



## Report to Buckinghamshire Council – Central Planning Committee

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<b>Application Number:</b>	20/00779/APP
<b>Proposal:</b>	Ground mounted solar farm with DNO substation, point of connection, ancillary infrastructure and associated works, landscape planting and access tracks
<b>Site location:</b>	Hale Farm, Hulcott, Buckinghamshire, HP22 5AX
<b>Applicant:</b>	Elgin Energy Esco Ltd
<b>Case Officer:</b>	Hollie Renney
<b>Ward affected:</b>	WING
<b>Parish-Town Council:</b>	HULCOTT
<b>Valid date:</b>	26 March 2020
<b>Determination date:</b>	4 November 2020 (extension of time agreed to 21 July 2023)
<b>Recommendation:</b>	Approval subject to conditions

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### **1.0 Summary & Recommendation/ Reason for Planning Committee Consideration**

- 1.1 This application is being presented to the Central Area Planning Committee following a call in by Councillor Chapple on behalf of Hulcott Parish Council.
- 1.2 This application seeks planning permission for the construction of a solar farm with all associated infrastructure with a generating capacity of 40MW for a period of 30 years from the date of the first exportation of electricity from the site.
- 1.3 Consistent with 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. In this instance, the principle of development complies with VALP Policy C3 (renewable energy), however there would be some conflict with development plan policies NE4 of VALP (landscape) and Policy 1 of the BMWLP (Safeguarding Mineral Resources).
- 1.4 The proposal was not accompanied by a Minerals Assessment, as required by BMWLP Policy 1, however, the proposal is limited to a lifespan of 30 years and will not therefore permanently sterilise a potential minerals resource (which is the overall aim of Policy 1). Accordingly, limited weight is given to this aspect. The proposal would cause some harm to landscape character that is not in accordance with VALP Policy NE4, however the scheme otherwise complies with VALP Policy C3. Given that policy C3 incorporates consideration of landscape harm and the landscape harm resulting would not be so unacceptable as to

justify refusal of the proposal on that matter alone, moderate weight is afforded to this matter.

- 1.5 In addition, the proposal may be visible within panoramic views from within the AONB and therefore has the potential to result in limited harm to the setting of the AONB. Great weight is afforded to this identified limited harm.
- 1.6 Individually and cumulatively (taken with other solar farms existing and proposed within the area) the proposal will lead to less than substantial harm to the setting of several designated heritage assets and some harm to undesignated heritage assets. In accordance with BE1 and the NPPF (paragraph 202) where the development leads to less than substantial harm to heritage assets, this harm must be weighed against the public benefits.
- 1.7 The overarching public benefits of providing a large-scale renewable energy scheme in line with climate change interest and supporting national energy need carry considerable positive weight in the decision making process. Importantly, the scheme is not just limited to meeting local needs. It offers potential clean renewable energy production in the short term to the National Grid. Those public benefits taken alone outweigh the less than substantial harm to the setting of the heritage assets that occur.
- 1.8 In addition, the proposal will deliver economic benefits and a significant net gain in biodiversity. Limited weight is afforded to these benefits.
- 1.9 When weighed in the planning balance the magnitude of benefits are considerable relative to the harms, and subsequently it is concluded that the direct benefits arising from the development substantially outweigh the arising harm.
- 1.10 **Recommendation – for the reasons explained within this report, this application is being recommended for approval subject to the conditions proposed and any amendments and additional conditions considered necessary.**

## **2.0 Description of Proposed Development**

- 2.1 The application site comprises approximately 69.5 hectares of agricultural land which forms part of Hale Farm.
- 2.2 The application site is located approximately 3km north-east of Aylesbury, 1.3km north-east of Bierton, 0.57km to the south-east of Rowsham, 0.58km east of Hulcott and 1.2km to the south-west of Wingrave. The application is accompanied by the following plans:
  - Site Location Plan JPW1332-004 received 17/03/2020
  - Solar Site Layout JPW1332-002 O – received 16/06/2023
  - Typical Access Road Planning Details JPW1332-009 – received 06/01/2022
  - Typical CCTV Planning Details JPW1332-008 – received 06/01/2022
  - Typical DNO Building and POC Mast Planning Details JPW1332-011 – received 06/01/2022
  - Typical Fence and Gate Planning Details JPW1332-010 – received 06/01/2022
  - Typical Inverter Planning Details JPW1332-007 – received 06/01/2022
  - Typical Panel Planning Details JPW1332-006 – received 06/01/2022
  - Typical Cable Trench Detail JPW1332-005 – received 06/01/2022
  - Landscape Strategy Plan LS01 Rev D – received 28/06/2023

- Conceptual Subbase Drawing (HLEF03582) – received 06/06/2023

- 2.3 The application seeks planning permission for a solar farm with a capacity of 40MW for a period of 30 years from the date of the first exportation of electricity from the site. The site consists of two separate parcels of land – a northern parcel measuring approximately 42.2ha (comprising 5 fields) and a southern parcel measuring approximately 25.5ha (comprising 2 fields).
- 2.4 The solar panels are to be arranged in rows, mounted on frames that are pile driven into the ground, with a maximum height of 3 metres.
- 2.5 The proposal includes a new section of access track (3.5m wide comprising permeable hardcore) required to connect the proposal to the highway, in addition to internal access tracks (3.5m wide comprising permeable hardcore) throughout the development for maintenance purposes.
- 2.6 As usual with solar farm development, the proposed solar arrays will be accompanied by supporting equipment and boundary treatment as follows:
- Inverter buildings which are small pre-fabricated buildings measuring circa 6.9m (length) x 2.4m (depth) x 3.5m (height including base) and house the transformers;
  - A substation compound located in the north western corner of the southern development parcel, this will comprise a substation control building which will accommodate all the necessary equipment to enable the proposed solar farm electrical system to be controlled, monitored, metered and connected to the local electrical distribution network.
  - The compound will contain a transformer, control room, telecom mast, unit distribution equipment substation, Point of Connection mast (height 23.5m) and hardstanding for vehicle access and parking. The substation compound will be enclosed by 2.45m wood panel fencing;
  - Security site fence (2.45m high) comprising timber posts and Hi-Tensile wire mesh located around the perimeter of the site;
  - CCTV cameras mounted on 3 metre height poles;
  - Underground cable, buried within trenches, which runs from the substation to the existing overhead 132kv line that crosses the site.
- 2.7 During the course of this application, several amendments have been made to the application. These can be summarised as follows:
- In March 2021, in response to comments from the Environment Agency, the layout was amended to remove some solar farm equipment and proposed planting from areas of Flood Zone 3 and to increase the width of the proposed hedgerows;
  - In January 2022, in response to comments from the Council’s Heritage Officer, the layout was amended to pull back the proposed solar arrays from sections of the northern parcel closest to Hulcott Conservation Area and proposed additional planting

to act as screening;

-In August 2022, in response to further comment from officers regarding the visual impact of development and the Environment Agency regarding flood risk, the layout was amended to remove all solar panels from 3 fields included in the northern development parcel and to further pull back the proposed solar panels from the eastern boundary of the southern development parcel.

-In May 2023, in response to further comments from the Council's Ecologist, minor amendments were made to the layout to ensure there is no development proposed within 10m of any watercourse.

- 2.8 In summary, the most significant change between the plans as originally submitted and the plans being determined is the reduction in the area of the site to be occupied by solar panels. This has been achieved by virtue of 3 fields (circa 16.7ha) being excluded in the northern development parcel (the land remains within the application boundary as it is to be utilised for ecological mitigation, covered further within this report) and the panels being pulled back from the eastern boundary of the southern development parcel (removing approximately 3.7ha).
- 2.9 Although a plan has been submitted showing a layout for the solar arrays and the details of the associated plant and equipment, at this stage, these are intended to show the 'worst-case' scenario and are therefore intended by the applicant to be indicative only. The applicant therefore seeks a degree of flexibility, utilising the Rochdale Envelope approach, so that discussions with National Grid and innovations in technology can inform the final design, without requiring formal amendments to any planning permission.
- 2.10 The Rochdale Envelope approach is a widely accepted approach in renewable development, to provide flexibility in design options where details of the whole project are not available when the application is submitted, while ensuring the impacts of the final development are fully assessed. Consents granted on the basis of the Rochdale Envelope are conditional on providing the final details for agreement prior to construction (secured by an appropriately worded condition).

### **3.0 Relevant Planning History**

Reference: 16/00618/SO

Development: Screening Opinion for the erection of an Anaerobic Digestion Plant on land at Hale Farm, Hulcott.

Decision: EIA Not Required Decision Date: 18 May 2016

Reference: 20/01262/SO

Development: Screening Opinion for construction of a solar farm together with all associated works, equipment and necessary infrastructure.

Decision: EIA Not Required Decision Date: 22 December 2020

- 3.1 The development has been screened under the Environmental Impact Assessment Regulations and the local planning authority has concluded that an environmental impact

assessment is not required in this case (20/01262/SO).

- 3.2 It should be noted that there is a live planning application submitted as valid on 11<sup>th</sup> April 2023 (reference: 23/01094/APP) for a ground mounted solar farm with export capacity of up to 49.9 MW, on land immediately to the east of proposed northern development parcel at Hale Farm. Where relevant, cumulative impacts of the two proposals have been assessed by the LPA.

#### **4.0 Representations**

- 4.1 Statutory site publicity has been given to the application. All representations received have been summarised in Appendix A
- 4.2 Several third-party representations have been received raising concern with the level of publicity for this application, particularly when the application was originally received during the National COVID-19 Pandemic in 2020 which resulted in national lockdowns. However, during the course of this application, several rounds of consultation have taken place. The application has been publicised in the local press and site notices placed in Wingrave, Rowsham and Hulcott.

#### **5.0 Policy Considerations and Evaluation**

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

##### The development plan

- 5.2 The development plan for this area comprises:
- Buckinghamshire Minerals and Waste Local Plan 2019 (BMWLP)
  - Vale of Aylesbury Local Plan (15th September 2021)
  - Wingrave with Rowsham Parish Neighbourhood Plan 2013-2033 (made).
- 5.3 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).

##### Material considerations

- 5.4 The following documents are relevant material considerations to the determination of this application for a ground mounted solar farm.

##### *National Planning Policy Framework (NPPF)*

- 5.5 The NPPF sets out a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date development

proposals should be approved unless specific policies in the NPPF suggest that development should be restricted or the level of harm would 'significantly and demonstrably outweigh the benefits' when assessed against the requirements of the NPPF.

- 5.6 As set out by NPPF paragraph 12, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 5.7 The NPPF sets out a proactive approach towards the provision of Renewable Energy development to meet aims to reduce greenhouse gas emissions and meet renewable energy targets.
- 5.8 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 155 of the NPPF requires plans to help increase the use and supply of renewable and low carbon energy and heat. Paragraph 158 of the NPPF states that applications for renewable energy development are not required to demonstrate the overall need for renewable energy. It also requires applications to be approved where its impacts are (or can be made) acceptable.

*National Planning Practice Guidance (NPPG) - 'Renewable and Low Carbon Energy'*

- 5.9 The NPPG practice guide on renewable and low carbon energy advises that "increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable".
- 5.10 While the NPPG practice guidance identifies a significant need for renewable energy, it is clear that the need for renewable or low carbon energy does not automatically override environmental protections.
- 5.11 The NPPG advises that "the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively". The guidance encourages use of previously developed land and non agricultural land, provided it is not of high environmental value. Where greenfield land is proposed to be used as a solar farm, consideration should be given to the justification for such, whether poorer agricultural land has been used in preference to higher quality land and whether the proposal allows for continued agricultural use with biodiversity enhancements around arrays.

