



Central Buckinghamshire Area Planning Committee agenda

Date: Wednesday 13 December 2023

Time: 2.30 pm

Venue: The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF

Membership:

M Rand (Chairman), N Brown, M Caffrey, B Chapple OBE, M Collins, P Cooper, P Irwin, R Khan BEM, R Newcombe (Vice-Chairman), G Smith, D Thompson and A Waite

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Agenda Item	Page No
1 Apologies	
2 Minutes To approve as a correct record the minutes of the meeting held 13 September 2023	3 - 4
3 Declarations of interest	
Applications	
4 20/03343/AOP - The Stadium, Buckingham Road, Aylesbury	5 - 56
5 22/00986/APP - Callie's Solar farm, Owlswick Road, Ford	57 - 134
6 Availability of Members Attending Site Visits (if required) To confirm Members' availability to undertake site visits if required.	
7 Date of the Next Meeting 10 January 2024	

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Central Buckinghamshire Area Planning Committee minutes

Minutes of the meeting of the Central Buckinghamshire Area Planning Committee held on Wednesday 13 September 2023 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at 2:30pm and concluding at 3:14pm.

Members present

M Rand (Chairman), A Bond, N Brown, M Caffrey, B Chapple OBE, M Collins, P Cooper, R Newcombe (Vice-Chairman), G Smith and A Waite

Agenda Item

1 Apologies

Members heard apologies from Councillors P Irwin and D Thompson.

Councillor A Bond sat as a substitute for Councillor P Irwin.

2 Minutes

RESOLVED –

That the minutes of the meeting held on 16th August be agreed as a correct record.

3 Declarations of interest

Councillor R Newcombe declared an interest in agenda item four, as a representative of Buckinghamshire Council on the Chilterns Conservation Board, which was responsible for the Area of Outstanding Natural Beauty in which the proposed development would take place. He confirmed that he had not contributed in any way to any comments made or submitted by the Board, and was not predetermined on the application and would therefore be able to participate fully in the committee's consideration of the item.

4 23/00953/APP - St Benedicts, Bacombe Lane, Wendover

Proposal: Householder application for demolition of garage. Erection of part single storey front extension and porch. Landscaping works.

There were no public speakers, as the application had already been introduced at the meeting of the committee held on 19th July 2023.

It was proposed by Councillor P Cooper, seconded by Councillor M Caffrey and

RESOLVED

That application 23/00953/APP be **REFUSED** for the reasons specified in paragraph eight of the officer's report.

5 Availability of Members Attending Site Visits (if required)

Details of any site visits deemed appropriate by the Chairman to occur prior to an application's consideration at the next scheduled meeting of the committee would be communicated to Members as necessary.

6 Date of the Next Meeting

11th October 2023.



Report to Buckinghamshire Council – Central Area Planning Committee

Application Number:	20/03343/AOP
Proposal:	Outline planning permission for demolition of the former football club and redevelopment of the site for residential use (up to 42 dwellings) including land re-profiling and new public open space, with access to be considered at this stage. and appearance, landscaping, layout, and scale forming reserved matters.
Site location:	The Stadium, Buckingham Road, Aylesbury, Buckinghamshire,
Applicant:	GPS Estates Ltd.
Case Officer:	Mrs Nina Hewitt-Jones
Ward affected:	AYLESBURY NORTH
Parish-Town Council:	AYLESBURY
Valid date:	1 October 2020
Determination date:	8 th January 2024
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 reported to Committee as it has been called-in by Cllr Ashley Bond and Cllr Mrs Susan Morgan and the Watermead Parish Council. Following discussion with the Chair and Vice Chair of the Central Committee, given the level of interest from neighbouring residents and in the interests of transparency, it is considered that the application be referred to the relevant committee in line with the provisions in the Constitution.
- 1.2 Key considerations include principal of development, loss of the sports pitch, housing supply, affordable housing provision, economic issues, highways safety and impact on the network, Climate change and flooding, amenity of future and existing residents, conformity with the development plan as a whole, and the NPPF.

- 1.3 The use of this site for residential purposes is considered acceptable in principle. The proposed development will positively contribute to the Council's need for new homes, which is a significant benefit of the scheme; although given the minor-major scale of the proposal with up to 42 dwellings proposed this significant benefit is tempered to a considerable positive weight in the overall planning balance. The proposed dwellings would make a positive contribution towards the Council's efforts to return to a positive 5-year housing land supply position (5yr HLS), and the scale of the scheme would attract smaller-scale building companies and potentially have a quicker build out timeframe than the larger strategic developments within the area. There appears no reason to doubt that a reserved matters application could not be agreed, and the dwellings constructed within the next 5 years thus boosting the Aylesbury Vale Area HLS.
- 1.4 The proposal would bring forward affordable housing provision at 30%, which is a higher percentage than the minimum of 25% required under VALP policy H1; this over provision would create a mixed and balanced community and is a significant benefit of the scheme which is attributed significant positive weight in the overall planning balance. In light of the over provision, a tenure mix of 70:30 (affordable rent : intermediate) is considered acceptable.
- 1.5 There would be moderate positive economic benefits in terms of the creation of jobs associated with the construction phase of development, and the future residents of the development who would also increase expenditure in the local economy, which is a significant benefit of the scheme. It is considered that these economic benefits would offset any potential very limited economic harm resulting from the theoretical loss of a small amount of potential employment floorspace as a consequence of the disused football club being demolished.
- 1.6 Extensive negotiations have enabled the scheme to be amended such that the Environment Agency and the Lead Local Flood Authority are now satisfied that flood risk to nearby land and property would not increase as a result of new development and the proposal is acceptable in this regard. Conditions and completion of a S106 Agreement will be required to secure future maintenance and management of mitigation; this issue is policy compliant and thus afforded neutral weight in the overall planning balance.
- 1.7 Proposed site access arrangements are acceptable. An acceptable layout and adequate level of parking is capable of being provided on site at Reserved Matters stage to meet future demand from this quantum of residential development. The proposal promotes sustainable transport relating to cycling and walking initiatives by safeguarding the future implementation of the Gardenway pedestrian / cycle route through part of the site. The Highway Authority is satisfied that the development will achieve safe and suitable access and will not result in a severe individual or cumulative network impact; this factor is policy compliant and thus afforded neutral weight in the overall planning balance.
- 1.8 The development is capable of meeting open space requirements, drainage, ecological enhancements, meeting the challenge of climate change and delivering a net increase in biodiversity. Benefits will be realised in the form of biodiversity and ecological enhancements and the construction of energy efficient buildings that will help to reduce

carbon emissions. These factors are policy compliant and thus afforded neutral weight in the overall planning balance.

- 1.9 The proposal makes use of previously developed land. A detailed residential scheme is capable of being designed at Reserved Matters stage that will be of high-quality design, including a well-considered landscaping strategy, securing landscaping enhancements. The proposed development is also capable of having an acceptable impact on the residential amenities of existing as well as prospective residents. These factors are policy compliant and thus afforded neutral weight in the overall planning balance.
- 1.10 The effects of development in relation to noise are considered acceptable, subject to planning conditions, and this factor is attributed neutral weight in the planning balance.
- 1.11 There would be a loss of a limited number of existing trees, however this harm would be offset by the proposals to plant new trees across the site. This factor is attributed neutral weight in the overall planning balance.
- 1.12 The proposal would result in the loss of the former football ground, to which harm is attributed, however the level of such harm is tempered to very limited in the overall planning balance due to the length of time that the football ground has been unused (approximately 17 years) and that other sports pitches are to be provided within the Kingsbrook and Hampden Fields major developments as part of strategic development in the area. While much has been made of how the football club was evicted from the land rather than voluntarily leaving, this is not a matter that can be given any weight in this application.
- 1.13 The obligations set out in the report below are necessary to help mitigate the impacts of development on existing infrastructure and to make the development acceptable and weigh in favour of the proposal. This factor is attributed neutral weight in the overall planning balance.
- 1.14 Given the Council's current lack of a robust 5yr HLS, VALP policy D3 can be attributed no weight at this time. However, other policies within the VALP are to be given full weight, e.g., VALP policy S7 supports the effective and efficient use of previously developed land, supports the supply of new housing and has a presumption in favour of sustainable development. It sets out the need to support economic growth, taking into account both local business needs and wider opportunities for development. The NPPF places provision of new homes at the heart of sustainable development, recognising that a range of homes to meet the needs of present and future generations is key to meeting the overarching social objective. Delivering a sufficient supply of new homes is a key objective of the NPPF, and affordable homes should be sought on all major developments. This proposal is able to meet the sustainable development objectives set out in the NPPF.
- 1.15 As set out within the main body of the report, paragraph 11(d) of the NPPF applies and the tilted balance is engaged. It is considered the proposed development would comply with the Development Plan as a whole, and the NPPF guidance. For the avoidance of doubt, this application would be supported by officers even if the Council could demonstrate a 5-year land supply and the tilted balance was not engaged.
- 1.16 With regard to the overall planning balance, the considerable positive weight of the supply of housing, the additional significant positive weight of 30% affordable housing provision,

and the moderate positive weight of the proposed economic benefits, would significantly and demonstrably outweigh the very limited negative impact of the loss of a sports pitch which has not been available for use having been closed for approximately 17 years.

- 1.17 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 paragraph 5.147 below, subject to the receipt of no new material representations, and the conditions as proposed (paragraph 8.2 below) and any other considered appropriate by Officers, or if these are not achieved for the application to be refused by officers.

2.0 Description of Proposed Development

- 2.1 The site lies on the northern edge of the built-up part of Aylesbury, with the existing residential properties of Ollife Way and Close to the immediate south and east of the site. To the west of the site is the A413 Buckingham Road. The River Thames forms the site's northern boundary, beyond which is the Holiday Inn Garden Court Hotel and associated Leisure Centre. Further afield are the communities of Watermead to the north east and Buckingham Park to the north west.
- 2.2 The majority of the site lies within flood zone 2, with a small amount of flood zone 3a where the site bounds the River Thames.
- 2.3 The site is currently occupied by a former football ground, club house and associated buildings. The site has been unused since 2006, following the eviction / relocation of Aylesbury Town football club.
- 2.4 Vehicular access to the site is taken from Oliffe Way, close to the roundabout junction with Buckingham Road.
- 2.5 A historic public footpath runs from Buckingham Road, through Oliffe Close and into the open space areas adjacent to Oliffe Close, connecting onto footpaths around the lake at Watermead.
- 2.6 On the opposite side of Buckingham Road, a leisure route runs adjacent to the River Thames, connecting onto existing pedestrian routes within nearby residential streets and public footpaths within the area.

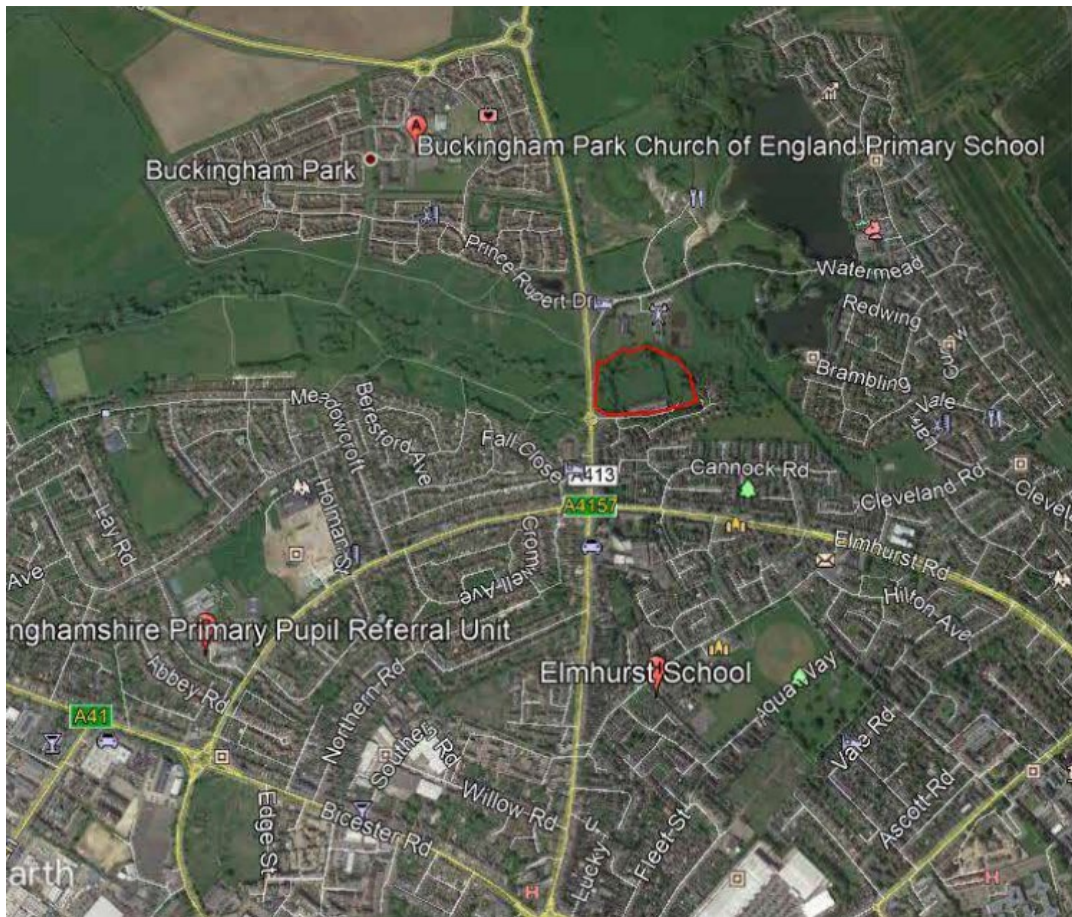


Figure 1: Site location edged red

- 2.7 The proposal seeks outline planning permission for residential development of up to 42 dwellings of a mixed type but incorporating two-to-four-bedroom houses and apartments. In line with the current HEDNA, 30% of the total number (indicatively, 13 out of 42) will be affordable.
- 2.8 The application is accompanied by:
- Planning Statement
 - Design and Access Statement, incorporating Waste and Recycling Strategy
 - Arboricultural Impact Assessment
 - Flood Risk Assessment and Drainage Statement
 - Transport Statement
 - Archaeological Evaluation
 - Landscape and Visual Appraisal
 - Landscape and Visual Appraisal
 - Preliminary Ecological Appraisal and Preliminary Roost Assessment
 - Badger Camera Trap Assessment Report
 - BNG Metric
 - Sequential Test and Exception Test

- Affordable Housing Statement

2.9 During the course of the application the applicant submitted revised details in response to officer and consultee comments received to the initial proposals. The revised proposals and additional information have been subject to additional consultation and publicity and all are located on the Council's website.

