



## Report to Buckinghamshire Council – North Area Planning Committee

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<b>Application Number:</b>	21/02775/APP
<b>Proposal:</b>	Construction of a solar farm
<b>Site location:</b>	Land Rear of Bury Farm, Mill Road, Slapton, Buckinghamshire,
<b>Applicant:</b>	Interguide Group Limited
<b>Case Officer:</b>	Zenab Hearn
<b>Ward affected:</b>	IVINGHOE
<b>Parish-Town Council:</b>	SLAPTON
<b>Valid date:</b>	30 June 2021
<b>Determination date:</b>	04 May 2022
<b>Recommendation:</b>	Conditional Approval

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### 1.0 Summary, Recommendation and Reason for Planning Committee Consideration

- 1.1 Following a complaint about the procedure at the Area Planning Committee on 1<sup>st</sup> June and a review of the recorded web cast of the meeting, the Council acknowledges that the procedure which resulted in a resolution of the North Buckinghamshire Area Planning Committee to approve 21/02775/APP (Construction of a Solar Farm: Land rear of Bury Farm, Mill Road, Slapton) subject to conditions should not have been taken in the way that it was, and any decision which flows from it, such as a planning permission, ought properly be to be quashed. However, as a decision notice has not been issued, the Council has decided the application will be considered afresh at the next scheduled meeting of the committee – 7<sup>th</sup> July 2022.
- 1.2 An original report was presented to committee on 1<sup>st</sup> June and this report is largely the same but has been revised to reflect the updates proposed to the original published report. It also been amended to refine the conditions to address the concerns raised by members.
- 1.3 This application seeks planning permission for the construction of a solar farm with all associated equipment with a generating capacity of up to 49.9MW for a period of 40 years from the date of the first exportation of electricity from the site.
- 1.4 The proposal would provide a source of renewable energy which would contribute towards energy security, meeting the targets set out in the Climate Change Act 2008 and the

commitment towards Net Zero Carbon by Buckinghamshire Council to which significant weight is given in favour of the application.

- 1.5 The proposal would cause harm of moderate significance to the visual amenity and landscape quality of the area.
- 1.6 In accordance section 38(6) of the Planning and Compulsory Purchase Act 2004 proposals must be determined in accordance with the development plan unless material considerations indicate otherwise. The delivery of renewable energy and contribution to energy security which this scheme would provide to meet both local and national commitments weigh strongly in favour of this proposal. As such, the proposal would deliver substantial public benefits on a scale such as to outweigh the harm identified.
- 1.7 Recommendation – for the reasons explained within this report, this application is being recommended for approval subject to condition.

## **2.0 Description of Proposed Development**

- 2.1 The application site comprises 36.7 ha grassland. The site is an irregular shape located immediately south of the River Ouzel, east of the Grand Union Canal and to the west of the Bury Farm Equestrian Centre. The site comprises 5 fields that are currently unused agricultural land. The topography of the site is largely flat.
- 2.2 The site is undesignated, the nearest Conservation Area is Mentmore located 1.75km to the west of the site. The nearest listed buildings are within Slapton Village located 885m to the south of the site. Mentmore Park is a Registered Park and Garden and is located approximately 1.75km southwest of the site and is currently used as a golf course. Ascott House is a Registered Park and Garden managed by the National Trust and is located approximately 2km north-west of the site. Part of the site around the River Ouzel is within Flood Zone 2 and 3.
- 2.3 The application site lies within the Ouzel Valley Catchment Landscape Character Area. Public Right of Way (PRoW) SLA/2/1 runs along the southern section of the site. PRoW SLA/13/2 is located to the west of the site along the opposite end of the Grand Union Canal. PRoW SLA/15/1 is located to the east of the site and stops at the proposed access point into the site. The agricultural land classification for the site is 4 (poor).

### *Proposed Development*

- 2.4 The application is seeking planning permission for the installation of a solar farm typically arranged in arrays that measure 15m by 30m with access routes in between for maintenance. The proposed solar farm would have a generating capacity of upto 49.9 MW for a temporary period of up to 40 years. The panels are typically 0.8m in height from the ground, or 1m where flood risk exists with an overall height of 1.2m. The solar panels will be driven into the ground on narrow posts avoiding the need for concrete foundations.
- 2.5 The solar panels will drain to the existing ground and sustainable drainage solutions will be

used along the access track to control run off in areas subject to localised flooding. Fencing and CCTV cameras are proposed as well as a grid connection compound which will include transformers and switchgear. The proposed compound which includes transformers to step up energy to the grid will be located to the south western part of the site. Also proposed is a tower that would feed electricity between the compound and the existing grid connection. The new tower which will be made up of a steel frame structure would measure upto 30m in height and it would be located within 50m of the existing pylon on site. The tower would facilitate connection to the grid.

2.6 Mill Road lies adjacent to the eastern corner of the Application Site linking Slapton to Little Billington and would form the point of access to the development. During the construction period, it is expected that there would be 4 HGV vehicles a day for a 9 month period. It is expected that construction workers are likely to stay in a hotel nearby and will be coming to and from the site by shared transport to reduce the numbers of cars travelling to the site during the construction period.

2.7 The application is accompanied by:

Preliminary Ecological Appraisal dated March 2022

Flood Risk Assessment dated February 2021

Design and Access Statement dated June 2021

Landscape Visual Impact Assessment dated June 2021

Project Update dated September 2021

Project Update dated November 2021

Project Update (Ecology) dated March 2022

Project Update (Flooding) dated May 2022

Biodiversity Metric Calculator 3.0

E100 – Existing Site Layout

P100 – General Arrangement

P101 – Sections

P102 – Sections and substation layout

P103 – Details of fencing

P104 – Solar panel detail

2.8 The proposal uses the “Rochdale Envelope” principles. The Rochdale Envelope is widely accepted on infrastructure projects and there is guidance on the use of the Rochdale Envelope by the Planning Inspectorate and Policy EN-1 Overarching National Policy Statement for Energy. Essentially, the Rochdale Envelope requires an assessment to be based on a cautious ‘worst case’ approach. In this case, what is proposed on site is the maximum that would be built, but it could be less than this or with very minor changes to the layout. The Rochdale Envelope provides flexibility in design options where details of the whole project are not available, while ensuring the impacts of the final development are fully assessed. Any planning permission granted on the basis of the Rochdale Envelope

is conditional on providing the final details for approval prior to construction. As such, Condition 4 of the report seeks full details of the final proposal.

### **Relevant Planning History**

2.9 There is no relevant planning history available for the site itself. There is extensive planning history relating to the adjacent site, however it is not relevant for the purposes of this application.

2.10 The development has been screened under the Town and Country Planning Environmental Impact Assessment Regulations 2017 (ref: 21/03554/SO). Following a review of the submission, and consultation with the relevant specialists the local planning authority has concluded that an environmental impact assessment will not be required in this case as it would not have a significant impact and that any impacts would be more localised to the site.

### **3.0 Representations**

3.1 Statutory site publicity has been given to the application. All representations received have been summarised in Appendix A.

### **4.0 Policy Considerations and Evaluation**

4.1 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 (2021). The development plan is defined in Section 38(3)(b) of the 2004 Act as “the development plan documents (taken as a whole) that have been adopted or approved in that area”.

4.2 The development plan for this area comprises:

- Buckinghamshire Minerals and Waste Local Plan 2019 (BMWLP)
- Vale of Aylesbury Local Plan (15th September 2021)
- Slapton Parish Neighbourhood Development Plan (2018)

4.3 The VALP is an up to date plan, and in accordance with paragraph 220 of the NPPF (2021) the plan has been examined in the context of the NPPF (2012) and apply to the policies in this plan.