- 5.12 The NPPG recognises that solar farms are temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.
- 5.13 There is a need to assess glint and glare, the effect of security measures, effects on heritage conservation, the potential for mitigation (e.g. through landscape planting) and the energy generating potential of a particular site.
- 5.14 The approach to assessing cumulative landscape and visual impact of large scale solar farms should consider the sensitivity of the landscape and visual resource and the magnitude or size of the predicted change. In assessing the impact on visual amenity, factors to consider include: establishing the area in which a proposed development may be visible, identifying key viewpoints, the people who experience the views and the nature of the views. In the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.
- 5.15 Local planning authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances. Other than when dealing with set back distances for safety, distance of itself does not necessarily determine whether the impact of a proposal is unacceptable. Distance plays a part, but so does the local context including factors such as topography, the local environment and near-by land uses.

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

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

*Sixth Assessment Report of the Intergovernmental Panel on Climate Change*

- 5.21 The Sixth Assessment Report of the Intergovernmental Panel on Climate Change identifies that "*climate change is a threat to human well-being and planetary health. Any further delay in concerted anticipatory global action on adaptation and mitigation will miss a brief*

*and rapidly closing window of opportunity to secure a liveable and sustainable future for all”.*

#### *National Policy Statements*

- 5.22 Renewable and low carbon development over 50 megawatts capacity are currently considered by the Secretary of State for Energy under the Planning Act 2008 (as opposed to being considered by the local planning authority). Over 50 megawatts it is considered as Nationally Significant Infrastructure Project (NSIP) and permission is obtained by a Development Consent Order.
- 5.23 The Secretary of State must make decisions in line with the framework provided by National Policy Statements (NPSs) which are produced by the government.
- 5.24 The energy National Policy Statements (NPSs), first published in 2011, set out the government’s policy for the delivery of energy infrastructure. The Government has recently consulted on new drafts of the energy NPSs.
- 5.25 Although the proposed development is under the threshold for national significance, in England, the Overarching National Policy Statement for Energy (EN-1), in combination with any relevant technology specific NPSs, may be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). National Planning Policy Statement EN-3 covers renewable electricity generation.
- 5.26 Solar (together with wind) is recognised specifically in Draft EN-1 (para 3.3.20) as being the lowest cost way of generating electricity and that by 2050, secure, reliable, affordable, net zero energy systems are ‘likely to be composed predominantly of wind and solar’. EN-1 encourages good design of energy projects which should produce sustainable infrastructure sensitive to place, including impacts on heritage, efficient in the use of natural resources, including land-use, and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. It is acknowledged, however that the nature of energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area.
- 5.27 Draft EN-3 states that solar is a key part of the government’s strategy for low-cost decarbonisation of the energy sector. Solar farms are one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation.
- 5.28 Along with associated infrastructure, a solar farm requires between 2 to 4 acres for each MW of output, albeit this is expected to change over time as the technology continues to evolve to become more efficient. Nevertheless, EN-3 recognises that large scale solar farms will inevitably have impacts, particularly if sited in rural areas.
- 5.29 Draft EN-3 advises that “While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land (avoiding the use of “Best and Most



Versatile” agricultural land where possible). Applicants should explain their choice of site, noting the preference for development to be on brownfield and non-agricultural land.”

- 5.30 Applicants are encouraged to design the layout and appearance of the site to ensure continued recreational use of public rights of way, where possible during construction, and in particular during operation of the site. Applicants are encouraged where possible to minimise the visual outlook from existing public rights of way, considering the impacts this may have on any other visual amenities in the surrounding landscape. For example, screening along public right-of-way networks to minimise the outlook into the Solar Park may, impact on the ability of users to appreciate the surrounding landscapes.

*British Energy Security Strategy 2022*

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

*Buckinghamshire Climate Change Motion (July 2020)*

- 5.33 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. Energy provision is vital to economic prosperity, and social well-being, and therefore it is essential to ensure that the UK, including Buckinghamshire has secure and affordable energy.

**Principle and Location of Development**

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

*Wingrave with Rowsham Parish Neighbourhood Plan (WRPNP): Policy 1 A Spatial Plan for the Parish*

- 5.34 Policy C3 of the VALP encourages renewable energy developments provided that there is no unacceptable impact on the relevant criteria set out within the Policy. The criteria identified within policy C3 include avoiding unacceptable adverse impact, including cumulative impact, with regard to landscape/ townscape character, ecology / biodiversity, heritage assets, residential amenity, health and quality of life, highway safety and aviation activities.
- 5.35 As outlined above, the VALP is an up-to-date plan, which in accordance with paragraph 220 of the NPPF (2021) has been examined in the context of the NPPF (2012).
- 5.36 The NPPF approach in respect of renewable energy, taken from the most up to date NPPF (2021), is broadly consistent with the NPPF (2012) wording in respect of this matter.
- 5.37 In accordance with VALP Policy C3, the principle of developing a solar farm is supported, subject to satisfying the relevant criteria of the policy. A full assessment of the potential impacts associated with the proposed solar farm at Hale Farm, and therefore compliance with the criteria of VALP Policy C3, is undertaken within the report which follows.

- 5.38 There are no policies within the Wingrave with Rowsham Parish Neighbourhood Plan (WRPNP) that relate directly to proposals for large scale renewable energy generation, such as solar farms. The WRPNP designates a Settlement boundary for Wingrave, which the application site is located outside of. Policy 1 of the WRPNP does not support development proposals on land outside the defined settlement boundary at Wingrave unless it is necessary for the purposes of agriculture or forestry, or for enterprise, diversification, creation or tourism that benefits the rural economy without harming countryside interests.
- 5.39 Whilst the proposal will represent a change of use (for a period of 30 years), the applicant advises that the agricultural use of the site will continue as sheep will be grazed alongside the proposed solar panels. On this basis, the change of use is not permanent and the land can revert back to agricultural use and the proposal can be considered as a diversification of the existing agricultural use which will deliver benefits to the rural economy (by way of revenue generated for the landowner of the wider agricultural land holding). Subject to not harming countryside interests (assessed throughout this report), the principle of development does not conflict with WRPNP Policy 1.
- 5.40 As identified above at paragraphs 5.4 – 5.33, beyond the development plan, there are numerous relevant material considerations in the assessment of proposals for renewable energy.
- 5.41 As clearly illustrated by the Climate Change Act 2008 (as amended 2019), associated Carbon Budget and British Energy Security Strategy 2022, it is clear that solar energy is a key component of the government’s legally binding commitment to reduce greenhouse gas emissions to net zero by 2050 - with Government policy aiming to achieve a fivefold increase (up to 70GW) of solar power by 2035. The government expects solar, together with wind, to be the predominant source of energy generation by 2050.
- 5.42 The delivery of this proposed scheme would generate up to 40MW and the applicant has confirmation from UK Power Networks that the proposed Hale Farm solar Farm has a scheduled grid connection date for Summer 2024. As a result, the proposal would make a significant and early contribution towards the targets set out in Climate Change Act 2008 (as amended 2019), associated Carbon Budget and British Energy Security Strategy 2022. Furthermore, the development will increase the security for provision of renewable electricity supply, in accordance with Buckinghamshire Council’s Climate Change Motion (July 2020).
- 5.43 National policy contained in NPSs make clear that large scale solar farms should be assessed on the basis that the government has already established an urgent need for renewable energy, including solar. There is therefore no requirement for the applicant to demonstrate a need for the proposal in this location. Nevertheless, national guidance contained in the NPPG and national policy contained in the NPSs recognise that large scale solar farms will inevitably have environmental impacts, particularly if sited in rural areas. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.
- 5.44 These material considerations further support the principle of development and the

approach required by VALP Policy C3. A full assessment of the environmental impacts associated with the proposed solar farm follows.

### **Transport matters and parking**

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

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

### **Access**

- 5.46 The proposed solar farm will be accessed via one vehicular point of access from Hulcott Lane. Hulcott Lane can be accessed directly from the A418 between Rowsham and Bierton.
- 5.47 The proposed solar farm consists of two parcels of land which are physically separated from one another (a northern parcel and a southern parcel). Vehicular access to both parcels will be achieved from the one point of access proposed from Hulcott Lane.
- 5.48 The point of access proposed from Hulcott Lane already exists in the form of a gravel covered agricultural track which leads to the buildings associated with Hale Farm. The existing agricultural track will be utilised for approximately 500m, at which point a new section of access track measuring approximately 750m in length will be built to provide access to the southern parcel of the proposal solar farm. The proposed new section of access track will link into another existing agricultural track which will provide access to the northern parcel of the proposed solar farm.
- 5.49 The Highway Authority were consulted on the application and raised no objection to the proposed access arrangements.
- 5.50 A section plan showing the proposed typical construction of the new access track has been submitted with the application, this shows the use of a permeable hardcore aggregate laid over a geotextile membrane at a width of 3.5m. Full details of the proposed new section of access track can be secured by condition.

### **Highway capacity and safety**

- 5.51 Once operational, the proposed solar farm will generate minimal vehicle movements. The greatest number of vehicular movements will be generated during the construction and decommissioning phases.
- 5.52 The proposed construction period is anticipated to last approximately 16 weeks. Construction at the site is proposed to be carried out Monday to Friday 08:00 – 18:00 with limited construction on Saturdays between 08:00 to 13:00. The application includes a table which provides an estimate of the average construction traffic movements associated with the development of solar farm. This indicates a peak of 10 and an average of 6 HGV movements per day during the construction.
- 5.53 The Highways Authority has reviewed the submitted information and raised no objection to the application subject to the inclusion of a condition requiring the submission of a

Construction Traffic Management Plan (CTMP).

- 5.54 A traffic management plan to cover the decommissioning phase of the development can be secured by condition.
- 5.55 It is considered that there is sufficient capacity within the transport network to accommodate the level of traffic generated by the proposal and the mitigation required to prevent any unacceptable transport impacts can be secured by conditioning the CTMP. On this basis the proposal complies with VALP policies C3, T4 and T5 and the aims of the NPPF with regards to highway impact.

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

*Vale of Aylesbury Local Plan (VALP): BE2 Design of development*

*Wingrave with Rowsham Parish Neighbourhood Plan (WRPNP): Policy 5 Design*

- 5.56 Policy BE2 (Design of new development) of the VALP (2021) requires new development to achieve high quality design that responds to the characteristics of the site.
- 5.57 Policy 5 (Design) of the Wingrave with Rowsham Parish Neighbourhood Plan (WRPNP) sets out that development proposals, including alterations to existing buildings, should reflect the architectural and historic character of the surrounding area.
- 5.58 The application site itself extends approximately 69.5 hectares and is divided into two parcels of land, the first parcel (referred to as a northern development parcel) located to the north of Hale Farm with the remaining parcel located to the south-east of Hale Farm (referred to as the southern development parcel).
- 5.59 At this stage, the details submitted in respect to the layout are largely indicative to provide the end user of the solar farm with a degree of flexibility. Nevertheless, the details contained within this submission provide the maximum parameters of the proposal utilising the principles of the 'Rochdale Envelope'.
- 5.60 The proposed PV panels are to be laid out across the site in equally spaced south facing rows, known as arrays, approximately 2 to 6 metres apart to avoid overshadowing. The proposed arrays are made up of banks/ tables of panels which typically contain between 24 to 48 solar panels, with the panels being installed at approximately 20 to 30 degrees. Each array will be mounted on fixed, matt finished metal frames made of either galvanised steel or aluminium, with a maximum height of 3m and the panels will be coated to maximise daylight absorption and minimise glare potential (secured by recommended condition 4). The frames will either be 'pile' driven or screw anchored into the ground, typically to a depth of up to 2m.
- 5.61 The panels, arrays and associated infrastructure are all relatively low level, with the exception of the mast which is to be located within the DNO substation and measures 23.5m in height. With the exception of the compound, which comprises equipment required to connect the proposed solar farm to the electricity network (including a control room and mast), the scale and mass of the proposed development would remain consistent across the site.