3.0 Relevant Planning History

3.1 Relevant planning history for the site:

Reference: 82/00971/AV

Development: THE CHANGE OF USE OF LAND TO RECREATIONAL AND IN PARTICULAR FOR THE PLAYING OF SOCCER

Decision: Approved Decision Date: 8 July 1985

Reference: 82/00972/AV

Development: WORKS OF CONSTRUCTION INCIDENTAL TO THE USE OF LAND FOR SOCCER PURPOSES CONSTRUCTION OF CLUB HOUSE AND OFFICES COVERED STANDS AND TERRACING CHANGING ROOMS CLUB SHOP CAR PARKING 2 TURNSTILES AND MEANS OF ENCLOSURE

Decision: Approved Decision Date: 8 July 1985

Reference: 85/01931/AV

Development: ERECTION OF MAIN STAND CHANGING ROOMS LOUNGE AND HALL INCLUDING BARS

Decision: Approved Decision Date: 29 January 1986

Reference: 89/00642/APP

Development: SITING OF PORTAKABIN FOR CHIEF EXECUTIVE

Decision: Approved Decision Date: 14 August 1989

Reference: 90/00285/APP

Development: A NEW CAR PARK

Decision: Approved Decision Date: 27 March 1990

Reference: 91/01160/APP

Development: FORMATION OF TWO ALL WEATHER TRAINING PITCHES SITING OF PORTACABIN ERECTION OF TURNSTILES W.C. AND KIOSK AND ALTERATIONS OF CARPARK AND ACCESS

Decision: Approved Decision Date: 17 February 1994

Reference: 98/02595/APP

Development: Proposed extension to south football stand
Decision: Approved Decision Date: 18 February 1999

Reference: 06/00161/APP

Development: Replacement of existing stadium grass pitch with synthetic turf pitch, replacement of existing floodlights with 8 new columns and lights, installation of new floodlight comprising 7 columns and lights for 2 new mini all weather pitches and erection of 2 portacabins

Decision: Approved Decision Date: 28 April 2006

Reference: 09/00842/AOP

Development: Redevelopment of site to provide 83 residential dwellings and care home including new access, landscaping and parking

Decision: Withdrawn Decision Date: 26 October 2009

Reference: 17/04625/ADM

Development: Demolition of existing stands, buildings, structures and associated infrastructure at former football stadium

Decision: No Objection Decision Date: 3 January 2018

4.0 Representations

- 4.1 The application has been subject to the relevant consultation, notification and publicity.
- 4.2 Aylesbury Town Council and Watermead Parish Council have objected to the proposal. The detailed grounds for objection are set out in Appendix A.
- 4.3 At the time of writing 149 representations have been received, although it is noted that there are a great many instances where the same resident has submitted multiple comments and/or identical submissions have been made from multiple residents. Most submissions register a form of objection. 6 submissions supporting and 8 submitting neutral comments have also been made - refer to Appendix A for a summary of the issues raised.
- 4.3 In addition, an objection has been received from Councillor Mrs Susan Morgan. Councillor Ashley Bond does not register an opinion, but does raise concern over flood risk - refer to Appendix A for a summary of the issues raised.

5.0 Policy Considerations and Evaluation

- 5.1 In considering the application, regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 The development plan for this area comprises of:

- Buckinghamshire Minerals and Waste Local Plan 2019 (BMWLP)
 - Vale of Aylesbury Local Plan (15th September 2021)
- 5.3 There is no Neighbourhood Plan covering this area.
- 5.4 In addition, the following documents are relevant for the determination of the application:
- National Planning Policy Framework (NPPF) 2023
 - National Planning Practice Guidance (NPPG)
 - National Design Guide (NDG) 2021
- 5.5 Whilst accepting that the NPPF does not change the statutory status of the Development Plan, it is a material consideration and significant weight is given to this in determining applications.
- 5.6 The following Supplementary Planning Guidance/Documents are relevant to the application:
- Sport and Leisure Facilities SPG (August 2004) and Companion Document: Ready Reckoner (Updated 2022)
 - Assessment of Leisure and Cultural Facilities in Aylesbury Vale (2017)
 - BC Planning Obligations for Education Provision Guidance (Revised November 2021)
 - Aylesbury Vale Area Design SPD (June 2023)
 - Aylesbury Vale Area Affordable housing SPD (draft)
 - Aylesbury Garden Town Masterplan (2020)
- 5.7 The latest 5 Year Housing Land Supply Position Statement for the Aylesbury Vale area was published in September 2023 and shows that the Council can only demonstrate 4.5 years' worth of deliverable housing supply against its local housing need in this area. As a consequence of this, paragraph 11(d) of the NPPF is engaged, VALP policy D3 carries no weight, and the tilted balance must be applied to residential proposals within the Aylesbury Vale area.
- 5.8 The following matters are key for consideration in the assessment of this proposal:
- The Council's 5 year Housing Land Supply in the Aylesbury Vale area;
 - Loss of the former football ground and the principal of residential development at this site;
 - The amount of affordable housing proposed;
 - Whether the proposed (indicative) design, layout and open space would be of acceptable quality;
 - Effects of the proposals on the character and appearance of the surrounding area;
 - Quality of proposed accommodation for prospective residents, and impact upon nearby dwellings;

- The impact of the development on the local highway network, access arrangements and parking;
- Sustainable transport measures;
- The effect of the development on ecology and biodiversity;
- Landscaping, public open space and green infrastructure (including trees);
- Sustainability credentials and the strategy to meet the challenges of climate change and reduce carbon emissions;
- Consideration of technical matters, including flood risk, drainage, noise environment, odour and air quality;
- Local infrastructure impacts and s106 contributions to be secured.

Principle and Location of Development

Vale of Aylesbury Local Plan Policies: S1 (Sustainable Development for Aylesbury Vale) S2 (Spatial Strategy for Growth) S7 (Brownfield Land) D1 (Delivering Aylesbury Garden Town) D3 (Housing) I2 (Sports and Recreation)

- 5.9 VALP Policy S1 requires all development to comply with the principles of sustainable development, as set out in the NPPF (i.e., to perform an economic role, social role, and environmental role). The policy seeks to ensure all development is sustainable and follows the Framework's presumption in favour of sustainable development.
- 5.10 The spatial strategy for growth is set out through VALP Policy S2. The Plan makes provision for the delivery of at least 28, 000 new homes across the Plan period (2013 – 2033). This growth is to be concentrated in sustainable locations, such as Aylesbury, which is projected to accommodate 16,207 new homes across this period.
- 5.11 The new homes required to support growth should be accommodated through the effective use of previously developed land in sustainable locations, this is set out in VALP Policy S7.
- 5.12 VALP policy D3 relates to proposals for non-allocated sites at strategic settlements, larger villages and medium villages.
- 5.13 The NPPF sets out that economic objectives are an important element of the overarching objective of the framework, which is to achieve sustainable development. To help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity.
- 5.14 In the context of achieving sustainable development objectives, paragraph 9 of the NPPF states that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

- 5.15 At the heart of the NPPF is a presumption in favour of sustainable development. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.
- 5.16 Through policies set out in the framework the NPPF seeks to build a strong and competitive economy. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 5.17 Paragraph 82(d) of the NPPF states that planning policies should be flexible enough to accommodate needs not anticipated in the plan, and to enable a rapid response to changes in economic circumstances.
- 5.18 Chapter 11 of the NPPF encourages local planning authorities to make the effective use of land in meeting the need for new homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. As much use as possible should be made of previously developed, or brownfield land.
- 5.19 Paragraph 122 of the NPPF states that, planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan, it should (a) reallocate the land for a more deliverable use that meets needs (as part of any plan update), and (b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

Principle of residential development in this location

- 5.20 The application site is partly previously developed land and is located in a sustainable location.
- 5.21 The application represents a proposal for a non-allocated housing site in the strategic settlement of Aylesbury. Given the number of dwellings proposed, when considered in the context of Aylesbury, the scheme is small-scale and thus part 1 of policy D3 is relevant. Criteria 1(b) of policy D3 states that subject to other policies in the Plan, permission will be granted for “development that consolidates existing settlement patterns without harming important settlement characteristics, and does not comprise partial development of a larger site”. In this instance the site is located on the northern edge of the built-up area of Aylesbury, although it would replace a part brownfield site the site relates well to the existing pattern of development and would not extend into open countryside. As such, the principle of residential development of this site is considered acceptable. Councillor attention is directed to the fact that the Council’s current lack of 5yr HLS (paragraph 5.7 above) means that this policy is out-of-date and can be afforded no weight in the consideration of this proposal. However, in the view of officers the current lack of 5yr HLS only strengthens the need for housing within the area on this otherwise already acceptable

site. Had the Council got a 5 yr HLS officers confirm that the principle of development would still have been supported.

- 5.22 As part of the application a Sequential Test has been submitted as required by the NPPF, NPPG and VALP Policy I4. The scope / methodology of the Sequential Test was agreed with the local planning authority prior to this assessment being undertaken. This included agreeing the search area, sources of potential alternative sites and the criteria/parameters to be applied to the assessment of potential alternative sites. The sequential test demonstrates that there are no sites which represent a pragmatic, suitable, available alternative to accommodate the proposed development. It is officers' opinion that the Sequential Test has been passed and is acceptable. There is no requirement for the Exception Test to be passed, however it is noted that the submitted report confirms that the proposal satisfies the two requirements of the Exception Test by virtue of the fact that it will deliver wider sustainability benefits and will be safe for its lifetime.

Loss of sport pitch

- 5.23 The site is currently occupied by a former football ground, club house and associated buildings, although these facilities have remained unused since 2006 following the relocation of Aylesbury Town football club. While much has been made about the forced eviction of the club, this is not a matter than can be afforded any weight in the consideration of this application. The football ground and its facilities have significantly deteriorated and it is understood that the site has attracted several instances of anti-social behaviour, further exacerbating the semi derelict condition of the site.
- 5.24 The applicant explains that "the 'loss' of the football ground is to be understood in the full context of a vacant stadium, which has been subject to vandalism and degradation since its closure in mid-2006. At that time, and over the period no viable alternative sports use came forward and Sport England are not required to be consulted due to the length of time the site has been out of use. Aylesbury FC has been relocated away from the site for a considerable period."
- 5.25 The Council accepts that there is no statutory requirement to consult with Sport England given that the site has been disused for more than 5 years. However, in the interests of transparency a consultation with Sport England was undertaken as part of this application. Sport England responded in 2020 strongly objecting to the proposal due to the Council (then AVDC) not having a robust assessment of the area's playing pitch needs both for now and in the future, which is contrary to Sport England's E1 exception policy, and as no suitable replacement provision was proposed, contrary to their E4 exception policy. Because this was not a statutory consultation, the Council takes such comments as guidance only.
- 5.26 Since comments have been received, the Council has undertaken a 2022 Playing Pitch Strategy (PPS) for its area. Looking at the issue of football pitch provision, the Council's draft Playing PPS states that:

“11.3 ...the demand as a result of population growth from residential development in the Aylesbury Strategic Settlement for football to be 3 x adult football pitches, 6 x youth football pitches, 3 x mini football pitches and 1 x full size floodlit 3G AGP.

11.5 The need for three adult football pitches can be met through bringing back into use and upgrading the existing provision at Walton Court together with the provision of the necessary ancillary accommodation and parking.

11.6 On the basis that youth football pitches can be up to full adult size, the requirement for six youth pitches is met through the planned provision of 2 adult and 2 youth pitches at Hampden Fields and 3 adult pitches at Kingsbrook.

11.7 The need for an additional full size floodlit 3G AGP is being met through the Hampden Fields development. In practice this would also provide for the mini soccer requirements at the weekend.”

- 5.27 This application site does not form part of the Council’s strategy in providing football pitches within the Aylesbury Area. No objection to its permanent loss is therefore justified in this instance. While the comments of Sport England are noted, they do not carry sufficient weight given that the Council has now undertaken a PPS to form the basis of a refusal on this matter.
- 5.28 VALP policy I2 states that any proposals involving the loss of existing sports and recreation facilities will only be accepted where any of the following criteria are met:
- f. An assessment has been undertaken which has clearly shown the sports and recreation facilities are surplus to requirements and their loss is not detrimental to the delivery of the Playing Pitch Strategy or a Built Facilities Strategy; or
 - g. The development will significantly enhance the Open Space network as a whole and help achieve the Council’s most recently adopted Green Infrastructure Strategy. In some cases, enhancements could be provided at nearby locations off site; or
 - h. The loss of sports and recreation facilities would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location; or
 - i. The developments is for other types of sports or recreational provision or ancillary development associated with the Open Space and the needs for which clearly outweigh the loss.
- 5.29 The Council’s Parks and Recreation Officer has commented (2023) that as this site is not and has not been available for use as a sports facility for some considerable time (since 2006) it is not considered to be an ‘existing’ sports and recreation facility and therefore not subject to the above VALP policy I2 criteria.
- 5.30 Mindful of the above, it is considered that the loss of the sports pitch at this site, given the length of time it has been unused, the state of dilapidation, and that need for football pitches within the area is being met as part of the Kingsbrook and Hampden Field developments would not warrant refusal of the proposal. A refusal on this point would not be sustainable if challenged.

Summary

- 5.31 The use of this site for residential development is considered acceptable in principle and the provision of new homes is a significant benefit of the scheme, although only afforded

considerable positive weight in the planning balance given the small-scale of the number of dwellings proposed.