4.4 In addition, the following documents are relevant material considerations to the determination of the application:

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG) - ‘Planning Practice Guidance for Renewable and Low Carbon Energy’

- The Climate Change Act 2008
- British Energy Security Strategy 2022
- EN-1: Overarching National Policy Statement for Energy (July 2011);
- EN-3: National Policy Statement for Renewable Energy Infrastructure (July 2011) - Written Ministerial Statement on Solar Energy: protecting the local and global environment made on 25 March 2015
- Commercial Renewable Energy Development and the Historic Environment Historic England Advice Note 15 (February 2021)
- Natural England's Technical Information Note: Solar Parks: Maximising Environmental benefits (TIN101)
- The British Energy Security Strategy (2022)

### **Planning Consideration and Evaluation**

- 5.1 The issues and policy considerations are the principle of development, design, historic environment in terms of impact on nearby listed buildings, archaeology and conservation areas, the amenity of existing residents, landscape character and visual and highways and access, minerals safeguarding, ecology and flooding and drainage.
- 5.2 The following VALP (2021) policies are relevant to the application:
- S1 Sustainable development for Aylesbury Vale
  - S2 Spatial strategy for growth
  - S3 Settlement hierarchy and cohesive development
  - BE1 Heritage Assets
  - BE2 Design of new development
  - BE3 Protection of the amenity of residents
  - NE1 Biodiversity and Geodiversity
  - NE4 Landscape character and locally important landscape
  - NE5 Pollution, air quality and contaminated land
  - NE7 Best and most versatile agricultural land
  - NE8 Trees, hedgerows and woodland
  - C3 Renewable energy
  - C4 Protection of public rights of way
  - T4 Capacity of the transport network to deliver development
  - T5 Delivering transport in new development
  - T7 Footpaths and cycle routes
  - I1 Green infrastructure
  - I4 Flooding
- 5.3 The following Buckinghamshire Minerals and Waste Local Plan (2019) is relevant to the determination of the application:

- Policy 1 Safeguarding of Mineral Resources

5.4 The following Neighbourhood Plan Policy is relevant to the determination of the application:

- SLP1 Slapton Settlement Boundary

#### **Principle and Location of Development**

- 5.5 Policy C3 of the VALP (2021) encourages renewable energy developments provided that there is no unacceptable impact on the criteria set out within the Policy. Policy SLP1 of the Neighbourhood Plan (2018) notes that proposals for development outside the defined areas within the Neighbourhood Plan will only be supported if:
- i. It is necessary and suited to a countryside location; and
  - ii. The development positively contributes to the landscape in which it sits and is in harmony with the form and character of the Ouzel Valley Catchment Area and its settlements.
- 5.6 The National Planning Policy Framework 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. 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. Paragraph 151 of the NPPF (2021) requires plans to help increase the use and supply of renewable and low carbon energy and heat. Paragraph 158 of the NPPF (2021) 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 its impacts are (or can be made) acceptable.
- 5.7 The British Energy Security Strategy (2022) expects a five-fold increase in deployment by 2035. The strategy continues to support the effective use of land by encouraging large scale 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.
- 5.8 The Climate Change Act of 2008 and subsequent amendment in June 2019 sets a legal requirement of the Secretary of State to reduce Greenhouse emissions by 2050. The sixth carbon Budget places a legally binding target for the UK to Net Zero by 2050, requiring a doubling of electricity demand from power produced by low-carbon sources, including 4GW per year of solar energy production. Through the Electricity Market Reform (EMR) there is a move towards the increase of a supply of secure electricity to ensure sufficient capacity to meet demand. Renewable energy plays a key factor in supporting the demand

and tackling the climate crisis. In July 2020 the Council passed a motion to work alongside national Government with the objective to achieve net carbon zero for Buckinghamshire by 2050.

- 5.9 The National Policy Statement for Energy (EN-1) (2011) published by the Department of Energy and Climate Change, sets the overarching national policy for energy. Whilst the proposed development is under the threshold for national significance, the principles of EN-1 are material because it describes the national approach to energy provision. Part 2.2 of EN-1 sets the Government's aim to move towards a secure low-carbon energy system requires significant investment in new technologies to deliver these aims, to deliver a long-term strategy for low carbon energy provision, such as solar energy, to deliver less reliance of fossil fuel consumption. Energy provision is vital to economic prosperity, and social well-being, and is essential to ensure that the UK and Buckinghamshire has secure renewable energy.
- 5.10 The starting point for proposals delivering renewable energy is a positive policy framework for which significant weight must be given. This is defined in Policy C3 which encourages such development provided that, there is no unacceptable adverse impact, including cumulative impact on a number of identified issues within the policy. The potential impact on these issues are considered within the report. The key issues are:
- the impact upon landscape and
  - biodiversity,
  - visual impacts on local landscapes,
  - the historic environment,
  - aviation,
  - highways and access and
  - residential amenity.
- 5.11 This application seeks planning permission for the installation of a solar farm and supporting infrastructure for a period of 40 years, at the end of the project, it is proposed to be removed from the site and the land returned to its former state. The delivery of this scheme would generate upto 49.9MW. The proposal would contribute towards the targets set out in the Climate Change Act 2008 and the commitment to Net Zero Carbon across Buckinghamshire Council. The development will increase the security for provision of renewable electricity supply within Buckinghamshire.
- 5.12 Notwithstanding, it is acknowledged that the application conflicts with Policy SLP1 of the Neighbourhood Plan (2018) whereby it introduces a solar farm into the rural landscape which is not accounted for within Policy SLP1. However, the Neighbour Plan pre-dates the VALP (2021) and National Planning Guidance at paragraph 044 notes that should there be a conflict between a policy in a neighbourhood plan and a policy in a local

plan, [section 38\(5\) of the Planning and Compulsory Purchase Act 2004](#) requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan which in this case is the VALP. In light of this advice and given the positive policy position set out in Policy C3 of the VALP, there is no objection in principle to the solar farm development in this location. As such the benefit of producing renewable energy is given significant positive weight in favour of the development.

- 5.13 The LPA acknowledges that opportunities for renewable energy proposals are strongly influenced by the availability of the natural resources and the sensitivity of the environment to accommodate the different types and scales of installation including the cumulative impacts. The policy support for the renewable scheme must be balanced alongside the visual impact of the scheme, the cumulative effect with other existing and proposed development in the area, the effect on, and the temporary loss of agricultural land, the historic environment, the impact on rights of way and the impact on the amenities of local residents, the effect on the local highway network and the effect on wildlife and ecology.

#### **Impact on Landscape Setting**

- 5.14 Policy NE4 of the VALP (2021) requires development to contribute to, and enhance, the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside and development should provide net gains in biodiversity.
- 5.15 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.
- 5.16 Policy C3 of the VALP (2021) encourages planning applications involving renewable energy development if there is no unacceptable adverse impact, including cumulative impact on local landscapes.
- 5.17 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.
- 5.18 The application site is located within the Ouzel Valley Catchment. The landscape qualities

of the area, relevant to the application site and surroundings within the landscape area include:

- Wide shallow streams
- Meandering stream in valley fed by ditches
- Large open arable fields
- Mosaic of pastoral fields running parallel with the canal corridor
- Well trimmed hedges with occasional mature hedgerow trees
- Sparse distribution of settlements at Ledburn, Slapton and Horton
- Grand Union Canal
- Ascott House parkland
- Intrusive elements include west coast mainline railway, pylons and the A505

5.19 The site parcels occupy 5 agricultural fields of varying sizes. Generally, the parcels follow the existing field boundaries. Currently, hedgerows and sporadic woody vegetation define many of the site boundaries and field boundaries. The western and south western boundary adjacent to the Grand Union Canal comprises an intermittent strip of trees, scrub and rough grassland approximately 5 to 20m wide. The north eastern boundary adjacent to the River Ouzel comprises a similar, although less densely vegetated strip of land.