- 5.62 Notwithstanding this, it is undeniable that the proposal will significantly change the existing appearance of the site, particularly if viewed in combination with the adjacent proposed solar farm (planning application reference 23/01094/APP).
- 5.63 Having regard to the requirements of VALP Policy BE2, it is not considered that criteria b can be realistically applied to this form of development (responding to local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials). The structures are of a 'standard' design, material and form synonymous with solar farm development. Similarly, the majority of the design criteria set by WRPNP Policy 5 relate principally to built development proposed within the built up area and could not realistically apply to a proposed solar farm (reflecting architectural and historic character and scale of surrounding buildings, providing open views and glimpses from within the development to the countryside, in-keeping materials with neighbouring properties)
- 5.64 With regard to criteria a and c of VALP Policy BE2 and the requirements of WRPNP Policy 5 relating to topography and setting, the proposal (as amended during the course of the application) is confined largely to existing field boundaries and the DNO substation and associated mast is located adjacent to an existing electricity pylon and near the existing buildings associated with Hale Farm, in the southern development parcel. The topography of the land has a very shallow gradient which rises gently to the north. In this way the proposal can be seen to respect the physical characteristics of the site and the natural qualities and features of the area. The effect of the proposal on important public views and skylines has been assessed (considered in more detail under the landscape section of this report). The effect of the proposal on important public views and skylines (criteria d of VALP Policy BE2) has been assessed (including cumulative impact) and has informed the reduced size of the proposal during the lifetime of the application (discussed further under the 'Landscape' section of this report).
- 5.65 Consistent with WRPNP Policy 5 no external lighting is proposed and this can be secured by condition.
- 5.66 On this basis, it is considered that the proposal is consistent with VALP Policy BE2 and WRPNP Policy 5 and a refusal could not be justified in respect of these policies.

#### **Amenity of existing residents**

*Vale of Aylesbury Local Plan (VALP): BE3 protection of the amenity of residents, C3 Renewable Energy*

- 5.67 Policy BE3 of the VALP (2021) states that planning permission will not be granted where a proposed development would harm the amenity of existing residents.
- 5.68 The nearest settlements to the proposed development are: Rowsham, located circa 500 metres west of the northern development parcel; Hulcott, located circa 500 metres south west of the northern development parcel and circa 800 m west of the southern development parcel; and Wingrave, located circa 900m north east of the northern development parcel.

- 5.69 The nearest dwellings in Rowsham are located on the south east edge of the village including Seabrook Farm and dwellings on Bennetts Lane. The applicant's LVIA as submitted identifies that the occupants of Seabrook Farm house may have some mid-distance views towards the application site.
- 5.70 The nearest dwellings in Hulcott are located on the south east edge of the village including properties at Manor Farm. Whilst some of Hulcott is within the Zone of Theoretical Visibility, no residential receptors with possible views towards the application site were identified by the submitted LVIA.
- 5.71 Several areas on the south-western fringes of Wingrave provide elevated locations for residential properties with views towards the site: 3 houses on Castle Street, 7 properties on Lower End and 10 properties on Mill Lane were identified by the applicant as having elevations and gardens orientated towards the site from which occupiers may gain a view.
- 5.72 Given the intervening distance the proposal is not considered to have an adverse impact on the amenities of existing residents. It is acknowledged that the proposed development would alter the outlook from some properties in the surrounding area, particularly if viewed in combination with the proposed adjacent solar farm (application reference 23/01094/APP). However, seeing a development does not in itself amount to a harmful impact.
- 5.73 The panels are fixed (i.e. they will not move to track the sun) and will be coated to maximise daylight absorption and minimise reflection.
- 5.74 No part of the proposals would be so close or too high as to have any serious adverse impact upon those living nearby. Furthermore, new landscape planting proposed as part of the development (and to be secured by condition) would also help to screen views of the development over time, as the planting matures.
- 5.75 Whilst there may be noise and highway disturbance for some residents during the construction phase, particularly the residents of Hulcott (with access being taken from Hulcott Lane) this would be for a limited period and a Construction Management Plan (to be secured by condition) would help to mitigate this impact. As such, any impact associated with construction phase would not be so great as justify withholding permission.
- 5.76 On this basis the proposal is not considered to result in harm to the residential amenity of any existing dwellings, consistent with the aims of VALP Policy BE3 and C3.

### **Ecology and Biodiversity**

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

*Supplementary Planning Document: Biodiversity Net Gain*

- 5.77 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). VALP policy NE1 also requires proposals to avoid individual or cumulative adverse impact on an internationally or nationally important Protected Site or species and sites of biodiversity or geological value of regional or local importance.

- 5.78 Sufficient information must be provided to allow the council to assess all potential impacts on ecology and biodiversity. In accordance with VALP Policy NE1, development proposals will be expected to promote site permeability for wildlife and avoid the fragmentation of wildlife corridors, incorporating features to encourage biodiversity, and retain and where possible enhance existing features of nature conservation value on site.
- 5.79 In accordance with the aims of the NPPF, VALP Policy NE1 and the Council's Supplementary Planning Document: Biodiversity Net Gain proposals are expected to deliver a net gain in biodiversity.
- 5.80 There are no nationally or locally designated sites of ecological importance on or within the vicinity of the application site. Part of the southern development parcel falls within a red impact zone for Great Crested Newts (GCN) which indicates that the site contains highly suitable habitat for GCN and therefore GCN are present. In addition, there are 3 ponds on site, 24 ponds within 500 metres of the site and there are records of GCN on the site.
- 5.81 The application was accompanied by an Ecological Assessment dated February 2020. During the course of the application, the applicant has submitted additional information for review by the Council's Ecologist, including an updated Phase 1 Habitat Assessment and Badger Assessment dated August 2022 and a Skylark Mitigation Plan dated September 2022.
- 5.82 The habitats on site were identified by the Ecological Assessment as having potential to support a number of protected species including breeding birds, foraging and commuting bats, badgers and GCN. Further surveys for breeding birds, foraging and commuting bats, badgers and GCN were therefore undertaken.
- 5.83 As part of the breeding bird survey, 13 Skylark territories have been identified as currently existing within the application site. Skylarks are ground nesting birds which are a Red-List species. In order to compensate for the loss of the skylark breeding habitat, 16 skylark plots will be provided within the arable land to the west of the northern parcel of solar development (within the land which was originally proposed for solar farm development). This land is located within the application (red line) boundary and therefore the LPA is satisfied that the skylark mitigation can be adequately secured by condition.
- 5.84 The woodland and hedgerows were identified as good foraging and commuting habitat for bats. None of the trees, hedgerow or woodland are proposed to be removed and 5 metres buffers will be provided around hedgerows. Subject to these measures, there will be no negative impacts upon foraging and commuting bats and therefore a bat survey was not required. Whilst it is understood that no lighting is proposed, a condition controlling the installation of lighting is considered reasonable, to prevent impact on nocturnal species including bats.

- 5.85 A number of badger setts and badger activity were located on the application side and within 30 metres of the proposed development. The existing setts on the site are located within existing field boundaries and would therefore be separated from the proposed solar farm by a 5 metre ecological buffer. A badger licence, further survey and mitigation measures will be required to avoid any adverse impacts upon badgers during construction, however this can be secured by conditioning a Construction and Environmental Management Plan (CEMP).
- 5.86 With regards to GCN, the applicant has provided evidence of entry into the Council's District Licence Scheme via provision of a NatureSpace report. The District Licence requires the imposition of several conditions and informative on any decision notice.
- 5.87 Turning to biodiversity net gain (BNG), the proposal is accompanied by a Biodiversity Net Gain assessment and a biodiversity metric. This demonstrates that the proposal will deliver a BNG of 85.30 habitat units and 3.20 hedgerow units (equivalent to an 83.05% increase in habitat units and a 16.85% increase in hedgerow units). To secure the biodiversity net gain units a Construction and Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan will be required. Both of these documents can be secured by condition.
- 5.88 There is an existing area of woodland located immediately to the east of the southern development parcel which is considered a priority habitat. In accordance with VALP Policy NE8, the submitted site layout secures a 25m buffer adjacent to this woodland, for the benefit of wildlife.
- 5.89 The application site borders several main river watercourses including the River Thame, Gudgeon Stream and Thistle Brook. In accordance with VALP Policy NE2, development proposals adjacent to a watercourse should provide or retain an ecological buffer zone of at least 10m from the top of the bank and should be designed and managed over the long-term to enhance its value for biodiversity. The proposed site layout has been amended during the course of the planning application to achieve the minimum 10m buffer adjacent to watercourses. Subject to a condition securing the buffer and its maintenance in the long-term the Environment Agency and the council's Ecologist have no objection and are satisfied that the proposal complies with VALP policy NE2 in this regard.
- 5.90 The application site is adjacent to the Kingsbrook nature park that is being established by the RSPB as part of the wider 'Kingsbrook' development. During the course of the application both the applicant and the council's Ecologist have liaised with the RSPB, to ensure there is no compromise with the species and habitat intended to be established on the nature park.
- 5.91 Based on the amendments received to the proposed layout and the information submitted in support of the application, subject to the imposition of conditions, the proposal complies with VALP policies C3, NE1, NE2 and NE8, the Biodiversity Net Gain SPD and the aims of the NPPF with regards to ecology and biodiversity.

### **Flooding and drainage**



**Flood risk**

- 5.92 The NPPF seeks to avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk of flooding from any source (whether existing or future) - the sequential approach. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 5.93 In accordance with NPPF paragraph 163 if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification.
- 5.94 Government guidance on Flood Risk and Coastal Change states the sequential test applies to all major development proposed in areas at risk of flooding unless it has been allocated for development in a development plan, is in an area at low risk from all sources of flooding or is exempt by footnote 56 of the NPPF<sup>1</sup>. In this case, no exemptions apply and therefore the sequential test is applicable where development is proposed in an area at risk of flooding from any source.
- 5.95 Solar farms are identified as “essential infrastructure” by Annex 3 (Flood risk vulnerability classification) of the NPPF. Essential infrastructure proposed in flood zones 3a or 3b is required to pass the exception test. Outside of these flood zones the exception test does not apply to essential infrastructure. In line with the NPPF, proposed development including essential infrastructure needs to demonstrate that it will be safe for its lifetime without increasing flood risk elsewhere.
- 5.96 The River Thame, Gudgeon Stream and Thistle Brook run close to the application site. Land adjacent to the river channel is located within Flood zone 2 and 3 (as identified on the Environment Agency’s Flood Map for planning) and extends into some areas of the application boundary. In addition, there are some areas identified as being at high and medium risk of surface water flooding.
- 5.97 During the course of the planning application the Environment Agency (EA) commented on the application and initially offered an objection to the proposal on the basis that panels were proposed to be located in flood zone 3. As a result of amendments to the proposed layout during the lifetime of the application, all of the proposed solar panels have now been removed from flood zone 3.
- 5.98 Furthermore, in response to the EA’s comments the applicant has undertaken detailed modelling of flood levels for the 1 in 100 year flood event plus an appropriate allowance for climate change across the site. This demonstrates that any flooding event is not

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<sup>1</sup> Footnote 56 of the NPPF states: This includes householder development, small non-residential extensions (with a footprint of less than 250m<sup>2</sup>) and changes of use; except for changes of use to a caravan, camping or chalet site, or to mobile home or park home site, where the sequential and exception tests should be applied as appropriate.

expected to encroach on the proposed solar panels or substation. In addition, the proposed solar panels will not obstruct flow routes nor reduce floodplain storage capacity. The proposal will therefore be safe for its lifetime and will not increase flood risk elsewhere.