- 5.32 The loss of the former football pitch, for the reasons set out above, would not conflict with VALP policy I2 or the NPPF and this factor is afforded very limited harm in the planning balance.

Housing Need and Affordable Housing

Vale of Aylesbury Local Plan Policies: S2 (Spatial Strategy for Growth) H1 (Affordable Housing) H6a (Housing Mix) H6c (Accessibility)

- 5.33 One of the aims of the NPPF is to significantly boost the supply of housing and the advice is clear that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 8 of the Framework sets out that achieving sustainable development means supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.
- 5.34 As set out above, the latest (September 2023) 5 Year Housing Land Supply (HLS) Position Statement for the Aylesbury Vale area shows that the Council can only demonstrate 4.5 years' worth of deliverable housing supply against its local housing need in this area. as such paragraph 11(d) of the NPPF is engaged and the tilted balance applies when considering schemes for residential development. In this context VALP policy D3 is deemed out-of-date and can be given no weight.

Housing Need:

- 5.35 This proposal seeks outline consent for up to 42 dwellings and there is no reason to suggest that the site could not be delivered within the next five-year period which would be a significant benefit in terms of assisting the Council to return to its HLS target, however, whilst it is acknowledged that the proposed dwellings would make a considerable positive contribution to the HLS in the Aylesbury area, taking into account that the development would only provide up to 42 new dwellings this significant benefit is tempered to a level of considerable positive weight in the overall planning balance.
- 5.36 The scale of the scheme would attract smaller-scale building companies and potentially have a quicker build out timeframe than the larger strategic developments within the area, which have longer construction timescales. There appears no reason to doubt that a reserved matters application could be agreed, and the dwellings constructed within the next 5 years thus boosting the Aylesbury Vale Area HLS.

Affordable Housing:

- 5.37 VALP Policy H1 states that residential developments of 11 or more dwellings gross or sites of 0.3ha or more will be required to provide a minimum of 25% affordable homes on site. In this instance, there are no relevant Neighbourhood Plans which would indicate a higher level of affordable housing is required. The type, size, tenure and location of affordable housing will be agreed with the council, taking account of the council's most up-to-date evidence on housing need and any available evidence regarding local market conditions.

- 5.38 The proposal sets out in the submitted planning statement and the most recent Design and Access Statement (DAS) that 35% of all homes proposed on site would be delivered as affordable housing, and this would be secured through the S106 agreement. During the application this was revised to 30% but this is still more than VALP policy requirements which remain 25%.
- 5.39 The overall offer of 30% of units as affordable homes would exceed the minimum requirement sought by policy H1 of the VALP, which is a significant benefit of the scheme, and this above minimum provision is recognised and afforded additional significant weight in the planning balance.

Housing Mix:

- 5.40 VALP Policy H6a states that the housing mix for new developments will be negotiated having regard to the council's most up-to-date evidence on housing need, available evidence from developers on local market conditions and shall be in general conformity with the council's latest evidence and Neighbourhood Development Plan evidence where applicable for the relevant area.
- 5.41 The most current evidence supports a housing mix illustrated in Table 102 of VALP (Policy H6a) which shows a greater need currently for 3 bed (5 and 6 person) houses and 2 bed (4 person) houses, slightly less for 1 bed (2 person) and 4 bed (7 to 8 person houses), the least need currently being for 2 bed flats.
- 5.42 In relation to the proposed affordable housing offer the DAS sets out an indicative 75/25 tenure split, however, following the adoption of VALP the Council now request 80% Affordable Rent and 20% Intermediate tenure, with a preference for Shared Ownership, based on the most up-to-date information on housing need. In recognition of the overprovision of affordable housing a split has been agreed at 70:30 so as to help the schemes viability; this would be secured by s106 obligation.
- 5.43 As this is an outline proposal with all matters reserved apart from access, the final proposed housing mix, layout (including clustering limitations of the affordable units) and demonstration of a tenure blind development, are details that would come forward to be considered as part of the subsequent reserved matters application. The submission of these further details would be secured via a condition and, in relation to the affordable units, by obligation within the s106 agreement.

Accessibility:

- 5.44 VALP Policy H6c states that all development will be required to meet and maintain high standards of accessibility so all users can use them safely and easily. The policy sets out requirements for accessible and adaptable dwellings which will need to be demonstrated as being complied with.
- 5.45 To comply with VALP policy H6c the proposal would need to include 15% of the proposed affordable units to be provided as Building Regulations Category M4(3) wheelchair accessible housing units and all of the remaining dwellings to meet Category M4(2) accessible/adaptable housing.

5.46 As this is an outline proposal with all matters reserved apart from access, to ensure that the relevant accessibility standards are met, compliance with policy H6c would need to be demonstrated at Reserved Matters stage. Details of this would be secured through planning condition and within the s106 agreement.

Housing Summary:

5.47 The proposed development will make a positive contribution to the Council's need for new homes, which is a significant benefit of the scheme, although tempered to a considerable positive weight in the overall planning balance, given the relatively modest number of dwellings proposed (up to 42).

5.48 The proposal would bring forward affordable housing provision at 30%, which is a higher percentage than the minimum of 25% required under VALP policy H1; this generous provision would create a mixed and balanced community and is a significant benefit of the scheme which is attributed additional significant positive weight in the overall planning balance.

5.49 In terms of housing mix and accessibility proposal would demonstrate policy compliance at the reserved matters stage, and this factor is afforded significant positive weight in the planning balance.

Transport matters and parking

5.50 Vale of Aylesbury Local Plan Policies: T1 (Delivering the Sustainable Transport Vision) T3 (Supporting Local Transport Schemes) T4 (Capacity of the Transport Network to Deliver New Development) T5 (Delivering Transport in new Development) T6 (Vehicle Parking) and Appendix B (Parking Standards) T7 (Footpaths and Cycle Routes) T8 (Electric Vehicle Charging)

5.51 The applicant has provided a Transport Statement (TS) as part of this current planning application, which notes and addresses the comments raised by the Highway Authority in relation to a previously withdrawn scheme at this same site (ref: 09/00842/AOP) which sought outline permission for 83 residential dwellings and a care home, thus relating to a much more intensive potential use of the site than now proposed.

Sustainable Location:

5.52 The site is located at Aylesbury which is classified as a strategic settlement within the VALP. There are a range of community facilities and services located near the site, and the Town Centre is within reasonable walking/cycling distance. There is access to a frequent bus service with convenient bus stops located on Buckingham Road, some 20 metres from the site, which provide services to Aylesbury Town Centre to the south and Buckingham and Milton Keynes to the north.

Access:

5.53 The junction to Oliffe Way forms a roundabout with the A413 Buckingham Road to the southwest of the proposed site. The proposed development will make use of the existing extension of Oliffe Way into the football ground site, and a 5.5m wide carriageway is to be provided into the site to connect with the existing road, a 2m wide footway is to be

provided along the northern side of the access to tie into the existing footway on Oliffe Way. Also, visibility splays of 2.4m by 43m are to be provided at the access, in line with the speed limit.

- 5.54 Oliffe Way is a residential road which is subject to 30mph speed limit, and parking / waiting restrictions are not present. The existing road is approximately 7m wide which is a sufficient width to accommodate two vehicles simultaneously, and currently accommodates domestic delivery vehicles and refuse vehicles serving the existing residential properties along Oliffe Close. Also, the site is in an accessible and sustainable location with a range of facilities and services accessible via walking, cycling and bus. Thus, the Highways Authority are satisfied with the access arrangements.

Trip Generation and Traffic Impact:

- 5.55 It is acknowledged that this residential development would generate traffic movements every day of the week and more movements during the normal peak hours, compared with the previous use of the football ground site which for the most part generated traffic movements during the evening and at weekends. However, following further discussion with the Applicant and the Highways Authority concerning potential highway improvements in the area it is considered that given the small-scale of the proposed development any alterations to the nature of traffic movements, when compared to the existing unrestricted use of the football ground, would not result in a severe impact on the operation of the highway network.
- 5.56 The Highway Authority is aware that the adjacent highway suffers from queuing and delay, and whilst the Highway Authority has and will continue to explore options to improve the highway network in the vicinity, given the relatively small number of dwellings proposed, it is considered unnecessary and unreasonable to require this development to deliver highway mitigation or a related financial contribution. A refusal based on traffic impact would not be a sustainable point of objection should it be challenged.
- 5.57 A Travel Plan is not required for the number of dwellings proposed and the site is in an accessible and sustainable location for access by non-car modes. As set out below, this proposed development would also safeguard delivery of part of the Aylesbury Gardenway, an orbital pedestrian and cycle route proposed around Aylesbury, and this would assist pedestrian and cycle to and from the proposed development, as well as improving pedestrian and cycle access around Aylesbury.

Gardenway Project:

- 5.58 The illustrative Movement and Access Parameter Plan indicated potential access routes to the Aylesbury Gardenway project. Whilst Officers and the Applicant did discuss the potential of delivering a Gardenway access route through the site, after further consideration, due to the proposed drainage strategy and the boundary site levels it is apparent this would not be achievable. Notwithstanding this, the potential access route identified seeks to incorporate the development into the Aylesbury Gardenway and the development would not sterilise the delivery of the connection route from the north into

Aylesbury along the A413 as identified in figure 1.3 in the Aylesbury Garden Town Concept Plan.

Site Layout and Parking:

- 5.59 The Highways Authority are content with the principle of a 5.5m wide carriageway and 2m wide footway on the northern side of the main development access road, and the provision of 4.8m wide roads with footways, and shared surfaces further into the site. However, the refuse vehicle tracking provided for some of the movements within the site is for a 7.9m long refuse vehicle, and the internal layout will need to be designed to cater for an 11m long refuse vehicle, and to comply with the Aylesbury Vale Area waste collection requirements. Nevertheless, the Indicative Masterplan demonstrates that an acceptable highway layout can be provided for the quantum of development, and the further details of the internal layout would be dealt with as part of future reserved matters applications.
- 5.60 The Indicative Masterplan shows 82 car parking spaces including 14 visitor spaces, and this level of parking is considered acceptable, in line with the parking standards and given the sustainable location. Also, any over-spill parking is likely to be accommodated within the internal roads. The Highways Authority are satisfied with the quantum of parking provision and the parking layout shown on the Indicative Masterplan, and it is noted that this matter would be dealt with as part of future reserved matters applications. In line with VALP policies the reserved matters applications would need to provide covered and secure cycle parking, and electric vehicle charging points within the development.

Transport Summary:

- 5.61 In summary, it is considered the proposals are appropriate in terms of access arrangements, traffic impact, sustainable travel choices, parking provision and potential layout and scale.
- 5.62 The Highways Authority are satisfied that, subject to appropriate planning conditions, safe and suitable access can be achieved, the proposed development provides opportunities for non-car travel, and the traffic impacts of the proposed development are acceptable and not severe in the context of the NPPF.
- 5.63 Therefore, the proposal would accord with the relevant VALP policies and the NPPF, and this policy compliant factor is attributed neutral weight in the overall planning balance.

Raising the quality of place making and design

Vale of Aylesbury Local Plan Policies: BE2 (Design of New Development) BE4 (Density of New Development) I1 (Green Infrastructure) D1 (Delivering Aylesbury Garden Town) Aylesbury Garden Town Masterplan (2020) NMDG (2021) Design SPD (2023)

- 5.64 VALP policy BE2 sets out that good design of the built environment and landscape as part of new development is a key priority in preserving and enhancing the quality of the built environment in Aylesbury Vale. A design-led approach is required that respects the vernacular character of towns and villages. New developments should respect existing

character. It is also vital that new development reflects the scale and characteristics of its surroundings and adds to the built quality of the area. Proposals should also take account of the design and delivery principles for Aylesbury Garden Town, identified in VALP Policy D1.

- 5.65 In accordance with policy BE2 all new development proposals shall respect and complement the following criteria: a. The physical characteristics of the site and its surroundings including the scale and context of the site and its setting. 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.
- 5.66 The importance of good design is also reflected within the NPPF (Chapter 12). Paragraph 126 of the Framework states “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.
- 5.67 Paragraph 130 of the NPPF provides a range of criteria (a-f) against which new development should be assessed to ensure that developments are delivering well designed places. This includes, ensuring that development is visually attractive, sympathetic to local character, establish a strong sense of place, optimise the potential of the site (including green and other public space) and creating places that are safe, inclusive and accessible.
- 5.68 In this instance, all matters are reserved at outline stage except for access, as such this outline application does not provide any detail to be approved at this stage regarding appearance, landscaping, layout and scale which are reserved matters for subsequent consideration. However, illustrative master/parameter plans have been submitted, and the rationale for the indicative layout/scale is set out in the Design & Access Statement (DAS).
- 5.69 The illustrative plans submitted are not to be treated as the final layout of the scheme but help to demonstrate how the proposed maximum quantum of development (up to 42 dwellings) could be accommodated within the site in an acceptable layout and scale.
- 5.70 The illustrative plans indicate a mix of housing typologies (including dwellings and apartments) at two and three storeys in height to deliver up to 42 new homes on the southern section of the site. The northern section of the site (1.52ha) would be reserved for public open space and green infrastructure provision. The maximum provision of 42 dwellings within the southern half of the site (0.91ha) equates to a density of 46 dwellings per hectare (dph); an overall density of 19 dph calculated across the site as a whole (2.43ha).
- 5.71 While matters of scale, density and massing are reserved for future consideration the outline application is supported by a DAS (dated 2022) and a series of indicative plans which seek to demonstrate acceptable layout, scale, and cross sections across the site.
- 5.72 Following negotiations between the Applicant and Officers, the taller three storey building(s) are indicated to be provided towards the centre of the housing section of the

site, moved away from prominent corners as originally shown so as to ensure that dwellings closer to the boundaries of the site adjacent to the public highways, nearer existing residential dwellings, and abutting the public open space would be two storeys in scale.