5.20 The Hedgerows are generally unmanaged and approximately 3 to 5m high with some taller hedgerow trees. Horse paddocks at Bury Farm Equestrian Club lie adjacent to the eastern site boundary. A collection of barns and outbuildings surround the house at Whaddon Farm, set within farmland to the west of the site. Overhead power lines cross the northern corner of the Application Site with steel lattice pylons in close proximity.

5.21 The Chilterns Area of Outstanding Natural Beauty (AONB) lies approximately 4.5km to the south-east of the Application Site. The chalk scarp slope and the distinctive landform at Ivinghoe Beacon lies approximately 5.5km outside the site.

5.22 The development would result in an intervention to the landscape characteristics of the Ouzel Valley Catchment. The landscape and urban design team have been consulted on the proposal and their comments take into account the proposed mitigation. In their opinion there will be significant harm to the landscape character and amenity of the Grand Union Canal where it adjoins the site. Evidence indicates that the canal serves a recreational function both locally and to visitors and the views from the tow path particularly north and east are part of its amenity. However, this does need to be seen in the context of the overhead electricity pylons adjoining the site and in the wider landscape which create a degree of existing harm. Along a part of the towpath there are existing views across the site from the towpath which are regular, open and extensive. Any attempt, as mitigation for the development, to screen such views with additional

planting would cause harm to the visual amenity and landscape character by effectively enclosing the canal corridor as a green tunnel. In conclusion there will be a major visual effect upon a short section of the canal arising from the proposed substation, including a new 30m tower/pylon.

- 5.23 PRoW SLA/2/1 which bisects the southern most field will be partly impacted by the development which currently includes a fenced corridor of 2.5m width. Mature hedge planting is required on either side of the PRoW to mitigate against the visual impact of the proposal on users of the footpath. There will be minor to moderate harm to the landscape and visual amenity of the public right of way along the River Ouzel at the site's northern boundary, where proposed screen planting will close off views to the south and west, which are currently open and encompass the ridge at Mentmore and the Chiltern escarpment in the distance. Any proposal to line the footpath with hedges and fences would result in a loss of openness and obscures views of the surrounding landscape. Given the low height of the panels, a hedge measuring at least 1.5m up to 2m would be considered appropriate. A corridor width of 6m along the footpath is also required to mitigate the feeling of being hemmed, this would be secured by way of a condition.
- 5.24 Concerns have been raised regarding the cumulative impact of the proposed solar farm with the existing solar farm located to the south east of the village. It is acknowledged that the applicant does not address likely cumulative landscape and visual impacts. The proposed solar farm is located at least 1.5km from the existing solar farm and it is separated by several fields, the village of Slapton and the equestrian centre. As such, given the relative distances between the solar farm, in the view of the landscape team it is likely that a minor adverse cumulative impact upon visual impact would occur.
- 5.25 It is to be noted that the proposal is for a period of 40 years only after which, the site would be expected to be returned to arable fields. The construction of the development does not require deep excavation or permanent sizeable features to remain on site in perpetuity. Most of the elements comprising the proposal would rest on the ground, with the exception of the mounts that would be securely fixed to the ground and the compound. The development therefore is largely reversible at the end of the 40-year period or when the need for the energy generated ceases.
- 5.26 To conclude on this matter, there will be significant harm to the landscape character and amenity of the Grand Union Canal where it adjoins the site. There will be minor to moderate harm to the landscape and visual amenity of the public right of way along the River Ouzel at the site's northern boundary. It is also likely that a minor adverse cumulative effect upon landscape character would occur, and a negligible adverse cumulative effect upon visual amenity. Overall, the proposal conflicts with policy NE4 and negative weight is attributed to this in the planning balance.

### **Raising the quality of place making and design**

- 5.27 Design is considered in terms of policy BE2 and NE4 of the VALP (2021). The policy requires new development to achieve high quality design form that responds to the characteristics of the site.
- 5.28 The layout of the solar farm largely follows established field boundaries and sizes. The panels, arrays and associated infrastructure other than the proposed tower are all relatively low-level. The highest part of the scheme comprises a 30m tower which would feed electricity between the solar panel and the grid connection point which is a 40m pylon, given the position and proximity of the new tower to the existing tower, it is considered that the tower will not be unduly prominent and acceptable within this context. Other than the tower and compound, the scale and mass would remain consistent across the site. The structures are of a 'standard' design, material and form synonymous with such solar development. The design will be apparent within the parameters of the site. It is recognised the applicant has sought to confine the proposed solar farm within the existing field boundaries and mitigate its visual impact through improving existing hedging where it is sparse through further hedge/tree planting. On this basis, taking into consideration the mitigation its design is considered acceptable. If planning permission was granted, a landscaping mitigation plan would be required by way of a condition to ensure the details of the proposed landscaping positively contributes to the characteristics of the site. Neutral weight is given to this in the planning balance.

### **Heritage**

- 5.29 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 architectural features that they possess. In addition, 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 setting 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.

- 5.30 Policy BE1 of the VALP (2021) seeks to conserve heritage assets in a manner appropriate to their significance, including their setting. Policy BE1 requires development proposals that cause less than substantial harm to a designated heritage asset to weigh the level of harm against the public benefits that may be gained by the proposal, including securing its optimum viable use. Policy C3 of the VALP states planning applications involving renewable energy development will be encouraged provided that there is no unacceptable adverse impact, including cumulative impact, on the historic environment including designated and non-designated assets and their settings.
- 5.31 The site does not contain any Heritage Assets in terms of listed buildings or other heritage assets. Therefore, the next consideration is whether the proposal has any impact on the setting of heritage assets within the surrounding area. The nearest Conservation Area is Mentmore located 1.75km to the west of the site. Whilst it is acknowledged that there could be elevated long distance glimpsed views of the site from the Conservation Area, given the relative distance, the intervening B road and railway line, it is not considered that the development of this solar farm would harm the setting of Mentmore Conservation Area. The nearest listed buildings are within Slapton Village located 885m to the south of the site. The Heritage Officer has confirmed that none of these listed buildings will be impacted by the development. The only issue would be if floodlighting was to be installed and to that end a condition is recommended to ensure that any floodlighting is appropriately accessed. Mentmore Park is a Registered Park and Garden and is located approximately 1.75km southwest of the site and is currently used as a golf course. Ascott House is a Registered Park and Garden managed by the National Trust and is located approximately 2km north-west of the site. Neither of which are impacted by the development. The Grand Union Canal is a non-designated heritage asset.
- 5.32 Given the relative distances and intervening roads and vegetation, the proposal would not result in harm to the setting of any designated heritage assets. It is recognised that there would be a some harm to the Grand Union Canal as a non-designated heritage asset. Guidance requires that the effect of a proposal on a non-designated heritage asset should be taken into account in determining the application. As such, while it is acknowledged that there is some harm to the setting of the canal, as explained within the report, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. In this instance there is limited harm to the setting and significant benefits of the proposal which delivers renewable energy and energy security which outweighs the harm identified.

### **Archaeological impacts**

- 5.33 Policy BE1 of the VALP (2021) requires archaeological evaluations for any proposals related to or impacting on a heritage asset and/or possible archaeological site.

5.34 The proposed site is located to the north east of the historic Whaddon Manor, documentary evidence for which suggests an origin prior to the Norman Conquest in 1066. A metal detecting rally within the fields surrounding the manor recovered numerous artefacts dating from the Roman to the post-medieval period, suggesting a focus of multi-period activity within the region. Whilst the application site is divided from the manor by the Grand Union Canal, this man made boundary is of eighteenth century date, and so it is considered likely that associated medieval and post-medieval activity may extend into the application site. In addition, archaeological evidence associated with the construction of the canal may also be present within the application area. As such, a condition is recommended that requires a written scheme of investigation prior to the commencement of any works on site. Subject to the inclusion of the condition, the archaeological impacts could be managed and therefore the proposal complies with policy BE1, neutral weight is attributed to this in the planning balance.

