition).
- 5.83 The habitats on site were identified by the Ecological Assessment as having potential to support a number of protected species including bats, badgers, breeding birds and Great Crested Newts (GCN). Specific surveys for bats, badgers, reptiles, and breeding birds were conducted by the applicant.
- 5.84 With regards to GCN, the applicant has provided evidence of entry into the Council's District Licence Scheme via provision of a NatureSpace report. The District Licence requires

the imposition of several conditions and informatives on any decision notice, which will be imposed on the planning permission.

- 5.85 8 trees were recorded as having feature capable of supporting roosting bats, whilst the woodland, hedgerow and trees within/adjacent to the site offer suitable foraging and navigational opportunities for bats. Save for some minor losses (which excludes the trees identified as potentially suitable for supporting bat roosts), the features identified as possibly suitable for use by bats will all be retained by the proposals and will be buffered from the solar arrays by green open corridors. In addition, no lighting is proposed as part of the proposals, and this will be secured by condition. As a result, the proposal is not considered to result in any harm to bats and can deliver an enhancement for bat habitat by way of new planting of hedgerows and trees, in addition to new bat boxes being erected on suitable retained trees. This approach is consistent with criteria h of Policy NE1.
- 5.86 Two badger setts were recorded within the site, however, neither of these setts would be affected by the development proposals and a 30-metre minimum buffer will be provided between the entrances of the setts and any proposed development. As a precaution, prior to any construction works commencing the applicant will undertake checks for any evidence of badgers and should any new setts be identified, that would potentially be impacted by the development, then a licence from Natural England would be required.
- 5.87 No reptiles were recorded within the areas of suitable reptile habitat contained within the site.
- 5.88 Breeding bird surveys identified a total of 49 species of bird, of which 24 were considered to be breeding. The retention of the mature hedgerow and tree network will retain breeding opportunities within the site for most species recorded, with the exception of skylarks which are ground nesting birds and a Red-list species.
- 5.89 A total of 12 breeding Skylark pairs and one unconfirmed breeding pair were observed within the application site. In response to a request from the council's Ecologist and the Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust (BBOWT), the applicant has agreed to provide mitigation in the form of 16 skylark breeding plots (each plot being 4m square in size). As there is limited scope within the application site boundary to provide all 16 skylark breeding plots, the LPA considers it reasonable to secure the 16 skylark breeding plots by way of a S106 agreement, which sets out the requirements for a qualifying skylark breeding plot and secures the provision of 16 skylark breeding plots within a 10km radius of the application site. Subject to this mitigation, the council's ecologist is satisfied that the proposal will result in a neutral impact upon Skylarks. In this regard, the proposal is consistent with criteria G of Policy NE1.
- 5.90 Turning to biodiversity net gain (BNG), the proposal is accompanied by a Biodiversity Impact Assessment dated March 2022 and biodiversity metric. As part of the consultation process the Council's ecologist has confirmed the BNG on both habitat and hedge units will be positive. This demonstrates that the proposal will deliver biodiversity net gain in compliance with criteria c of the Policy NE1.

- 5.91 To secure the biodiversity net gains, a Construction and Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP) will be required. Both of these documents will be secured by condition. In this regard, the proposal complies with criteria c of Policy NE1 and criteria d and e would not apply as the proposal would achieve biodiversity net gain.
- 5.92 In accordance with VALP Policies NE2 and NE8, an aboricultural assessment has been submitted with the application and officers are satisfied that adequate buffer zones can be achieved between the proposed development and existing/proposed hedgerows, woodland and watercourses.
- 5.93 Subject to conditions securing a CEMP and LEMP and a S106 agreement to secure Skylark mitigation as required by criteria l of Policy NE1, the proposal is considered to comply with VALP policies C3, NE1, NE2 and NE8, the Biodiversity Net Gain SPD and the aims of the NPPF with regards to ecology and biodiversity.

Flooding and drainage

Vale of Aylesbury Local Plan (VALP): I4 Flooding, I5 Water resources and wastewater infrastructure

- 5.94 The NPPF seeks to avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk of flooding from any source (whether existing or future) - the sequential approach. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 5.95 VALP Policy I4 provides that in order to minimise the impacts of and from all forms of flooding, site-specific flood risk assessments are required where the development is over 1ha in size and in flood zone 1 or the development includes land in flood zones 2 and 3 and that the sequential and exception tests are satisfied.
- 5.96 VALP Policy I5 provides that the Council will seek to improve water quality and promote sustainability in water use.
- 5.97 Environment Agency mapping shows that the application site is located entirely within flood zone 1 and therefore considered to be at the lowest possible risk of flooding from rivers.
- 5.98 In terms of Surface Water Flood Risk, the map provided by the Environment Agency shows that most of the site lies in an area at very low risk of surface water flooding.
- 5.99 The application is accompanied by a Flood Risk Assessment (FRA) which has been reviewed by the Lead Local Flood Authority (LLFA). The FRA sets out all control equipment will be located outside of areas of surface water flood risk. It is noted that the solar arrays, security fencing, access track and DNO substation are in areas at low risk of flooding from surface water. The solar arrays, security fencing and access track are 'floodable' structures and any residual risk of surface water flooding reaching the DNO substation will be mitigated by raising the floor level of the substation building by 300mm.

- 5.100 The LLFA raise no concerns in respect of flood risk.
- 5.101 In terms of surface water drainage, a surface water drainage system is proposed which comprises of swales, the locations of which are shown on the Preliminary Drainage Strategy (drawing no. L498/03 Rev E) contained within the FRA. The LLFA advise that the swales provide sufficient attenuation capacity to cope with the 24 hours, 1 in 100 year plus climate change storm, event.
- 5.102 Subject to conditions securing further details of a surface water drainage scheme for the site and a whole life maintenance plan for the drainage scheme, the LLFA offer no objection to the proposal.
- 5.103 The proposal is considered to satisfy the requirements of VALP Policy I4 with regards to flood risk and surface water drainage and results in no conflict with policy I5.

Historic environment (or Conservation Area or Listed Building Issues)

Vale of Aylesbury Local Plan (VALP): BE1 Heritage assets, C3 Renewable Energy

- 5.104 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest that they possess. Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area (CA). In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. The duties in s.66 and s.72 of the Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the significance of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight and there should be a strong presumption against planning permission being granted.
- 5.105 Policy BE1 of the VALP (2021) seeks to conserve heritage assets in a manner appropriate to their significance, including their setting. Policy BE1 provides that where development proposals cause less than substantial harm to a designated heritage asset, that harm must be weighed against the public benefits of the proposal.
- 5.106 Insofar as is relevant here, Policy C3 of the VALP states planning applications involving renewable energy development will be encouraged provided they do not result in any unacceptable adverse impacts, including cumulative impact, on the historic environment including designated and non-designated assets and their settings.
- 5.107 In accordance with NPPF paragraph 199, great weight should be given to the conservation of designated heritage assets. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (NPPF paragraph 200). Where a

development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF paragraph 202). Pursuant to NPPF paragraph 203, the effect of a proposed development on the significance of a non-designated heritage asset should be taken into account in determining the application, having regard to the scale of any harm or loss and the significance of the heritage asset. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. No non-designated built heritage assets have been identified for assessment (non-designated assets of potential archaeological significance are considered below).

- 5.108 Pursuant to guidance in the NPPG, great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impacts of proposals on views important to their setting. Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of heritage assets.
- 5.109 Particular regard has been given to the scale, design, prominence and proximity of the proposed development on heritage assets and their settings, and the intervisibility between the heritage assets and the development.
- 5.110 There are no designated heritage assets on the application site.
- 5.111 The nearest designated heritage assets to the application site are identified as:
- Waldrige Manor – GII*
 - Ford Farmhouse – GII
 - General Baptist Chapel – GII
 - Barn to the west of Pasture Farmhouse – GII
 - Pasture Farmhouse – GII
 - Church of St Peter – GII*
 - Manor Farmhouse – GII
 - Nucleated medieval settlement east of Waldrige Manor – Scheduled monument (considered below as a designated archaeological asset)
 - Ilmer Conservation Area
 - Aston Sandford Conservation Area
- 5.112 The application is accompanied by a desk-based Heritage Assessment dated August 2022 which has been reviewed by the Council's Heritage Officer. Historic England were consulted upon the application but advised that they did not wish to make any comments.
- 5.113 Aston Sandford Conservation area is located approximately 800m west of the site and Ilmer Conservation Area is located approximately 900m to the south of the site. Owing to the relatively flat topography, distance between the proposed solar farm and the intervening features between the site and the conservation areas, there is no harm

identified to Aston Sandford and Ilmer Conservation Areas.

- 5.114 The Council's Heritage Officer considers that, due to limited intervisibility, sufficient separation and the site not contributing to their significance, the proposal will result in no harm to any of the nearest designated built heritage assets listed above, with the exception of Waldrige Manor (GII*).

[Please note that harm to Waldrige Manor Scheduled Ancient Monument (SAM) is discussed below as a designated archaeological asset]

- 5.115 In the case of Waldrige Manor, the submitted desk-based Heritage Assessment concludes that the application site makes a very small contribution to the heritage significance of the Grade II* Listed Building of Waldrige Manor and the proposed development may result in a very small degree of harm, at the lowermost end of the less than substantial spectrum. Due to the distance involved and shielding by existing hedgerows and tree planting, the Council's Heritage Officer agrees that the development would result in less than substantial harm at the lower end of the spectrum.
- 5.116 In light of the live application (Ref: 23/02077/APP) for a solar farm on land located circa 1.2km to the north east of the current application site (on land to the south of Bishopstone off Kimblewick Road), possible cumulative impacts upon the setting of Waldrige Manor have also been considered by the LPA (in addition to the cumulative impacts associated with existing solar farms at Bumpers Farm and Whirlbush Farm). Moat Farm solar farm is located over 4km from Waldrige Manor and due to the distance and intervening built form, the solar farm would have any impact on Waldrige Manor.
- 5.117 The proposed solar farm off Kimblewick Road is located further from Waldrige Manor than Callies solar farm – approximately 1.2km to the northeast. Owing to the intervening distance and screening provided by existing vegetation it is not considered that any cumulative impacts would arise. The degree of harm caused to Waldrige Manor GII* would not therefore increase beyond the lower end of less than substantial harm.
- 5.118 It is noted that a Heritage Assessment dated May 2022 has been prepared by Richard Hoggett Heritage and Paul Stamper Heritage and submitted to the LPA on behalf of Simon Hope, an objector to the proposed development. This Heritage Assessment finds that the level of harm arising to Waldrige Manor is less than substantial, but that the degree of harm would lie further up the spectrum and equate to moderate harm (as opposed to at the lowermost end of the less than substantial spectrum).
- 5.119 Officers consider, consistent with the advice of the Council's heritage officer, that the harm to Waldrige Manor would fall at the lower end of less than substantial harm. However, even if the harm were found to fall to be at a moderate level within the spectrum of less than substantial harm, officers consider that such harm is outweighed by the public benefits of the proposed development. Great weight must be accorded to the conservation (or preservation) of designated heritage assets and the more important an asset, the greater the weight that should be attached to its conservation. In this case, less than

substantial harm arises to a Grade II* listed building¹. Very great weight is given to the conservation of Waldridge Manor, which represents a particularly important building, deemed to be of more than special interest.

- 5.120 In accordance with NPPF paragraph 202 and VALP Policy BE1, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. As identified, very great weight is given to the conservation of Waldridge Manor. As discussed later in this report, in the ‘weighing and balancing of issues’ section, the public benefits of the proposed development are considered to outweigh the heritage harm such that the development is considered to accord with VALP Policy BE1 and paragraph 202 of the NPPF.

Archaeology

Vale of Aylesbury Local Plan (VALP): BE1 Heritage assets, C3 Renewable Energy

Designated heritage assets of archaeological interest

- 5.121 Pursuant to NPPF paragraph 199, great weight should be given to the conservation of designated heritage assets. In accordance with NPPF paragraph 200, any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of scheduled monuments should be wholly exceptional (NPPF paragraph 200). The level of harm (substantial or less than substantial) caused to a designated heritage asset should be established in accordance with the approach set out by NPPF paragraphs 201 and 202.
- 5.122 There are no designated assets of archaeological interest on the application site, however there is a Scheduled Ancient Monument (SAM) located circa 400 metres to the southeast of the proposed development.
- 5.123 The SAM known as ‘nucleated medieval settlement east of Waldridge Manor’ (List entry: 1017520) includes the buried and visible remains of a small medieval village largely contained within a pasture of approximately 14ha located between Waldridge Manor and the Ford to Meadle road to the east.
- 5.124 No known features associated with the SAM extend into the application site and therefore the evidential value of the SAM would not be impacted by the proposed development.
- 5.125 Historic England were consulted on the application but deferred comment to the council’s specialist conservation and archaeological advisers.
- 5.126 The Heritage Assessment dated August 2022 and submitted by the applicant concludes that the proposal will result in less than substantial harm to the SAM, at the lowermost end

¹ There are three types of listed status for buildings in England and Wales: Grade I: buildings of exceptional interest. Grade II*: particularly important buildings of more than special interest. Grade II: buildings that are of special interest, warranting every effort to preserve them.

of the spectrum.