- 5.73 A condition is proposed that any future Reserved Matters application concerning matters such as building heights, density and layout shall be in general conformity with the indicative plans. This will ensure that a high-quality development comes forward at Reserved Matters stage, and which contains buildings of an appropriate scale, along with a suitable layout and adequate public open space/flood attenuation provision.
- 5.74 The illustrative masterplans demonstrate that based on the potential indicative density sufficient amounts of private amenity areas and parking provision could be accommodated on site to support the quantum of development proposed (up to 42 dwellings)
- 5.75 A large northern area of public open space is shown that would adequately serve the development; this area is large enough in scale to incorporate a Local Equipped Area for Play (LEAP) and accords with the open space requirements set out in VALP policy I1.
- 5.76 Planning conditions will secure this open space provision is submitted as part of any Reserved Matters applications that come forward and its future management and long-term maintenance would be secured through s106 agreement.

Summary

- 5.77 It is considered the indicative outline residential proposals are appropriate in terms of potential layout and scale. Development of this site would provide an acceptable transition between the entrance to Aylesbury and the established residential area (Ollife Way/Close) to the south of the site. It would deliver a quantum of new housing that could satisfy VALP policies and the recently adopted DG (2023) and would optimise the potential of the site, as required by the NPPF.
- 5.78 The outline proposals are capable of delivering a high quality and sustainable development, in keeping with the surrounding location and context, which makes effective and efficient use of this brownfield site, in accordance with the policies in the VALP, and the NPPF. The proposal demonstrates policy compliance in this regard and this factor is attributed neutral weight in the overall planning balance.

Amenity of existing and future residents

Vale of Aylesbury Local Plan Policies: BE3 (Protection of the amenity of residents) NE5 (Pollution, air quality and contaminated land)

- 5.79 VALP Policy BE3 seeks to ensure that good standards of amenity are provided for future residential occupiers, stating that planning permission will not be granted where the proposed development will not achieve a satisfactory level of amenity for future residents. The NPPF also refers to the need to achieve well-designed places, and that developments should achieve a high standard of amenity for future occupiers.

- 5.80 VALP Policy NE5 states that applicants may be required to submit a noise impact study or to assess the effect of an existing noise source upon the proposed development, prior to the determination of a planning application.
- 5.81 Whilst there are no fundamental environmental health objections to this application, the properties proposed close to the western edge of the development may be subject to noise levels generated by traffic on the A413. Although it is acknowledged that this situation would be no different to the experience of the existing residents living in close proximity of that road, the Council's Environmental Health Officer recommends that this proposal be subject to a planning condition requiring the submission and agreement of a written noise impact assessment, together with proposals for any necessary mitigation measures. The final scheme of mitigation required would be considered when details of the building structures and internal room layout are further developed at the reserved matters stage. Given that appropriate mitigation could adequately deal with this potential impact, no noise objection is raised by environmental health officers in principle to the proposed residential development at this stage.
- 5.82 There are no overriding concerns that future residents would not receive adequate daylight / sunlight conditions. The site can adequately accommodate development in a layout that will ensure daylight / sunlight conditions within the site are not compromised for future occupiers and this will be considered at reserved matters stage.
- 5.83 All dwellings will be designed to be of a size to meet the criteria set out in the Nationally Described Space Standards.
- 5.84 Notwithstanding that layout, scale and appearance are reserved matters, at this stage, having regard to the indicative plans, it is envisaged that the proposed development would not unduly harm the residential amenities of existing nearby occupiers.

Summary

- 5.85 The outline proposals are capable of complying with policies BE3 and NE5 of the VALP, and the guidance set out in the NPPF. The proposal, subject to conditions, demonstrates policy compliance in regard to the amenity of existing and future residents, and this factor is attributed neutral weight in the overall planning balance.

Environmental issues

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

Sustainability and energy strategy:

- 5.86 VALP Policy C3 states that all development schemes should look to achieve greater efficiency in the use of natural resources including measures to minimise energy use, improve water efficiency and promote waste minimisation and recycling. Developments should also minimise, reuse and recycle construction waste wherever possible. Planning applications involving renewable energy development will be encouraged provided that there is no unacceptable adverse impact. In seeking to achieve carbon emissions

reductions, the council will assess developments using an 'energy hierarchy' (Be Lean, Be Clean, Be Green).

- 5.87 At the heart of the NPPF is a presumption in favour of sustainable development, and to achieve this development shall mitigate and adapt to climate change and support a reduction in carbon emissions.
- 5.88 Energy and carbon savings are to be achieved through passive design and energy efficient design features (Be Lean). No existing decentralised energy networks are located near to the site to which a future connection could be deemed possible (Be Clean). Means of reducing energy and carbon emissions for the development have been explored, through the use of renewable technologies (Be Green). Of the renewable technologies considered Air Source Heat Pumps (ASHP) are considered most viable for the residential development. VALP policies cannot dictate certain technologies to be incorporated, however, the applicant has confirmed that renewable technologies are to be considered as part of the scheme. However, the Council are unable to force a particular form of renewable to be considered, this is a matter solely for the applicant/developer.
- 5.89 Further details of the final Energy and Sustainability Strategy for the residential development would need to be provided at Reserved Matters stage and secured through planning condition(s).
- 5.90 The applicant has set out that the residential development will meet the relevant water efficiency requirements set out in policy C3, achieving a limit of 110 litres/person/day. This is to be secured by planning condition.
- 5.91 Electric vehicle charging provision is being accommodated in accordance with VALP policy T8 and shall be secured by planning conditions.

Flooding and drainage

Vale of Aylesbury Local Plan Policies: I4 (Flooding) I5 (Water Resources and Wastewater Infrastructure)

- 5.92 Development proposals should minimise the impacts of and from all forms of flood risk, and VALP policy I4 sets out a criteria based approach for how this should be done, depending on the size of the site and whether a site is located in Flood Zone 1, 2 or 3. All development proposals must adhere to the advice in the latest version of the SFRA in terms of Sustainable Drainage Systems (SuDS). The impacts of climate change should be taken into account also as part of this.
- 5.93 The NPPF requires new development to consider the risk of flooding to the site and elsewhere. Development should be steered away from vulnerable areas such as those subject to flood risk whilst ensuring that it adequately and appropriately deals with any impacts arising. The NPPF continues that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

- 5.94 The majority of the site lies within flood zone 2, with a small amount of flood zone 3a where the site bounds the River Thames.
- 5.95 Since the application was first submitted the applicant has entered into extensive discussions with the Environment Agency and throughout the application additional information has been submitted for their consideration.
- 5.96 Having most recently been re-consulted following the submission of the updated Flood Risk Assessment v3-2 (July 2022) and appendices, the EA comment that the hydraulic model and the hydrology are now considered fit for purpose, and that they are satisfied with the assessment of climate change allowances and floodplain compensation scheme. The raised platform now proposed as part of this development will mean the dwellings to be constructed will be in Flood Zone 1, thus taken out of floodzone 2. The EA have formally removed their initial objection on flood risk grounds, subject to an appropriate planning condition to ensure compliance with the submitted flood risk assessment and the mitigation measures it details. No evidence has been submitted to date to illustrate that the Environment Agency have miscalculated and their removal of objection is not challenged.
- 5.97 Buckinghamshire Council as the Lead Local Flood Authority (LLFA) has reviewed the information provided in the following documents:
- Letter – Developer Response to LLFA dated 21/11/2022 (addressed from Clare Howe, DLP Planning to Ms Bates, Buckinghamshire Council)
 - Drainage Design Strategy and Calculations report by Scott White and Hookins dated November 2022
 - Flood Risk Assessment V3-2 by Thomas Mackay dated July 2022
 - Letter – Environment Agency review of FRA, hydraulic model, hydrology and floodplain compensation, dated 19/10/2022
 - Letter – Developer Response to LLFA dated 19/01/2023 (addressed from Michael Hartley, Scott White and Hookins to Howard Keeble, JBA Consulting on behalf of Buckinghamshire Council)
 - Letter – Developer Response to LLFA dated 09/03/2023 (addressed from Jason Daniels, Scott White and Hookins to Howard Keeble, JBA Consulting on behalf of Buckinghamshire Council).
 - Letter – SWH Further Response to LLFA Comments dated 28/07/2023 (addressed from Jason Daniels, Scott White and Hookins to Howard Keeble, JBA Consulting on behalf of Buckinghamshire Council).
 - Proposed Drainage Strategy Plan (Sheet 1 of 2) (Drg.203985-SWH-ZZ-XX-DR-C-0050-P05, dated 28/07/23, Scott White and Hookins; included as Appendix C to Letter –SWH Further Response to LLFA Comments Dated 28/07/2023)

- Proposed Drainage Strategy Plan (Sheet 2 of 2) (Drg.203985-SWH-ZZ-XX-DR-C-0051-P05, dated 28/07/23, Scott White and Hookins; included as Appendix C to Letter –SWH Further Response to LLFA Comments Dated 28/07/2023

- 5.98 An indicative surface water drainage scheme has been developed to address local and national policy, noting that VALP Policy I4 and the NPPF require that flood risk to nearby land and property is not increased as a result of new development. This is particularly important as several 3rd parties have commented that this development does not prevent their houses from potentially flooding in future. Councillors are reminded that it is not for this development solve existing flooding problems (to expect so would be deemed unreasonable), but it must not make matter any worse. The proposed dwellings will sit outside of flood zone 2 and evidence has been accepted by experts that the floor risk to the future properties is acceptable.
- 5.99 Due to this being an outline application the details provided are indicative. The LLFA is satisfied with the details provided and raises no objection, subject to the imposition of conditions to require further details of a detailed surface water drainage scheme. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This shall be submitted with any future Reserved Matters application.
- 5.100 Following intensive discussions with Officers the Applicant has provided responses and clarity to the Council’s comments such that the LLFA now raise no objection.
- 5.101 A sequential test report has been undertaken by the Applicant and submitted to demonstrate the suitability of sites for the development. There is no requirement for an Exception Test to be submitted and passed. The area of search and points of review set out in the sequential test were agreed with the LPA prior to it being drawn up, the conclusions are agreed.
- 5.102 Based on the provided information the connective swales will not be frequently inundated (greater than 1 in 50-year events), and the proposed Maintenance Plan has been updated to reflect that “inspection of the swales should be carried out each time when they are inundated with flood water from the River Thame with maintenance/repair work carried out where deemed necessary”. This is to ensure that the ‘As Built’ levels are maintained for the lifetime of the development. The Applicant has confirmed that access to the connective swales for small plant can be via the proposed footpaths.
- 5.103 The Applicant has provided further detail to confirm any interactions with existing homes to the east of the development: “if the existing bund is deemed unsuitable to retain flood water it can be reconstructed using low permeability materials to provide the necessary protection”, and similar comments covering suitability of the material used for the embankments forming the basin. The LLFA agree as reasonable for the geotechnical assessment and design of these to be conditioned as requested by the applicant.
- 5.104 Based on the Surface Water Flood Risk Summary, culverted sections are now proposed that improve linkages maintaining flows from Oliffe Close to the river. Based on updated

modelling, combined flood risk to existing properties is indicated to reduce in both the 1 in 100 year and 1 in 1,000 year event scenarios.

- 5.105 Proposals for the overflow culverts have been provided and these have been added into the maintenance schedule for the lifetime of development including climate change. There are 2no. rectangular culverts proposed, each 1.2m wide x 1.0m high. Given that the application is at this stage in outline form only, the Council have not commented on the scale and appearance of this proposed arrangement and how it would be accommodated within the site, as this detail would be considered at the reserved matters stage. However, subject to appropriate conditions, the LLFA raise no technical concerns.
- 5.106 The Applicant has provided further detail to confirm bank stability for the raised development platform stating that “the bank forming the attenuation basin will comprise an engineered solution, the detailed design of this will occur at the detailed design stage post planning and can be covered by a suitable planning condition”. It is considered reasonable for the geotechnical assessment and design of these to be conditioned and the LLFA have no objection. It is noted that conditioning for detailed design will need to consider the need for any erosion protection matting and confirmation whether a cut off trench needs to be provided to control seepage through the bank. It is understood that no trees or shrubs will be planted on or in the vicinity of the embankments, and this point would be covered under the same condition for the design of the bund (above).
- 5.107 The LLFA notes that there are two proposed surface water discharge points – one to the west of the site via a swale into an existing ditch draining to the River Thames, and one to the east of the site via a swale into the River Thames, and the Applicant is reminded that Environment Agency Environmental Permits and Discharge consents will be required.

Summary

- 5.108 Subject to the imposition of appropriate conditions, the indicative ground raising and drainage scheme has demonstrated the proposal can accommodate adequate measures to manage drainage and flooding issues and not increase the flood risk to nearby land and property.
- 5.109 The proposed development would be in accordance with VALP policy I4 and the NPPF, subject to appropriate conditions. The compliance of this factor with the Development Plan and the NPPF is afforded neutral weight in the overall planning balance.

Landscape, Green Infrastructure, and Trees

Vale of Aylesbury Local Plan Policies: S1 (Sustainable Development for Aylesbury Vale) D1 (Delivering Aylesbury Garden Town) NE4 (Landscape Character and Locally Important Landscape) NE8 (Trees, Hedgerows and Woodland) I1 (Green Infrastructure) Aylesbury Garden Town Masterplan (2020) Design SPD (2023)

- 5.110 A Landscape and Visual Appraisal has been prepared to assess views into and out of the site and inform the masterplan design. The assessment noted that the site is well screened with mature trees defining the edges of the site, especially on the southern and western boundaries. The masterplan incorporates the existing boundary landscape into the

proposed development form to create a strong linear landscape structure with interspersed areas of planting.

Landscape Character:

- 5.111 The application site is not situated within a designated, or highly sensitive landscape. The LVA describes the site in landscape terms as forming part of Aylesbury's urban environment, not forming a prominent or important part of the appreciation of the wider open countryside to the north of the site. The existing landscape fabric at the site is described as 'impaired and far less intact than the wider landscape character area to the north', contributing little to that landscape.
- 5.112 The proposed development of the site from a former football ground to residential would result in a significant change in the character of the site, however the retention and enhancement of the existing landscape features is considered to conserve the enclosed nature of the site, leading to an overall beneficial impact in landscape terms. This offsets and reduces the likelihood of adverse visual effects which are expected to be highly localised and contained by the neighbouring and other surrounding features such as the existing dwellings within Oliffe Close. The proposed development is considered an appropriately scaled feature which would not extend incongruously into the open countryside, with very limited material landscape or visual effects.
- 5.113 As a result, the proposed development is considered to accord with VALP policy NE4 and the NPPF guidance and this factor is afforded neutral weight in the planning balance.