### **Effect on Amenity**

5.35 Policy BE3 of the VALP (2021) notes planning permission will not be granted where a proposed development would harm the amenity of existing residents.

5.36 The nearest residential receptors are located 150m to the north east of the site. Given the relative distances and the intervening road, the proposal would not adversely impact the amenities of nearby residents and complies with Policy BE3. Neutral weight is attributed to this in the planning balance.

### **Highways and Access**

5.37 Policy T4 of the VALP (2021) states new development will be permitted where there is evidence that there is sufficient capacity in the transport network to accommodate the increase in travel demand as a result of the development.

5.38 The site lies to the north of settlement of Slapton and to the south of the settlement of Little Billington. The proposed site access point is to the east of the site where Mill Road meets Slapton Road. Slapton Road leads to the B440. The proposed access is solely related to this application for a solar farm and it is not intended to be used more widely for other activities at Bury Farm. This is considered in more detail in paragraph 5.45 below.

5.39 During the construction period, it is anticipated that on average, there would be 4 movements of large goods vehicles daily for a period of 9 months. Construction would take place between Monday- Friday and days when there are horse shows at Bury Farm will be avoided. The proposal would provide temporary access tracks and a construction compound which will be removed in its entirety once the construction period comes to an

end. Banksmen will be positioned at the site access to indicate large construction vehicles when it is appropriate to leave the site.

- 5.40 In response to concerns raised by local residents and Central Bedfordshire Council about the narrowness of Mill Road and its suitability as a route for the construction traffic the applicant considered alternative routes including bringing in the panels by a canal boat. However, the alternative construction routing options were found to be unfeasible by the applicant and this assessment is supported by the Council's Highways Authority. The application, therefore, has been assessed on the basis of its access being taken from Slapton Road/Mill Road. The Council's Highways Authority have fully reviewed the objections raised by Central Bedfordshire Council and could not support a highway objection. In their view the proposal does not result in an unacceptable impact on highway safety or a severe impact on the road network in accordance with requirements of paragraph 111 of the NPPF to justify a reason for refusal.
- 5.41 Given that the access has only been assessed on the basis of traffic movements associated with the proposed development it is considered appropriate that a condition is imposed to limit the new vehicular access for use by the solar farm only. This is possible because the applicant controls the other uses at Bury Farm which includes the equestrian use which has its own separate access. Should the applicant wish to utilise the new access for uses other than the solar farm it would require the permission of the Local Planning Authority. At that stage the impact on the highway network could be properly assessed.
- 5.42 The location where staff will travel from is unknown at this stage. However, it is anticipated that a number of the non-local workforce will stay at local accommodation and be transported to the site by minibuses to minimise the impact on the strategic and local highway network. A condition requiring details of a Construction Traffic Management Plan (CTMP) is required to manage and mitigate against impacts on the local highway network. Once operational, the proposal is likely to result in 1 visit by a box van each month.
- 5.43 The Highways Authority has reviewed the submitted information and raised no objection to the application subject to the inclusion of the recommended conditions relating to site access and construction management. The proposal is considered to comply with policy T4 and neutral weight is attributed to this in the planning balance.

### **Ecology**

- 5.44 In terms of biodiversity and ecology Local Planning Authorities have a Statutory Duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application 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).

- 5.45 Policy NE1 of the VALP (2021) states that a net gain in biodiversity on minor and major developments will be sought by protecting, managing, enhancing and extending existing biodiversity resources, and by creating new biodiversity resources.
- 5.46 The Ecology Officer has commented on this application noting the submitted ecology report is an accurate account of the ecological features present on site at the time of the assessment. Within this report a Biodiversity Net Gain (BNG) Calculation has been presented which indicates the proposal would generate a biodiversity net gain above 10%. This will be achieved through additional planting of hedgerows and trees and the provision of bird and bat boxes. The Applicant has also committed to providing beehives appropriately located within the site.
- 5.47 The preliminary ecology report details how ecological features will be established and managed for the duration of the proposed solar farm. If the proposal is considered acceptable, planning conditions are required to secure a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) planning condition and also appropriate biodiversity improvements across the site.

#### **Flood risk and drainage**

- 5.48 Policy I4 of the VALP (2021) require all development requiring a Flood Risk Assessment to assess all sources and forms of flooding and adhere to the advice in the latest version of the SFRA and meet the criteria set out in the Policy.
- 5.49 The majority of the application site lies within Flood Zone 1 (low risk of flooding) and the area around the River Ouzel lies within Flood Zone 2 and 3. The LLFA has reviewed the supporting Flood Risk Assessment and Surface Water Drainage Strategy alongside project update 5 which notes that there would be no development within the area that lies within Flood Zone 2 and 3. As there is no development proposed within Flood Zone 2 and 3, a sequential test is not required. The Environment Agency has commented on this application noting that given the proposal is for a solar farm, there are no objections to the development. The LLFA has raised no objections to the application subject to the inclusion of a condition requiring details of a surface water drainage scheme for the site. Neutral weight is attributed to this in the planning balance.

#### **Agricultural Land Quality**

- 5.50 Policy NE7 of the VALP (2021) 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. Development of BMV land (1,2 and 3a) should be avoided and development directed towards land of lower grades 3b and 4.

- 5.51 Based on the information submitted and a review of Natural England's Agricultural Land Classification map, the site comprises land that is of Grade 4 (poor) agricultural quality. All of the land within the site is limited to this land grade by wetness. On this basis, there is no objection to the loss of low-grade agricultural land as it is consistent with the requirements of policy NE7. Neutral weight is attributed this in the planning balance.

#### **Mineral Safeguarding Area**

- 5.52 The application site lies within a minerals safeguarded area. A minerals assessment was submitted which concluded that it is not commercially viable minerals to extract minerals from this site at this time. Furthermore, the development is temporary and therefore it would not sterilise minerals resource at this site. The assessment meets the requirements of Policy 1 (Safeguarding of Mineral Resources) of the BMWLP. Neutral weight is attributed this in the planning balance.

### **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 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 proposed solar panels against the identified harm.
- 6.3 The following matters, as detailed in the report must be taken into consideration:

#### *Positive weight:*

- Economic and social benefits of energy security (very significant weight)

- Provision of renewable energy (very significant weight)

*Neutral weight:*

- Flooding/sustainable drainage
- Contaminated land
- Minerals safeguarding
- Highways
- Layout and design
- Residential Amenity
- Archaeology
- Heritage
- Loss of agricultural land
- Biodiversity net gain

*Negative weight*

- Landscape issues:
  - o Landscape character and amenity to the Grand Union Canal (significant harm)
  - o landscape and visual amenity of rights of way (minor/moderate harm)
  - o Cumulative effect upon landscape character and visual amenity (minor harm)

6.4 The proposed development would make a significant contribution to energy security, renewable energy targets and towards achieving net carbon zero. The scheme will contribute positively towards the provision of Renewable Energy to meet the National aims of reducing Greenhouse gasses and towards the strategic commitment of Buckinghamshire Council towards Net Zero carbon energy production by 2050. The proposal would contribute to the local economy and provide energy security benefits. The nature of the site is 'temporary' for a period of 40 years allowing the land to revert back to its former agricultural use once no longer required for the production of renewable energy. These benefits are given significant weight in favour of the development. The benefits of the proposal must be weighed against the harm identified in the report namely to the impact on the local landscape character along the Grand Union Canal, and visual amenity along the River Ouzel/Grand Union Canal. The landscape harm and visual effect would be moderate and may in part be mitigated by the proposed soft landscaping. There will be relatively moderate localised harm to visual amenity from part of the PRow which bisects the southern part of the site which will be mitigated by proposed soft landscaping.