- 5.127 It is noted that a Heritage Assessment dated May 2022 has been prepared by Richard Hoggett Heritage and Paul Stamper Heritage and submitted to the LPA on behalf of Simon Hope, an objector to the current proposal. This Heritage Assessment suggests that the level of harm arising to the SAM is 'less than substantial' but of a moderate degree (as opposed to at the lowermost end of the less than substantial spectrum).
- 5.128 The council's archaeologist has reviewed both Heritage Assessments and has considered the potential for the proposal to impact upon the setting of the SAM. There are two elements to consider here, the intervisibility between the application site and the SAM and the removal of ridge and furrow earthworks within the application site which may be considered to contribute to the significance of the SAM. In regards the former, the Council's archaeologist considers that there is limited intervisibility between the application site and the heritage asset because of hedgerows and recent agricultural and stable buildings close to the west of Waldrige Manor. The limited intervisibility means that the presence of the solar farm would not impact on the ability to appreciate the Scheduled Monument.
- 5.129 With regards to the ridge and furrow earthworks, the heritage assessment provided by Simon Hope states that the ridge and furrow forms part of the setting and thus contributes to the significance of the Scheduled Monument. However, not all aspects of a heritage asset's setting provide a positive contribution to the significance of the heritage asset, and so the contribution needs to be assessed. In this instance, there appear to be two areas of ridge and furrow which are located within the application site. Both areas are detached from the Scheduled area and there is no intervisibility between them and the Scheduled area. The two areas of ridge and furrow are not considered by the council's archaeologist to greatly contribute to either the significance of the Scheduled Monument nor the ability to appreciate the asset (the impact of the proposal upon the ridge and furrow itself is considered below as an undesignated asset).
- 5.130 The LPA therefore concludes that the impact of the proposal upon the SAM would be minimal and would represent the lower end of 'less than substantial harm'. It is not considered that any cumulative impacts associated with the proposed solar farm off Kimblewick Road (Ref: 23/02077/APP) (or any other developments) would increase this level of harm.
- 5.131 As noted above in relation to built heritage assets, the NPPF identifies two levels of harm: substantial harm and less than substantial harm. In this case, less than substantial harm arises to a Scheduled Ancient Monument which represents a nationally important archaeological site. Very great weight is given to the conservation of the SAM. In accordance with NPPF paragraph 202 and VALP Policy BE1, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. As discussed later in this report, in the

‘weighing and balancing of issues’ section, the public benefits of the proposed development are considered to outweigh the heritage harm such that the development is considered to accord with VALP Policy BE1 and paragraph 202 of the NPPF.

- 5.132 This is a matter which will be addressed at the end of this report in the ‘weighing and balancing of issues’ section.

Non-designated heritage assets of archaeological interest

- 5.133 NPPF paragraph 203 requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.134 VALP Policy BE1 states that proposals which affect the significance of a non-designated heritage asset should be properly considered, weighing the direct and indirect impacts upon the asset and its setting. There will be a presumption in favour of retaining heritage assets wherever practical, including archaeological remains in situ, unless it can be demonstrated that the harm will be outweighed by the benefits of the development.
- 5.135 The site has not been subject to any previous archaeological investigation. It is undeveloped agricultural land and is not covered by a designated Archaeological Notification Area.
- 5.136 Nevertheless, as identified by the Heritage Desk-Based Assessment submitted with the application, the site does lie within a well-preserved medieval landscape within which there is evidence of Roman activity and a SAM (discussed above).
- 5.137 The submitted Heritage Assessment and the Council’s Archaeologist note the presence of medieval ridge and furrow within the southern section of the application site, indicating the land would have lain within the open agricultural fields during the medieval periods. However, these earthworks are not as prevalent in the northern section of the site, closest to the SAM, and it is therefore possible that settlement associated with the manor may continue into these areas. This area is also shown on the 1803 Enclosure Map as containing a homestead. In addition, the lack of development in the wider landscape around the application site means that there is a limited understanding of the potential for pre medieval archaeological remains to be present.
- 5.138 It is considered likely that the medieval landscape may overlie earlier landscapes a Romano-British rural landscape of dispersed farmsteads, settlements, and associated field systems. As discussed in the Heritage Desk-based Assessment, excavations in advance of a development at Bumpers Farm to the south of the application area recorded a previously unknown late Roman farmstead. This farmstead was located on the higher ground, such as the central eastern fields of the current application area. It is therefore considered likely that whilst there is little known or recorded archaeology within the application area, that the potential for hitherto unknown remains is high.

- 5.139 The construction of the proposed solar farm has the potential to impact on any archaeological deposits present within the site and the areas of ridge and furrow. Particularly in light of the nearby Scheduled Monument, there would be an assumption of preservation in situ of any significant remains identified. Section 4 of the Design and Access Statement (ref p21- para 0188) discusses the desire of the applicant to incorporate sufficient design flexibility into the proposed development. This is welcomed to allow for preservation in situ of any significant archaeology identified within the site.
- 5.140 The fact that the submitted plans are to be treated as indicative only and are intended to show the 'worst-case' scenario, with final details being secured by condition (under the Rochdale Envelope approach), means that in the event that remains of archaeological interest are unearthed, there is scope to change the design, layout and construction methods of the proposal to facilitate this. The LPA has experience of successfully securing preservation in situ on solar farm development by way of condition.
- 5.141 Having regard to the requirements of NPPF paragraph 194 and VALP Policy BE1, the applicant has submitted an appropriate desk-based assessment and in this instance, given the flexibility in the layout and the ability to secure preservation in situ via condition, the LPA does not consider it reasonable to request further field evaluation prior to determination.
- 5.142 Having regard to the requirement of NPPF paragraph 203 and VALP Policy BE1 the LPA is satisfied that, subject to conditions, the proposal will not directly harm any non-designated heritage assets, by virtue of the fact that the proposal can be modified to ensure the preservation in situ of any such assets. Nevertheless, it is considered that the presence of the solar farm has the potential to impact negatively upon the setting of any non-designated assets identified on site, resulting in a moderate degree of harm to the wider historic landscape.
- 5.143 In accordance with NPPF paragraph 203, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, by way of a balanced judgement. In this case the public benefits of the development are considered to outweigh any harm to designated and non-designated heritage assets, as discussed at the end of this report in the 'weighing and balancing of issues' section.

Chilterns AONB

Vale of Aylesbury Local Plan (VALP): NE3 The Chilterns AONB and setting, NE4 Landscape character and locally important landscape

- 5.144 The application site lies within 4km of the Chilterns Area of Outstanding Natural Beauty (AONB) southeast of the site which is a nationally designated landscape. Policy NE3 states that permission for major developments will be refused unless exceptional circumstances prevail as defined by national planning policy.

- 5.145 The National Planning Policy Framework (NPPF 2021) at paragraph 176 notes great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 5.146 For the purpose of Policy NE3 and paragraph 176 of the NPPF, whether a proposal is ‘major development’ is a matter of judgment for the decision maker. Footnote 60 to the NPPF explains that *“For the purposes of paragraphs 176 and 177, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined”*. An assessment has been undertaken by officers and is contained at Appendix B of this report which has concluded that this development would not constitute major development in the context of the AONB.
- 5.147 Policy NE3 notes that any other (non-major) development can also have an impact on the AONB and its setting and will be required to meet criteria a. d. and e of Policy NE3. Any development likely to impact on the AONB should provide a Landscape and Visual Impact Assessment (LVIA) in line with the Guidelines for Landscape and Visual Impact Assessment - version 3 or as amended.
- 5.148 A Landscape and Visual Impact Assessment (LVIA) was submitted by the applicant in accordance with the requirements of Policy NE3. LPA officers have reviewed all documents submitted by both the applicant and objectors and undertaken a number of site visits at different times of the year (including visits to viewpoints within the AONB), in order to reach a view on the landscape impacts of the proposal.
- 5.149 In accordance with paragraph 176 of the NPPF, great weight is attached to conserving and enhancing landscape and scenic beauty in the AONB. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 5.150 The Chilterns Area of Outstanding Natural Beauty Management Plan 2019-2024, and the Chilterns Conservation Board’s Position Statement (Development affecting the setting of the Chilterns AONB and Cumulative Impacts of Development on the Chilterns AONB) are material considerations in the determination of this application.
- 5.151 This development has been designed to mitigate against its impact on the AONB landscape. The application proposal is reduced in size, it is confined to existing field boundaries, and it has been designed to sit comfortably within the landscape. The proposal includes a wide footpath corridor where a PRoW is affected within the site. While the views towards the AONB will be altered by the new hedging, given the wide corridor of 6.5m, it is considered that the users of the footpath would still have views of the AONB from within the site over

the proposed hedging.

- 5.152 The layout has sought to mitigate landscape visual effects by retaining existing hedgerow and additional mitigation (in the form of gapping up existing hedgerows and planting new hedgerow trees) can be secured by condition to further screen the proposal and mitigate the impact of the proposal upon panoramic views experienced from within the AONB.
- 5.153 The applicant's LVIA indicates that the proposal would be visible from three key locations in the Chilterns AONB - Beacon Hill, Pulpitt Hill and Brush Hill and Whiteleaf. These are all promoted viewpoints located on the Ridgeway National Trail. The LVIA considers that intervening vegetation would break up views of the development proposal from the AONB, however, the Zone of Theoretical Visibility mapping and photomontages, indicate that portions of the solar farm would be visible from the viewpoint at Brush Hill and Whiteleaf.
- 5.154 The objections received from interested parties consider that the proposal, when viewed alongside the other 3 existing and proposed solar farms (Whirlbush Farm, Bumpers Farm and land off Kimblewick Road) would result in an arc of up to 47% of the panoramic view from Brush Hill and Whiteleaf, as a result of the conglomeration of these schemes, in whole or part. In particular Callies Farm would constitute a photovoltaic development bridge linking with other schemes.
- 5.155 The Council's Landscape Officer agrees with the objector's LVIA, that the proposed development would be viewed side on from Brush Hill and Whiteleaf and represents a sprawling layout, which increases its visual impact. Based on the information available, the council's Landscape Officer considers that the long-term adverse effect would be moderate adverse, both individually and cumulatively, however this harm could be reduced to some extent in the long-term (after 10+ years) by mitigation. This mitigation would include the gapping up of existing hedgerows along all the eastern/south-eastern site boundaries and the planting of mixed native trees within all retained and proposed hedgerows. Whilst such mitigation is not currently shown on the submitted plans, it can be secured by conditioning the submission to and approval by the LPA of a Landscape Management Plan. This is proposed in condition 5.
- 5.156 Based on the information as submitted, the LPA considers that the proposal will be visible in middle distance views (as will Whirlbush Farm, Bumpers Farm both of which are consented and land off Kimblewick Road which is awaiting determination) from a limited number of publicly accessible points within the AONB, particularly from Brush Hill and Whiteleaf. However, at a distance of approximately 4km, it would be difficult to ascertain the developments are wholly linked (as one continuous solar farm). Some parts of the solar farms may be visible, whilst other parts would not be. In addition, as noted above in relation to PROW, the proposal will contribute towards sequential cumulative adverse visual effects experienced by users of the Ridgeway National Trail which passes through the AONB. Based on the level of mitigation proposed by the applicant, the long-term impact, individually and cumulatively, upon the AONB is considered to be moderate adverse. Subject to securing additional mitigation planting as a condition, it is considered that this

level of harm could be reduced in the long-term once that planting matures.

- 5.157 Thus, as a result of the proposal (individually and cumulatively) a moderate adverse change would be caused to a limited number of panoramic views from within the AONB. However, the identified harm would only affect a small number of views from within the AONB, this would be reduced once mitigation planting (which can be secured by condition) matures and would not be permanent (conditions will secure the restoration of the land after the lifespan of the solar farm).
- 5.158 The development has had regard to the setting of the AONB and sought to avoid, and where required, mitigate its impact. It is considered that the development would sit within the landscape rather than read as an alien feature when viewed from the AONB. The proposal would not materially affect the attractiveness of the recreational resource provided by the AONB.
- 5.159 Policy NE3 deals with development within the AONB and its setting where it recognises that non major development can have an impact on the setting. The policy requires certain criteria to be met even for non-major development, namely criteria (a), (d) and (e). Criteria a of Policy NE3 requires proposals to conserve and enhance in accordance with a series of further criteria f-m. Not all of these criteria are relevant to a solar farm development outside of the AONB. Those that are relevant are f (special qualities of the Chiltern's AONB), h (locally distinctive patterns), i (locally distinctive character of settlements and their landscape setting), j (visually sensitive skylines, k (not relevant), l (important views and visual from public vantage points) m (tranquillity and remoteness).
- 5.160 It is considered that as the site is outside of the AONB and set some distance from key views from Brush Hill and Whiteleaf, therefore it has limited impact on the special qualities, locally distinctive patterns are respected in terms of retaining trees, hedgerows and field boundaries, in terms of the character of settlements these are not impacted as the site is not located close to any settlements within the AONB, the location is not considered to be a visually sensitive skyline and furthermore all development is low lying and does not intrude on the skyline. The impact of the development from important views public vantage points is assessed in paragraphs 5.154 to 5.159 and it is acknowledged that no lighting is proposed and a condition seeks to control future lighting and therefore given the distance to the AONB it does not impact negatively on the tranquillity or remoteness.
- 5.161 Great weight is given to conserving and enhancing landscape and scenic beauty in AONBs. However, given the specific factors arising in this case assessed against policy NE3, it is considered that there is very limited harm to the setting of the AONB, and even attributing great weight to that harm, it does not justify refusal of the scheme given the significant benefits, discussed further in the overall planning balance below.

Landscape

Vale of Aylesbury Local Plan (VALP): NE3 The Chilterns AONB and setting, NE4 Landscape character and locally important landscape, NE8 Trees, hedgerows and woodlands, C4 Protection of public rights of way

- 5.162 Policy NE4 of the VALP (2021) requires development to recognise the individual character and distinctiveness of particular landscape character areas set out in the Landscape Character Assessment; 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:
- a. minimise impact on visual amenity;
 - b. be located to avoid the loss of important on-site views and off-site views towards important landscape features;
 - c. respect local character and distinctiveness in terms of settlement form and field pattern, topography and ecological value;
 - d. carefully consider spacing, height, scale, plot shape and size, elevations, roofline and pitch, overall colour palette, texture and boundary treatment;
 - e. minimise the impact of lighting to avoid blurring the distinction between urban and rural areas;
 - f. ensure the development is not visually prominent in the landscape; and
 - g. not generate an unacceptable level and/or frequency of noise in areas relatively undisturbed by noise and valued for their recreational or amenity value.
- 5.163 The first stage in mitigating impacts is to avoid any identified significant adverse impact. Where it is accepted that there will be harm to the landscape character, specific on site mitigation will be required to minimise that harm reflecting the mitigation hierarchy set out in the NPPF. The policy explains that where permission is granted, the Council will require conditions to best ensure mitigation of any harm caused to the landscape.
- 5.164 Policy NE8 of the VALP (2021) requires the protection and retention of trees, hedgerows and woodland and the implementation of buffers around retained and planted hedgerows and woodlands.
- 5.165 Policy C4 provides that the Council will enhance and protect rights of way to ensure the integrity and connectivity of the resource is maintained. Planning permission will not normally be granted where a proposed development would cause unacceptable harm to the safe and efficient operation of public rights of way.
- 5.166 Insofar as is relevant here, VALP Policy C3 encourages planning applications involving renewable energy development if there is no unacceptable adverse impact, including cumulative impact on the landscape or visual amenity.
- 5.167 Paragraph 174 of the NPPF provides that planning decisions should contribute to and enhance the natural and local environment by, *inter alia*, recognising the intrinsic character

and beauty of the countryside. The NPPG advises planning authorities to have regard to the potential to mitigate landscape and visual impacts through, for example, screening with native hedges.