Landscaping and Green Infrastructure:

- 5.114 This application seeks outline consent and landscaping is a reserved matter, however an indicative Landscape plan has been provided for illustrative purposes, and full details of landscaping proposals would be required at the next stage (i.e., Reserved Matters). The indicative plan(s) submitted are not being treated as the final landscaping proposals and the provisions on site could potentially come forward in a different form at Reserved Matters stage.
- 5.115 The detailed landscape strategy that will be needed at Reserved Matters stage will need to demonstrate that the scheme design includes a high-quality landscape strategy that is cognisant of Aylesbury's Garden Town status, the Aylesbury Garden Town Masterplan, and relevant VALP policies. This is important to ensure an appropriate setting is created, that will help assimilate built elements into the landscape and deliver the Garden Town Masterplan vision. The indicative plans show that there is the ability to deliver a well landscaped scheme, though this will need to be developed further.
- 5.116 The indicative plans indicate how the proposed residential development could be integrated within the existing built-up area, and provide the following landscape and green infrastructure benefits:
- Retaining established trees on the site boundaries, and enhancement of boundary landscaping to create high quality frontages which incorporate native hedgerows and hedgerow trees

- Enhancing the setting of the proposed dwellings with new landscaping, including new tree lined streets to provide high quality residential setting
- Provision of a northern area of usable open space abutting the river, which would provide to provide a natural green setting to the development and provide separation from the adjoining Watermead Parish
- Use of a broad planting palette across the site, including the planting of native species
- Incorporation of attenuation for surface water drainage
- Incorporation of new foot and cycle links, including safeguarding a route for future potential implementation of the Gardenway.

- 5.117 The proposals have been assessed against VALP Policy I1, which places a requirement for this development to provide equal to or in excess of the minimum amounts of Incidental Open Space (IOS), Major Open Space (MOS) and Equipped/Designated Play Space (EDPS) on-site. The total amounts required for each are still to be determined by the final bedroom mix, however this final mix is not known at this stage, and this detail would come forward as part of any reserved matters application (for Layout).
- 5.118 As the final bedroom per dwelling mix has yet to be determined this outline application must demonstrate that it is capable of providing the following on-site public open space provision at least 2,730m² (1,260 Major Open Space + 1,470m² Incidental Open Space), and minimum 400m² Local Equipped Play Space (LEAP)
- 5.119 Assessment based on the indicative proposed plans has determined that the onsite requirements for IOS and MOS can be met with the quantum of development proposed – due to site constraints 1.52ha of open space is shown on the indicative plans, this provision satisfies the accessible natural green space standards (ANGsT), set out in the VALP (Appendix C: Policy I1).
- 5.120 Green infrastructure is a planned network of high quality multi-functional green spaces; IOS and MOS can be accommodated on site in accordance with the requirements of VALP policy I1 and will assist in delivering a high quality and sustainable development. This meets the visions of the VALP and the Garden Town Masterplan. The detailed reserved matters will need to come forward in general accordance with the indicative plan submitted, so that the quantum of IOS, MOS and Play Space is not less than that which has been demonstrated that is capable of being integrated within the development; to secure this a planning condition / s106 obligation is recommended.
- 5.121 Tree planting is indicated, which would provide new green infrastructure and support the visions of the Garden Town Masterplan. Further details of this strategy would need to come forward as part of any reserved matters application for landscaping, although based on the indicative strategy there would be a net increase in tree stock on site, which is welcomed. Existing established trees would be retained along the boundaries of the site. It is considered likely that the proposal would (at detailed design stage) be able to come forward in such a form that it would meet with the requirements of VALP policies NE8 and I1

- 5.122 The proposal would deliver landscape benefits through retention of existing trees, new green infrastructure (including publicly accessible open space and equipped play), and new walking and cycle routes (including safeguarding of land for the Gardenway route) and the planting of new trees. This supports the Garden Town vision and relevant VALP policies and the NPPF guidance.
- 5.123 In summary, the proposed development is (subject to further details being provided at reserved matters stage), capable of providing for an acceptable amount of landscaping, open space and green infrastructure to meet the requirements of VALP. This policy compliance is attributed neutral weight in the planning balance.

Impact on Trees:

- 5.124 The application is accompanied by an Arboricultural Impact Assessment (AIA) undertaken by Andrew Belson. The AIA demonstrates that a development could provide dwellings in the approximate locations indicated on the illustrative plans without any significant conflict; and that the effects of the retained trees on the liveability in the indicative dwellings would be acceptable. Specifically the AIA advises:
- One tree on this site should be removed due to its condition, regardless of any redevelopment,
 - The indicative development would implicate the loss of one tree
 - Some facilitation pruning will be required
 - Several trees require remedial work to retain them in a safe condition
 - Protection of the retained trees can be detailed in an Arboricultural Method Statement, secured through an appropriately worded Condition attached to any Consent.
- 5.125 In the process of redevelopment, there is an opportunity to replace trees and provide additional planting that would provide a net gain in tree cover, providing a positive overall benefit to the locality in terms of landscape quality and value.
- 5.126 As set out above, as landscaping is a matter reserved through this outline application further details of the landscaping strategy (including new tree planting) will need to be demonstrated at reserved matters stage and / or secured through conditions.
- 5.127 Based on the submitted illustrative plans, it is considered that a detailed landscape strategy could come forward at Reserved Matters stage, that makes adequate provision for new tree planting across the site to balance out the trees that would be lost through redevelopment.
- 5.128 The development would accord with VALP policy NE8 and the guidance set out in the NPPF and would ensure proposed tree loss is appropriately mitigated against, subject to the imposition of planning conditions to secure new planting and set out tree protection measures to be implemented to safeguard existing mature trees that are to be retained on site.

Ecology and Biodiversity

Vale of Aylesbury Local Plan Policies: NE1 (Biodiversity and Geodiversity)

- 5.129 VALP Policy NE1 seeks to ensure the protection and enhancement of biodiversity. A net gain in biodiversity will be sought on minor and major developments. These gains must be measurable using best practice in biodiversity and green infrastructure accounting.
- 5.130 NPPF paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 5.131 Paragraph 180 of the NPPF states that when determining planning applications, local planning authorities should refuse planning permission if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.
- 5.132 Adonis Ecology Ltd undertook a Preliminary Ecological Appraisal (PEA), and Preliminary Roost Assessment (PRA) for bats, on the land and buildings at the site. A desk study was undertaken, in addition to an extended Phase 1 Habitat survey which was conducted on in March 2020. The site was checked for preferred habitat types, and signs or evidence of protected species and NERC Act 2006 Section 41 species and habitats. It was considered the following protected and/or Section 41 species/species groups may occur on site and potentially be vulnerable to impact:
- bats roosting within trees on the riverbank and/or foraging and commuting on and around the site
 - badgers using a potential nearby sett
 - otters and water voles associated with the adjacent river
 - reptiles
 - common nesting birds
 - hedgehogs and common toads.
- 5.133 There was also considered to be potential for impact to Section 41 River habitat and a nearby Biological Notification Site (BNS).
- 5.134 Impact avoidance measures are recommended for all potential species, habitats and protected sites which could be impacted by a development on site. Further surveys are also recommended for badgers to ascertain whether the potential badger sett is in 'current use'.
- 5.135 The applicant has provided an update on the ecological impacts of this development and addressed issues raised by the Council's Ecologist.
- 5.136 The site overall is considered to be of moderate ecological value at a local level. With the impact avoidance measures and the further surveys undertaken as outlined in the updated report, and any subsequent mitigation undertaken, it is considered that the proposed

works could proceed with minimal risk of impact on protected or Section 41 wildlife or local nature conservation. Further, with some or all of the suggested enhancements undertaken, it is considered that the proposed development would result in a net gain for biodiversity, in accordance with VALP policy NE1 and the guidance set out in the NPPF.

- 5.137 The updated ecological assessment including the Biodiversity Net Gain Calculation from the ecological Consultant Adonis Ecology dated November 2020 is considered acceptable and would be secured by planning condition.
- 5.138 Further to this, to ensure the ecological features identified are protected during construction, a Construction Environment Management Plan will need to be secured by planning condition. The enhancement measures proposed, to ensure the application generates the Biodiversity Net Gains, will need to be secured with a Landscape Ecological Management Plan.

Summary

- 5.139 It has been demonstrated that a range of ecological enhancements can be secured, and that biodiversity net gain is achievable on site. Overall, it is considered that the mitigation proposed, to be secured through planning conditions and / or S106 agreement will result in a development that will be in accordance with VALP policy NE1 and the guidance set out in the NPPF. This policy compliance is afforded neutral weight in the planning balance.

Historic environment

Vale of Aylesbury Local Plan Policies: BE1 (Heritage Assets)

- 5.140 Paragraph 194 of the NPPF advises that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 5.141 The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. 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.
- 5.142 The site lies in an area of known heritage importance. An appropriate assessment of the site's archaeological potential has previously been undertaken and is presented once more in support of this application.
- 5.143 A 'palaeochannel' was identified and several features were further investigated but no artefactual evidence was revealed. A single feature of post-Medieval date was identified together with some evidence of human remains.

5.144 A further stage of investigation or a watching brief of construction works would be appropriate following the grant of permission for development at the site. The Council's Archaeological Officer raises no objection subject to appropriate conditions.

5.145 It is considered that, subject to conditions, the proposal would comply with policy BE1 of the VALP and there would be no harm to the heritage asset in NPPF terms. This factor is afforded neutral weight in the planning balance.

Infrastructure and Developer Contributions

Vale of Aylesbury Local Plan Policies: S5 (Infrastructure) I1 (Green Infrastructure) I2 (Sports and Recreation) I3 (Community Facilities, Infrastructure and Assets of Community Value) Sport and Leisure Facilities SPG and Companion Document: Ready Reckoner

5.146 The development is a type of development where Community Infrastructure Levy (CIL) would be chargeable; however, no CIL Charging Schedule is currently adopted for the Aylesbury Vale area.

5.147 Having regard to the statutory tests in the Community Infrastructure Levy (CIL) regulations and the National Planning Policy Framework it is considered that the following planning obligation(s) are required to be secured within a completed section 106 agreement if the application is considered acceptable:

a) Affordable Housing: A minimum of 30% of all units on site to be provided as affordable homes (tenure has been agreed as being 70/30 – social rent vs intermediate).

b) Education contribution (precise level of contribution to be confirmed at reserved matters stage when the final bedroom mix is established).

d) Secure a minimum provision of open space (including equipped play areas).

e) Open Space land and equipped play areas to be transferred to a Management Company, who is to be responsible for its future maintenance and long-term management.

f) A whole life Maintenance and Management Plan for Sustainable Urban Drainage System/Surface Water Drainage System.

g) Sport and Leisure contribution in accordance with the 2022 updated Ready Reckoner formula: £1,652 (1bed); £2,794 (2bed); £3,965 (3bed) & £5,782 (4+bed). To be index linked from S106 completion date to date invoiced. Paid 'Prior to commencement' for the following Sport and Leisure Project:

'Improvements modernisation refurbishment to one or more of the following Aylesbury sport and leisure facilities:

- Aylesbury Strategic Area Sports Facilities
- Dunsham Park & adjoining Cannock Road open space
- Riverside Walk (including play area) and adjoining Buckingham Park open spaces
- Alfred Rose Park
- Alfred Rose Community Centre

- 5.148 The applicant has confirmed that they are willing to enter into a legal agreement to secure CIL compliant obligations/financial contributions and a draft agreement is currently being progressed, subject to on-going discussion between the parties.
- 5.149 It is considered that there would not be other types of infrastructure, other than the provision of the above that would be put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure.

Contribution to Health Facilities:

- 5.150 VALP Policy I3 requires consideration of the need for community facilities and infrastructure including doctor's surgeries.

Primary care

- 5.151 The CCG were consulted when the application was submitted in 2020 although no representation has been received. No contributions are therefore sought.

Acute and community healthcare

- 5.152 The impact on acute and community healthcare is a material consideration. The Buckinghamshire Healthcare NHS Trust (BHT) provides acute and community healthcare services to Buckinghamshire. This includes community, planned and emergency (major trauma and A&E), acute hospital medical and surgical care and specialist and tertiary health care.
- 5.153 BHT have requested a contribution towards hospital services. In summary, BHT advise that the contract value for their funding is based on the preceding years activity levels and does not take into account future planned housing though some element of demographic growth is factored in. Some additional funding is provided but this can depend on achieving surplus targets / improvement goals. BHT claim there is a 'funding gap' created by the lag between the new residents moving into the area and the date by which the government funding is actually received. The BHT emphasise that the contribution sought is to mitigate the impacts of a permanent gap in funding, not a lag, as the gap is not recovered retrospectively and will have a financial impact on the Trust, thus there is no double counting. Therefore, BHT seeks a contribution of £82,153.00.
- 5.154 BHT goes on to say that without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with the NPPF and VALP policies.
- 5.155 BHT in general correspondence have provided a number of appeal decisions which have varied outcomes. These have not been specifically submitted in relation this case.
- 5.156 In considering any request for a financial contribution, the Council needs to be satisfied that BHT has provided evidence and adequate justification to demonstrate in accordance with the CIL Regulations how the sums are necessary to make the development acceptable in planning terms or how they are directly related to the development or fairly and reasonably related in scale and kind to the development (CIL Regulation 122).