- 6.6 Subject to suitable conditions, the proposal would have a neutral impact in terms of transport, design, residential amenity, agricultural land quality, ecology, flooding and drainage and the historic environment.
- 6.7 Whilst the landscaping harm is acknowledged, there are significant benefits which arise from the scheme in respect of renewable energy, the contribution the scheme would make towards net zero carbon targets and energy security.
- 6.8 The application has been assessed against the development plan as a whole and all relevant material considerations. It is recognised that the proposal would result in some harm, most notably in respect of landscape effects. However, the substantial benefits arising from this proposal would outweigh the harm and overall, the proposed solar farm would accord with the broader objectives of the development plan.

## **7.0 Recommendation**

7.1 The application is recommended for approval subject to the conditions listed below.

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. The development hereby permitted shall be for a temporary period only to expire 40 years after the date of first commercial export of electricity to the grid (“the date of first export”). Written confirmation of the date of first export shall be provided to the Local Planning Authority within one month after the event.

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).

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

P100 – General Arrangement

P101 – Sections

P102 – Sections and substation layout

P103 – Details of fencing

P104 – Solar panel detail

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

4. Notwithstanding the approved plans hereby approved in Condition 3, no development shall take place until full details of the final locations, 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. Subsequently the development shall be carried out in accordance with the approved details.

Reason: 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. 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: The reason for this pre-start condition is to record or safeguard any archaeological evidence that may be present at the site prior to construction to comply policy BE1 of VALP and the advice within the NPPF.

6. 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.

7. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times: a)

Monday - Friday 07.00 - 18.00, b) Saturday 09.00 - 13.00 c) nor at any time on Sunday, Bank or Public holidays.

Reason: To protect the amenity of local residents in accordance with Policy BE3 of the VALP (2021).

8. No development shall take place (including demolition, ground works, vegetation clearance) until, a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) 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 of no less than 43.13% (31.50) habitat units and hedgerow units of 46.49% (13.39), shall be submitted to and approved in writing by the Local Planning Authority. To be in accordance with the provided Preliminary Ecological Appraisal (Windrush Ecology, April 2022). Within the CEMP/HMP 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 (for example, lowering of soil pH via application of elemental sulfur);
  - 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) Details of biodiversity enhancement features and ecological buffer zones;
  - f) Assurances of achievability;
  - g) Timetable of delivery for all habitats; and
  - h) 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 HMP.

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.

9. No development shall take place, until a surface water drainage scheme for the site, based on the principles set out in the approved Flood Risk Assessment (ref. 6004\_FRA\_SWDS, 10.02.2021, Ambiental) 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.

10. 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.

11. No development shall take place, until details of footpath widths are provided in plan form, demonstrating a corridor for pedestrians of at least 6m. This width shall be provided and retained thereafter for the lifetime of the development.

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 Footpath SLA/2/1 through the solar farm remains in accordance with Policy C4 of the VALP (2021).

12. Prior to above ground works details of hard and soft landscape works (“the landscaping scheme”) shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include a statement setting out the design and mitigation objectives and how these will be delivered. Soft landscape works shall include but not be limited to:

- planting plans (including mixed native hedging at a size no less than 600mm around the footpath and upto 1500mm along the footpath and upto 3500mm along the canal and the proposed compound)
- written specifications (including cultivation and other operations associated with plant and grass establishment)
- schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate
- implementation programme (including phasing of work where relevant)
- details of additional hedgerow planting at the entrance to the site

The scheme shall be implemented no later than by the end of the first planting season following the date of first export and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees, shrubs or hedges so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, of a species first approved by the Local Planning Authority, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority.

Reason: 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.

13. Prior to the first operation of the development (first export of electricity to the grid), a maintenance schedule and a long term management plan, for the soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include:

- a) Details of long-term design principles and objectives (including maintaining the hedge around the footpath at a height of 1.5m and the planting along the canal at 3m)
- b) Management responsibilities, maintenance schedules and replacement provisions for existing retained landscape features and any landscape to be implemented as part of the approved landscape scheme.
- c) Summary plan detailing different management procedures for the types of landscape on site. The schedule and plan shall be implemented in accordance with the agreed programme.

Reason: 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.

14. At the end of the period of 40 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.

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).

15. If within the 40 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.

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 in accordance with policies C3, NE1, NE4, NE8, BE1, BE2 and T5 of the VALP (2021).

16. 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.

17. 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, 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)

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

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

19. 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.

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).

20. 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).

21. The vehicular access hereby approved (where Mill Road meets Slapton Road) shall be used for the purposes of the solar farm and emergency access only and for no other use or purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is necessary because the proposal was assessed only on the traffic

movements associated with the solar farm. The highway impacts of the access being used more extensively by Bury Farm and its other activities has not been assessed as part of this application and as such more extensive use of the access would fail to be in accordance with Policy T4 of the VALP (2021)

22. Prior to the commencement of the development hereby permitted, the Solar Farm construction access off Mill Road shall be sited and laid out in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and constructed in accordance with Buckinghamshire Council's guidance note, *'Commercial Vehicular Access within Highway Limits and thereafter prior to the first operation of the development hereby permitted, the Solar Farm maintenance and emergency access off Mill Road shall be sited and laid out in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and constructed in accordance with Buckinghamshire Council's guidance note, 'Commercial Vehicular Access within Highway Limits'.*

Reason: The reason for this pre-start condition is to ensure that the design factors in safe and appropriate access off Mill Road 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).

### **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](mailto: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](mailto: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.linerearchbeforeudig.co.uk](http://www.linerearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.
6. The applicant/developer is advised to contact the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

## **APPENDIX A: Consultation Responses and Representations**

### Councillor Comments

#### **Councillor Peter Brazier (July 2021)**

I have received numerous messages of concern from residents potentially affected by this. This is a significant and extensive proposal that warrants detailed examination and while I am not in a position to make material considerations at this stage, I understand the deadline for comments has been extended to cover the parish councils summer break and therefore, for the moment, I wish to call this in for consideration by committee should the officer be minded to approve this application. I will file further comments once I have seen the Parish Council response and the responses of residents.

#### **Councillor Peter Brazier (September 2021)**

A full ecological assessment has not been carried out. The council's ecology officer points out that a biodiversity net gain has not been proven and the sheer mass and density of the proposal seems at odds with common sense. The applicants admit the panel density is 40% higher than conventional solar farms and this leads to the conclusion that the resultant open areas seem insufficient to produce the biological gains claimed. 36 of the 37 hectares are to be covered in tight fitting East/West style construction methods resulting in a reduction of light to 97.3% of the area. Multiple hectares of grassland are being completely shielded from sunlight with only relatively small margins being allowed to grow wild.

We note that despite the Archaeology officer justifying and requesting a full archaeological investigation, none has been submitted.

There are real concerns by many residents regarding the proposed construction vehicle access routes. While the roads which constitute the controlled site access are technically public highways with no restrictions in place, the fact is, this is a narrow, partly single-track road which is completely unsuitable for HGV's. Most certainly many parts of this road are not able to accommodate two HGV or LGV passing and should be a major concern. The routing has been put in place to placate the residents of Slapton village but is simply impractical. Drivers will not tolerate the prescribed route resulting in the trucks ignoring the restrictions and using Slapton village as access regardless. It would be possible to mitigate this. There is an access track which is in the ownership of the applicant which leaves the public road at the south west end of the village and would enter the proposal site at its southern tip. I asked the applicants agents why this route had not been considered but was told it had been ruled out as the track had too much biodiversity, which is odd as the full assessment had not been made and the preliminary assessment did not include this access. Further, it has been raised that the sites entire eastern edge is bounded by the Grand Union canal, this could be used to deliver much of the construction material by narrow boats loaded from an appropriate access point. Each boat movement could potentially save at least two HGV movements from the rural unclassified roads around Slapton. I

realise this delivery method will not be in the standard highways assessment tool kit but should be considered here.