- 5.168 The overarching aim set out in EN-1 (Overarching National Policy Statement for Energy) requires decision makers to balance large scale projects against the impact on the locality, ensuring that the proposal has been well designed taking account of the potential effect on the landscape having regard to siting, operational and other relevant constraints with the aim being to minimise the harm to the landscape where possible and introducing appropriate measures to do so.

Landscape and Visual Impact

- 5.169 Landscape and Visual Impact is an important consideration in determining any application for such development. Large scale solar development can result in negative impacts on the rural landscape, particularly where the landscape is open or undulating. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.
- 5.170 The planning application is supported by a Landscape and Visual Impact Assessment dated March 2022 and a Landscape and Visual Impact Assessment – Supplementary Information dated August 2022.
- 5.171 The applicant's LVIA identifies proposed mitigation measures including retention of existing hedgerows and trees, new planting including hedgerow and trees, maintenance of existing and proposed hedgerows to a height of 3m, and providing buffer zones between the proposal and the public rights of way.
- 5.172 It is noted that on behalf of an objector, the following documents have been prepared by Michelle Bolger Expert Landscape Consultancy: Landscape Assessment dated May 2022; Landscape Briefing Note 03 dated September 2022; Addendum to Landscape Assessment dated April 2023.
- 5.173 The Council's landscape officer has made comments on the proposed development, which can be summarised as follows:
1. Footpath users moving through the site travelling south or east currently experience unhindered views over wide open agricultural landscape and up towards the Chilterns AONB. The visual effects on users of the PROW will be major adverse in year 1 and moderate adverse in the long-term.
 2. Users travelling north along PROW DFU/27/2 from Waldrige Manor will be able to see through the 'gappy' hedgerow towards the proposed development in the next field, particularly in winter. In the short term, whilst newly planted hedgerow is establishing, the panels maybe visible from PROW DFU/27/2, however, these will be glimpsed views. The proposal would have a moderate adverse effect on the PROW users in the long term albeit the harm could be reduced if the hedgerows were inter-planted with mixed native species appropriate to the existing hedgerow. A planting

- plan would be required, clearly showing where the gaps would be infilled, plant numbers and species, together with a management plan detailing how the existing hedgerows and new planting would be maintained to ensure long-term screening.
3. From PROW to the north of the application site (DFU/42/2; DFU/34/1; DFU/44/1; DFU/53/3; DFU/53/2 and DFU/37/2) the PVD in the north and north-eastern fields would be visible, even in the summer. In winter, views over the PVD would increase further. The development would result in moderate adverse effects in the short and long term, albeit the long-term harm could be reduced to some extent if the existing hedgerows were 'gapped up' and inter-planted with mixed native trees (12-14cm girth) to provide a mixed height screen.
 4. The proposed development would result in moderate harm to views from the Chilterns AONB in the short and long-term. The long-term effects could be reduced to some extent if the existing hedgerows were 'gapped up' and inter-planted in an informal way with mixed native trees (12-14cm girth) to provide a mixed height screen in views from the AONB.
 5. The combination of Bumpers Farm PVD, Callies Farm PVD and the recently permitted Whirlbush PVD (which will in the short to medium term visually link Bumpers Farm and Callies Farm developments in views from this direction), will result in views of an extensive length of PV development within the currently open and expansive agricultural landscape from the Chilterns AONB. The combined cumulative effects would be moderate adverse in the short and long-term albeit the long-term effects could be reduced to some extent if the existing hedgerows were 'gapped up' and inter-planted in an informal way with mixed native trees (12-14cm girth) to provide a mixed height screen in views from the AONB.
 6. The sequential cumulative effects of the proposed development would be moderate adverse in the short-term, reducing as mitigating planting at the Whirlbush Farm PVD establishes and reduces views of that PVD. The long-term harm could be reduced if the existing hedgerows along the south-western site boundaries were gapped up if/where required and also inter-planted with mixed native trees (12-14cm girth) to provide a mixed height screen in views from PROW to the west.
 7. The introduction of large-scale industrial development into an otherwise open, rural, and strongly historic landscape would result in a major adverse effect on the landscape character of the site itself.
 8. The introduction of industrial development into a largely undisturbed, rural landscape would have a moderate adverse effect on the local landscape character, spreading beyond the site boundaries.
 9. Of the five PVDs in the vicinity, two or more would be repeatedly visible, to varying degrees, from several viewpoints along the Ridgeway National Trail. The five PVDs form a band of development through the vale landscape, running parallel to the

Chiltern Hills AONB. This extends the level of harm already identified and increases the need for robust mitigation to minimise adverse visual effects on visitors to the Chilterns AONB.

10. If all were permitted, there would be five PVDs in one landscape character type which would be enough to be considered a new Key Characteristic of the landscape. The combined cumulative effect would have a moderate adverse effect on the character of the wider landscape which increases the need for enhancements to the landscape, to help balance the harm. Currently, the application does not provide such enhancements.

5.174 The landscape officer indicated that as the Kimblewick Road site is now a full application, Michelle Bolger's Addendum to the Landscape Assessment is relevant. It addresses the cumulative effects from the increased number of PVDs proposed in the vicinity and the landscape officer supports the finding of that assessment. The conclusion of Michelle Bolger's Addendum was that the cumulative effects of all four developments would intensify the impression of a continuous band of PVD stretching across this part of the Vale and occupying a noticeable segment of the view. The overall effect of the schemes on visual amenity from Whiteleaf Hill would be moderate adverse and would have a moderate impact.

5.175 If permission is granted, the landscape officer recommended that it should be accompanied by a robust set of landscape conditions based on the Landscape Guidelines for the LCA8.9 Haddenham Vale (LCT 8), including a detailed hedgerow management plan. A reinstatement condition should also be included to ensure the landscape is restored to its former character, condition and agricultural grade once the 'temporary' permission elapses.

Landscape character

5.176 The application site is not located within a locally or nationally designated landscape. Land approximately 3km to the north and north-west is locally designated as an Area of Attractive Landscape. Land within the Chilterns Area of Outstanding Natural Beauty (AONB) is located approximately 4km to the east and south east of the application site.

5.177 The application site falls within the Haddenham Vale Landscape character Area as defined by the Aylesbury Vale Landscape Character Assessment, 2008. The Haddenham Vale Landscape Character Area is identified as being in generally good condition, with a moderate sensitivity. The pattern of hedgerows remains strong albeit that there are areas of arable intensification where hedges are gappy or removed. Woodland makes a limited contribution, but mature trees reinforce the pattern of elements which remains coherent and there are few detracting features. Conservation and reinforcement of the original field patterns by supporting initiatives for management and re-planting of hedgerows, infilling gaps and replacement planting of hedgerow trees is encouraged within this character area.

- 5.178 Notably, there are two existing solar farms located within close proximity of the application site: Whirlbush Farm located circa 600 metres to the west and Bumpers Farm located circa 400 metres to the south west. Furthermore, Moat Farm Bishopstone (21/03182/APP), circa 3.8km north east of the application site, is located within the same Haddenham Vale landscape character area. In addition, there is a proposed solar farm at land off Kimblewick Road circa 1.2km north east (23/02077/APP) which is currently under consideration.
- 5.179 The objector's LVIA concludes that the landscape comprising the site is of medium value and would not be considered a 'valued landscape'. Owing to the sprawling nature of the proposal and proposed new hedgerows alongside the PRow, creating new corridors, the proposal will disrupt the historic field pattern and result in a significant long-term loss of character. The overall impact upon the landscape character is judged to be moderate adverse in the long-term (albeit the effect at year 1 would be moderate/major adverse).
- 5.180 The Council's Landscape Officer considers that taken in combination with the three approved/existing solar farms (Whirlbush Farm, Bumpers Farm and Moat Farm) and the proposed solar farm off Kimblewick Road, the proposal for Callies solar farm would result in 5 solar farms within the Haddenham Vale Landscape Character Area and create a belt of solar development which could be considered as a new key characteristic of the landscape area. The proposal would therefore have a long term major adverse effect on the landscape character of the site itself and a moderate adverse effect on the surrounding landscape character.
- 5.181 NPS-EN-1 notes that there may be local landscapes outside nationally designated areas that may be highly valued locally and protected by local designation, however it advises that local landscape designations should not be used in themselves to refuse consent. In this case, the application site is not protected by any landscape designations, neither is it considered to be a "valued landscape" (an area identified as having sufficient landscape qualities to elevate it above other more everyday landscapes), the sensitivity of the landscape character area within which it is located is moderate (as confirmed by the Aylesbury Vale Landscape Character Assessment) and most adverse effects will be reversible on decommissioning after the 40 year lifespan of the development (it is recognised that the new hedgerows proposed alongside the PRow would not be removed following decommissioning).
- 5.182 The introduction of the proposed solar farm into an agricultural greenfield site will inevitably have an adverse effect on the landscape character of the site. In accordance with criteria a and c of VALP Policy NE4, the proposal has been located within existing fields on a relatively flat topography. The proposal maintains many individual landscape elements of the application site, such as hedgerows, trees and it includes the planting of tall hedgerows to provide considerable screening, limiting views out and compartmentalising the proposed scheme, such that it is not seen as a continuous large area of solar modules, but rather as small scale visually discrete yet functionally connected areas. In this regard the development has sought to minimise the impact on visual amenity. Nevertheless, the

nature of a large-scale solar farm is such that it will introduce a significant element of development that would occupy the previously open agricultural land and will change the appearance of the site and the local landscape character from an open rural landscape to an engineered landscape resulting in conflict with criteria c of Policy NE4. The applicant has considered the height of the proposed panels and associated infrastructure, and the panels are proposed to be up to 2.5m in height to minimise their impact on the landscape, the panels have been spaced to maintain a wide corridor for users of PROWs affected by the proposal, seeking to mitigate their impact, in accordance with criteria d of Policy NE4. In accordance with criteria e of Policy NE4, which is to minimise the impact of lighting the proposal does not include lighting and therefore maintains the site as intrinsically dark. Owing to the nature of the proposed solar farm, the proposal would not generate noise and disturbance, other than during the construction period which is anticipated to last 4 months and would be consistent with criteria g of Policy NE4.

Visual Impact

- 5.183 As recognised by NPS EN-1, all proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites. It is for the decision maker to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project.
- 5.184 The Applicant notes that site photographs included in the LVIA provides evidence that views from within or immediately next to the site would be limited because the site is enclosed by mature and tall vegetation. The LVIA also notes that the visual relationship with the Chilterns AONB is relatively modest to weak, with views being largely screened or considerably interrupted. It also notes that given the distance of over 5km from the key viewpoint at Brush Hill and Whiteleaf within the AONB, the landscape of the site forms a distant background and its influence in visual terms is considerably reduced. The Applicant notes indicates that only very small patches of theoretical visibility may occur across the elevated ridge of the Chilterns, and where public access is relatively limited.
- 5.185 On the hand, the objectors argue the proposal would be as visible as the existing Bumpers Farm development, extending the view of the solar farm to the right. Although existing vegetation would screen some parts of it in summer, the sprawling nature of the Callies Farm PVD would exacerbate the effect because it would be lengthways to the viewpoint. The objectors also argue that because the viewpoint is elevated proposed mitigation planting would not lessen the adverse effect of the development. The sensitivity of the users of PROW in this part of the AONB is high.
- 5.186 In the officer's view the development would be visible from 3 promoted viewpoints in the AONB and its visual impacts would be moderate adverse and this would be in conflict with criteria b and f of Policy NE4.

Cumulative Effects

- 5.187 Policy C3 of the VALP encourages the development of renewable energy development

provided there is no unacceptable adverse impact, including cumulative impact on a number of identified issues including visual impact on local landscapes.

- 5.188 The LVIA considers the potential cumulative effects with Bumpers Farm and Whirlbush Farm to be very limited and inconsequential because of the lack of intervisibility between the solar farms. Due to the distance and vegetative screening the proposed Callie's Solar Farm would be inconsequential in visual terms. In cumulative terms, it is predicted that the introduction of the Callie's Solar Farm would bring about a negligible magnitude of change, with effects negligible neutral.
- 5.189 It is argued by third party objectors that the cumulative effects of four solar farm developments would intensify the impression that there is a continuous band of solar farms (4.5km) stretching across this part of the Vale and occupying a noticeable segment of the view from Brush Hill and Whiteleaf. The overall effect of the schemes on visual amenity from Whiteleaf Hill would be moderate adverse and significant according to third party objectors. The landscape officer shares concerns raised by third party objections.
- 5.190 Officers have considered both the information in the LVIA and the position put forward by the third party objectors and supported in part by the landscape officer. Overall, planning officers agree that there would be a change to the baseline as a result of the solar farms coming forward in the vicinity of the development. The solar farms would be seen across the 4.5km stretch from Whiteleaf Hill. However, it is not considered that this would be seen as a continuous band of solar farms. Owing to the natural boundaries formed by hedges and trees that already exist and intervening features such as existing roads and residential development in the foreground. As a result, the solar farm developments would sit within the landscape, rather than seen as separate alien or urbanising features.
- 5.191 Officers acknowledge that the solar farm development will be seen from Brush Hill and Whiteleaf Cross, and it will be seen in the context of Bumpers Farm and Whirlbush Farm, the visibility of solar farms would be seen in middle distant views. However, because there are existing vegetation and other intervening features such as roads and residential development between the viewpoints at Brush Hill and Whiteleaf and the proposed solar farms, it is considered that the development would not have an unacceptable adverse impact on the landscape, and it would not give rise to unacceptable cumulative impacts owing to its sitting in middle distance views.