- 5.157 There have been considerable ongoing discussions with BHT, not just in relation to this application but for all relevant developments within the Council, regarding their requests for contributions. Officers have raised concerns that the information provided to date is inadequate to enable the Council to conclude that their request meets the CIL tests in relation to the requested contributions towards service costs.
- 5.158 There are still a number of outstanding concerns relating to the request for contribution towards the cost of running services and the Council has been working collaboratively with BHT in order to assess the potential for CIL compliant contributions for alternative provision in the way of capital costs arising from new development rather than revenue costs in light of the concerns raised. There has been some progress on this (capital costs) but there are issues which remain unresolved. No request for capital costs has been submitted in relation to this application.
- 5.159 The NPPF advises that Plans should set out contributions expected from development, for infrastructure including health. The BHT request for such contributions has not been made through the local plan process leading up to the adoption of VALP. The requested contribution has not been the subject of viability testing through the VALP process. The BHT representations were submitted in December 2020 in relation to this application. Whilst discussions have taken place with BHT as set out above the information provided to date is considered inadequate to satisfy the council that CIL Tests are met.
- 5.160 Officers have taken a judgement as to whether it is appropriate to delay the consideration of this application, for further information which may or may not satisfy the CIL tests. At this point it is not certain whether a CIL compliant s106 methodology may be able to be achieved and this may take several months to work through. It is noted that work with BHT has been undertaken over many months with no clear end point available. It would therefore be entirely unreasonable to further delay without any confidence of a timeline.
- 5.161 The delay and uncertainty over this matter must be weighed in the balance against the potential delay and potential prejudice to the delivery of much needed new homes to boost the HLS in the Aylesbury area. This undermines important objectives in the NPPF which seeks to ensure an adequate supply to meet objective needs. For these reasons it is considered that the BHT request is outweighed as a matter of judgement at this stage by the significant delay and prejudice that would result in determining this application if the issues above were first required to be resolved particularly since, at present there is no guarantee that the methodology and contributions will be found to be CIL compliant.
- 5.162 In addition, the provision of the play spaces and other public spaces on-site, and with new infrastructure that supports walking and cycling provision and more active travel for future residents and employees, the proposal encourages people to adopt a healthier lifestyle which is a net benefit in the round. Subject to appropriate details coming forward at Reserved Matters stage, on balance, the proposed development could provide adequately for healthcare facilities in accordance with VALP policy and having regards to the CIL regulations.

5.163 In light of the above factors, it is concluded that a financial contribution for healthcare facilities has not been fully justified and a request of such would be unlawful..

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 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
- 6.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.3 In this case, given the Council's lack of 5yr HLS in the Aylesbury Vale Area paragraph 11(d) of the NPPF applies and the tilted balance is engaged.
- 6.4 As set out in section 1.0 above it is considered that the proposed development would accord with the Development Plan as a whole, and with regard to the overall planning balance, the considerable positive weight of the supply of housing, the additional significant positive weight of 30% affordable housing provision, and the moderate positive weight of the proposed economic benefits, would significantly and demonstrably outweigh the very limited negative impact of the loss of a sports pitch.
- 6.5 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.
- 6.6 In accordance with the Human Rights Act, the concerns and objections of the Ward Councillors, Town Council, Parish Council, Aylesbury Society and members of the public have been duly noted and considered and addressed within the above report.

- 6.7 Full and detailed consideration has been given to the specific issues arising from the scheme and as set out within this report, this demonstrates the suitability of this site and proposal, or the means by which it can be made acceptable.
- 6.8 Taking into account all of the material planning considerations, and having assessed the proposals against the Development Plan and, where appropriate, the identified conflict with this Plan, and having given consideration to other relevant planning policies, policy documents and published guidance, it is concluded that the proposals will deliver a range of significant benefits that ensure that there are demonstrable economic, social and environmental benefits to arise as a result of development.
- 6.9 Overall, the significant benefits of the proposal would be in conformity with the Development Plan as a whole and any limited conflict identified with the VALP is significantly and demonstrably outweighed by the identified benefits (paragraph 6.4 above) and the scheme would meet the NPPF objective to achieve sustainable development.
- 6.10 It is concluded that outline planning permission should be granted, subject to the following planning conditions and the completion of a satisfactory s106 agreement to secure the obligations as set out in this report.

7.0 Working with the applicant / agent

- 7.1 In accordance with paragraph 38 of the NPPF 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 instance the applicant sought pre-application advice, and officers have worked positively and proactively by ensuring the applicant/agent was updated of any issues after the submission of the application, giving the opportunity to address any identified issues. Considerable negotiation and regular dialogue have taken place between the applicant and officers to resolve issues and agree changes to the proposal, as such amended plans and other amended technical information have been received during the course of the application, as set out within this report. Officers worked pro-actively with the applicant/agent to resolve issues throughout the consideration of this application. The application was considered by the Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

8.0 Recommendation

- 8.1 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.

8.2 The proposed planning conditions are as follows:

- 1) Approval of the details of the layout, scale, design, and external appearance of any part of the residential development (herein after called the 'reserved matters') shall be obtained in writing from the local planning authority before that part of the development is commenced. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: Because the application is in outline (with all matters reserved except access) and as no details have been submitted of the reserved matters, they are reserved for subsequent approval by the Local Planning Authority.

- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the requirements of the Town and Country Planning Act 1990.

- 3) The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last reserved matters to be approved.

Reason: In order to comply with the requirements of the Town and Country Planning Act 1990.

- 4) The details of the reserved matters submitted pursuant to condition 1 above shall be carried out in general accordance with the illustrative drawings SK08 rev 04 (26/7/2023), SK09 rev 02 (24/7/2023), SK10 rev 02 (dated 24/7/2023), and SK11 rev 02 (dated 21/7/2023) in so far as such details relate to the with the maximum building storeys and layout indicated, the overall quantum of landscaping to be provided, including existing features and / or areas for retention, new areas of planting, areas of public open space and any associated green infrastructure.

Reason: To secure the satisfactory development of this important site in accordance with the agreed principles and objectives and to ensure high quality design and standard of amenity is achieved.

- 5) No commencement of the residential development shall take place, except demolition, until a report detailing the proposed noise mitigation, including any necessary ventilation requirements is submitted, to and approved in writing by, the Local Planning Authority. The report will detail the mitigation required in each dwelling to ensure that internal noise levels, from any external source, do not exceed those specified in table 4 of BS8233:2014 and that noise levels in bedrooms do not exceed 45dB LA_{maxf} more than 10 times per night. Any specific building ventilation requirements needed to ensure that the above levels can be maintained will also need to be detailed in the submitted report. The report shall also detail the mitigation required to ensure that noise levels in external amenity spaces do not exceed 55dB LA_{eq16hr}. Thereafter development shall be implemented fully in accordance with the approved report, including any necessary mitigation and retained for the lifetime of the development.

Reason: The reason for this pre-commencement condition is to protect the residential amenity of future occupiers of the development by ensuring appropriate mitigation measures are to be

implemented as part of the development, and to comply with Vale of Aylesbury Local Plan policies BE3 and NE5, and the NPPF.

- 6) No commencement of the residential development hereby permitted shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) detailing, in full, measures to protect existing habitat during construction works and the formation of new habitat to secure a habitat compensation and biodiversity net gain, shall be submitted to and approved in writing by the Local Planning Authority. Within the CEMP/LEMP document the following information shall be provided:
- a) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works;
 - b) Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation;
 - c) Details of both species composition and abundance where planting is to occur;
 - d) Proposed management prescriptions for all habitats for a period of no less than 30 years
 - e) Assurances of achievability;
 - f) Timetable of delivery for all habitats; and
 - g) A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. All ecological monitoring and all recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken and thereafter maintained in accordance with the approved CEMP and LEMP.

Reason: The reason for this pre-commencement condition is to ensure that a suitable CEMP and LEMP has been agreed in advance of works commencing, in order to minimise the construction impacts on biodiversity and to comply with Vale of Aylesbury Local Plan policy NE1, and the NPPF.

- 7) The development shall be implemented in accordance with the agreed mitigation, compensation and enhancement measures detailed in the Ecology Assessment from Adonis Ecology dated November 2020. Any variation to the agreed plan shall be agreed in writing with the local planning authority before such change is made.

Reason: In the interests of biodiversity, and to comply with Vale of Aylesbury Local Plan Policy NE1, and the NPPF.

- 8) At the same time as submitting details of the reserved matters for condition 1 above, and notwithstanding any indications illustrated on drawings already submitted, a detailed scheme of soft landscaping works for the residential development shall be submitted to and approved in writing by the Local Planning Authority. It shall include but is not limited to the following:

- a. Indications of all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those that are to be retained.
- b. Planting (including trees, shrubs, seeding, other plants and grass) plans.
- c. Written specifications (including soil depths, mulching, cultivation, watering/irrigation, staking and other operations associated with tree, plant and grass establishment).
- d. Schedules or plans noting species, planting sizes and proposed numbers/densities
- e. For sustainable tree planting, the soft landscape works shall incorporate underground systems and provide a sufficient area of growth medium for long term tree growth where tree development is compromised by hard landscaping such as pavements, highways, car park areas and structures (if there is hardstanding on more than one side of proposed tree planting then underground systems must be implemented).
- f. A programme of planting.
- g. Provision of appropriate tree planting and boundary treatment and/or screening between the employment development and the residential development
- h. Details of existing contours and any proposed alteration to ground levels such as earth mounding shall also be provided.

Details of maintenance, replacement and management of the soft landscaping to ensure that it is maintained over the lifetime of the development shall be provided. The development shall be carried out fully in accordance with the approved soft landscape details thereafter and shall be fully maintained in accordance with the approved maintenance and management plan.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity and biodiversity enhancements and to protect trees in accordance with Vale of Aylesbury Local Plan policies BE2, NE1 and NE8, and the NPPF.

- 9) All planting, seeding or turfing comprised in the approved details of soft landscaping for the residential development shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenity and biodiversity enhancements and to comply with Vale of Aylesbury Local Plan policies BE2, NE1 and NE8, and the NPPF.

- 10) No site clearance work or development shall take place until there has been submitted to the Local Planning Authority for approval in writing an Arboricultural Method Statement and Tree Protection Plan (in accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction'). The Method Statement and Protection Plans shall provide, as required, details of methods of construction within root protection areas and details showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall

comprise a barrier complying with Figure 2 of British Standard 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the tree protection plan.

The approved protective fencing shall be erected prior to the commencement of any works or development on the site including any works of demolition, vegetation or site clearance.

The approved fencing shall be retained and maintained until all building, engineering or other operations have been completed on site. No work shall be carried out or materials stored within the fenced area without prior written agreement from the Local Planning Authority. The development shall be carried out in accordance with the approved Tree Protection Plan and Method Statement.

11) Reason: This is a pre-commencement condition that is required to ensure that the trees to be retained are not damaged during the period of construction and in the long-term interests of local amenities and to comply with Vale of Aylesbury Local Plan policy NE8 and the NPPF.

12) Notwithstanding any indications illustrated on drawings already submitted, prior to the commencement of works above ground, a detailed scheme of hard landscaping works for the residential development shall be submitted to and approved in writing by the Local Planning Authority. It shall include but is not limited to the following:

- a. Excavations
- b. Proposed finished levels and/or contours
- d. Parking layouts
- e. Other vehicle and pedestrian access and circulation areas
- f. Hard surfacing areas (e.g. surfacing materials) and their permeable qualities
- g. Details of any street furniture, seating, refuse or other storage, signs, external lighting (including associated levels of luminance and its location)

All hard landscaping works shall be carried out in accordance with the approved details, and an approved implementation programme details of which shall also be submitted prior to the commencement of works above ground. The developer shall complete the approved hard landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

Reason: To ensure that the appearance of the development is not detrimental to the character or appearance of the area and for reducing flood risk, and to protect residential amenity of existing and future occupiers, in accordance with Vale of Aylesbury Local Plan policies BE2, BE3, and I4, and the NPPF.

13) No other part of the development shall be occupied, until the means of access has been sited and laid out in general accordance with the approved plans and constructed in accordance with Buckinghamshire Council's highway access standards.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and the development.

14) The details to be submitted for the approval of the Local Planning Authority within a Reserved Matters application seeking to determine matters of Layout shall include details of visibility

splays within the development. The approved visibility splays shall be implemented before the development hereby permitted is occupied and shall be retained thereafter.

Reason: To provide adequate visibility for the safety and convenience of users of the highway and the development.

15) The details to be submitted for the approval of the Local Planning Authority within a Reserved Matters application seeking to determine matters of Layout shall include a scheme for parking and manoeuvring in accordance with the adopted parking standards. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and the parking shall not be used for any other purpose.

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

16) The details to be submitted for the approval of the Local Planning Authority within a Reserved Matters application seeking to determine matters of Layout shall include a scheme for electric vehicle charging in accordance with the adopted parking standards. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not be used for any other purpose.

Reason: To ensure adequate provision is made for electric vehicles and to accord with the NPPF and policy T8 of the Vale of Aylesbury Local Plan.

17) The details to be submitted for the approval of the Local Planning Authority within a Reserved Matters application seeking to determine matters of Layout shall include a scheme for cycle parking in accordance with the adopted parking standards. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not be used for any other purpose.

Reason: To provide safe and suitable cycle parking and to encourage sustainable travel to and from the development.

18) The details to be submitted for the approval of the Local Planning Authority within a Reserved Matters application seeking to determine matters of Layout shall include details of adoptable estate roads and no dwelling shall be occupied until the estate roads which provide access to it from the existing highway have been laid out in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

19) Prior to the commencement of any development works on the site related to the development hereby permitted, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the Local Planning Authority. The approved CTMP shall be adhered to throughout the construction period and shall include the following details:

- Construction access details.
- Construction traffic routing.
- Delivery hours outside of highway network peak periods.

- The parking of vehicles of site personnel, operatives, and visitors off the highway.
- 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 and gates.
- Wheel-washing facilities.
- Before and after construction condition surveys of the highway and a commitment to rectify and repair any damage caused.

20) Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway during the construction of the development.

21) The connection to the Aylesbury Gardenway shown on drawing no SK11 rev 02 (dated 21/7/2023) shall be safeguarded for future use as part of the Aylesbury Gardenway proposals. In the event that the Aylesbury Gardenway is provided by Buckinghamshire Council (or other delivery body including the developer) the shaded land shown on this plan shall be used as connection to the Aylesbury Gardenway.

Reason: To safeguard the future provision of the Aylesbury Gardenway project in accordance with the Aylesbury Garden Town Masterplan and VALP policies T1 and S5.