We and the council are very much in favour of schemes which deliver carbon neutral energy to our residents and to the country which achieve our ambitions towards a carbon neutral society. Solar schemes like this are an essential part of that ambition but in this case we ask mitigation and sound consideration of the proposals be made.

**Councillor Peter Brazier (March 2022)**

I request this application be heard by committee as directed in the Buckinghamshire Council constitution at point 3.33

**Councillor Chris Poll (March 2022)**

I request this application be heard by committee as directed in the Buckinghamshire Council constitution at point 3.33

**Councillor Derek Town (March 2022)**

I request this application be heard by committee as directed in the Buckinghamshire Council constitution at point 3.33

**Councillor Philip Spicer (Eaton Bray, Bedfordshire)**

I wish to make you aware of a number of strong objections that I have with regard to the proposed development of Construction of a solar farm at Land rear of Bury Farm, Mill Road, Slapton Buckinghamshire application number referenced above. My specific objections are as follows:

1) Due to its location within the Green Belt and open countryside this development dose not overrides the green belt net gain.

1. If you are going to approve we would seek additional screening/planting along boundaries and any existing hedgerow/vegetation screening that is lost as part of the development is resisted as much as possible and this cannot be overcome suitable replacement planting is provided to ensure the development provides an ecological net gain.

2) Whilst reference is made for measures to stagger the arrival and departure times of HGVs to and from the site, this would appear to be difficult to monitor and manage, with the majority of the expected routing taking place within the Central Bedfordshire 2. Sections of the route on Slapton Road are particularly narrow, including a length of carriageway approximately 200m to the north of the junction with Gipsy Lane. I would request that the applicant provide vehicle tracking plans showing the ability (or otherwise) for two HGVs (of the size expected related to the Solar Farm works) to pass and also for a HGV and a car to pass on this section. There are also relatively sharp bends on the route where a larger vehicle may have to cross the centerline of the carriageway, including the bend onto which the access is proposed to be formed. Also that the bridge was up to taking the number of HGV over it bring building supplies to the site. . 3) The proposal would consolidate existing sporadic development in an unsustainable location which is

outside the main built-up part of the closest settlement. The natural gain of energy production would be greatly reduced due to losing 5% of energy for every 1 mile of distance it travels.

I urge you to take note of the issues raised above and reject the proposed development at Slapton Buckinghamshire.

### **Greg Smith MP**

Since my election I have made it clear that I am against over development and the loss of any further green space in my constituency. It is vital Buckinghamshire is protected from over-development. The loss of any further agricultural or green land must be resisted at all costs.

I will outline the principal concerns of my constituents. The original objections highlighted a number of areas of concern for local residents. This proposals adds no net-benefits to the local area, has a considerable impact on the local environment and, given the local road infrastructure, carried a significant risk of harm to both local infrastructure and the environment.

My constituents have also informed me that the applicant failed to engage with residents until a week before consultation closed.

Residents have expressed concerns about the inappropriate scale and nature of the proposal, and the negative impact it will have on their visual enjoyment of a rural outlook. Residents take great pride in the rural character of the village.

My constituents object to the potential further negative visual impact this proposal will have for the many users of the public footpath from Bury Farm Close to the Grand Union canal, already seriously blighted by the applicant's dung-heap, which I am told has been allowed to deteriorate into one of the biggest eyesores in the locality.

Slapton has one smaller scale solar farm already. The scale of this application is such that it completely surrounds and overwhelms the northern end of Slapton. The application shows there is no net gain of biodiversity, and there has not been an adequate study undertaken to assess the true impact on nature in the surrounding area. Slapton is close to an area of outstanding natural beauty, and from the top of Ivinghoe Beacon this development will be seen as a scar on the landscape.

For a development of this scale I would expect to see a full EIA undertaken. This will also help to understand the full impact on the local flora and fauna especially as Slapton has bats, otter sightings along the Slapton section of the canal and rare butterflies, there are also various ground nesting birds that nest in the fields earmarked for development, all of which will be deeply impacted by such a development.

The Council has recently approved an industrial estate and this should be taken into consideration, as well as the additional housing already built in Slapton and the further large scale housing applications awaiting a decision. Slapton is a quiet rural village and planners should not allow overdevelopment which is contrary to the spirit of the neighbourhood development plan.

The road through Little Billington is unsuitable for lorries and would cause massive congestion, especially on the brow of the hill. Billington is a village only two to three miles away from Slapton but the hamlet, Little Billington, is practically adjoined to Slapton. Clearly there is a concern about the movement of HGV during the building programme through both Little Billington and Slapton. I have regularly been in contact with constituents about mobile homes already moving through the village causing damage and congestion. I would also emphasise that there are long stretches of narrow roads without pavements through the hamlet. The constant passage of HGV constitutes a real danger to pedestrians on this road. My constituents are very concerned about the impact of yet more large vehicles being directed along a high sided extremely narrow lane (single track past the Traveller Sites) with a number of blind corners and over a narrow bridge which is the county boundary with CBC.

Most recently, the consultancy have revised their suggested transport plan to offer a new route for the heavy traffic which will bring HGV's to the West of the village converting an existing bridal/highway for HGV's and re-routing a path that has been popular for decades, if not centuries, with locals and visitors to this area. That the proposed route would need significant work to make it suitable for heavy traffic is brushed over and the suggested impact to the environment suggested as low. In both cases there is a significant issue as the area has very old hedges, a significant and diverse variety of wildlife and the route currently entirely unsuitable for any vehicle of even the most moderate weight.

In the original proposal it is suggested that the land they propose to use is of negligible farming use and of poor quality. When in fact the site is bordered by fields with large flocks of sheep and others recently ploughed ready for planting.

In sum, there seems to be little regard to the local population losing use and sight of green space and the well-being this provides. I agree with residents that this proposal is not appropriate for this area and I wish to support the village with my own objection.

#### Parish/Town Council Comments

##### ***Slapton Parish Council (September 2021)***

1. At Slapton Parish Council's meeting on Wednesday 8th September 2021, Slapton Parish Council unanimously voted to oppose the Application.
2. Size of the Demesne. The application seeks to use an area of 37 hectares. The Parish of Slapton Horton and Grove is 571 hectares, thus the solar farm would cover 6.50% of the Parish.
3. Traffic Impact. Buckinghamshire Highways have indicated the project will require 10 two way 30 ton HGV movements per day for 9 months. Extrapolated this means a minimum of 3600 movements during the construction period ( 9 months x 20 working days x 20 HGV movements) The Buckinghamshire Highways preferred route is through Little Billington on Slapton Road. This is a standard two way road until it reaches the brow of Billington Hill when it becomes single track without passing places. Vehicles therefore are required to give way to oncoming traffic either at the top or the bottom of the incline. It is recommended that a traffic control system possibly

traffic lights is a mandatory requirement if this application is sanctioned. It is suspected that the preferred route will be ignored by HGV drivers as unsuitable and will use the B480 through Great Billington, turning into Slapton Lane which become Church Road Slapton and turn right into Mill Road Slapton. Thus this will take all the HGV traffic through the village. The current access to Bury Farm Equestrian Centre is a private road not owned by the applicant and access may be denied.