Residential receptors

- 5.192 Reflective of the rural location, a limited number of residential receptors will have views towards the proposal within open mid-longer distance views. The applicant's LVIA specifically identifies Bumpers Farm and Carlyon House and cottages as residential receptors.
- 5.193 As stated above, in relation to residential amenity, whilst the proposal (and cumulative schemes) may be visible within longer-distance views from some properties, subject to proposed planting, it is considered that views of the solar farm could be screened,

particularly during the summer months once the planting establishes.

- 5.194 Officers consider that residential receptors would be subject to a negligible magnitude of change or 'no change', resulting in negligible neutral to no effects.

Public rights of way

- 5.195 There are a number of Public Rights of Way (PRoW) crossing or within close proximity to the application site. Footpath DFU/30/1, ASA/5/2 and DFU/27/1 cross through the application site. Notably, ASA/5/2 forms part of the Outer Aylesbury Ring (OAR) recreational trail between Aston Sandford, Green Lane Farm and Midshires Way. In addition, a number of footpaths cross close to the application site (ASA/5/1, DFU/27/2, DFU/42/2, DFU/34/1, DFU/44/1, DFU/53/3, DFU/53/2 and DFU/37/2).
- 5.196 The routes of the PRoW crossing through the site (DFU/30/1, ASA/5/2 and DFU/27/1) will be maintained (no diversions are required) and the applicant has submitted two cross-section drawings which show the proposed relationship between the solar farm and the PRoW. Footpath cross section drawing number LCS043DFU-27-1 Rev 02 shows how footpaths DFU/30/1 and DFU/27/1, will be enclosed within a minimum 13 metre corridor where they cross through the proposed solar farm. Within the minimum 13 metre corridor, users of the footpath will walk between hedgerows, resulting in a useable walking corridor between hedgerows of 7.5 metres. This represents the minimum corridor width and therefore worst case scenario at any point along the length of PRoW crossing the site (this can be secured by condition).
- 5.197 The Council's Rights of Way Officer is content that the section drawings submitted by the applicant will protect the amenity of the rights of way network and therefore offers no objection to the proposal. On this basis the proposal complies with VALP Policy C4, which seeks to protect the amenity and accessibility of public rights of way. Nevertheless, the experience of users of these lengths of PRoW will be changed by the inevitable change in visual amenity experienced.
- 5.198 Footpath users moving through the site south and/or eastwards, currently experience unhindered views over wide open, agricultural landscape and up towards the Chilterns AONB. This would change in the short term to direct, close views over large scale solar farm development. The applicants LVIA confirms that visual effects on PRoW users at year 1 would be major adverse. Proposed mitigation comprises planting hedgerows along the PRoW on one or both sides as required, to screen views of the solar farm. This would have both positive and negative effects. In about 10+ years, these hedgerows will have established enough to begin screening close views of the solar farm. However, they would also substantially change the experience of the PRoW user, by obscuring open views over the surrounding landscape and also curtailing longer views up towards the Chilterns AONB, both characteristic of the Haddenham Vale landscape character area. Therefore, the long-term visual effect upon users of PRoW crossing the application site would be moderate adverse.

- 5.199 The proposal will also have an adverse effect on the outlook experienced by users of PRoW which pass close to the application site, including cumulative impacts (owing to repeated views of different solar farms) along the Outer Aylesbury Way long distance footpath (ASA/5/1). The council's Landscape officer considers that the applicant's LVIA over relies on existing hedgerows to provide total screening of the site from nearby PRoW owing to the fact that there are a number of places where the existing hedgerow have become tall, but very gappy. This is particularly noted to be the case along the southwest and northern site boundaries. This harm could be reduced if hedgerows were interplanted to fill gaps and supplemented with hedgerow trees (such mitigation can be secured by condition). Nevertheless, overall, the long-term adverse effect to users of PRoW in the vicinity of the site (ASA/5/1, DFU/27/2, DFU/42/2, DFU/34/1, DFU/44/1, DFU/53/3, DFU/53/2 and DFU/37/2) is judged to be moderate adverse.
- 5.200 Beyond PRoW within the close vicinity of the application site, it is noted that of the five existing/proposed solar farms in the vicinity (Bumpers Farm, Whirlbush Farm, Callie's Farm, Kimblewick Rd, Moat Farm), two or more would be repeatably visible in long distance views, to varying degrees, from several viewpoints along the Ridgeway National Trail which passes through the AONB (eg. Whiteleaf Hill, Beacon Hill, Coombe Hill). Thus, visitors that are moving through the landscape on a nationally promoted PRoW will experience sequential cumulative adverse visual effects as a result of the proposal.
- 5.201 The long-term degree of harm to footpath users (taking account of mitigation) is generally agreed by the applicant and the council's Landscape Officer to be moderate adverse, both individually and cumulatively. Although representations on behalf of third parties suggests that in the short term, in places, this effect would be major adverse, however the long-term effect would become moderate adverse.
- 5.202 NPS EN-3 recognises that due to their size, solar sites may affect the provision of local footpath networks and PRoW. However, it notes that it should be the applicant's intention to keep all PRoWs that cross the site open and to minimise as much as possible the visual outlook from existing footpaths.
- 5.203 Whilst it is accepted that walkers passing along the Outer Aylesbury Way long distance footpath and other PRoW would experience adverse visual effects, even after the proposed mitigation planting has matured, Planning Officers consider that these effects would be localised and experienced for a short distance relative to the entire length of long-distance routes. Furthermore, solar farms are becoming a more common sight within open countryside landscapes and are a temporary form of development (conditions secure restoration of the site after the 40-year lifespan of the proposal). In this regard, there is some conflict with criteria a and b of Policy NE4.

Conclusion of landscape impacts

- 5.204 The effect of the proposal on landscape character and locally important landscape (criteria d of VALP Policy BE2) has been assessed (including cumulative impact) and has informed the proposed landscaping strategy. It is considered that overall, this revised proposal seeks

to minimise its impact in accordance with criteria a, d, e, g of VALP Policy NE4, and criteria p and q of VALP Policy C3 and the NPS EN-3. Some conflict has been identified with criteria b, c and f of Policy NE4.

- 5.205 Subject to securing adequate mitigation planting, by conditioning compliance with the submitted section plans for the PRoW which pass through the site and securing additional mitigation planting via the submission of a Landscape Management Plan, it is considered that the applicant will be minimising as much as possible the visual outlook from existing footpaths. This is in accordance with criteria a of VALP Policy NE4, criteria p of VALP Policy C3 and the NPS EN-3. The Landscape Strategy submitted with the application is intended to be indicative and therefore full and final details of landscaping can be secured by condition (applying the Rochdale Envelope approach). These conditions would mitigate against the landscape impact of the proposal, subject to the inclusion of the conditions, there is some conflict with Policy NE4, however a reason for refusal on this basis could not be sustained.

Trees and hedgerows

- 5.206 The application is accompanied by an arboricultural report which confirms that no individual trees will require removal, but it will be necessary for some sections of hedgerow to facilitate the access to the development. In total 46 linear metres of hedgerow/groups will require removal. The application proposes to mitigate this loss through the provision of proposed new hedgerow and tree planting as part of the landscape planting proposals for the wider site as detailed in the proposed landscape strategy.
- 5.207 The LPA considers that the proposal has little potential for significant impacts to trees and proposed mitigation will reduce this further.
- 5.208 Subject to a condition securing full details of the proposed tree protection methods, the proposal is considered to comply with the aims of VALP Policy NE8.

Agricultural Land Quality

Vale of Aylesbury Local Plan (VALP): NE7 Best and most versatile agricultural land

- 5.209 VALP Policy NE7 seeks to protect the best and most versatile farmland for the longer term. The Natural England Agricultural Land Classification (ALC) defines the Best and Most Versatile (BMV) agricultural land as grade 1, 2 and 3a with lower grade land at 3b, and 4, defined by wetness and gradient of the land. Policy NE7 provides that proposals involving development of agricultural land should be accompanied by an assessment identifying the grade of agricultural land. Where development would result in the loss of BMV, planning consent will not be granted unless there are no otherwise suitable sites of poorer agricultural quality that can accommodate the development and the benefits of the proposed development outweigh the harms resulting from the significant loss of BMV.
- 5.210 Paragraph 174 of the NPPF provides that planning decisions should recognise the wider benefits from natural capital and ecosystem services, including the economic and other benefits of BMV.

- 5.211 The NPPG encourages use of previously developed land and non-agricultural land, provided it is not of high environmental value. Where greenfield land is proposed to be used as a solar farm, consideration should be given to the justification for such, whether poorer agricultural land has been used in preference to higher quality land and whether the proposal allows for continued agricultural use with biodiversity enhancements around arrays.
- 5.212 EN-3 advises that “While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land (avoiding the use of “Best and Most Versatile” agricultural land where possible). Applicants should explain their choice of site, noting the preference for development to be on brownfield and non-agricultural land.”
- 5.213 It is noted that objectors have raised concerns about the loss of and damage to BMV agricultural land. The LPA is aware of and has reviewed an appeal decision dated 21 July 2023 (APP/F1040/W/22/3313316), in which an inspector dismissed a proposal for a solar farm which included just under 50% of BMV land. Whilst that decision is noted, the circumstances of that case are not considered to be directly comparable and notwithstanding the importance of consistency in the planning process, the Council is not bound to reach the same conclusion as the Inspector in that appeal.
- 5.214 The application is accompanied by an Agricultural Land Classification and Soil Resources report which identifies that the majority of the application site (91% equivalent to 55.4 hectares) is classified as grade 3b agricultural land, which does not represent BMV. 9% (equivalent to 5.6 hectares) of the application site is classified as grade 3a agricultural land, which does represent BMV.
- 5.215 The plan included within the Agricultural Land Classification and Soil Resources report demonstrates the spatial extent of the area of 3a agricultural land within the application site. This appears to show that the majority of the area of 3a agricultural land is contained within 2 fields, which also contain land of 3b agricultural quality (i.e. they do not represent complete fields of 3a agricultural land). Exclusion of the areas of 3a land from the proposed development would therefore result in the removal of only parts of existing fields, resulting in new agricultural field parcels of an irregular shape and small size, which are unlikely to be conducive to effective farming of crops and would also have a landscape impact.
- The loss of 5.6 ha of grade 3a agricultural land to the proposed solar farm is not considered to be significant and it is not considered that exclusion of the 3a land from the application boundary would secure its use for the farming of crops. Consistent with the aims of VALP policy NE7 to protect BMV land for the longer term, no permanent built structures are proposed on the land (the area of grade 3a is proposed to be covered by solar arrays which would be removed after 40 years).
- 5.216 Nevertheless, as the applicant has not undertaken an assessment of agricultural land

quality beyond the application site, it cannot be confirmed that there are no otherwise suitable sites of poorer agricultural quality that can accommodate the development. As a result the proposal conflicts with part (a) of VALP Policy NE7. This conflict with the development plan is weighed in the planning balance against the scheme. However, having regard to the temporary nature of the proposed development; the fact that national policy in EN-3 (which is considered to be a material consideration) makes clear that loss of BMV should be avoided, but should not be a predominating factor in determining the suitability of the site location; and the fact that the exclusion of those parts of the site that fall within grade 3a would result in relatively small and irregular plots that are unlikely to be suitable for crop farming, the weight afforded to this conflict is limited.

Mineral safeguarding

Buckinghamshire Minerals and Waste Local Plan: Policy 1 Safeguarding Mineral Resources

- 5.217 Minerals Safeguarding Areas (MSAs) are defined by the Buckinghamshire Minerals and Waste Local Plan (BMWLP) to protect mineral resources of local and national importance within Buckinghamshire from development which would hinder their future use.
- 5.218 Policy 1 of the BMWLP requires that proposals for development within MSAs, other than that which constitutes exempt development, must demonstrate that:
- prior extraction of the mineral resource is practicable and environmentally feasible and does not harm the viability of the proposed development; or
 - the mineral concerned is not of any value or potential value; or
 - the proposed development is of a temporary nature and can be completed with the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or
 - there is an overriding need for the development.
- 5.219 Circa 1.57 hectares of the application site is located within a designated Minerals Safeguarding area for clay, silt, sand and gravel. Whilst this is a very small area, Policy 1 of the BMWLP does not set a minimum size threshold to which it applies and therefore is applicable to the proposal.
- 5.220 In this instance the proposed development is of a temporary nature (40 years), after which the land will be restored to agricultural land. The restoration of the land after the expiration of the lifetime of the development will be secured by condition. The proposed development would not therefore permanently inhibit extraction of any mineral resource and the LPA has no evidence to suggest that any potential mineral resource present is likely to be needed within the next 40 years. Sites have been allocated for extraction by the BMWLP which do not include the application site.
- 5.221 Contrary to BMWLP Policy 1 the applicant has not provided a Minerals Assessment in support of the planning application. However, as stated above, the proposal is temporary in nature (40 years) and will not prevent Mineral Extraction in the longer term, which is the

aim of MSAs and BMWLP Policy 1.

- 5.222 On this basis, the proposed development would not result in the sterilisation of mineral resources and the conflict with BMWLP Policy 1 is afforded limited weight in the overall planning balance.

Other matters raised by representations

Alternative technologies

- 5.223 It is noted that a report submitted on behalf of an objector suggests that there are alternative, more effective, ways to tackle carbon emissions, including the capture of carbon dioxide using ground rock spread across agricultural land.
- 5.224 The LPA can only determine the application as submitted. It is not for the LPA to suggest an alternative proposal for the application site.
- 5.225 The NPS makes clear that applications for renewable energy development are not required to demonstrate the overall need for renewable energy. While this strictly applies to nationally significant projects, officers consider that the need for renewable energy from smaller developments is also well established as a means of contributing to the government's net zero objectives.
- 5.226 As noted elsewhere within this report, solar technology has been identified by the Government as being essential to the delivery of sufficient renewable energy to reduce greenhouse gas emissions to net zero by 2050. Whilst alternative technologies may exist and may gain government support in future, these would be likely to supplement, rather than prevent or replace, solar energy schemes.

Connection to national grid

- 5.227 It is noted that an objector suggests that there is a substantial delay in securing consent to export to the national grid, meaning that the proposed development may not be able to deliver electricity for many years. It is suggested that this should weigh against the proposals.
- 5.228 As noted throughout this report, the government has identified a need for solar development in order to meet net zero by 2050. Whilst an early connection is a matter that may be afforded positive weight by facilitating the early delivery of additional solar energy to the national grid, it is not considered that a lack of an agreed connection date is a matter which should weigh against the development, given the identified long-term need for solar development.