- 5.99 On this basis, subject to a condition the EA withdrew their objection to the proposal on grounds of flood risk.
- 5.100 With regards to the application of the sequential test, whilst the application boundary includes areas identified as being at higher risk of flooding, no new development is proposed in these areas, with the exception of an existing access track. It is accepted that solar farms need to connect to the transmission network and opportunities for such connection are limited to the existing electricity infrastructure (in this case, the existing overhead 132kv line that crosses the site and the associated pylon). Based on the information submitted in support of the application to explain the site selection process, the sequential test is satisfied.
- 5.101 With regards to the application of the exception test, as established above, the detailed modelling shows that the proposed solar farm will be safe from flood risk for its lifetime. Whilst the access track to the northern parcel will be at risk of flooding in an extreme flood event, this section of access track already exists and it is considered to be a 'floodable' structure, comprising permeable hardcore laid at ground level. In addition, during its operation, the need for physical access to the solar farm is limited to maintenance visits only (anticipated up to 12 times a year). It is therefore considered that the wider sustainability benefits to the community outweigh the limited flood risk. This is principally in terms of the climate change benefits of the proposals, which would make a substantial contribution to generating electricity from a renewable source. Approximately 15,000 homes would be powered annually by the proposal and having regard to the government's target for net zero emissions by 2050, which is predicted on a fivefold increase (up to 70GW) of solar power by 2035, this if afforded weight as a significant benefit of the proposal.
- 5.102 The LPA is satisfied that the proposal passes the sequential and exception test as required by the NPPF and VALP Policy I4.

#### ***Surface water drainage***

- 5.103 The LLFA were consulted on the application and requested additional information during the lifetime of the application.
- 5.104 The applicant proposes to manage surface water runoff generated by the proposal using permeable subbases underneath the DNO substation, substation and transformers. These will increase the porosity in these areas, thus increasing storage volume.
- 5.105 Calculations have been provided to demonstrate the capacity of the attenuation proposed and cross-sectional drawings have been provided to demonstrate the depth and structure of the permeable sub-bases of each building.
- 5.106 Following the receipt of this additional information the LLFA offer no objection to the

proposal subject to a condition. The proposal is considered to satisfy the requirements of VALP Policy I4 with regards to surface water drainage.

### **Historic environment (or Conservation Area or Listed Building Issues)**

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

*Wingrave with Rowsham Parish Neighbourhood Plan (WRPNP): Policy 5 Design*

- 5.107 There are no designated heritage assets on the application site.
- 5.108 The nearest designated heritage assets to the application site are identified as follows:
- Conservation Areas at Huclott, Wingrave, Aston Abbots, Crafton and Mentmore;
  - Scheduled Ancient Monument moated site in Hulcott (considered below as a designated archaeological asset);
  - Grade II\* listed building Hulcott Parish Church;
  - Grade II listed buildings: Manor house, The Green, Hulcott; Curtilage listed barns and granary, The Green, Hulcott; The Old Rectory (Nursing Home), The Green, Hulcott; Church House Farm, The Green, Hulcott; Seabrook farm, Bennets Lane, Rowsham; Straws Hadley Farm and curtilage buildings, Wingrave.
- 5.109 In addition, 1-4 The Green, Hulcott (Rothschild's farm labourers' cottages) represent a non-designated heritage asset.
- 5.110 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the "Act") requires the Local Planning Authority to pay special regard to the desirability of preserving listing buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm. The duties in S66 of the Act require a local planning authority to give any harm considerable importance and weight in decision making. S72 of the Act also places a duty on local authorities to pay special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Policy BE1 of the VALP seeks to conserve heritage assets as an irreplaceable resource and that they should be conserved in a manner appropriate to their significance, including their setting and this reflects the guidance given in the NPPF.
- 5.111 In accordance with NPPF paragraph 199, great weight should be given to the conservation of designated heritage assets. In accordance with NPPF paragraph 203, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.112 The application is accompanied by a Heritage Assessment which has been reviewed by Historic England (HE) and the Council's Heritage Officer. In response to comments made by HE and the Council's Heritage Officer, amendments have been made to the proposed layout of the solar farm, during the lifetime of the application, including removing solar panels from land in the northern development parcel (closest to Hulcott) and proposing additional planting.
- 5.113 The proposed development, even taking account of the amendments made during the

course of the application, would introduce an 'industrial' element and unsympathetic built form to the current agricultural and rural landscape and this would result in some degree of harm to the setting of some of the heritage assets identified.

- 5.114 In accordance with NPPF paragraph 200, any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The level of harm (substantial or less than substantial) caused to a designated heritage asset should be established in accordance with the approach set out by NPPF paragraphs 201 and 202.
- 5.115 In the language of the NPPF, HE and the Council's Heritage Officer conclude that the proposal will result in less than substantial harm (generally towards the lower end of that range) to the following designated heritage assets:
- Hulcott conservation area;
  - Grade II\* listed Hulcott Parish Church
  - Grade II Church House Farm, the Green;
  - Wingrave conservation area;
  - Straws Hadley Farm and curtilage buildings, Wingrave;
  - Seabrook Farm, Bennetts Lane, Rowsham;
  - Aston Abbots conservation area.
- 5.116 In addition, the proposal will result in some harm to 1-4 The Green in Hulcott (identified as a non-designated heritage asset).
- 5.117 Negligible, or no harm has been identified to the other nearest designated heritage assets.
- 5.118 In light of the live application (Ref: 23/01094/APP) for a solar farm on land immediately to the east of the current application site, possible cumulative impacts upon the setting of the identified heritage assets have been considered.
- 5.119 Following discussions with Historic England, it is concluded that owing to its position to the west of Hale Farm (i.e. further from Hulcott than Hale Farm), the proposed solar farm under application reference 23/01094/AOP would not increase the level of harm caused to Hulcott conservation area and Grade II\* list Hulcott Parish Church for the purposes of NPPF paragraphs 201 and 202.
- 5.120 The Council's Heritage team considers that as a result on the proposed solar farm under application reference 23/01094/AOP, which is closer to Wingrave conservation area than Hale Farm, the cumulative impact upon Wingrave conservation area and Straws Hadley Farm and curtilage buildings, Wingrave, would increase. Nevertheless, in the language of the NPPF the degree of harm would remain 'less than substantial'.
- 5.121 Whilst harm to heritage assets has been identified, it is considered to be less than significant harm for the purposes of VALP Policy C3.
- 5.122 In accordance with NPPF paragraph 202 and VALP Policy BE1, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Great weight is given to the

conservation of designated heritage assets. This is a matter which will be addressed at the end of this report in the 'weighing and balancing of issues' section.

- 5.123 In accordance with NPPF paragraph 203, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, by way of a balanced judgement. This is a matter which will be addressed at the end of this report in the 'weighing and balancing of issues' section.

### **Archaeology**

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

- 5.124 The application site is undeveloped agricultural land and is not covered by a designated Archaeological Notification Area.
- 5.125 Nevertheless, the site does lie within a wider landscape which maintains many elements of its medieval land use. Pockets of well preserved ridge and furrow earthworks define the open fields of the settlements at Hulcott and Rowsham, whilst moated sites, such as the Scheduled moated site east of Hulcott Church demonstrate the important foci of the wider area during the medieval period. In addition, chance finds of Roman and prehistoric material hint at earlier human activity within the area.
- 5.126 A Heritage Statement was submitted with the application, which considers archaeological potential.

#### ***Designated heritage assets of archaeological interest***

- 5.127 In accordance with NPPF paragraph 199, great weight should be given to the conservation of designated heritage assets.
- 5.128 In accordance with NPPF paragraph 200, any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The level of harm (substantial or less than substantial) caused to a designated heritage asset should be established in accordance with the approach set out by NPPF paragraphs 201 and 202.
- 5.129 There are no designated assets of archaeological interest on the application site, however there is a Scheduled Ancient Monument (SAM) located circa 500 metres to the south west of the northern development parcel.
- 5.130 No known features associated with the SAM extend into the application site and Historic England confirm that the archaeological deposits and earthworks which make up the SAM (evidential value) would not be impacted by the development. However, the open countryside to the north, north-east and east (which includes the application site) is considered to contribute to the setting of the SAM.
- 5.131 The SAM known as 'Moated site immediately east of All Saint's Church', HA 1018670, consists of a roughly square island defined by a wet ditch up to 8 m wide. The manor house would once have stood on this artificial island. Little is known of the site other than that it was in existence by the 13th century. Moated sites normally served as prestigious aristocratic and seigneurial residences with the provision of a moat intended as a status

symbol rather than a practical military defence.

5.132 Historic England agree with the following statements in the applicant's Heritage Statement:

- There is some aesthetic value to the monument, and some communal value from how local people and visitors experience it;
- The open farmland provides a visual link to the countryside as was the case in the medieval period;
- Overall, the setting of the Scheduled moated site makes a reasonable contribution towards its significance. Key positive elements include the historic buildings to the south and west, also the open land to the north, north-east and east. There are no significant detracting elements within the setting of the moated site.

5.133 Historic England advise that whether there are long views or merely glimpses: the open countryside (of which the application site is a part) forms the setting to the SAM. Historic England therefore conclude that "The new solar installation, even with planted screening, would negatively change to the setting of the monument, replacing open farmland with built infrastructure, foreshortening the views discussed above, and sitting across the view from the monument to Wingrave. The negative change would also apply to the associated earthworks east of the scheduled moated site." Having regard to the language of the NPPF Historic England advise that the resulting level of harm would be "less than substantial towards the lower half of that range".

5.134 It is noted that there is a live application (Ref: 23/01094/APP) for a solar farm on land immediately to the east of the current application site. Possible cumulative impacts upon the setting of the SAM have therefore been considered.

5.135 Following discussions with Historic England, it is concluded that owing to its position to the west of Hale Farm (i.e. further from the SAM than Hale Farm) the proposed solar farm under application reference 23/01094/AOP would not increase the level of harm caused to the SAM for the purposes of NPPF paragraphs 201 and 202. The level of harm caused to the SAM would remain towards the lower half of 'less than substantial'.

5.136 Whilst harm to the SAM has been identified, it is considered to be less than significant harm for the purposes of VALP Policy C3.

5.137 In accordance with NPPF paragraph 202 and VALP Policy BE1, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Great weight is given to the conservation of heritage assets. This is a matter which will be addressed at the end of this report in the 'weighing and balancing of issues' section.

#### ***Non-designated heritage assets of archaeological interest***

5.138 NPPF paragraph 203 requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a

balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 5.139 VALP Policy BE1 states that proposals which affect the significance of a non-designated heritage asset should be properly considered, weighing the direct and indirect impacts upon the asset and its setting. There will be a presumption in favour of retaining heritage assets wherever practical, including archaeological remains in situ, unless it can be demonstrated that the harm will be outweighed by the benefits of the development.
- 5.140 The site has not been subject to any previous archaeological investigations.
- 5.141 The Buckinghamshire Historic Environment Record shows that a number of undesignated heritage assets with archaeological value have been found within the wider vicinity of the application site. Furthermore, it indicates that the presence of a Second World War decoy within the northern development parcel, however, the submitted Heritage Statement notes that no evidence for wartime activity within the proposal site was observed during the site visit, and examination of 1945 aerial imagery has not identified any features of potential interest relating to the decoy airfield.
- 5.142 The Heritage Statement submitted with the application identified an area of ridge and furrow within the northern parcel of the application site. As the proposed development area has been significantly reduced during the course of the application, the majority of this ridge and furrow has now been excluded from the proposed area of development.
- 5.143 Historic England deferred comment on non-designated heritage assets to the Council's specialist officers.
- 5.144 The Council's Archaeologist is content that, having regard to the nature of solar development (which is less ground intrusive than other forms of development), available evidence of archaeological potential within the vicinity of the application site, and the removal of solar development from the land containing the majority of ridge and furrow and the land closest to designated assets in Hulcott that no further archaeological investigation is justified prior to determination in this case.
- 5.145 On the balance of probabilities, the LPA is satisfied, having regard to the advice of the council's archaeological expert, that there are unlikely to be significant archaeological remains on the site which would require preservation in situ and therefore prevent development. Nevertheless, there is still a limited degree of potential for buried remains of archaeological interest to be present on the site. On this basis, in order to mitigate against any residual risk, it is considered reasonable to impose suitably worded planning conditions requiring further archaeological investigations and an appropriate methodology for recording or preservation.
- 5.146 The fact that the submitted plans are to be treated as indicative only and are intended to show the 'worst-case' scenario, with final details being secured by condition (under the Rochdale Envelope approach), means that in the unlikely event that features of archaeological interest are unearthed which are of such significance that they require preservation in situ, there is scope to change the layout to facilitate this. The LPA has

experience of successfully securing preservation in situ on a solar farm development by way of condition.