4. Ecological Assessment. The Buckinghamshire Ecology Planning Application Response dated 8th July 2021 stated " this development needs to demonstrate measurable net gains in biodiversity and the following evidence submitted"

a. Biodiversity Impact Plan

b. Proposed Habitats Plan

c. A completed Biodiversity Matrix

d. It is noted that the preliminary ecological survey by Windrush Ecology was carried out on the 21st January 2021 i.e. in the middle of winter when the majority of flora and fauna are dormant.

5. Archaeology Report. A report has been requested by the Buckinghamshire Archaeologist prior to this application being sanctioned. This has not been submitted

6. Slapton Neighbourhood Plan (made 2018). In Policy SLP4 it states that proposals leading to additional employment at Bury Farm will be supported provided that visual and environmental impact on the landscape can be satisfactory mitigated. In addition the policy states that " they are not of a scale that would lead to significant harm in respect of traffic movements in Horton and Slapton Villages. We submit that in contravention of this Policy: a. There will be significant traffic mainly 30 HGV through the village for a minimum of 9 months b. The anticipated net gain in employment will be a maximum of 5 persons

7. Power Generated. The applicants have admitted that the proposed panel density will be 40% higher than conventional solar farms allowing for 49.9MW of electricity to be generated. This leads to the following concerns:

a. The implication that generating 50MW or more requires scrutiny higher than Buckinghamshire Council can provide, possible Secretary of State. If sanction is provided at the 49.9 MW level are there safeguards to prevent "Planning Creep"

b. The density of the panels and height from the ground indicates that the majority of the 37 hectare site will be completely shielded from sunlight. We submit that this will result in a significant decline in biodiversity.

Please note Slapton Parish Council would request this is 'called-in' to committee should the Planning Officer be minded to approve the application. Slapton Parish Council will speak at committee.

## Slapton Parish Council (February 2022)

### REPRESENTATIONS AGAINST PLANNING APPLICATION: 21/02775/APP

### FOLLOWING RECEIPT OF APPLICATION DOCUMENT: 'PROJECT UPDATE 3' DATED 01/02/2022 CONSTRUCTION OF A SOLAR FARM – LAND REAR OF BURY FARM HILL, MILL ROAD, BUCKS

Slapton Parish Council (SPC) objects to all of the proposed Site access routes put forward by Consultus on behalf of the applicant in their Project Update 3 document, dated 1 February 2022. A copy of this document is enclosed hereto.

SPC notes that the document has been prepared to address a question: **"Can a temporary construction route be separated from the permanent access?"** (page 1, bullet point 1). SPC also notes that **"...the access routes 1 to 5 have been previously considered in Project Update 2. Please refer to this document for further details. This Project Update 3 builds on the additional Route 6 option only"** (page 2, paragraph 4).

SPC has never seen 'Project Update 2' as it has not been made available for public scrutiny on the planning portal. SPC were not the consultee that asked the question of whether a temporary construction route can be used inside the Parish Boundary, to which Update 3 relates. SPC certainly would have never recommended that public footpaths frequently used by Parishioners on a day-to-day basis should be considered for such access.

SPC wholly reserve their position to submit further representations in respect of 'Project Update 2' once it has been provided. At this juncture, SPC will only comment as to the appropriateness of a temporary construction access as there is insufficient information relating to the permanent access routes within Project Update 3.

The temporary access route proposed (noted as 'Route 6' in Project Update 3) is signposted as 'Two Ridges Link' and a 'Public Footpath'. See photograph below.



Signpost to Two Ridges Public Footpath

## Villager/Parishioner/Public Usage

The Public Footpath is in constant, daily use by many villagers and has been so used for a large number of years. The usage of the Public Footpath has actually increased since the Applicant limited access to the footpaths across their land that villagers previously enjoyed for a very long time.

*Officer comment: Further to the comments received by the Parish Council, the Applicant withdrew this option.*

## Consultation Responses

### *Archaeology Officer*

No objection subject to the inclusion of a condition.

### *Canals and Rivers Trust*

The Canals and Rivers Trust have sought details and assurance of a robust landscaping condition to ensure the visual impact of the proposal does not harm the canal and its setting. The CRT has also requested details of CTMP, particularly to ensure no load would be placed on the culvert and there is no excavation next to the canal.

To note that the Canals and Rivers Trust state that a Construction Methodology should be secured by condition in order to ensure risk of works to the culvert and canal can be properly quantified and assessed.

*Officer response: The concerns raised relate to the proposed compound which would be set 15m from the edge of the canal, the part of the compound nearest to the canal would include fencing. In terms of the compound itself it would be set at approximately 20m from the canal and include a concrete base with pre-fabricated units placed on the slab. Should any footings be required, they are likely to be approximately minimal at 800mm. It is therefore unlikely that the proposal would result in risk to the canal or culvert. Notwithstanding, the recommended informative as set out below is included as requested by the canals and rivers trust.*

### *Cadent Gas*

No objection subject to the inclusion of an informative.

### *Central Bedfordshire Council*

Central Bedfordshire Council object to the proposed development on highways safety grounds. The objection seeks to avoid construction vehicles coming down Mill Road and suggests alternative routing entirely within the Buckinghamshire road network. Despite additional information provided seeking to address the objections raised, Central Bedfordshire Council maintained their objections.

### *Rights of Way Officer*

No objections subject to a condition requiring details of footpath widths demonstrating a corridor

for pedestrians of at least 6m.

*Heritage Officer*

There are several listed buildings however none of the listed buildings will be impacted by the development. Floodlighting could be an issue if installed and therefore a condition is recommended.

*Highways Authority*

Raised no objections to the application and satisfied that appropriate highways access could be achieved subject to the inclusion of a condition requiring details of a construction traffic management plan.

*Ecology Officer*

No objection subject to condition of a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) to be submitted and approved in accordance with the provided Preliminary Ecological Appraisal (Windrush Ecology, April 2022).

*Environment Agency*

Whilst acknowledging the proposal lies within Flood Zone 2 and 3, given the scale and nature of the project, there are no objections to the proposed development.

*LLFA*

No objections to the application subject to condition.

Landscape Architect

Documents reviewed:

- Landscape and Visual Impact Assessment
- Drawing E100: Existing site Layout
- Drawing P100: General Arrangement
- Drawing P101: Sections
- Drawing P102: Sections and Substation Layout
- Drawing P103: Details (access road, CCTV, fencing)
- Drawing P104: Solar Panel Detail
- Consultee comments: Canal and River Trust
- Consultee comments: Central Bedfordshire
- Consultee comments: BC Ecologist (various dates)
- Consultee comments: BC Rights of Way

Design parameters:

- Panels stand approximately 1.5 metres high and provide continuous cover (no aisles between them).

- Substation (adjoins canal) includes new 30 metre high tower, 12 metre down-dropper, low-level structures and two enclosures of 2.1 mesh security fence (?) and 2.4 palisade security fence. Parking space outside compound area.
- Perimeter fencing stands 2.1 metres high, mesh type (not specified).

Other considerations:

- Strava 'heat maps' of local recreational use

My professional opinion is that there will be significant harm to the landscape character and amenity of the Grand Union Canal where it adjoins the site. The canal serves the recreational needs of local people, visitors and tourists (boat users) alike, evidence of which includes Strava 'heat maps' of recreational activity in this area. Views north and east from the canal and towpath are an important part of its amenity and there are virtually no views west due to the robust hedge along the towpath. Notwithstanding there is a degree of existing harm to the landscape arising from the overhead electricity pylons adjoining the site and in the wider landscape, the rural character of this landscape is essentially strong and largely intact. Views north and east across the site from the towpath are regular, open and extensive, focusing frequently on the hill at Little Billington.