Sheep grazing under panels

- 5.229 It is noted that a report submitted on behalf of an objector suggests that the grazing of sheep underneath the solar panels is unlikely to be cost effective for a grazier and that areas underneath the solar panels can be dry and barren or only host weeds species, due to heavy shading.

- 5.230 The LPA has seen examples of solar farms, on which sheep are grazed in and around the panels and the NPPG specifically encourages continued agricultural use with biodiversity enhancements around arrays. The panels are not flush to the ground and subject to careful landscape management, which can be secured through the CEMP and LEMP, the LPA is satisfied that ecological enhancement can be successfully supported underneath and between the panels.
- 5.231 Whilst the grazing of sheep is considered to be achievable and can be argued to represent the continued agricultural use of the land, it is not a matter which has been afforded any weight in the overall planning balance and has not been taken into account in the assessment of the impact of the proposal upon agricultural land.

Generating capacity

- 5.232 The proposal seeks a solar farm with a generating capacity of up to 49.9MW. This remains consistent with the previous proposal on the application site (21/02310/APP), despite the reduction in land take. The previous scheme was markedly different from that which is now proposed. In particular, the site area has been reduced; the height of the proposed panels has been reduced and the current scheme is largely confined to existing field boundaries. However, objectors have suggested that the density of the solar panels in the current scheme is likely to be significantly increased, including potentially their height and coverage, leading to substantial shading.
- 5.233 The generating capacity is calculated as the number of panels multiplied by their megawatt output.
- 5.234 The first thing to note is that the efficiency of solar technology is continually improving and therefore the megawatt output per panel is continually increasing, thus reducing the number of panels required for a generating capacity of (up to) 49.9MW. Bifacial panels allow capture of solar energy on both sides of the panel and therefore increase the generating capacity of the panels.
- 5.235 It is also worth noting that the angle and spacing of the panels will change the megawatt output per panel e.g. a steeper panel will capture greater solar gain in winter but will cast a larger shadow, thus requiring greater spacing between panels to limit over shadowing. The final angle and spacing of the panels will be agreed at a later date, once the technology is finalised, however, the plans submitted and assessed by the LPA demonstrate a worst-case scenario, consistent with the Rochdale Envelope. The submitted layout plan is based on using panels which are a maximum of 2.5 metres in height and a minimum of 3.7 metres apart. In reality the height of some panels may be lower than this and the spacing between some panels may be greater than this (so as to reduce shading which reduces the output of the panels).
- 5.236 On this basis the LPA is satisfied that, consistent with the Rochdale Envelope approach, the maximum parameters (and therefore worst-case effects) have been assessed and this can be controlled by condition.

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 6.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
 - c. Any other material considerations
- 6.3 The proposed development complies with VALP Policy C3 (renewable energy) but noting that there is identified landscape and visual impacts which result in some conflict with the development plan policies NE3 and NE4. The conclusion of the assessment is that the identified adverse impacts are not considered to be unacceptable which is in accordance with Policy C3. The proposal complies with other policies such as C4, NE1, NE2, NE8, BE3, T4, T5, T6 and I4.
- 6.4 There would be a degree of conflict with the Development Plan arising from the issues identified in the report. Sometimes planning policies pull in different directions and it will be necessary to have regard to all aspects of policy compliance and conflict and reach an overall view. Officers consider that overall, the scheme accords with the development plan; that it would deliver a number of important benefits and that it does not give rise to any unacceptable impacts.

Benefits of the proposal

- 6.5 The economic, social and environmental roles for the planning system, which derive from the three dimensions to sustainable development in the NPPF, require in this case that a balancing exercise be made to weigh the benefits of the development against the identified harm.
- 6.6 In terms of benefits of the proposal, the proposal will generate clean electricity which is capable of offsetting the use of electricity generated from fossil fuel powered stations. The proposal will therefore provide electricity without generating harmful greenhouse gas emissions which are known to cause global warming. The proposal will therefore contribute to tackling the climate change emergency, which The Sixth Assessment Report of the Intergovernmental Panel on Climate Change identifies as “a threat to human well-being and planetary health. Any further delay in concerted anticipatory global action on

adaptation and mitigation will miss a brief and rapidly closing window of opportunity to secure a liveable and sustainable future for all". The proposed 49.9MW solar farm can generate enough power for 16,580 homes and the applicant has confirmed that a connection date has been secured with UK Power Networks for 2024. The proposal will therefore make a significant and early contribution to the government's legally binding target of reaching net zero emissions by 2050, requiring a five-fold increase of solar energy by 2035. This benefit attracts very significant positive weight. The proposal will make a positive contribution towards UK energy security. In order to provide energy security (in addition to reducing emissions) the government is committed to the UK being powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable energy generation such as solar. This benefit attracts very significant positive weight.

- 6.7 The proposal would be of benefit to the national and local economy by contributing to UK energy security and helping to stabilise energy prices for consumers. This benefit attracts significant weight.
- 6.8 The proposal will make a positive contribution towards the aims of the Buckinghamshire Climate Change Motion (July 2020), in which the Council has committed to work alongside national Government with the objective to achieve net carbon zero for Buckinghamshire by 2050. This benefit attracts significant weight.
- 6.9 While some of these benefits overlap to a certain degree, overall, the delivery of renewable energy as proposed through this scheme is considered to be a significant benefit of the scheme.
- 6.10 In addition, the proposal will contribute to the local economy via the construction process (the scheme would provide short term employment opportunity) and via the income generated for landowners and farmers, which can be reinvested in the wider farmstead. Limited weight is attached to this benefit.
- 6.11 The proposal would deliver a significant net gain in biodiversity (subject to a condition securing a CEMP and LEMP), over and above the minimum BNG required by the development plan and anticipated requirements in national legislation. Limited weight is attached to this benefit.

Harm arising

- 6.12 For the reasons set out within this report, it has been concluded that the proposal leads to adverse impacts to the character of the receiving landscape and visual amenity, including on users of PROW. Whilst this harm can be mitigated, it cannot be overcome, thus resulting in a conflict with criteria b, c and f of Policy NE4 and Policy BE2. However, having regard to the proposed mitigation (secured by condition), the sensitivity of the receiving landscape (which does not represent a valued landscape for the purposes of the NPPF), the number of visual receptors and the reversibility of the proposal in the long term, moderate weight is afforded to this harm.

- 6.13 Harm to the setting of the AONB has been identified, as a result of the proposal (individually and cumulatively) causing a moderate adverse change to a limited number of panoramic views from within the AONB and cumulative adverse visual effects experienced by users of the Ridgeway National Trail which passes through the AONB. Great weight is given to the conservation and enhancement of the AONB, however, having regard to the fact that the identified harm would only affect a small number of views from within the AONB, the harm would be reduced once mitigation planting matures and would not be permanent, the overall harm to the setting of the AONB is judged to be limited. Furthermore, the layout has sought to mitigate effects by retaining existing hedgerow and additional mitigation (in the form of gapping up existing hedgerows and planting new hedgerow trees) which can be secured by condition. It has been identified that the proposal conflicts with criteria e, j, i and l of Policy NE3, notwithstanding, it is also recognised that the proposal is designed to avoid or minimise adverse impacts on middle distance views from the AONB in an attempt to respond to the requirement to conserve and enhance in accordance with Policy NE3. The limited harm to the setting of the AONB is afforded great weight in the planning balance. However, weighed against the benefits of the development, that harm is not considered to be unacceptable or to justify the refusal of permission, even when considered cumulatively with other policy conflicts.
- 6.14 There is conflict with Policy 1 of the BMWLP (Safeguarding Mineral Resources). The proposal includes 1.57 hectares of land located within a MSA and was not accompanied by a Minerals Assessment, as required by BMWLP Policy 1. However, the proposal is limited to a lifespan of 40 years and will not therefore permanently sterilise a potential minerals resource (which is the overall aim of Policy 1). Therefore, harm arising is limited by the nature and permanency of the development and furthermore, having regard to the size of the potential minerals resources (1.57ha) limited weight is given to this policy conflict.
- 6.15 On the basis that the proposal includes 5.6 hectares (equivalent to 9% of the total site area) of grade 3a agricultural land and the applicant has not undertaken an assessment of agricultural land quality beyond the application site, there is a degree of conflict with VALP Policy NE7. However, having regard to the temporary nature of the proposed development and the fact that national guidance makes clear that loss of BMV should be avoided, but should not be a predominating factor in determining the suitability of the site location, the weight afforded to this conflict is limited.
- 6.16 The proposal has been found to result in less than substantial harm to Grade II* listed Waldrige Manor and a Scheduled Ancient Monument. Having regard to the importance of these assets, very great weight is given to their preservation. In accordance with BE1 and the NPPF it is necessary to weigh the level of harm against the public benefits arising from the proposal.
- 6.17 The overarching public benefits of providing a large-scale renewable energy scheme in line with climate change interest and supporting national energy need carry considerable positive weight in the decision-making process. The scheme is not just limited to meeting

local needs. It offers potential clean renewable energy production in the short term to the National Grid. Those public benefits outweigh the less than substantial harm to the setting of the heritage assets.

- 6.18 In terms of the harm to the non-designated heritage assets this has to be taken into account in determining the application. The report identifies that some harm may result to the setting of non-designated assets of archaeological significance. A condition requiring further archaeological investigation will prevent any direct impacts upon any assets of archaeological significance present on the site. The public benefits of the proposed development are considered to outweigh the limited level of potential harm to undesignated heritage assets.
- 6.19 There will be disruption during the construction phase particularly in terms of the harm to the landscape harm. However, construction related harms would be short lived and can be considerably managed and the residual landscape harm arising following construction has been identified and moderate weight attached.

Planning balance overall conclusion

- 6.20 The application has been assessed against the development plan as a whole and all relevant material considerations. The report identifies that the proposal would result in some harm and conflicts with a number of policies within the development plan. However, having regard to all aspects of policy compliance and conflict, it is considered that the proposal accords with the Development Plan read as a whole.
- 6.21 Even in the alternative, if the conclusion was reached that the elements of policy conflict identified above meant the scheme was not in accordance with the Development Plan when taken as a whole, it is considered that there are material considerations that weigh strongly in favour of an approval and would justify a departure from the plan. These material considerations are the very significant benefits of delivering renewable energy which contributes to tackling the climate emergency crisis. Low-cost renewable energy projects such as this solar proposal make a positive contribution to energy security and the commitment to achieving net zero. These are very significant material considerations which indicate that the application should be approved.

7.0 Working with the applicant / agent

- 7.1 In accordance with paragraph 38 of the NPPF (2023) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 7.3 In this case, the council has worked proactively with the applicant and agent during the course of the application by accepting amendments to the submitted plans where it is considered that those amendments would result in an overall betterment in the scheme, to

reduce the impacts of the proposed development. Appropriate consultation with consultees and interested parties has been undertaken where required.

7.4 **Recommendation**

7.5 The recommendation is that the application be deferred and delegated to the Director of Planning and Environment for APPROVAL subject to the satisfactory completion of a S106 agreement to secure the matters set out in the report subject to the receipt of no new material representations, and the conditions as proposed and any others considered appropriate by Officers, or if this is not achieved for the application to be refused.

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. This grant of planning permission shall expire no later than 40 years from the date when electricity is first exported from any of the solar panels to the electricity grid ("First Export Date"). Written notification of the First Export Date shall be given to the local planning authority within 1 month of its occurrence.

Reason: This is a time limited permission only given the nature and lifespan of the development proposed and to ensure the long-term protection of the character and appearance of the rural area in accordance with Vale of Aylesbury Local Plan policies C3, NE1, NE4, NE8, BE1, BE2 and the aims of the National Planning Policy Framework.

3. The development hereby permitted shall be carried out in accordance with the following approved plans/details:

- SP-01 Rev. 03 – Site Location Plan
- PLE-01 Rev. 18 – Indicative Layout Plan (received 26.08.2022)
- DZ-01 Rev. 16 – Ilmer Development Zone Plan (received 26.08.2022)
- SD-17.1 Rev. 01 – Panel Arrangement 4 Landscape 21 degree tilt (received 26.08.2022)
- SD-01 Rev. 02 – DNO Substation Elevations and Dimensions Plan
- SD-01 Rev. 01 DNO Substation Floor Plan
- SD-02 Rev. 02 – Customer Substation Elevations and Dimensions Plan
- SD-15 Rev. 01 – Customer Substation Floor Plan
- SD-03 Rev. 01 – Indicative CCTV Posts
- SD-04 Rev.02 – Security Fence and CCTV Detail
- SD-06 Rev. 01 – Access Track Cross Section
- SD-07 Rev. 01 – Indicative Deer Fence (received 26.08.2022)
- SD-08 Rev. 02 – Inverter Elevations and Dimensions Plan
- SD-16 Rev. 01- Inverter Floor Plan
- DFU-27-1 Rev. 02– Footpath Cross Section (received 26.07.2023)

- ASA-9-2 Rev. 03 – Footpath Cross Section (received 26.07.2023)
- P21-0188 Rev. H – Landscape Strategy (received 26.07.2023)

Reason: To ensure the development is carried out in accordance with the principles agreed in the approved plans and in the interests of proper planning.

4. Notwithstanding the plans hereby approved in Condition 3, no development shall take place until full details of the final locations, alignment, design, finishes and materials including details of non chrome, non reflective material to be used for the panel arrays, inverters, substation control building, substations, CCTV cameras, fencing any other structure required for the operation of the site as solar farm shall be submitted to and approved in writing by the local planning authority. The plans approved in Condition 3 represent the maximum parameters of the proposal. Subsequently the development shall be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition which is required to ensure the development is carried out in a manner which minimises the visual impact on the character of the rural area and to comply with policies BE2, NE4, NE1, NE2, NE8, BE3 of the Vale of Aylesbury Local Plan and the advice within the National Planning Policy Framework.