- 5.147 Having regard to the requirements of NPPF paragraph 194 and VALP Policy BE1, the applicant has submitted an appropriate desk-based assessment and in this instance the LPA does not consider it reasonable to request further field evaluation prior to determination.
- 5.148 Having regard to the requirement of NPPF paragraph 203 and VALP Policy BE1 the LPA has no evidence to suggest that the application will affect a non-designated heritage asset. Furthermore, it considers that any residual risk can be effectively managed by the imposition of conditions which would prevent adverse effects in the event that non-designated heritage assets of archaeological interest were identified on the site in future.

### **Landscape**

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

- 5.149 Policy NE3 of the Vale of Aylesbury Local Plan (VALP) (2021) requires major development proposals affecting the Chiltern Area of Outstanding National Beauty (AONB) to demonstrate that they conserve and enhance the distinctive character, tranquillity and remoteness of the AONB. The policy further states that all of the landscape in Aylesbury Vale is considered to have character and particular distinctive features to be conserved, positive characteristics to be enhanced and detracting features to be mitigated or removed.
- 5.150 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.
- 5.151 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.
- 5.152 Policy C3 of the VALP (2021) encourages planning applications involving renewable energy development as long as there is no unacceptable adverse impact, including cumulative impact on local landscapes.
- 5.153 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.
- 5.154 Landscape and Visual Impact is one of the most important considerations in determining any application for such development. Large scale solar development can result in negative impacts on the rural landscape where the landscape is open or undulating. It is essential



that the solar farm be planned to mitigate and reduce its impact where possible, and that proposed landscaping is both appropriate and effective.

- 5.155 The planning application is supported by a Landscape, Townscape and Visual Impact Assessment (May 2020), and Addendum to Landscape, Townscape and Visual Impact Assessment (December 2021) and Addendum to Landscape, Townscape and Visual Impact Assessment Response to Buckinghamshire Council Cumulative Effects (May 2023). The application is accompanied by a Landscape Strategy Plan, however, this plan is intended to be indicative and final details of planting can be secured by condition (in accordance with the Rochdale Envelope approach). All these documents have been reviewed by the Council's Landscape Officer.
- 5.156 The applicant's LVIA identifies proposed mitigation measures including: retention of the existing field pattern; retain and manage mature hedgerows and trees at a greater height; scrub planting to provide screening around the substation; grassland to be established beneath and around solar panels to support grazing sheep; additional tree belt on the western edge of the northern development parcel; small tree clusters, larger tree belts and small blocks of woodland/scrub would be established as locally characteristic features within the solar farm; use of native species, including Black Poplar within new planting.

***Landscape character***

- 5.157 The application site is not located within a locally or nationally designated landscape. Land approximately 100m north of the application site is locally designated as an Area of Attractive Landscape. Land within the Chilterns Area of Natural Beauty (AONB) is located approximately 3 miles to the south east of the application site.
- 5.158 The application site falls within the Hulcott Vale Landscape Character Area (LCA) as defined by the Aylesbury Vale Landscape Character Assessment, 2008. The Hulcott Vale Landscape Character Area is identified as being in a moderate condition. The pattern of hedgerows remains mainly intact, however, there are areas of arable intensification where hedges are gappy or removed. There is a distinctive low level of woodland cover. The pattern of elements remains coherent whilst there are some notable detracting features such as the concentration of pylons and overhead power lines. Enhancement of the original field patterns by supporting initiatives for management and re-planting of hedgerows, infilling gaps and replacement planting of hedgerow trees is encouraged within this character area.
- 5.159 Notably, there are two existing solar farms located within close proximity of the application site: Folly Farm solar farm located circa 150m to the east of the southern parcel of the application site (located within Dacorum Borough Council); and Gib Lane solar farm located circa 375m to the south of the southern parcel of the application site. In addition, a solar farm is proposed on land immediately adjacent to Hale Farm under planning application reference 23/01094/AOP (Land west of Tring Road). The applicant and the council have considered both individual and cumulative impacts upon landscape character.
- 5.160 The introduction of the proposed solar farm into an agricultural greenfield site will inevitably have an adverse effect on the landscape character of the site itself and the landscape within which it sits. In accordance with the aims of the Aylesbury Vale Landscape

Character Assessment 2008 and criteria c of VALP Policy NE4, the proposal aims to maintain many individual landscape elements of the application site, such as hedgerows, trees and landform, and this helps to minimise the effect of the proposal on the landscape character as far as practically possible. Nevertheless, the nature of a large scale solar farm is such that it will introduce a significant element of development that would occupy the previously open agricultural land and will substantially change the appearance of the site and the local landscape character from an open rural landscape to an engineered landscape.

- 5.161 Taken together with the existing and proposed solar farms (Folly Farm, Gib Lane and land west of Tring Road), the proposal will create a large swathe of solar farms within the historically open landscape between Aylesbury and the villages of Hulcott, Rowsham and Wingrave. Nevertheless, solar farms are often located in rural areas, and the nature of the development (30 year lifespan, with conditions securing restoration of the land to agricultural use) is such that it could not be argued that it represents an extension of the urban area.
- 5.162 The applicant's LVIA concludes that the landscape character area is of low sensitivity and owing to the low-level nature of the solar farm, within a landscape structure provided by hedgerows, supplemented by new hedgerow and tree planting, the effects of the proposal on the site and landscape character area would be less than significant (moderate adverse effect on the site and minor adverse effect on the landscape character area). The combined solar farm schemes would not be of sufficient scale to create a new landscape sub-type or an energy infrastructure landscape and on this basis the applicant does not consider that cumulative impact would be any greater.
- 5.163 Conversely, the Council's Landscape Officer considers the effect on the application site and local landscape character, both individually and cumulatively to be significant (substantial adverse effect on the site and major adverse effect on the landscape character area). It is not uncommon for the level of harm assessed to vary between the applicant and the Council. It is noted that in a recent appeal decision the Inspector undertook their own review of landscape harm and came to different judgement again (Land east of Mursley Road, Little Horwood, Buckinghamshire 19/04485/APP)
- 5.164 It is accepted that amendments made during the course of the application have reduced the level of harm to landscape character caused by the proposal (both individually and cumulatively). Furthermore, proposed landscaping can screen and therefore mitigate some harm and additional planting/landscaping can be secured by condition. The proposal will nevertheless result in a degree of visual and landscape harm (even with mitigation) which conflicts with the overall aim of VALP policy NE4 to overcome any adverse impact to the receiving landscape.
- 5.165 NPS-EN-1 notes that there may be local landscapes outside nationally designated areas that may be highly valued locally and protected by local designation, however it advises that local landscape designations should not be used in themselves to refuse consent. In this case, the application site is not protected by any landscape designations, neither is it considered to be a "valued landscape" (an area identified as having sufficient landscape

qualities to elevate it above other more everyday landscapes), the sensitivity of the landscape character area within which it is located is low (as confirmed by the Aylesbury Vale Landscape Character Assessment 2008) and most adverse effects will be reversible on decommissioning (after the 30 year lifespan of the development). On this basis, while there is inevitably harm to the landscape character and therefore conflict with VALP NE4 this is not of sufficient severity to justify a reason for refusal. Nevertheless, it is a matter to be afforded moderate weight in the overall planning balance (an exercise undertaken at the end of this report).

### ***Visual Impact***

- 5.166 As recognised by NPS EN-1, all proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites. It is for the decision maker to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project.
- 5.167 The proposal will inevitably be visible from receptors within the wider landscape in which it is located. Visual receptors have been assessed by the submitted LVIA and LVIA addendums including residential properties, viewpoints from public rights of way and viewpoints from within the AONB.

### ***Residential receptors***

- 5.168 Reflective of the rural location, a limited number of residential receptors in Wingrave and Rowsham were identified by the LVIA as having potential views over the proposal, principally from first floors. The residential receptors identified in Wingrave are also likely to have views over the adjacent solar farm proposed under planning application reference 23/01094/APP (Land west of Tring Road). The LVIA concludes that individually the proposal would have a negligible to minor adverse effect on residential receptors, however, cumulatively this would increase to a moderate adverse effect (not significant) for some receptors. Furthermore, subject to proposed planting, it is considered that views of the solar farm could be screened, particularly during the summer months once the planting establishes.
- 5.169 As stated above, in relation to residential amenity, whilst the proposal (and cumulative schemes) may be visible within longer-distance views from some properties, seeing a development does not in itself amount to a harmful impact.

### ***Public Rights of Way***

- 5.170 There are no public rights of way (PRoW) within the application site. Footpath HUL/5/2 crosses the proposed access track to the northern development parcel, however this track is already in existence as a hard surfaced farm track. The Council's strategic access officer has no objections but would wish to see the safety of pedestrians addressed by appropriate signage and full construction details of the proposed access track to ensure a level surface at the point at which the PRoW crosses it. This could be secured by condition as part of the Construction Traffic Management Plan and as part of the hard landscaping details.

- 5.171 Several PRoW pass in close proximity to the application site, including PRoW reference WIG/15/2 which passes adjacent to the most northerly boundary of the proposed solar farm. The Aylesbury Ring long distance route passes circa 500m to the west of the proposed northern parcel of solar development (PRoW refs: WIG/2/2, HUL/3/2, HUL/6/1) and passes east to west between the northern and southern parcels of development (PRoW refs: HUL/5/2). At its closest point the Aylesbury Ring walking route passes circa 20m from the northern boundary of the southern development parcel.
- 5.172 The applicant's LVIA concludes that the greatest impact to PRoW users will be at the point that the Aylesbury Ring long distance route (PRoW ref: HUL/5/2) passes between the northern and southern development parcels. At this point the cumulative impact of the proposed solar farms is considered to be major adverse, reducing to moderate adverse (not significant) once proposed mitigation planting is established.
- 5.173 The Council's Landscape Officer advises that as a result of the development proposal, combined with the 2 existing solar farms (Folly Farm and Gib Lane) and the adjacent proposed solar farm (land west of Tring Road), solar farm development will be visible, to varying degrees, from users of the Aylesbury Ring long distance route for several miles (with the solar development coming in and out of view). The Council's Landscape Officer considers that will amount to a substantial adverse sequential cumulative visual effect, which cannot be mitigated.
- 5.174 The Council's Landscape Officer also considers that views from a number of other PRoW in the vicinity of the existing and proposed solar farms would be subject to adverse visual effects, although this could be mitigated to a degree by additional planting (both along the boundaries of the proposed development and along internal field boundaries), using traditional hedgerow cutting regimes (to manage hedgerows at a height of 3m), establishing small tree clusters and using appropriate tree species (and mix of species).
- 5.175 The amendments made to the proposal during the lifetime of this application have reduced the impact of the proposal upon the visual outlook from PRoW. Whilst some new planting is shown as proposed on the submitted Landscape Strategy, as stated above, this plan is intended to be indicative and further and final details of planting can be secured by condition (in accordance with the Rochdale Envelope approach) to secure the requirements of the council's Landscape Officer and mitigate for adverse visual effects upon the PRoW.
- 5.176 Whilst it is accepted that walkers passing along the Aylesbury Ring and PRoW would experience adverse visual effects, in some instances even after the proposed mitigation planting has matured, Planning Officers consider that these effects would be localised and experienced for a short distance (relative to the entire length of the route) of the Aylesbury Ring long distance route. Furthermore, as noted by the Aylesbury Vale Landscape Character Assessment (2008), there is already a concentration of pylons and overhead power lines which degrade the local landscape character.
- 5.177 Draft NPS EN-3 recognises that due to their size, solar sites may affect the provision of local footpath networks and PRoW. However, it notes that it should be the applicant's intention

to keep all PROWs that cross the site open and to minimise as much as possible the visual outlook from existing footpaths.