Any proposed tree/shrub planting at the development perimeter adjoining the canal, for screening and/or biodiversity enhancement purposes, will cause significant harm to visual amenity and landscape character by effectively enclosing the canal corridor as a green tunnel, obstructing views to the north and east, significantly diminishing its amenity and legibility as a consequence. There will be major visual effect upon a short section of the canal arising from the proposed substation, including a new 30m tower/pylon.

There will be minor to moderate harm to the landscape and visual amenity of the public right of way along the River Ouzel at the site's northern boundary, where proposed screen planting will close off views to the south and west, which are currently open and encompass the ridge at Mentmore and the Chiltern escarpment in the distance.

The applicant's LVIA does not address likely cumulative landscape and visual impacts, though these are mentioned in the national and local policies quoted. It is likely that a minor adverse cumulative effect upon landscape character would occur, and a negligible adverse cumulative effect upon visual amenity.

If a permission is to be forthcoming, then the following should be considered.

Planting as screening is likely to screen wider views across the landscape, to the detriment of visual amenity and the landscape character of the canal corridor; this should be avoided along the canal boundary. Earth banks and native wildflower grassland sown upon them would be more controllable (suggestion by Canal and River Trust) if a scheme of development is to be permitted. Hedge and tree planting elsewhere to screen the panels is broadly acceptable, though efforts should be made to retain an open aspect and/or view corridors through the site.

Lighting is mentioned at para 5.6 of the LVIA for out-of-hours maintenance. No details are submitted of what/where this is or the likely frequency/hours of operation. It is assumed this is confined to the compound area and will not extend to the areas of solar arrays. There is scope for additional visual impacts from any permanent lighting fixtures both during the day and when operational at night.

Construction routes: Project Update 3 (01 February 2022) identifies the canal corridor as a potential construction route. Exactly how this might be carried out without harm to the landscape and amenity of the canal corridor is unclear and should be avoided.

## Conclusion

There will be significant harm upon landscape character and visual amenity arising from the proposed development, particularly with reference to the recreational amenity of the Grand Union Canal corridor that adjoins the site, and to an extent upon other adjacent public rights of way.

## Representations

### **Amenity Societies/Residents Associations**

CPRE Buckinghamshire

Object to the application as it fails to provide solar panels on brownfields sites first, it would result in the loss of valuable agricultural land for crops and it could result in an adverse impact on wildlife and ecology.

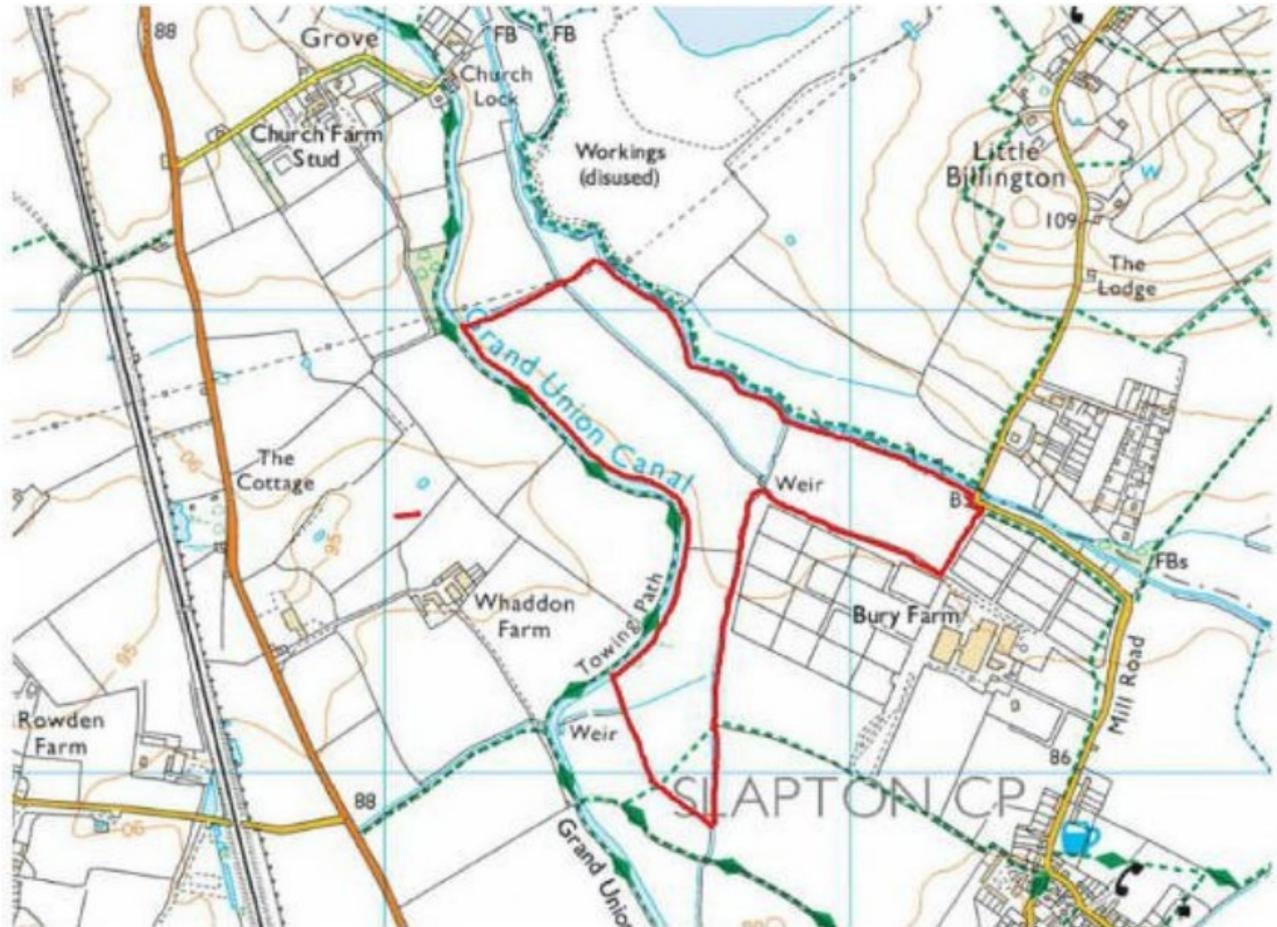
### **Other Representations**

33 comments have been received objecting to the proposal:

- The submitted information is inaccurate
  - The proposed floodlighting is completely inappropriate in this location and will impact the tranquil nature of the site
  - The proposal will adversely impact canal users
  - Concerns relating to the ecological impact of the proposal

- Concerns relating to the information relating to agricultural land use
- Concerns relating to construction impact of the proposal
- Concerns relating to the cumulative impact of the solar farm
- This is an inappropriate location for the solar farm
- Concerns relating to the highways impact of the proposal
- Concerns that Central Bedfordshire Council have not been consulted
- Concerns the proposal is avoiding the NSIP process
- Concerns a full EIA has not been undertaken
- Concerns relating to the location of the equipment
- Concerns relating to the scale of the proposal
- Concerns relating to access into the site
- Concerns the Applicant has failed to work effectively with the local planning authority and the proposal is inappropriate
- Concerns relating to the impact of the proposal on the residents of Little Billington
- Wind turbines and tidal wave systems are more suitable as a source of renewable energy for the UK
- Concerns relating to pedestrian safety
- Concerns relating to the narrowness of Mill Road
- Concerns relating to damage to verges and existing hedgerows by construction traffic
- Concerns the proposal will adversely impact the Green Belt
- A development of this scale would require a Section 106 agreement with contributions made to the community
- The proposal would result in an industrial landscape around Slapton Village
- Concerns that the solar farm would be managed by chemicals
- Concerns relating to the health implications of electromagnetic waves
- Concerns that the public right of way would be more restricted
- There is no evidence that there is a viable grid connection for this site/solar farm

## APPENDIX B – SITE LOCATION PLAN



Do not scale – this map is indicative only

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