5. Notwithstanding the plans hereby approved in Condition 3, no development shall take place until full and final details of proposed hard and soft landscaping, including a Landscape Management Plan, have been submitted to and approved in writing by the local planning authority. The proposals for hard and soft landscaping shall include the following actions, based on the relevant Landscape Guidelines for the Haddenham Vale LCA 8.9, described in the Aylesbury Vale Landscape Character Assessment 2011:
 - Conserve and reinforce the existing field pattern by infilling of hedgerow gaps on all external and internal field boundaries. Provide a plan identifying existing gaps and details of proposed infill/replacement planting, to include mixed, native hedgerow and tree species and carried out as described in the Hedgerow Planting specification on Landscape Strategy plan P21-0188_06 Rev. H
 - Include tree planting within all new hedgerows across the site, and within existing hedgerows along all eastern/southeastern boundaries. Use mixed native species, appropriate to the specific location, including black poplar in the species mix along wet ditches and streams. Tree species and sizes as described in the Tree Planting specification on Landscape Strategy plan P21-0188_06 Rev. H, informally spaced at a maximum of 8m apart;
 - Manage hedgerows using traditional cutting regimes and good practice advice available via Hedgelink.org.uk. A site wide Hedgerow Management Plan should form part of the Landscape Management Plan (see relevant Informative);

- Maintain the condition and extent of existing woodland using traditional management techniques, to be outlined in the Landscape Management Plan;
- Retain and manage all unimproved and semi-improved grassland and seed existing arable farmland with a species rich grass and flora mix as shown on Landscape Strategy plan P21-0188_06 Rev. H
- Encourage the conservation and management of key views from publicly accessible land to the Chiltern escarpment. Where hedgerows are established either side of a PRoW, ensure resulting green corridor is at least 7.5m wide;
- Aspire to provide a 10m (minimum 5m) buffer between proposed development and any existing or proposed hedgerow, to facilitate effective management of all hedgerows.
- Details of the proposed surface and construction method of the access tracks,
- The Landscape Management Plan shall include details of the management responsibilities, maintenance schedules and replacement provisions for existing retained landscape features and any landscape to be implemented as part of the proposed soft landscaping scheme. This shall ensure the maintenance and management of soft landscaping for the duration of the development hereby approved.

Subsequently the development shall be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition which is required in accordance with Policies C3, NE3 and NE4 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework and is required prior to development to adequately mitigate some of the harm identified. By enhancing the original field patterns, securing native species and providing additional screening it seeks to ensure that the soft landscape proposals maximise visual screening across the proposed development site and limit views of the proposed development from the AONB, Outer Aylesbury Ring long distance footpath and other surrounding local PRoW.

6. The PV Panels shall not exceed a height of 2.5m above ground level.

Reason: To accord with the maximum parameters assessed under the submitted plans and in the interests of visual amenity, to ensure that proposed mitigation planting is effective, to accord with the aims of Policy BE2 and NE4 of the Vale of Aylesbury Local Plan and the aims of the National Planning Policy Framework.

7. At the end of the period of 30 years from the date of grid connection, the use hereby permitted shall cease and all materials and equipment brought on the land in connection with the use permitted shall be removed and the land restored to its previous state (greenfield, agricultural land) or as otherwise agreed, in accordance with details that have

been submitted to and agreed in writing by the Local Planning Authority prior to the decommissioning works taking place. Details shall include a method statement and timetable for the dismantling and removal of the solar pv development and of the associated above ground works and foundations to a depth of at least one meter below ground; and the details shall include a method statement, a traffic management plan, and a timetable for any necessary restoration works following removal of the solar pv development. The scheme shall be implemented in accordance with the approved details. For the avoidance of doubt soft landscaping shall not be removed during the decommissioning works unless permitted under condition 9.

Reason: In order to protect the visual amenity and character of the surrounding countryside and to ensure the development only exists for the lifetime of the development in accordance with policies C3, NE1, NE4, NE8, BE1 and BE2 of the VALP (2021).

8. If within the 30 year period the solar pv development does not generate any electricity to the national grid for more than 6 months in a continuous period of 12 months, then details of a scheme, to repair or remove the solar pv development and all associated infrastructure, buildings, equipment and access points, shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 12 month period. If removal of the development is required, all development and associated equipment, infrastructure and access shall be removed within 12 months of the details being approved and the details shall include a method statement and timetable for the dismantling and removal of the solar pv development and of the associated above ground works and foundations to a depth of at least one meter below ground; and the details shall include a method statement, a traffic management plan, and a timetable for any necessary restoration works following removal of the solar pv development. The scheme shall be implemented in accordance with the approved details. For the avoidance of doubt soft landscaping shall not be removed during the decommissioning works unless permitted under condition 9.

Reason: To minimise any detriment to the visual amenity of the surrounding area and ensure decommissioning works do not have adverse highway or amenity impacts in accordance with policies C3, NE1, NE4, NE8, BE1, BE2 and T5 of the VALP (2021).

9. Alongside the scheme for decommissioning the site, an ecological assessment report detailing site recommendations for the site post decommissioning will be submitted to and approved in writing by the Local Planning Authority. Within 12 months of the approved details, the site will thereafter only be decommissioned in accordance with the approved details.

Reason: To safeguard the future ecological value of the application site subsequent to decommissioning.

10. Notwithstanding the provisions of the Town and Country planning (General Permitted development) Order 2015 (As amended) no fixed plant or machinery, cabling (over ground), buildings structures and erections, fences or private ways shall be erected, extended, installed or rearranged without prior permission from the Local Planning Authority.

Reason: In the opinion of the Local Planning Authority, it is appropriate to maintain control of development proposals that may have an impact on visual amenities or landscape and ecological interests of the countryside in accordance with polices C3, NE1, NE4, NE8, BE1, BE2, and T5 of the VALP (2021).

11. All temporary construction yards and temporary access tracks required to provide temporary storage of materials, parking and access in conjunction with the development shall be removed within three months of the completion of the construction works of the development hereby approved. All temporary access tracks required to provide temporary storage of materials, parking and access in conjunction with the decommissioning of the site shall be removed and the land shall be restored to its former condition within three months of the cessation of the scheme.

Reason: To protect the character, appearance and quality of the countryside in which the development is positioned in accordance with policies C3, NE1, NE4, NE8, BE1, BE2, and T5 of the VALP (2021).

12. Should any unexpected contamination of soil or groundwater be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that sub-phase or part thereof, should be temporarily suspended until such time as a procedure for addressing any such unexpected contamination, within that sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

Reason: In the interest of human health in accordance with Policy NE5 of the VALP (2021)

13. No external lighting or CCTV cameras other than those shown on the approved plans shall be installed during the operation of the site as a solar PV facility without the prior written consent of the Local Planning Authority.

Reason: In the interests of the visual amenity of the area, to protect nocturnal species and to enable the Local Planning Authority to consider issues of light pollution and amenity of local residents at the appropriate time in accordance with policies BE2, NE1, NE4, NE8 of the VALP (2021).

14. No development shall take place, unless authorised by the local planning authority, until the applicant, or their agents or successors in title, have undertaken archaeological evaluation in form of a geophysical survey and trial trenching in accordance with a written

scheme of investigation which has been submitted by the applicant and approved by the planning authority. Where significant archaeological remains are confirmed, these will be preserved in situ.

Reason: A pre-commencement condition is required to record or safeguard any archaeological evidence that may be present at the site and to comply policy BE1 of VALP and the advice within the NPPF.

15. Where significant archaeological remains are confirmed, no development shall take place until the applicant, or their agents or successors in title, have provided an appropriate methodology for their preservation in situ which has been submitted by the applicant and approved by the planning authority.

Reason: A pre-commencement condition is required to record or safeguard any archaeological evidence that may be present at the site and to comply policy BE1 of VALP and the advice within the NPPF.

16. Where archaeological remains are recorded by evaluation and are not of sufficient significance to warrant preservation in situ but are worthy of recording no development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

Reason: A pre-commencement condition is required to record or safeguard any archaeological evidence that may be present at the site and to comply policy BE1 of VALP and the advice within the NPPF.

17. No development shall take place, unless a Construction Traffic Management Plan (CTMP) is submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority, and the approved CTMP shall be adhered to throughout the construction period. The CTMP shall include the following details:

- The routing of construction vehicles, including temporary directional signage where appropriate.
- Co-ordination and management of deliveries to avoid multiple deliveries at the same time and spread HGV movements.
- Delivery hours outside of highway network peak periods.
- Traffic management within the site to include signage, speed limits, banksmen, and internal access track widths / passing places.
- The parking of vehicles of site personnel, operatives, and visitors off the highway.
- Construction Staff Travel Plan.

- Loading and unloading of plant and materials and storage of plant and materials used in constructing the development off the highway.
- The erection and maintenance of security hoarding.
- Wheel-washing facilities.
- Before and after construction condition surveys of the highway and a commitment to rectify and repair any damage caused.

Reason: The reason for this pre-start condition is to minimise danger and inconvenience to highway users prior to construction.

18. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: The reason for this pre start condition is to ensure the site is appropriately planned and laid out in the interests of improving biodiversity within Buckinghamshire and to secure an appropriate buffer adjacent to the watercourse and provide appropriate biodiversity net gain in accordance with policies NE1 and NE2 of VALP and the advice within the NPPF.

19. No development shall take place until, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.

- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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

Reason: The reason for this pre start condition is to ensure the site is appropriately planned and laid out in the interests of protecting species and improving biodiversity within Buckinghamshire and to secure an appropriate buffer adjacent to the watercourse and provide appropriate biodiversity net gain in accordance with policies NE1 and NE2 of VALP and the advice within the NPPF.

20. The development shall be implemented in accordance with the agreed measures detailed in the Ecological Appraisal and ecological addendum note from Ecology Solutions dated March 2022 and August 2022.

Reason: To ensure that measures are undertaken in accordance with submitted plans for the benefit of important wildlife in accordance with Policy NE1 of the VALP (2021) and the advice within the NPPF.

21. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan "Callie's Solar Farm: Impact plan for great crested newt District Licensing (Version 2)", dated 25th April 2023.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML[1]OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

22. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

23. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112 (or a 'Further Licence') [and in addition in compliance with the following]:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML[1]OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

24. No development shall take place, until a surface water drainage scheme for the site, of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Infiltration rate testing in accordance with BRE Digest 365 where infiltration components are proposed
- Siting solar arrays along ground contours (wherever possible) such that water flow between rows is dispersed evenly beneath them

- Incorporating bunds, filter drains or other measures to interrupt flows of water between rows of solar arrays to disperse water flows over the surface and promote infiltration into the soils.
- Incorporating wide grassed filter strips at the downstream side of blocks of solar arrays and maintaining the grass at a long length to interrupt water flows and promote infiltration.
- Incorporating gravel filled filter drains or swales at the downstream side of blocks of solar arrays to help infiltrate run-off (where ground conditions allow).
- Calculations to demonstrate that the proposed drainage system serving the substation can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Full construction details of all SuDS and drainage components and access tracks
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components and details of any offsite connections

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

25. No development shall take place, until a “whole-life” maintenance plan for the site has been submitted to and approved in writing by the Local Planning Authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component, along with details of landscape management/maintenance for the land surrounding the solar panels) during and following construction, with details of who is to be responsible for carrying out the maintenance. The plan shall subsequently be implemented in accordance with the approved details.

Reason: The reason for this being a pre-start condition is to ensure that maintenance arrangements have been arranged and agreed before any works commence on site that might otherwise be left unaccounted for.

26. In tandem with the details to be submitted under condition 5, notwithstanding the plans hereby approved, detailed scale plans of the proposed planting in relation to public footpaths DFU/30/1, ASA/5/2 and DFU/27/1 shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this should illustrate a

minimum width of 13.7m between fences and a usable width for walkers of a minimum of 7.5m between hedges and any gate structures required for stock control in compliance with BS 5709 2018. The development shall subsequently be carried out in accordance with the approved details.

Reason: The reason for this pre-start condition is to ensure the appropriate widths are factored into the proposal before any development commences on site and to ensure the openness and general amenity of footpaths through the solar farm remains in accordance with Policy C4 of the VALP (2021).

27. No development shall take place until the new means of access have been sited and laid out in accordance with the approved drawing. Visibility splays shall have been provided on both sides of the access onto Owlswick Road between a 2.4m point along the centre line of the access measured from the edge of the carriageway and a 151 metres point along the edge of the carriageway measured from the intersection of the centre line of the access and visibility splays have been provided on both sides of the access onto the A4129 between a 2.4m point along the centre line of the access measured from the edge of the carriageway and a 215m point along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway. The new means of access shall be sited and laid out in accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note "Commercial Vehicular Access Within the Public Highway".

Reason: The reason for this pre-start condition is to ensure that the design factors in safe and appropriate access off A4129 in order to minimise danger, obstruction and inconvenience to users of the adjoining highway in accordance with Policy T4 and T5 of the VALP (2021).

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

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

29. Prior to the commencement of any development works on the site, (including demolition, ground works, vegetation clearance) an Arboricultural Method Statement (AMS) with Tree Protection Plan (TPP) in accordance with current British Standard 5837 shall be submitted to and approved in writing by the Local Planning Authority.

Ground protection measures including protective fencing shall be erected or installed prior

to the commencement of any works or development on the site including any works of demolition and shall conform to current British Standard 5837 specification guidance. The approved fencing and/or ground protection measures shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced or protected areas without prior written agreement from the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

The AMS and TPP shall include:

- 1.) Detailed plans showing location of the protective fencing including any additional ground protection whether temporary or permanent;
- 2.) Details as to the location of proposed and existing services and utilities including sustainable drainage, where these are close to Root Protection Areas (RPAs);
- 3.) Details as to the method, specification and materials to be used for any "no dig" cellular confinement systems where the installation of no-dig surfacing is within the Root Protection Areas of retained or planted trees is to be in accordance with current nationally recognised best practice guidance British Standard BS 5837 and current Arboricultural Guidance Note 'Cellular Confinement Systems Near Trees' (area within the development to which it applies); demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses;
- 4.) Details of all proposed Access Facilitation Pruning, including root pruning, as outlined in current British Standard 5837 guidance shall be carried out in accordance with current British Standard 3998;
- 5.) All phases and timing of the project, including phasing of demolition and construction operations, in relation to arboricultural matters;
- 6) Siting of work huts and contractor parking; areas for the storage of material and the siting of skips and working spaces; the erection of scaffolding are to be shown on the submitted TPP; and
- 7) Tree Protection Sign-off by the retained Arboricultural consultant prior to commencement of on-site activities and a reporting log, detailing timescales for return visits.