- 5.178 Subject to securing additional planting, as sought by the Council's Landscape Officer, it is considered that the applicant will be minimising as much as possible the visual outlook from existing footpaths in accordance with criteria a of VALP Policy NE4, criteria p of VALP Policy C3 and the draft NPS EN-3. As stated above, the Landscape Strategy submitted with the application is intended to be indicative and therefore full and final details of landscaping can be secured by condition (applying the Rochdale Envelope approach).

#### *Chilterns AONB*

- 5.179 Land within the Chilterns Area of Natural Beauty (AONB) is located approximately 3 miles to the south east of the application site.
- 5.180 In accordance with the NPPF, great weight is attached to conserving and enhancing landscape and scenic beauty within the AONB. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 5.181 VALP Policy NE3 does not bar development within the setting of the AONB, but requires development proposals to demonstrate that they have avoided adverse impacts (including cumulative effects), unless these can be satisfactorily mitigated.
- 5.182 In response to comments raised by the council's landscape officer, the applicant submitted an LVIA addendum to assess the potential impact of the proposal upon long distance views from within the AONB (the viewpoints assessed were agreed with the council's landscape officer). The applicant concludes that, owing to the intervening distance the proposal would be barely perceptible within views from the AONB, and the same applies to the cumulative schemes (Folly Farm, Gib Lane and Land west of Tring Road). On this basis the applicant concludes that the impact of the proposal (both individually and cumulatively) would be less than significant.
- 5.183 The council's landscape officer notes that the photographs used in the applicant's assessment were taken in high summer (when hedgerows and trees are at their tallest and fullest) and the existing solar farms at Folly Farm and Gib Lane are both clearly visible from the viewpoint on Upper Icknield Way. On this basis it is likely that the proposed solar farm at Hale Farm, particularly the southern development parcel, would also be visible to an extent, adding to the industrial features visible within the panoramic view.
- 5.184 In order to minimise potential visibility within this panoramic view, planting should be provided along the southern boundary of both the southern and northern development parcels. At present, no additional planting is shown on the submitted Landscape Strategy, however, as stated above, this is intended to be an indicative plan and therefore further planting, as part of a final Landscape Strategy to be submitted for approval, can be secured by condition. Subject to securing this additional planting, the proposal would satisfactorily mitigate potential adverse impact upon the AONB and would not conflict with policy NE3

of VALP.

5.185 Nevertheless, in the short term, prior to planting becoming established and within winter months, it is possible that the proposed solar farm would be partially visible within the panoramic view from Upper Icknield Way (a popular viewpoint within the AONB). Together with the existing solar farms at Gib Lane and Folly Farm and the potential solar farm at Land west of Tring Road, there remains a potential (albeit limited) adverse effect on visual amenity experienced from the AONB. Thus, as a result of the proposal (individually and cumulatively) an adverse, but limited, change could be caused to some panoramic views from the AONB and limited harm could be caused to the setting of the AONB by virtue of that. It is recognised that any potential harm to the AONB is limited, would only affect a small number of views from within the AONB, and would not be permanent (conditions will secure the restoration of the land after the lifespan of the solar farm), nevertheless, in accordance with the NPPF, great weight is afforded to this limited harm within the planning balance.

### ***Trees and hedgerows***

5.186 The application is accompanied by an arboricultural report which confirms that no trees within the application site are proposed for removal. Pruning is stated as possibly being required to 2 trees in proximity to the proposed access track and a no-dig construction method for the access track is proposed to avoid encroachment into the root protection zones of these trees. Protective fencing is proposed to avoid impacts to trees from construction works.

5.187 The council's tree officer advises that the proposal has little potential for significant impacts to trees and proposed mitigation will reduce this further.

5.188 Subject to a condition securing full details of the proposed tree protection methods, the proposal is considered to comply with the aims of VALP Policy NE8.

### **Agricultural Land Quality**

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

5.189 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.

5.190 The application is accompanied by an Agricultural Land Classification which shows that the application site represents Grade 3b agricultural land. Consistent with VALP Policy NE7 and the aims of the NPPF the application site does not therefore represent BMV. Furthermore, the agricultural use of the site will continue during the lifetime of the solar farm (sheep will be grazed amongst the panels) and following the expiry of the 30 year lifespan of the proposal, the land will be restored to the current agricultural use (secured by condition).

### **Mineral safeguarding**

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

- 5.191 Minerals Safeguarding Areas (MSAs) are defined by the Buckinghamshire Minerals and Waste Local Plan (BMWLP) to protect mineral resources of local and national importance within Buckinghamshire from development which would hinder their future use.
- 5.192 Policy 1 of the BMWLP requires that proposals for development within MSAs, other than that which constitutes exempt development, must demonstrate that:
- prior extraction of the mineral resource is practicable and environmentally feasible and does not harm the viability of the proposed development; or
  - the mineral concerned is not of any value or potential value; or
  - the proposed development is of a temporary nature and can be completed with the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or
  - there is an overriding need for the development.
- 5.193 Circa 22 hectares of the area proposed for development is located within a designated Minerals Safeguarding Area for clay, silt and gravel.
- 5.194 In this instance the proposed development is of a temporary nature (30 years), after which it will be restored to agricultural land. The restoration of the land after the expiration of the lifetime of the development will be secured by condition. The proposed development would not therefore permanently inhibit extraction of any mineral resource and the LPA has no evidence to suggest that any potential mineral resource present is likely to be needed within the next 30 years. Sites have been allocated for extraction by the BMWLP.
- 5.195 Contrary to BMWLP Policy 1 the applicant has not provided a Minerals Assessment in support of the planning application. However, as stated above, the proposal is temporary in nature (30 years) and will not prevent Mineral Extraction in the longer term, which is the overall aim of MSAs and BMWLP Policy 1.
- 5.196 On this basis, refusal of the proposed development against BMWLP Policy 1 is not considered to be justifiable. Nevertheless, a degree of conflict with BMWLP Policy 1 is a matter to be weighed in the overall planning balance.

**Other matters raised by representations**

***S106 contributions***

- 5.197 Planning obligations are legal obligations entered into to mitigate the impacts of a development proposal. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.

- 5.198 These tests are set out as statutory tests in CIL regulation 122 (as amended) and as policy tests in the National Planning Policy Framework.
- 5.199 It is noted that the Buckinghamshire Local Access Forum has suggested that the applicant could contribute to the provision of upgraded footbridges on a local PRoW and provision of a cycleway along the A413. A public representation has suggested the developer should provide a community fund.
- 5.200 The Local Planning Authority do not consider that financial contributions towards the works identified by the Buckinghamshire Local Access or a general community fund can be justified as meeting the three tests (set out above) required of planning obligations. No S106 contributions are sought in connection with this planning application.

#### ***Historic footpath***

- 5.201 It is noted that the Aylesbury and District Ramblers and several members of the public identified a footpath is shown as crossing the application site on historic maps.
- 5.202 The Council's Strategic Access Officer has confirmed that no PRoW on the Definitive Map (the legal record of public rights of way in England and Wales) cross the application site, with the exception of PRoW reference HUL/5/2 crossing the access track (as it already does) – a matter discussed above under the consideration of PRoW. Historic footpaths are not a relevant material consideration in the assessment of this planning application.

#### ***Site security***

- 5.203 The applicant proposes to install a site security fence (2.45m high comprising timber posts and Hi-Tensile wire mesh) located around the perimeter of the site, in addition to CCTV cameras mounted on 3m height poles. In addition, the substation compound is proposed to be enclosed by 2.45m wood panel fencing. Notably, the details submitted to date are intended to be indicative and final details will be secured by condition (consistent with the Rochdale Envelope approach).
- 5.204 It is noted that the Crime Prevention Design Adviser (CPDA) has suggested that the proposed fencing may be easy to cut through and the applicant should consider stronger fencing and a perimeter intruder protection system.
- 5.205 The applicant is an experienced operator of solar farms and therefore the LPA trusts that the applicant will adequately secure the site (both to prevent anti-social behaviour and ensure safety regulations are met). As stated above, the details of the security fencing are indicative at this stage and therefore it would be open to the applicant to consider alternative boundary treatments, which would be assessed by the council under a future discharge of condition detail. It is not considered necessary for the LPA to dictate the exact materials or security systems to be used by the applicant.

### **6.0 Weighing and balancing of issues / Overall Assessment**

- 6.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.



- 6.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
  - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
  - c. Any other material considerations
- 6.3 The 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 weight the benefits of the development against the identified harm.
- 6.4 In terms of benefits of the proposal, the proposal will generate clean electricity which is capable of off-setting the use of electricity generated from fossil fuel powered stations. The proposal will therefore provide electricity without generating harmful greenhouse gas emissions and furthermore has the potential to offset greenhouse gas emissions, which are known to cause global warming. The proposal will therefore contribute to tackling the climate change emergency, which The Sixth Assessment Report of the Intergovernmental Panel on Climate Change identifies as “a threat to human well-being and planetary health. Any further delay in concerted anticipatory global action on adaptation and mitigation will miss a brief and rapidly closing window of opportunity to secure a liveable and sustainable future for all”. This benefit attracts very significant positive weight.
- 6.5 The proposed 40MW solar farm can generate enough power for 15,000 homes and the applicant has confirmed that a connection date has been secured with UK Power Networks for 2024. The proposal will therefore make a significant and early contribution to the government’s legally binding target of reaching net zero emissions by 2050, requiring a five-fold increase of solar energy by 2035. This benefit attracts very significant positive weight.
- 6.6 The proposal will make a positive contribution towards UK energy security. In order to provide energy security (in addition to reducing emissions) the government is committed to the UK being powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable energy generation such as solar. This benefit attracts very significant positive weight.
- 6.7 The proposal would be of benefit to the national and local economy by contributing to UK energy security and helping to stabilise energy prices for consumers. This benefit attracts significant weight.
- 6.8 The proposal will make a positive contribution towards the aims of the Buckinghamshire Climate Change Motion (July 2020), in which the Council has committed to work alongside

national Government with the objective to achieve net carbon zero for Buckinghamshire by 2050. This benefit attracts significant weight.