22) No development above ground shall take place on the residential buildings hereby permitted until details and samples of all the external surface materials proposed to be used on the buildings, surfaces of the roads, footpaths, parking areas and courtyards have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out using the approved materials.

Reason: In the interests of the visual appearance of the development in accordance with Vale of Aylesbury Local Plan policy BE2 and the NPPF.

23) The development shall be carried out in accordance with the submitted flood risk assessment and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 73.09 metres above Ordnance Datum (AOD)
- Compensatory storage shall be provided as outlined in Section 6.5 and Figure 12 of the FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Vale of Aylesbury Local Plan policy I4 and the NPPF.

24) Prior to the commencement of works for the residential development (excluding any works of demolition), the detailed design of the surface water mitigation measures as set out in the approved Flood Risk Assessment (V3-2, Thomas Mackay, dated July 2022) and supporting

documents 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 include the following:

1. A bund between the basin and existing properties to the east as identified on Sections Through Proposed Suds Features Sheet 2 (203985-SWH-ZZ-XX-DR-C-0061 P02) informed by appropriate geotechnical assessment that includes but is not limited to:
 - A geotechnical desk study, intrusive geotechnical investigation and associated interpretative report.
 - A geotechnical design report covering suitability of the material, slope stability, bearing capacity, seepage, and if needed, design. In terms of seepage, we would expect to see a specification if a clay core is proposed.
2. Bank forming the attenuation basin (and raised development platform) as identified on Sections Through Proposed Suds Features Sheet 1 (203985-SWH-ZZ-XX-DR-C-0060 P04) informed by appropriate geotechnical assessment that includes but is not limited to:
 - A geotechnical desk study, intrusive geotechnical investigation and associated interpretative report.
 - A geotechnical design report covering suitability of the material, slope stability, bearing capacity, seepage, and if needed, design. In terms of seepage, we would expect to see a specification if a clay core is proposed.
 - Confirmation of earthworks volumes and associated Materials Management Plan (if over 10,000m³).
 - Details of any erosion protection matting.
 - No trees or shrubs to be planted on or in the vicinity of the embankments.

Reason: This pre-construction condition is required to ensure that there is a satisfactory solution to managing surface water flood risk in accordance with Policy I4 of the Vale of Aylesbury Local Plan and with the guidance set out in the National Planning Policy Framework.

25) Prior to the commencement of works for the residential development (excluding any works of demolition), the detailed design of the surface water mitigation measures as set out in the approved Flood Risk Assessment (V3-2, Thomas Mackay, dated July 2022) and supporting documents has been submitted to and approved in writing by the Local Planning Authority. No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on the principles in approved Drainage Design Strategy and Calculations (Scott White and Hookins dated November 2022) and supporting documents, 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:

- Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index for each of the surface water drainage catchments
- Discharge from the surface water drainage scheme is to be no greater than 2.75l/s
- Ground investigations and associated interpretative report including:

- Soakage testing in accordance with BRE Digest 365
 - Comprehensive groundwater level monitoring over the period of one year across the development area, which must include the months November to March
 - Assessment of impacts of the scheme on groundwater movement and appropriate mitigation measures (if any)
 - Requirement for any lining of surface water drainage components to prevent groundwater ingress
 - Flootation calculations based on maximum groundwater levels observed during the monitoring period
- SuDS components agreed in the outline application as shown on drawings 203985-SWH-ZZ-XXDR-C-0050-P05 and 203985-SWH-ZZ-XX-DR-C-0051-P05
 - Full construction details of all SuDS and drainage components
 - Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
 - Calculations to demonstrate that the proposed drainage system 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. The calculations submitted should also include a check on the impacts of surcharged outfall conditions and confirm requirements for non return/flap valves within the drainage scheme
 - 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.

Reason: This pre-construction condition is required to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Policy I4 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

26) At the same time as submitting details for the reserved matters pursuant to condition 1 above, a detailed energy strategy for the residential development, including measures to reduce carbon emissions through renewable technologies and reduce water consumption to a limit of 110 litres/person/day, shall be submitted to and approved in writing by the Local Planning Authority. Residential development shall be carried out thereafter in accordance with the approved energy strategy.

Reason: To ensure a resultant satisfactory standard of development, in accordance with Vale of Aylesbury Local Plan policy C3, and the NPPF.

27) All walls, fencing, gates or other means of enclosure / boundary treatment shall be erected/installed in accordance with details to be submitted for the reserved matters pursuant to condition 1 above. The walls, fencing, gates or other means of enclosure shall then be erected in accordance with the approved details prior the initial occupation of the dwellings to which they relate. Thereafter, the approved means of enclosure / boundary treatment shall be

retained and notwithstanding Class A, Part 2, Schedule 2 of The Town & Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) no further gate, wall, fence or other means of enclosure shall be constructed without the approval in writing of the Local Planning Authority.

Reason: To ensure a satisfactory resultant appearance and standard of amenity of the site and in the interests of highway safety and convenience, in accordance with Vale of Aylesbury Local Plan policies BE2 and BE3, and the NPPF.

28) Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Classes A, B, D, E & F of Part 1 of Schedule 2 to the said Order shall be erected or constructed within the application site unless planning permission is first granted by the Local Planning Authority.

Reason: The nature and density of the layout requires strict control over the form of any additional development which may be proposed in the interests of maintaining a satisfactory residential environment. In order that the Local Planning Authority can properly consider whether any future proposals will constitute overdevelopment of the site or will in any other way be detrimental to the character of the locality, and to accord with policies BE2 and BE4 of the Vale of Aylesbury Local Plan, and the NPPF.

29) The residential development hereby approved shall not be occupied until confirmation has been provided to the Local Planning Authority that either: (i) all water network upgrades required to accommodate the additional flows to serve the residential development have been completed; or (ii) a development and infrastructure phasing plan (for the residential development) has been agreed with Thames Water to allow the residential development to be occupied. Where a development and infrastructure phasing plan is agreed no residential occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

30) Application for the approval of Reserved Matters in respect of Layout shall provide full details of the proposed housing mix, types and sizes, (having regard to the council's most up-to-date evidence on housing need) including demonstration that the development will meet at least category 2 accessible and adaptable standards for all dwellings, as set out in Building Regulations Approved Document M4(2), and that a minimum of 15% of the affordable housing will meet the requirements for M4(3) wheelchair accessible housing as set out in Building Regulations Approved Document M4(3), unless it has been demonstrated to the Council's satisfaction that it would be unviable to do so. Such details shall be submitted for the approval in writing by the Local Planning Authority and the development shall be implemented fully in accordance with the approved details thereafter.

Reason: To ensure a satisfactory mix of homes are provided to meet current and future housing requirements, and the need for accessible, adaptable and wheelchair user dwellings, as required to accord with Vale of Aylesbury Local Plan policies H6a and H6c, and the NPPF.

- 31) No development shall take place until the applicant, or their agents or successors in title, have undertaken 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: To ensure the development confirms with NPPF paragraph 205 and VALP Policy BE1 in relation to assessing any archaeological significance and ensuring a preservation record is made.

Informatives

- 1) The applicant is advised that off-site highway access works will need to be constructed under a Section 184 / 278 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. Please visit the Council's website for further guidance or contact Highways Development Management via highwaysdm@buckinghamshire.gov.uk
- 2) 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.
- 3) 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.
- 4) Riparian Responsibilities: It should be highlighted that as a riparian owner, the applicant has responsibilities to maintain the watercourse ensuring that the flow is able to be maintained unimpeded. Therefore, works may need to be undertaken with regards to vegetation management and blockage removal. We would encourage the applicant to refer to the following guidance documents; Environment Agency Guidance on Riparian Responsibilities and the BC Guidance for Riparian Owners.
- 5) The Lead Local Flood Authority strongly recommend pre-application engagement prior to the submission of any drainage related matters at either reserved matters or discharge of conditions stage due to the complexity of the surface water drainage proposals. Please note that this service is offered on a charged basis, for more information and how to apply please see the Council's website.
- 6) The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit [Flood risk activities: environmental permits - GOV.UK](https://www.gov.uk/guidance/flood-risk-activities-environmental-permits)

(www.gov.uk) or contact the EA National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and they are advised to consult with the EA at the earliest opportunity.

- 7) As part of a reserved matters application information will be required to demonstrate that any development within 8m of the watercourse can meet the Environment Agencies requirements to not increase flood risk, harm the environment or impact on drainage under the Environmental Permitting (England and Wales) Regulations 2016.

Appendix A: Consultation Responses and Representations

Appendix B: Site Location plan

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr Mrs Susan Morgan:

“I echo the comments of objection made by the Oliffe Residents Association, local residents and the Town Council. I would like this application to be called to the Central Planning Committee for a decision to be made.”

Cllr Ashley Bond:

“very concerned about flooding issues”

Parish/Town Council Comments

Aylesbury Town Council:

“Aylesbury Town Council Object to this application. Whilst bringing derelict sites back into usage is desirable the Town Council has a major concern regarding water attenuation at this site. This does not appear to have been considered thoroughly enough in this application with no robust and detailed mitigations to alleviate the risks. The concerns are real for current residents that have just experienced an episode of severe flooding of neighbouring roads (particularly Oliffe Close) and will be a threat to new residents. The committee support the comments raised by CPDA adviser and share concerns for the already overwhelmed local amenities that would serve this development of Health services and education. Aylesbury Town Council would also request that the developer be asked to contribute towards new graded football facilities for the town by ring fencing Section 106 money for this much needed new facility and would note that there are some inaccuracies in the developers summary of the history and current position with regards to Aylesbury United FC (these can be provided on request)”

“...additionally note that we'd expect Sport England to be consulted on this application”.

Watermead Parish Council:

“Watermead Parish Council writes to inform you that at the Parish Council meeting of 19th November 2020 a resolution was passed to object in the strongest possible terms to this planning application for the following material considerations.

Policy GP8 (retained policy) of the AVDLP states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents, when considered against the benefits of the proposal. We strongly believe the following should be considered under Policy GP8.

Increased Flood Risk to Watermead & Oliffe Close Development

The River Thames flows through the parish of Watermead. Due to the historic nature of the flooding within this region, when the planning consent was given in the mid 1980s, the development site was limited in size and 2 vast flood relief lakes were part of the requirement to alleviate the flood risk. In recent years, due to climate change and much more additional housing

on closely neighbouring land flooding of Watermead has increased by 30%; some reports now even say 40%.

The developer states that as they are proposing to build in Flood Zone 2 only. They advise that no Flood Risk Assessment (FRA) or Sequential Test is required. The developer also states that they intend to raise part of Flood Zone 2 to make it a Flood Zone 1.

Proposed works including a Riverside Walk and the installation of a Local Equipped Area of Play (LEAP) are planned in Flood Zone 3 therefore a Flood Risk Assessment and Sequential Test is required and conflicts with the above statement made. This requirement is also confirmed by copy of letter from the Environment Agency dated 5th April 2020 uploaded to Buckinghamshire Council planning portal.

Any development that could potentially increase the flooding of elsewhere in the vicinity requires these documents to be submitted. The increased flood risk to houses in Oliffe Close and Watermead is too great to risk. Simply building higher within the high flood risk area will result in increased run-off and inadequate thought has been given to the effect of the proposed development on neighbouring properties.

During October 2020 flooding occurred in Oliffe Close, which has been reported in other objections to this planning application with photographic evidence provided. The neighbouring Best Western Hotel and Watermead Gym car parks were flooded as well as the football pitch because as intended it is flood plain. The gym was inaccessible. Further development can only make this much worse. To remove this flood plain facility would be extremely detrimental to neighbouring properties and to Watermead.

Holman's Bridge cannot cope with any additional infrastructure. The planning department must request that the applicant provides a re-modelling suggestion for Holman's Bridge. The bridge needs to be raised/widened to permit increased flow of the River Thames possibly preventing local flooding. An earlier proposal to do this was abandoned because it was wrongly assumed that it was a listed structure. It is not. When permission was given for the Football Club conditions were made to ensure that the development had a satisfactory appearance and, because the site included land within a floodplain there cannot be an undue impediment to flood water. Surely a development of 42 homes and associated infrastructure would be an obstruction, hindrance or obstacle. Total contradiction of the condition set.

According to Thomas Mackay (consultant for the applicant) the site has only flooded once. This statement is a real concern as the land in the very close vicinity has flooded, including people's homes on Oliffe Close nearly every year.

Buckinghamshire Council as the Lead Local Flood Authority have reviewed the information from the applicant and recommend refusal of this application, due to the site being at risk of all sources of flooding and inadequate assessment of the flood risk within the Flood Risk Assessment.

Buckinghamshire Council further confirmed that this site was assessed as part of the Aylesbury Vale Housing and Economic Land Availability (HELA) and it was determined that it was an unsuitable for development due to the existing flood risk.

Loss of Recreational Facility

This site is designated recreation & leisure land following change of use permission issued by AVDC in 1982. This permission is extant and no application for change of use has been made. It is

not a brownfield site as contended by the Applicants, but a recreation site which has become disused solely because of internal factors in the management of the football club.

Steady growth of Aylesbury requires more sports and leisure facilities for team games and public entertainment not less. The football ground should be renovated or replaced, not removed, and certainly not for housing in an area so vulnerable to flooding.

Highways

Traffic is another concern. Oliffe Close residents will have difficulty in merging into the road leading from the new development to access the A413; a very busy road at the best of times. They already experience difficulty in getting out of the close during peak times. Further development in the area can only exacerbate this problem.

However well-planned to encourage cycling and walking and use of public transport evidence from many other developments including the adjacent Buckingham Park and Watermead, is that by far the majority of residents will use their cars to reach schools, work and to travel outside Aylesbury on their daily commute. Buckinghamshire Council have also mirrored these concerns about traffic trips and movements from the development within their response.

We request that the Planning Officer consults with the Sustainable Drainage & Highways Officers for the above-mentioned reasons and requests that this application is heard at committee. Furthermore if addressed at committee, we ask that a site visit is carried out to highlight our concerns and reasons to refuse this application.”