Reason: A pre-commencement condition is required to ensure that the crowns, boles and root systems of the shrubs, trees and hedgerows are not damaged during the period of construction, in the long-term interests of local amenities, including visual amenity and landscape character in accordance with Policy NE8 of the VALP and BS5837.

Informatives

1. The applicant is advised that the highway access works will need to be constructed under a Section 184 of the Highways Act legal agreement. This agreement must be obtained from

the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 8 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact the Highways Development Management Delivery Team via: highwaysdm@buckinghamshire.gov.uk

2. The applicant is advised that temporary signs on the highway and works to repair / rectify highway damage will require a highway license. Please contact the Transport for Buckinghamshire Streetworks Team via: streetworkslicences@buckinghamshire.gov.uk
3. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
4. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
5. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.
6. Please note that condition 5 requires a site wide Hedgerow Management Plan should form part of the Landscape Management Plan. The aim of a site wide Hedgerow Management Plan is to manage hedgerows to a height of 3m, accepting that height of each hedgerow will vary during the management cycle as hedgerows cannot be held at any growth stage indefinitely. It should: Identify what condition each existing and new hedgerow is in using the Hedgelink Management Scale described in the Hedgerow Management Cycle guidance available from <https://hedgelink.org.uk/>; Indicate what traditional management regime will be carried out appropriate to that scale eg. Trimming, re-shaping. laying (traditional and/or mechanical). coppicing; identify management regimes to be undertaken on a rotational basis across the site, ensuring a variety of hedgerow states and heights to ensure maximum habitat diversity and visual screening.
7. The LPA expects that the applicant shall use the most efficient solar technology and equipment available to them at the time of discharging condition 4 attached to this planning permission.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

CLlr Susan Lewin

- 1. The objections raised in our reply to the original proposal still stand in full.*
- 2. The reduction in area of land being used, whilst still having the same number of panels in total, indicates that the panels will be more closely packed in this revised proposal. This is therefore likely to make the solar farm more visible from the AONB as it will appear as a more solid mass of panels with less space between the rows of panels.*
- 3. The addition of Callies Solar Farm will mean there will be well over 100 MW of solar power generation in a very localised area and as such should be called in as a National Infrastructure project. We therefore continue to object to this project.*

Parish/Town Council Comments

Aston Sandford Parish Council – September 2022

I attach the response from Aston Sandford regarding the above application and would point out that our OBJECTION to this plan has not changed from the reply we sent on 23/4/2022. I also attach further background concerning emails from the applicant Jeremy Elgin and the reply sent to him on this matter.

Aston Sandford Parish Council – April 2023

All the points in previous objections still remain.

Dinton Upon Ford Parish Council

The parish council OBJECTS/OPPOSES this application on several grounds. Some of these are akin to those expressed in regard to a rejected application for a wind turbine on the same site (12/01806).

This was also refused, again, by the Planning Department on application 21/02310/APP Owlswick Road, Ford - Construction of a solar farm together with all associated works, equipment and necessary infrastructure.

1) Siting

The development of a solar farm in an area of the Vale of Aylesbury would be detrimental to the Area of Attractive Landscape. The land is agricultural in usage and of grade 3a,3b and some grade 2. This is at odds to government policy recommending usage of brownfield sites for solar farms. The proposed site seems to have been largely chosen on the availability of an electricity substation adjacent to the A4129 Rd. It is already alongside a solar farm at Bumpers farm. A further proposal at Whirlbush farm has been agreed, and if Callies Solar Farm was approved it would create a very large area of solar farms and occupy an area of true countryside and agricultural land thus turning it into an industrial site.

2) Visual Impact

The proposal in this application is within proximity to several Conservation Areas and to the Chiltern ANOB and thus be clearly visible from the Chiltern Ridge and not hidden by trees and hedges as claimed.

The nature of the solar farm with Solar panels 3 metres high and fencing along foot paths (3) of up to two metres high with CCTV and alert systems would be intrusive. The changes to PROW s are not in keeping with the countryside and will not enhance the biodiversity of the area.

3) Construction and decommissioning The claim is that the disruption to the villages and the small roads of the area would be carefully managed. Our experience of the impact of building HS2 suggests otherwise, as does the extra traffic diverting around Aylesbury. The bussing in of 100 construction workers would not improve this traffic problem Although the term of this scheme is 40 years there is published evidence to suggest that decommissioning, contamination and restoration of the land scape is extremely difficult to achieve without harm to the environment and the land.

4) Impact on Heritage sites The National heritage sites at Waldrige Manor, Aston Mullins, Aston Sandford and Ford are long recognised and the impact will be as great as expressed by the previous decisions about a wind turbine on the same site made by the Secretary of State in rejecting an appeal. Ridge and furrow fields of the immediate area have been along appreciated features and represent an ancient association to the past agricultural usage. Despite the comments made in the application an applicant environmental impact assessment (EIA) is needed. This is a potentially large scheme if considered in the context of the existing Bumpers farm and the Whirlbush farm scheme. For this reason alone the application should be considered by the strategic planning committee.

We would strongly ask that this application is rejected and are prepared to speak to our objections when it is called in to committee We will send a representative to a Development Control Meeting to oppose this application and also Call In this application.

Dinton Upon Ford Parish Council – March 2023

Dinton with Ford & Upton OBJECT/OPPOSE this application. Dinton with Ford and Upton Parish Council reiterates all previous comments made when registering their objection to this planning application. In addition, the Parish Council draws attention to the need to give great weight to the conservation of and harm to the designated heritage asset and great weight to the harm caused by the this proposed solar farm to the setting of the AONB. We also consider there are many better brown field sites in Buckinghamshire along the whole route of the HS2 from Wendover to Calvert that do not affect the Chilterns AONB or a conservation area.

Greg Smith MP

I fail to see a substantial change from the previous application, which was refused permission last December. I continue to highlight the issue of food security, which has been further by the war in Ukraine. Agricultural land regardless of quality should be safeguarded. There is significant brownfield sites and vast numbers of empty roofs that could have solar panels fitted. The impact on the AONB remains significant especially on the local historical settlements - Aston Stanford, Owlswick, Ford and Dinton. There remain numerous opportunities for these schemes to be delivered in a more suitable setting. This, coupled with the need to protect our remaining agricultural land I would urge you to reject this application.

Consultation Responses

Archaeology Officer

The construction of the proposed solar farm has the potential to impact on any archaeological deposits present within the site. Particularly in light of the nearby Scheduled Monument, there would be an assumption of preservation in situ of any significant remains identified. The Applicant discusses the desire of the applicant to incorporate sufficient design flexibility into the proposed development. This approach is agreed to allow for preservation in situ of any significant archaeology identified within the site. If planning permission is granted for this development then it may harm a heritage asset's significance so a condition is required for the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 205. With reference to the NPPF, it is recommended that any consent granted for this development should be subject to condition.

Conservation Officer

The proposal, due to the distance involved and shielding by existing hedgerows and tree planting, would cause less than substantial harm to the significance of the designated heritage assets Waldrige Manor. See also Archaeology comments for Nucleated medieval settlement east of Waldrige Manor Scheduled Monument. Paragraph 202 therefore applies; in applying this policy it is considered that this would be a minor adverse change that would erode the significance of the historic assets to a slight extent.

Ecology Officer

This application is a resubmission due to a high court order. The application is supported by an Ecological Assessment from Ecology Solutions dated March 2022. A series of mitigation and protection measures are set out within this report. The mitigation and enhancement measures detailed in the Ecology Solutions Ecological Assessment will need to be secured through a condition referencing those points. A separate breeding bird assessment from Ecology Solutions dated August 2022 has been provided upon previous request. Measures to secure features for ground nesting species have been identified on site. Updated Chartered Institute of Ecology and Environmental Managers guidance on specific measures for skylark have identified the need to reassess impact assessments for this species. Further clarity is now sought on specific Skylark measures proposed. The applicant is required to reassess the impact on skylark to ensure

measures provided to mitigate are consistent with current guidance on this point. On receipt and approval of these proposed mitigation measures this application can be considered in full. A separate condition will be required to secure any measures proposed if considered acceptable. Construction impacts for the proposed development will need to be detailed within a Construction Environmental Management Plan (CEMP) to be secured via a condition. Biodiversity Net Gain (BNG) is covered within the Ecology Solutions BNG document, dated August 2022. This report and its accompanying appendices details how the scheme will generate the BNG now required under local and national planning policy. The report identifies an overall BNG in both habitat and Hedge (linear) units to be positive. These gains will need to be secured through the conditioning of a Landscape and Ecological Management Plan (LEMP).

Environmental Health Officer

There are no environmental health objections to this application.

Highways Authority

Landscape Officer

Landscape Officer has raised 10 separate landscape concerns with the application.

Issue 1 relates to the adverse effects on the PRoW running through the site (DFU/30/1, ASA/5/2 and DFU/27/1). The Landscape Officer considers the permanent, long term visual effect would be moderate adverse.

Issue 2 relates to adverse effects on the PRoW near the site, including from Waldridge Manor (DFU/27/2), the Landscape Officer considers the long term adverse effect on surrounding PRoW users to be moderate adverse (this conclusion has not changed since previous comments).

Issue 3 relates to adverse effects on PRoW to north of the site (DFU/42/2, DFU/34/1, DFU/44/1, DFU/53/3, DFU/53/2 and DFU/37/2). The Landscape Officer considers the long term adverse effect to be moderate adverse (this conclusion has changed since previous comments from 'potential' to 'verified').

Issue 4 relates to the adverse effects on views from the Chilterns AONB. The landscape officer considers the long term adverse effects would be moderate adverse.

Issue 5 relates to the combined cumulative adverse effects on views from the Chilterns AONB. The combined cumulative, long term adverse effect on views from the AONB would be moderate adverse.

Issue 6 relates to the sequential cumulative effects on locally promoted PRoW. The sequential cumulative short term adverse effects would be moderate adverse, reducing as the mitigation planting at the Whirlbush Farm PVD establishes and reduces views of that PVD from both the Outer Aylesbury Ring (this conclusion has changed slightly since previous comments, as a landscape scheme for the Whirlbush Farm PVD has been agreed which will reduce effects from that PVD in the long term).

Issue 7 relates to the adverse effect on local landscape character. The landscape officer considers the adverse effect on local landscape character would remain moderate adverse.

Issue 9 relates to the sequential cumulative adverse visual effects on users of ridgeway national trail in the Chilterns AONB. The proposal in light of there being 5 solar farms in the vicinity of the site, extends the level of harm already identified and increases the need for robust mitigation to minimise adverse visual effects on visitors to the Chilterns AONB.

Issue 10 relates to the combined cumulative adverse effect on the wider landscape character. The landscape officer considers the combined cumulative effect would have a moderate adverse effect on the character of the wider landscape.

Local Lead Flood Authority

It is understood that the site layout has been revised to remove an area of proposed solar arrays for an ecological mitigation area. This means that the subsequent mitigation measures for surface water runoff in this location are not longer required as illustrated on Figure 2. There are no changes to the FRA or the proposed surface water drainage strategy and therefore the LLFA has no objection to the proposed development subject to the following planning conditions listed below being placed on any planning approval.

The Flood Risk from Surface Water map provided by the Environment Agency shows that most of the site lies in an area at very low risk of surface water flooding. here are areas of low to high surface water flood risk, these appear to be associated with overland surface water flow routes, due to topographical depressions and the presence of watercourses within the site. The FRA (3.32) sets out that the DNO substation lies in an area of low risk, but this will be mitigated by raising the floor level of the structure by 300mm. control equipment will be located outside of areas of surface water flood risk, and the solar arrays, security fencing and access tracks may be in areas of low risk.

The FRA (3.78) suggests that the solar arrays will not result in a material increase in surface water runoff. It should be noted that rainfall upon solar arrays are generally shed between rows and allowed to run onto the ground. This concentration of water flow can create channelised flows which can erode the soil and allow a greater volume to enter watercourses or flow to adjacent areas at a greater rate than would otherwise occur in greenfield conditions. Therefore, mitigation measures are required. Despite the conclusion in the FRA (3.78), a surface water drainage system is proposed which comprises of swales. The swales will have a minimum depth of 300mm, with 1 in 3 side slopes, and a base width of 0.5m. The locations of the swales can be seen on the Preliminary Drainage Strategy (drawing no. L498/03, Rev. E). The swales provide a total storage volume of approximately 221.1m³, this exceeds the required attenuation volumes for the 24 hour, 1 in 100 year plus climate change storm event. The area around the solar arrays will be permanently grassed therefore reducing the risk of channelised flows. The landowner will be responsible for maintaining the proposed swales and details of maintenance activities and their frequency are contained in Table D. Where parts of the site area are developed with impermeable

surfaces, e.g. inverters, substations etc. flows should be collected within a formalised drainage system, which may require attenuation with a controlled outflow before discharge to an identified discharge location or soakaway (where ground conditions allow).

Conditions are recommended.

Environment Agency

Made no comment on this application.

The applicant may be required to apply for other consents directly from the EA. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.

Historic England

Made no comment on this application.

Strategic Access Officer

Footpaths DFU/21/1 and DFU/30/1 pass through the main block of the proposed development to the west and south-west of Lower Waldrige Farm. Additionally, there are two short sections of footpath to the south-west and south of the main solar farm block, namely Footpath ASA/9/2 [Plan 3] and Footpath ASA/9/2 [Plan 4], the latter forming part of the Outer Aylesbury Ring promoted route. The indicative proposals are generally acceptable from a rights of way perspective, however a condition is required to clarify footpath widths and ongoing maintenance.

Natural England

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutory designated sites and has no objection.