- 6.9 In addition, the proposal will contribute to the local economy via the construction process (the scheme would provide short term employment opportunity) and via the income generated for landowners and farmers, which can be reinvested in the wider farmstead. Limited weight is attached to this benefit.
- 6.10 The proposal would deliver a significant net gain in biodiversity (subject to a condition securing a CEMP and LEMP), over and above the minimum BNG required by the development plan and anticipated requirements in national legislation. Limited weight is attached to this benefit.
- 6.11 For the reasons set out within this report, it has been concluded that the proposal leads to landscape and visual harm resulting in a conflict with NE4. However, having regard to the proposed mitigation (secured by condition), the sensitivity of the receiving landscape, the number of visual receptors and the reversibility of the proposal in the long term, moderate harm is afforded to this matter. Harm to the setting of the AONB has been identified, as a result of the proposal (individually and cumulatively) causing an adverse but limited change to some panoramic views from the AONB. While the harm to the setting of the AONB is limited, paragraph 176 of the NPPF identifies that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. As such, while the harm identified to the AONB is limited, great weight must be attributed to the limited harm.
- 6.12 There is conflict with Policy 1 of the BMWLP (Safeguarding Mineral Resources). The proposal was not accompanied by a Minerals Assessment, as required by BMWLP Policy 1, however, the proposal is limited to a lifespan of 30 years and will not therefore permanently sterilise a potential minerals resource (which is the overall aim of Policy 1). Therefore, harm arising is limited by the nature and permanency of the development and accordingly limited weight is given to this aspect.
- 6.13 The proposal has been found to conflict with VALP Policy BE1 (Heritage assets). Less than substantial harm (lower end) has been identified to designated heritages assets and in accordance with BE1 and the NPPF it is necessary to weigh the level of harm against the public benefits that may be gained by the proposal and the balancing exercise is carried out at below to determine the weight that should be attributed to this matter.
- 6.14 The principle of development complies with VALP Policy C3 (renewable energy) and other policies such as C4, NE1, NE2, NE7, NE8, BE3, T4, T5 and I4. Compliance with development plan policies do not represent benefits of the development and accordingly is given neutral weight in the planning balance.
- 6.15 There would be a degree of conflict with the Development Plan arising from the issues identified in the report. Accordingly, in overall compliance terms the development would not meet the full requirements of the relevant VALP policies.

- 6.16 There would also be substantial benefits as a result of the development encouraged by the NPPF when read as a whole and national energy policy.
- 6.17 Harm has been identified in terms of landscape, the setting of the AONB and less than substantial harm to designated assets including scheduled ancient monument.
- 6.18 With regard to the heritage implications and in accordance with VALP Policy BE1 and the NPPF (paragraph 202) where the development leads to less than substantial harm to heritage assets, this harm must be weighed against the public benefits.
- 6.19 The overarching public benefits of providing a large-scale renewable energy scheme in line with climate change interest and supporting national energy need carry considerable positive weight in the decision making process. Importantly, the scheme is not just limited to meeting local needs. It offers potential clean renewable energy production in the short term to the National Grid. Those public benefits taken alone outweigh the less than substantial harm to the setting of the heritage assets that occur.
- 6.20 In terms of the harm to the non-designated heritage assets this has to be taken into account in determining the application. The report identifies that some harm will result to the setting of 1-4 The Green in Hulcott (Rothschild's farm labourer cottages which are identified as non-designated heritage assets) and a number of undesignated heritage assets with archaeological value have been found within the wider vicinity of the application site. From the evidence presented, the harm caused to the setting of 1-4 the Green is limited and there is limited potential for buried remains of archaeological interest to be present on the site. A condition will require a further archaeological investigations to mitigate against any residual risk for archaeological remains. Accordingly, given the limited level of harm to undesignated heritage assets this does not have a material impact on the determination of the planning application.
- 6.21 There will be disruption during the construction phase particularly in terms of the harm to the landscape harm. However, construction related harms would be short lived and can be considerably managed and the residual landscape harm arising following construction has been identified and moderate weight attached.
- 6.22 When weighed in the planning balance the magnitude of benefits are considerable relative to the harms, and subsequently it is concluded that the direct benefits arising from the development substantially outweigh the arising harm.

## **7.0 Working with the applicant / agent**

- 7.1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 7.3 In this case, the council has worked proactively with the applicant and agent during the course of the application. In reflection of the unprecedented challenges faced following the

submission of the application (associated with the COVID-19 pandemic) the council has accepted amended plans and additional technical information during the lifetime of the application and has reconsulted on these as appropriate.

## **8.0 Recommendation**

8.1 For the reasons set out within this report, this application is being recommended for approval subject to the conditions proposed below and any amendments and additional conditions considered necessary.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Town and Country Planning Act and Section 51 of Planning and Compulsory Purchase Act.

2. This grant of planning permission shall expire no later than 30 years from the date when electricity is first exported from any of the solar panels to the electricity grid ("First Export Date"). Written notification of the First Export Date shall be given to the local planning authority within 1 month of its occurrence.

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

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

- Site Location Plan JPW1332-004 received 17/03/2020
- Solar Site Layout JPW1332-002 O – received 16/06/2023
- Typical Access Road Planning Details JPW1332-009 – received 06/01/2022
- Typical CCTV Planning Details JPW1332-008 – received 06/01/2022
- Typical DNO Building and POC Mast Planning Details JPW1332-011 – received 06/01/2022
- Typical Fence and Gate Planning Details JPW1332-010 – received 06/01/2022
- Typical Inverter Planning Details JPW1332-007 – received 06/01/2022
- Typical Panel Planning Details JPW1332-006 – received 06/01/2022
- Typical Cable Trench Detail JPW1332-005 – received 06/01/2022
- Landscape Strategy Plan LS01 Rev D – received 28/06/2023
- Conceptual Subbase Drawing (HLEF03582) – received 06/06/2023

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

4. Notwithstanding the plans hereby approved in Condition 3, no development shall take place until full details of the final locations, design, finishes and materials including details of non chrome, non reflective material to be used for the panel arrays, inverters, substation control building, substations, CCTV cameras, fencing any other structure required for the operation of the site as solar farm shall be submitted to and approved in writing by the local planning authority. The plans approved in Condition 3 represent the maximum parameters of the proposal. For the avoidance of doubt, the proposed locations of panel arrays or any other structure required for the operation of the site as a solar farm shall not extend any further than as shown on the Solar Site Layout (JPW1332-002 O received 16/06/2023).

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

Reason: This is a pre-commencement condition which is required to ensure the development is carried out in a manner which minimises the visual impact on the character of the rural area and to comply with policies BE2, NE4, NE1, NE2, NE8, BE3 of the Vale of Aylesbury Local Plan, Policy 5 of the Wingrave with Rownsham Parish Neighbourhood Plan and the advice within the National Planning Policy Framework.

5. Notwithstanding the plans hereby approved in Condition 3, no development shall take place until full and final details of proposed hard and soft landscaping, including a Landscape Management Plan, have been submitted to and approved in writing by the local planning authority. The proposals for hard and soft landscaping shall include the following:
  - A plan identifying existing hedgerow gaps and details of proposed infill/replacement planting, to include mixed, native hedgerow and tree species. Hedgerow planting shall be carried out as described in paragraph 4.3 of the Hale Farm Solar Landscape, Townscape and Visual impact Assessment, March 2020.
  - Tree planting to include mixed native species, appropriate to the specific location, planted at 12-14cm girth size, at maximum spacing of 8m. Locations for hedgerow and tree planting shall include all outer boundaries of both parcels of development as well as internal field boundaries;
  - Aspire to provide a 10m (minimum 5m) buffer between development and any existing or proposed hedgerow so as to facilitate effective management of all hedgerows to a height of 3m, using traditional techniques and good practice advice available via [Hedgelinek.org.uk](http://Hedgelinek.org.uk). A site wide Hedgerow Management Plan should form part of the Landscape Management Plan;
  - Establish small tree clusters, small blocks of woodland/scrub in appropriate locations, to be identified on a plan. Manage woodlands in line with good practice, to be outlined within the Landscape Management Plan;
  - Retain all existing grassland and seed existing arable farmland (to be identified on a plan) with a species rich grass and flora mix to maintain the existing extent of Hulcott

- Fields and establish new species diverse pasture for grazing and connectivity;
- Include locally distinctive Black Poplar in tree planting mixes along streams and other watercourses;
- Details of the proposed surface and construction method of the access tracks, including the point at which PRow reference HUL/5/2 crosses the proposed access track.

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

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

6. The PV Panels shall not exceed a height of 3m above ground level.

Reason: In the interests of visual amenity and ensure that proposed mitigation planting is effective, to accord with the aims of Policy BE2 and NE4 of the Vale of Aylesbury Local and Policy 5 of the Wingrave with Rowsham Parish Neighbourhood Plan.

7. At the end of the period of 30 years from the date of grid connection, the use hereby permitted shall cease and all materials and equipment brought on the land in connection with the use permitted shall be removed and the land restored to its previous state (greenfield, agricultural land) or as otherwise agreed, in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority prior to the decommissioning works taking place. Details shall include a method statement and timetable for the dismantling and removal of the solar pv development and of the associated above ground works and foundations to a depth of at least one meter below ground; and the details shall include a method statement, a traffic management plan, and a timetable for any necessary restoration works following removal of the solar pv development. The scheme shall be implemented in accordance with the approved details.

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

8. If within the 30 year period the solar pv development does not generate any electricity to

the national grid for more than 6 months in a continuous period of 12 months, then details of a scheme, to repair or remove the solar pv development and all associated infrastructure, buildings, equipment and access points, shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 12 month period. If removal of the development is required, all development and associated equipment, infrastructure and access shall be removed within 12 months of the details being approved and the details shall include a method statement and timetable for the dismantling and removal of the solar pv development and of the associated above ground works and foundations to a depth of at least one meter below ground; and the details shall include a method statement, a traffic management plan, and a timetable for any necessary restoration works following removal of the solar pv development. The scheme shall be implemented in accordance with the approved details.

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).

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

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

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

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

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

Reason: In the opinion of the Local Planning Authority, it is appropriate to maintain control

of development proposals that may have an impact on visual amenities or landscape and ecological interests of the countryside in accordance with policies C3, NE1, NE4, NE8, BE1, BE2, and T5 of the VALP (2021).

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

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

13. 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)

14. Prior to the commencement of any development works on the site, a Construction Traffic Management Plan (CTMP) shall be 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.
- Construction access details, including any required alterations to the Hale Farm access with Hulcott Lane for construction access, visibility splay requirements, and potential temporary passing places along Hulcott Lane.
- 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.
- Appropriate signage to secure the safety of pedestrians at the point at which PRoW HUL/5/2 crosses the access track to the solar farm.

Reason: This is a pre-commencement condition which is required in order to minimise danger, obstruction, and inconvenience to users of the highway and of the development in accordance with Policies T4, T5 and C3 of the Vale of Aylesbury Local Plan and the aims of the National Planning Policy Framework.

15. The development hereby permitted shall be implemented in accordance with the agreed measures detailed in the Ecological Assessment from RPS dated February 2020 and August 2022.

Reason: To ensure that measures are undertaken in accordance with submitted plans for the benefit of important wildlife to protect protected species and habitats and to comply with the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017 (as amended) and Policy NE1 of the Vale of Aylesbury Local Plan.

16. Prior to the commencement of any development works on the site, (including demolition, ground works, vegetation clearance) a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of “biodiversity protection zones”.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason:

This is a pre-commencement condition required to ensure appropriate protection and enhancement of biodiversity, to make appropriate provision for natural habitat within the approved development and to provide a reliable process for implementation and aftercare to protect protected species and habitats and to comply with the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017 (as amended) and Policy NE1 of the Vale of Aylesbury Local Plan.

17. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

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

Reason: A pre-commencement condition is required to ensure that measures are undertaken in accordance with submitted plans for the benefit of important wildlife to protect protected species and habitats and to comply with the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017 (as amended) and Policy NE1 of the Vale of Aylesbury Local Plan.