Consultation Responses (Summarise)

Archaeology:

The application area was subject to archaeological trial trench evaluation in 2009 by Foundations Archaeology. The evaluation identified archaeological features across the site, including an inhumation which was radio carbon dated to the early 13th century. Due to the known presence of one human inhumation, and the potential for associated remains to be present, an archaeological excavation is required in advance of any development of the site to appropriately excavate, record and report on the archaeological remains. The extent of the archaeological works will need to be agreed with BCAS, and contain contingencies in case further burials are encountered.

If planning permission is granted for this development then it is likely to harm a heritage asset's significance so a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 205 and VALP Policy BE1. With reference to the NPPF we therefore recommend that any consent granted for this development should be subject to the following conditions: No development shall take place until the applicant, or their agents or successors in title, have undertaken 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.

Ecology:

Approve updated ecology assessment submitted in support of this application. Condition the recommendations of this report and request a CEMP and LEMP to secure measures to protect identified habitats & species and to secure the ecological enhancements proposed.

Environmental Health:

Whilst there are no fundamental environmental health objections to this application, as is recognised in the design and access statement, the properties on the western edge of the development may be subject to significant noise levels generated by traffic on the A413. It is therefore suggested that if approved this application is subject to a condition requiring the pre-commencement submission and approval of a written noise impact assessment, together with proposals for any necessary mitigation measures.

Parks and Recreation:

As this site is not and has not been available for use as a sports facility for some considerable time it is not considered to be an 'existing' sports and recreation facility and therefore not subject to the above VALP policy I2 criteria. Also, the Council's draft Playing Pitch Strategy identifies that future demand in terms of football pitch provision will be provided within other planned developments in the area.

CPDA:

Having reviewed the submitted documents and analysed the crime statistics - no specific concerns relating to this outline application.

Education:

Would require a financial contribution towards the expansion of the local primary and secondary schools to accommodate the significant development in the area including this scheme, in accordance with BC's adopted S106 policy.

LLFA:

No objection to the proposed development subject to planning conditions being placed on any planning approval for the detailed design, including appropriate geotechnical assessment, of the following features:

- the bund between the basin and existing properties to the east as identified on Sections Through Proposed Suds Features Sheet 2 (203985-SWH-ZZ-XX-DR-C-0061 P02).
- the bank forming the attenuation basin (and raised development platform) as identified on Sections Through Proposed Suds Features Sheet 1 (203985-SWH-ZZ-XX-DR-C-0060 P04)

Environment Agency:

Have reviewed the Flood Risk Assessment v3-2 July 2022 and appendices. The hydraulic model and the hydrology are now considered fit for purpose, and the assessment of climate change

allowances and floodplain compensation scheme satisfactory. The raised platform will mean the dwellings will be in Flood Zone 1. Therefore, no objection on flood risk grounds, subject to a planning condition. However, maintain objection relating to an inadequate assessment for nature conservation.

Highways:

Satisfied that safe and suitable access can be achieved, that the proposed development provides opportunities for non-car travel, and that the traffic impacts of the proposed development are acceptable and not severe in the context of the NPPF. The Highway Authority has no objection from a highway perspective, subject to the suggested planning conditions and highway informatives being included in any planning permission that may be granted.

Housing:

The former Aylesbury Vale area request a minimum of 25% of homes within a development of 11+ units to be affordable. The requested tenure split is 80% Affordable Rent and 20% Intermediate tenure (Shared Ownership preferred), based on the most up-to-date information on housing need. 15% of the affordable homes are to be designed to the M4(3) Building Regulations standard.

Health Care:

The BHT have requested a contribution of £82,153.00 towards hospital services to mitigate the impacts of a gap in funding.

Sport England:

As the playing field has not been used for at least five years, the consultation with Sport England is not a statutory requirement. Notwithstanding the non-statutory nature of the consultation, Sport England “strongly objects to the application because it is not considered to accord with any of the exceptions to Sport England’s Playing Fields Policy or with Paragraph 97 of the NPPF.”

Representations

Amenity Societies/Residents Associations

Aylesbury Society:

“Object in so much as the development will significantly reduce the size of the flood plain, leading to a detrimental affect on the surrounding residential areas and Watermead.”

Other Representations

Comments in support of the proposal can be summarised as:

- *Garden Way project can be incorporated into site linking other areas*
- *Benefit to Garden Town*

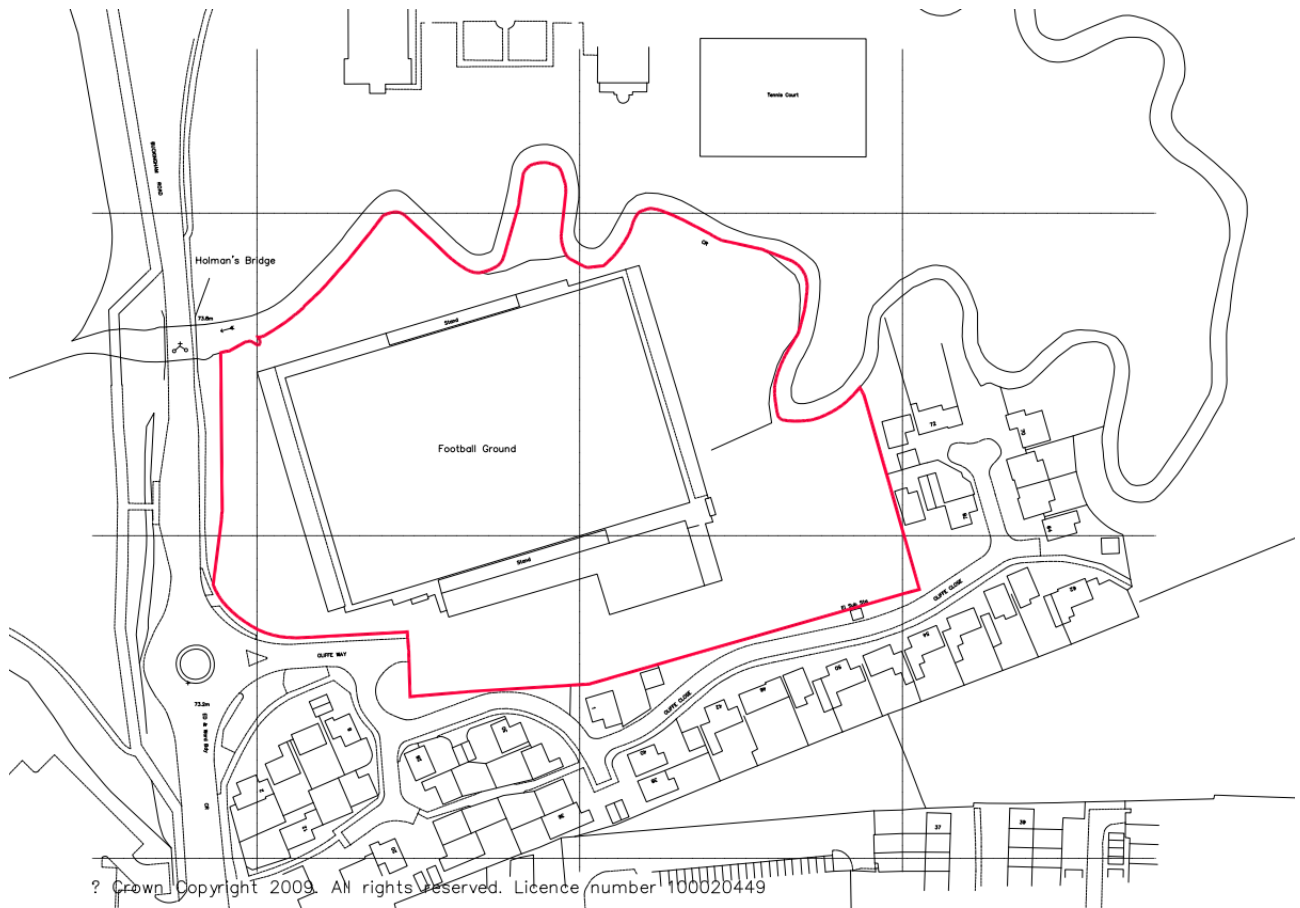
Neutral comments can be summarised as:

- *Housing mix could be more representative*
- *Flooding comments in local area*
- *The Garden Way needs to be taken into account opportunities for connections*
- *General quality of highway and transport impacts*
- *Comments on historical use of the site and benefit of sport on mental health*

Objection comments can be summarised as:

- *Oppose loss of local leisure land and football club site*
- *£106 million should be used to find the club a new site and sport facilities*
- *Club was evicted a permanent home needs to be provided they did not leave voluntarily*
- *Frequency of local flooding is a concern*
- *Site floods frequently as do surrounding houses*
- *Reduction in size of flood plain*
- *Flood Risk Assessment is misleading*
- *Traffic congestion and traffic impact will be made worse.*
- *Lack of sport opportunities for local people, club forced from the site.*
- *Climate change concerns*
- *Development will strain local infrastructure and impact on local bridge*
- *Need for a sequential test to be done*
- *Concerns over water consumption in local area*
- *Construction impact concerns*
- *Impact upon existing trees and their retention is a concern*
- *Houses squeezed onto the site are inappropriate*
- *Development is contrary to Garden Town objectives*
- *Town has a lack of high quality sport facilities*
- *SUDS comments should be adhered to (noting comments received prior to revised comments)*
- *Development will lead to flooding on local roads and estates*
- *Drainage and Sewerage problems are highlighted scheme does not improve situation for local people*
- *This represents a small green area that should be protected*
- *Covenant on land should prevent housing*
- *Proposed buildings are not in keeping with local area*
- *Aylesbury does not need more housing*
- *No facilities left for children in the area*

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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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 WADDES DON
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 Waldridge 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.

British Energy Security Strategy 2022

- 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 Waldridge Manor (GII*).

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

- 5.115 In the case of Waldridge 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 Waldridge 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 Waldridge 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 Waldridge Manor and due to the distance and intervening built form, the solar farm would have any impact on Waldridge Manor.
- 5.117 The proposed solar farm off Kimblewick Road is located further from Waldridge 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 Waldridge 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 Waldridge 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 Waldridge 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 Hedgelinek.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 policies 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 Hedgeline Management Scale described in the Hedgerow Management Cycle guidance available from <https://hedgeline.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 Waldridge Manor. See also Archaeology comments for Nucleated medieval settlement east of Waldridge 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 Waldrige 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

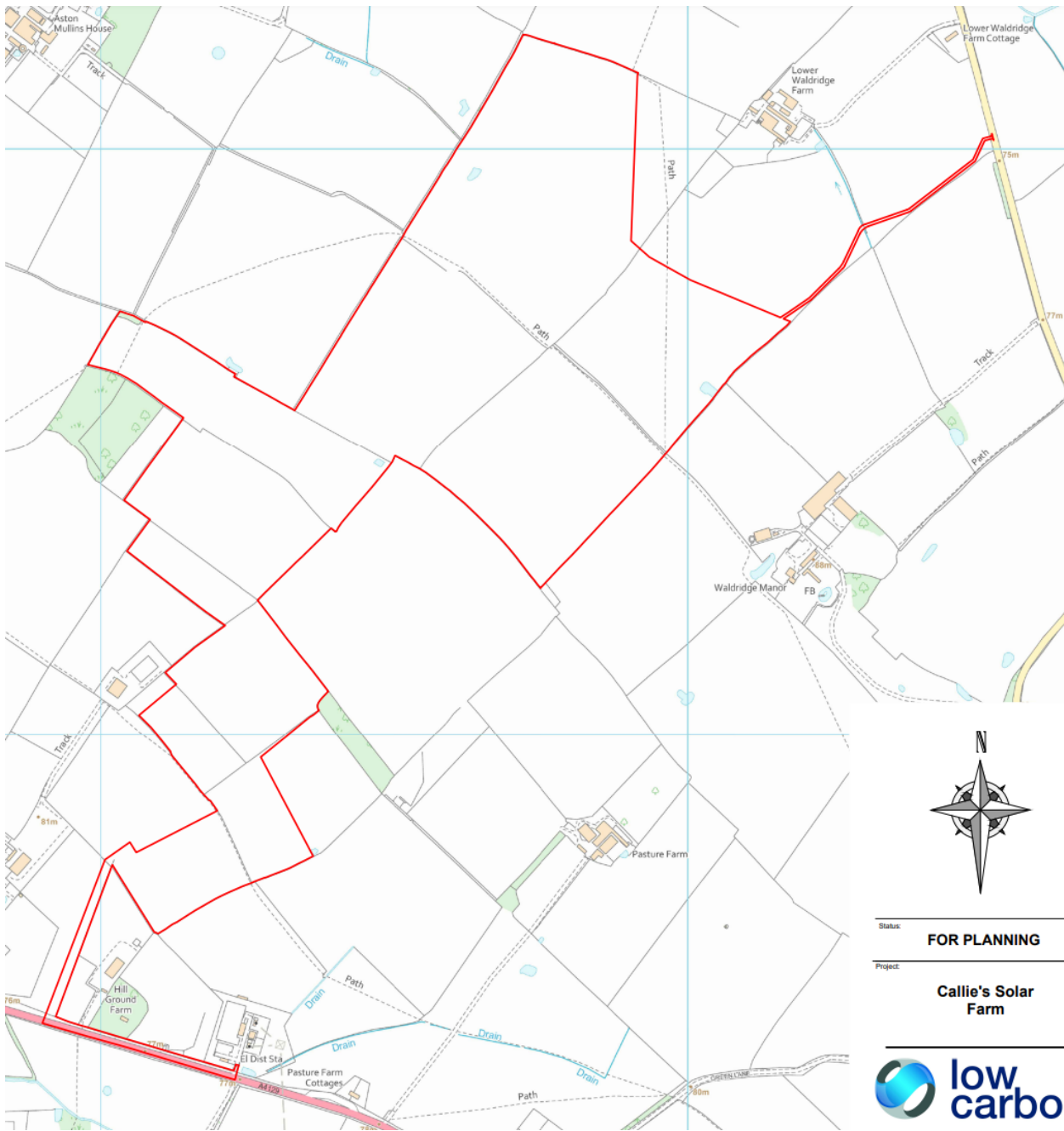
The following reports were submitted on behalf of the neighbouring objector, Mr Simon Hope:

- 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

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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>

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