March 2023

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Chiltern Conservation Board

This application is understood to be freshly determined following a successful judicial review (JR) of the LPA's previous decision to approve. In that JR action, the LPA was deemed to have incorrectly applied the heritage balance in the NPPF. No AONB or landscape matters were germane to the JR. The original officer's report recognised that the site is within the landscape setting of the AONB, and that policy NE3 of the VALP applies. The new policy in NPPF (2023) paragraph 176 concerning development in the setting of an AONB post-dates the consideration of

the VALP (which was based on the 2012 NPPF) and is a strategic policy of the NPPF that, therefore, also needs to be taken explicitly into account. That policy requires that development in the setting of an AONB needs to be "sensitively located and designed to avoid or minimise adverse impacts on the designated areas." Despite it being almost two years old, the new policy in NPPF 176 is still bedding in - it was not discussed in the original officer's report. In our view, the assessment of whether this proposal is both sensitively located and sensitively designed in terms of this policy needs, as a minimum, to take account of both the visual impacts on the protected landscape and the cumulative impacts with regard to other nearby developments, including the concentration of solar array installations and proposals in this vicinity.

- The Buckinghamshire landscape officer objected to the setting/views impact upon the AONB, historic field patterns and impacts on the PROW network. The landscape officer calibrated the harm to the setting of the AONB as 'moderate adverse'. This assessment was determined from Brush Hill and Whiteleaf Hill.
- The overall planning balance attributed 'negative weight' to landscape matters.
- Michelle Bolger's landscape briefing note also dealt with landscape character issues and visual impacts. An updated assessment deals with the arc of PVs in the views from the AONB.
- The applicant's landscape consultant deemed views from the AONB to the application site as 'imperceptible'
- A cumulative assessment has been promoted in public comments, with the impact of Bumper's Farm and Whirlbush Farm factored into that assessment.
- Natural England did not object to the original application.
- The special quality as denoted in the views from and across the escarpment does involve a sweeping and substantial panorama. We would ask that this is given due weight and consideration in the discharge of the planning balance.
- We could not find an appropriate Development Management policy in the VALP, suitable to consider the impact of a cumulative assembly of solar /PV farms upon the wider environment. The VALP does have a policy on Renewable Energy (C3) which deals with matters of landscape impact at criterion (P) but does not deal with cumulative impact as such. VALP policy NE 3 does deal with the Chilterns AONB and its setting.
- The CCB has applied its guidance on the setting of the AONB and the cumulative assessment of impact when considering this application. - The CCB proposes to comment (only), and we hope these comments will assist the LPA.

Nature Space

Conditions securing district licensing scheme must be included in the decision.

Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust

BBOWT raised objections to the application due to the following:

- Insufficient evidence of measures to support habitat/hedgerow creation and enhancement, and target condition.
- Impacts regarding farmland birds.

Representations

Other Representations

7 comments have been received supporting the proposal:

- The country is facing an energy crisis and residents have the duty to ensure the lights do not go out
- The proposal at Callies Farm is critical infrastructure, without projects like this, there is a risk of power outages
- Renewable energy projects are required
- The proposals includes continued grazing
- The proposal supports biodiversity wildlife
- The proposal will support local employment opportunities
- The site is well screened by the typography and existing hedgerow

37 comments have been received objecting to the proposal:

- The proposal would harm biodiversity in the area
- The impact of decommissioning the panels after a 40 year period has not been investigated
- The possibility of restoring the site to agricultural land has not been investigated
- The Applicant has failed to consider brownfield sites first
- The loss of more agricultural land to solar farms will result in detrimental long term consequences
- Concerns raised about the damaging impact of the proposal on the Area of Attractive Landscape
- Concerns raised regarding the impact of the proposal on heritage assets
- Concerns about the cumulative construction impact along with HS2
- Concerns raised regarding the size and location of of the solar farm
- Concerns regarding the cumulative impact of the proposal
- Concerns the proposal would have detrimental impact on the Chilterns AONB
- Concerns regarding the health impacts of those living nearby the solar farm
- Concerns about the proximity of the proposal on the AONB
- Comments noting the land should be used for food production and carbon capture
- Comments noting solar panels should be limited to roofs
- Concerns the proposal would be detrimental to the landscape
- Concerns the connection to Ilmer power station will result in harm to the rural character of the area and result in a significant urbanising effect as a result of multiple solar farms coming forward in the local area

- Concerns regarding the impact on the local highway network
- Concerns regarding the impact of the proposal on the Aston Sandford/Owlswick/Ford Conservation Areas
- Concerns regarding the impact of the proposal on the PRoW through the site
- Concerned about the detrimental visual impacts
- The existence of a substation is not a reason for granting planning permission
- Concerns relating to adverse impacts on biodiversity and ecology
- The proposal would have an adverse impact on heritage assets including Waldrige Manor, Aston Mullins, Aston Sandford Conservation Area
- The is an inappropriate location for this development as per the secretary of state's decision in rejecting the appeal
- Concerns the ridge and furrow fields would no longer be able to be appreciated
- Rewilding of the land would be more appropriate than a solar farm
- The site is surrounded by footpaths and a national trail which would no longer be enjoyed as a result of the proposal
- The amendments to the scheme do not reduce the development area significantly enough to lessen the effects of the landscape character, PRoW, historic field pattern and valued landscape qualities.
- Although lowering the height of the panels means that the proposed hedgerow would be sufficient to screen the panels, the adverse effects of the hedgerow planting along the PRoW would remain the same
- The proposal would result in the industrialisation of the land between Risborough and Haddenham

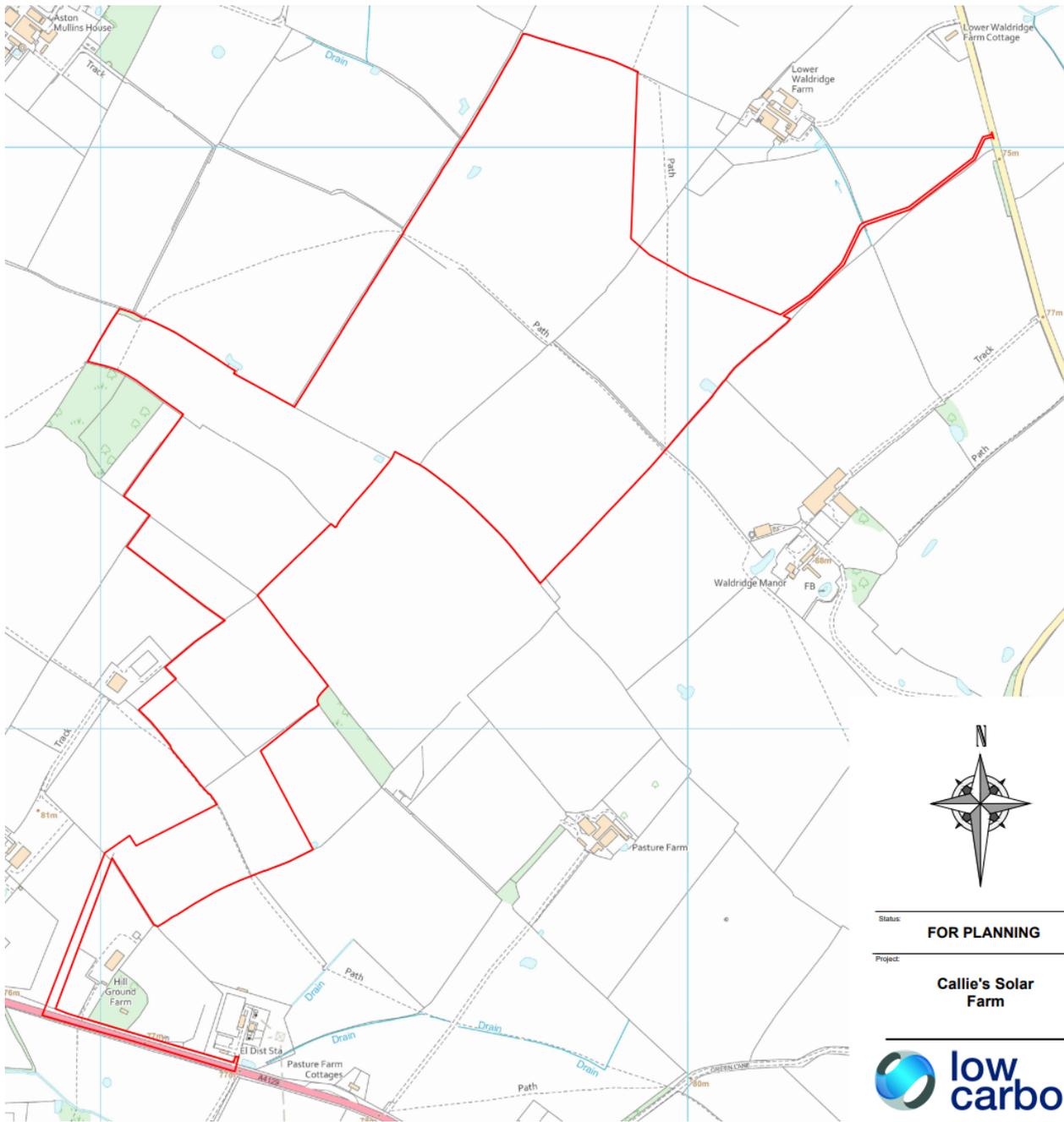
The following reports were submitted on behalf of the neighbouring objector, Mr Simon Hope:

- Covering letter of objection prepared by MWA Planning dated May 2022
- Heritage Assessment prepared by Richard Hoggett Heritage and Paul Stamper Heritage for Mr Simon Hope dated May 2022
- Letter objecting to ecology matters prepared by Bioscan for Mr Simon Hope dated May 2022
- Landscape Assessment prepared by Michelle Bolger Expert Landscape Consultancy for Mr Simon Hope dated September 2022
- Landscape Briefing note prepared by Michelle Bolger Expert Landscape Consultancy for Mr Simon Hope dated September 2022
- Letter objecting to ecology matters prepared by Bioscan for Mr Simon Hope dated September 2022
- Covering letter prepared by MWA Planning dated July 2023 objecting to the connection to National Grid and loss of BMV agricultural land

- Situation Report – Impact on Agriculture prepared by Landscape Land and Property for Mr Simon Hope dated April 2023
- Details of an Appeal for a solar farm dismissed in South Derbyshire (ref: APP/F1040/W/22/3313316)
- Addendum to Landscape Assessment prepared by Michelle Bolger Expert Landscape Consultancy for Mr Simon Hope dated April 2023 and August 2023

Comment: The objections raised on behalf of Mr Simon Hope have been considered by the case officer and relevant specialist officers, the matters raised within the above documents have been addressed within the officer report.

APPENDIX B: Site Location Plan



Status: **FOR PLANNING**

Project: **Callie's Solar Farm**



Do not scale – this map is indicative only

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationary Office © Crown Copyright 2020. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Buckinghamshire Council, PSMA Licence Number 0100062456

APPENDIX C:

Major development in the AONB assessment

<p>Site – Callies Farm</p> <p>Ref: 22/00986/APP</p> <p>Proposal: <i>Construction of a solar farm together with all associated works, equipment and necessary infrastructure</i></p>
<p>1 What is the local context for this site in terms of:</p>
<p>1a The scale of the development in proportion to the existing settlements of Ford, Aston Sandford and Owlswick</p>
<p><i>The site would extend to 62ha. It's made up of agricultural fields and is located within a rural setting on the foothills of the AONB. The proposal is of a significant scale however, owing to its siting within agricultural fields and the nature of the proposal as a low lying solar farm, it is not considered to be significant in the context of the existing settlements.</i></p>
<p>1b The spatial relationship of the development to the existing settlement in the context of settlement form, taking into account of the guidance on settlement forms in the Chilterns Building Design Guide</p>
<p><i>The site falls outside the built-up limits of Ford, Aston Sandford and Owlswick. It is located on agricultural fields within the countryside.</i></p> <p><i>The site lies 0.9km to the south of the settlement of Ford, It lies 1.1km to the east of Aston Sandford and 1.5km to the north west of Owlswick. There are several fields with field boundaries separating the existing settlements from the proposed solar farm.</i></p>
<p>2. What potential is there for a serious adverse impact on the AONB in terms of:</p>
<p>2a Landscape impact</p>
<p><i>The site is located approximately 4km from the AONB. The proposal would introduce a solar farm within existing fields. The solar farm would sit within existing fields in a gently undulating topography. Whilst the site is not located within the AONB, there are views from the site towards the AONB and from within the AONB towards the site. Whilst the site can be seen in middle distance views, given it is largely confined to existing fields and low lying it does not have a major adverse landscape impact upon the AONB.</i></p>
<p>2b The impact on the quiet enjoyment of the AONB</p>
<p><i>The Chilterns AONB is a large area and there are LCAs for its smaller components. The site sits within the Haddenham Vale (LCT 8) which is a large low lying area spreading out from the foothills of the Chiltern escarpment making a marked contrast with the chalk hills. The solar farm would be limited to existing fields, owing to the topography of the site and that of the wider area and the distance between the site and the AONB and mitigation planting proposed, the solar farm is not considered to have an impact on the quiet enjoyment of the AONB. Whilst there may be some views of the solar farm, this would be in middle to long distance views which would also be subject to screening. It would not impact the</i></p>

<i>quiet enjoyment of the AONB.</i>
2c Wildlife/habitat impact
<p><i>There are no nationally or locally designated sites of ecological importance on or within the vicinity of the site. The habitats on the site have the potential to support protected species including bats, badgers, breeding birds and Great Crested Newts. A part of the site (northern edge) contains highly suitable habitat for Great Crested Newts (GCN) and with the presence of 3 ponds indicates that GCN would be present. Breeding Skylarks have been observed on the site which are a priority species.</i></p> <p><i>The impacts on the wildlife and habitats can be mitigated through securing Biodiversity Net Gain and using the Council's District License Scheme. The impact on Skylarks can also be mitigated by providing breeding plots within a 10km radius. These measures can be secured by conditions and a legal agreement.</i></p> <p><i>It is considered the impacts on wildlife and habitats can be suitably mitigated and will not result in an adverse impact.</i></p>
2d Heritage Impact
<i>The proposal is considered to have less than substantial harm on the setting of the Grade II* Waldrige Manor. However this heritage asset does not lie within the AONB. No harm has been identified to heritage assets in the AONB.</i>
3. Can the proposed development be sensibly described as 'major' in the normal meaning of the word.
<i>No, it cannot be defined as major in the normal meaning of the word.</i>
Overall Conclusion
<i>The proposed development, owing to the site's topography, its distance from the AONB and due to its scale and nature is not considered to be major development in the AONB.</i>