18. No development shall take place until a Skylark Mitigation Plan (SMP) addressing mitigation, compensation and enhancement features specifically for Skylark has been submitted to and approved in writing by the local planning authority. The SMP shall include the following.
- a. Purpose and conservation objectives for the proposed works.
  - b. Review of site potential and constraints.
  - c. Detailed design(s) and/or working method(s) to achieve stated objectives.

- d. Extent and location/area of proposed works on appropriate scale maps and plans.
- e. Type and source of materials to be used where appropriate.
- f. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g. Persons responsible for implementing the works.
- h. Details of initial aftercare and long-term maintenance.
- i. Details for monitoring and remedial measures.
- j. Details for disposal of any wastes arising from works.

The SMP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: A pre-commencement condition is required to ensure that measures are undertaken in accordance with submitted plans for the benefit of important wildlife to protect protected species and habitats and to comply with the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017 (as amended) and Policy NE1 of the Vale of Aylesbury Local Plan.

19. The development hereby permitted shall be carried out in accordance with the approved surface water drainage strategy as per HLEF 03582 Hale Farm Update Technical Note 3 (HLEF 03582, 5th June 2023, RGS Consulting Services Ltd).

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to ensure that surface water is managed in a sustainable manner, in accordance with Paragraph 167 of the National Planning Policy Framework and Policy I4 of the Vale of Aylesbury Local Plan.

20. The development hereby permitted shall be carried out in accordance with the submitted Technical Note by RPS dated 29 November 2022. In particular, Appendix C which shows the panels will be located outside the 1% AEP flood level including an appropriate allowance for climate change.

Reasons This condition is in accordance with paragraph 167 of the NPPF and Policy I4 of the Vale of Aylesbury Local Plan 2013 – 2033 (adopted September 2021) which states development must not increase flood risk on site or elsewhere and be appropriately flood resistant and resilient.

21. No development shall take place until a scheme for the provision and management of a 10 metre-wide buffer zone (where site constraints allow, we are aware that this is not possible on the existing access tracks) alongside the Drayton Mead Brook and the Gudgeon Stream has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in

which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting cables and panels. The scheme shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- A CEMP (Construction Environmental Management Plan) demonstrating how the buffer zone will be protected during development and provision for protecting the watercourse when any work is undertaken on the access track
- A LEMP (Landscape Environmental Management Plan) showing how the ecological buffer zone will be managed (for example any grass cutting regime) and managed over the longer term including adequate financial provision and named body responsible for management
- details of any proposed footpaths, fencing, lighting, etc

Reason: A pre-commencement condition is required to protect land alongside watercourses which is particularly valuable for wildlife and it is essential this is protected by retaining a 10m ecological buffer and securing the long-term landscape and ecological management of this buffer. This will ensure compliance with Vale of Aylesbury Local Plan policies NE1 and NE2, paragraphs 174 and 180 of the National Planning Policy Framework, the Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive.

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

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

The AMS and TPP shall include:

- 1.) Detailed plans showing location of the protective fencing including any additional ground protection whether temporary or permanent;
- 2.) Details as to the location of proposed and existing services and utilities including sustainable drainage, where these are close to Root Protection Areas (RPAs);
- 3.) Details as to the method, specification and materials to be used for any "no dig" cellular confinement systems where the installation of no-dig surfacing is within the Root Protection Areas of retained or planted trees is to be in accordance with current nationally

recognised best practice guidance British Standard BS 5837 and current Arboricultural Guidance Note 'Cellular Confinement Systems Near Trees' (area within the development to which it applies); demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses;

4.) Details of all proposed Access Facilitation Pruning, including root pruning, as outlined in current British Standard 5837 guidance shall be carried out in accordance with current British Standard 3998;

5.) All phases and timing of the project, including phasing of demolition and construction operations, in relation to arboricultural matters;

6) Siting of work huts and contractor parking; areas for the storage of material and the siting of skips and working spaces; the erection of scaffolding are to be shown on the submitted TPP; and

7) Tree Protection Sign-off by the retained Arboricultural consultant prior to commencement of on-site activities and a reporting log, detailing timescales for return visits.

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

Informative(s):

1. The applicant is advised that a highway licence 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. This includes any required alterations to the Hale Farm access for construction access, potential temporary passing places along Hulcott Lane, works to repair and rectify highway damage, and any temporary signage on the highway. Please contact Transport for Buckinghamshire Streetworks at the following address for information.

Transport for Buckinghamshire (Streetworks),  
10th Floor, New County Offices,  
Walton Street, Aylesbury,  
Buckinghamshire,  
HP20 1UY,  
01296 382416  
[streetworkslicences@buckinghamshire.gov.uk](mailto:streetworkslicences@buckinghamshire.gov.uk)

2. 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.
3. It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate. It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

4. It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112) are not licensed under the GCN District Licence. Any such works or activities have no legal protection under the GCN District Licence and if offences against GCN are thereby committed then criminal investigation and prosecution by the police may follow.
5. It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those in the condition above (relating to the use of best practice and measures outline in the Great Crested Newt Mitigation Principles) would give rise to separate criminal liability under District Licence condition 12 (requiring authorised developers to comply with the District Licence) and condition 17 (which requires all authorised developers to comply with the GCN Mitigation Principles) (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority).
6. The proposed development is crossed by two major accident hazard pipelines; the 7071\_1342 Southern Gas Networks gas pipeline and the 8221\_2488 National Grid Gas PLC gas pipeline. You are encouraged to contact the pipeline operators prior to commencing development as the operators may have a legal interest (easement, wayleave, etc.) in the vicinity of the pipeline and may have requirements which could impact construction methods and arrangements.

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

#### **Appendix B: Site Location plan**

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

### Councillor Comments

**Clr Chapple:** “Please can you pass on my concern about the application for a solar farm at Hulcott, as I am the Cabinet Member for Environment and Climate Change I am not against the idea of putting a solar farm there but the Parish and I question the size of the application but not the Principle. So, as their local Councillor, I would ask the Planning Officer to consider whether the size is appropriate for its situation near the village”

### Parish/Town Council Comments

#### **Aston Clinton Parish Council:**

**09/05/2023:** “Aston Clinton Parish Council re-iterates its objection to the application and its amendments. The Parish Council supports the comprehensive comments of Hulcott Parish Council that despite the reduction in the application size, it is still overbearing on the local area and neighbouring parishes”.

**03/02/22:** “We object to this amended planning application and support the comments made by Hulcott Parish Council in that we would not object to a smaller proposal, confined to the southern section, the northern section being too intrusive, affecting historical features, visual amenity and quality of life”.

**21/05/20:** “Aston Clinton Parish Council objects to this application on the grounds that it is too large a site for the surrounding area, and due to the proximity to the listed properties in the conservation area. Also, the parish council has concerns over the impact on protected and priority species in the area”.

#### **Wingrave with Rowsham Parish Council:**

**08/03/2023:** “The Councillors discussed this application at great length taking into consideration comments from other consultees both for and against the application. When considering the visual impact on the area and size of the proposed solar farm and impact on wildlife, the fact there are already large solar farms in the area they voted to oppose the application 4 to 1.”

**02/02/22:** “The Parish Council after some discussion agreed that it had no objection to the proposed application subject to the access remaining the same and footpaths and bridges over the river being upgraded to assist disabled access”.

**28/04/20:** “Wingrave with Rowsham Parish Council considered the application, the presentation made by the applicants and the submitted objection by a Parish resident. The Council concluded that they have no objections to this application as resolved at its meeting held on 28<sup>th</sup> April 2020”.

**24/04/20:** “This is too large to take informal comments”.

#### **Hulcott Parish Council:**

**05/03/23:** Copy of objection appended

**01/02/22:** Copy of objection appended

**22/05/20:** "Hulcott Parish Council objects to this proposal as it is currently framed. We are not opposed in principle to solar panels being sited in a portion of the location covered by the application but, as it is, it represents a far too damaging intrusion into open countryside.

Clearly there is a tension between the need to support a prosperous rural economy and the need to conserve and enhance the natural environment. As highlighted in the following paragraphs from the National Planning Policy Framework (NPPF):

Supporting a prosperous rural economy 83. Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; Conserving and enhancing the natural environment 170. Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland

This particular application would clearly damage valued landscapes and would have a highly detrimental impact on the intrinsic character and beauty of the countryside as well as the wider benefits from the natural capital. The size and location of this proposed development imposes a far too significant cost in this respect.

There are already two other existing sites in close proximity and at 172 acres this will be one of the largest sites in the country. The northern part of the application in particular will intrude into and Area of Attractive Landscape and due to the rising nature of the topography will be very visible, despoiling the view from miles around. It will also impact on the views from Hulcott Conservation Area. The Hulcott Conservation Plan identifies views in the direction of the intended northern arm of the solar farm as a key element of the Conservation Area and therefore an element that requires protection.

The Parish Council would take a different view if the application was confined to the Southern section. This is closer to the other existing Solar developments, and would not have the same level of negative visual impact.

Irrespective of where panels are permitted it is also the Councils view that insufficient screening has been allowed for and we would ask that a requirement for additional and more specific - planting be imposed.

The Parish Council is also concerned about the large number of traffic movements that will be required in the building phase. The road into Hulcott is not built to county standards and is likely to be degraded in the construction process. There is also insufficient space for two large vehicles to safely pass. If any construction is permitted we ask that careful consideration is given to traffic management and a commitment to road/verge repair is required from the contractors.



Hulcott Parish Council has previously requested further information on the application including more detailed visuals specifying screening. If these are forthcoming at any stage the Council would like to have the opportunity for further scrutiny and comment. Should this application go to Committee, the Parish Council will register to speak”

**29/04/20:** “Hulcott Parish Council has requested an extension for commenting in line with the time frame accorded to Aston Clinton and Bierton Parish Councils which is 22 May 2020. The Parish Council has concerns regarding the lack of clear information relating to screening/ planting and the impact upon the countryside and effect upon the Conservation Area due to the size of the proposed site. The Parish Council hopes that the Planning Officer will address these concerns and ensure that further information is made available and time allowed for consideration”.

**Bierton Parish Council:**

**28/02/23:** “At it's meeting on 20th February 2023, the Parish Council were unable to make a decision regarding this application. Please note the comments below:

\* The original application was submitted in March 2020 and a substantial amount of documentation has been added since. Would this not constitute a new application rather than an amended one?

\* Where will the cabling be going?

\* It should be made clear exactly what is being proposed. A new layout plan should be provided showing the changes from the previous plan.

\* Any Public Rights of Way within or close to the site should be protected or re-routed and retained as part of the public footpath network.”

**18/01/22:** “Customer made comments neither objecting to or supporting the Planning Application. Comment: The size is too large. No objections”.

**11/05/20:** “Whilst we appreciate the governments request for energy saving schemes, we would question the need for yet another solar farm in the area as there are already two in close proximity to the planned site.

The Eastern Link Road, due to open in March 2021, does not show anywhere on the maps/site plans. We believe this site runs alongside this new road and would hope that some sort of screening will be provided from the road.

We note there are several Public Rights of Way within or close to the site and are keen to protect these and retain them as part of the public footpath network. Some form part of the Aylesbury Ring Road.

We support Hulcott PCs concerns regarding heavy plant traffic during the construction period. Hulcott Lane is very narrow and there appears to be only one access point from this onto the site. Bierton with Broughton PC were not part of the consultation made during December 2019 no were any letters/ leaflets/ invitations sent to parishioners. This is reflected in the number of attendees at the presentation in the Barn on 9/12/19 and the few completed questionnaires. The feedback on the forms is therefore not reflective of the local population of three parishes. At our request we have now been sent the plans but have unable to consult with parishioners in the

normal manner due to the fact we are not currently holding parish meetings during the lockdown”.

#### Consultation Responses (Summarised)

**Dacorum Borough Council:** Given the flat nature of the terrain and intervening tree and hedgerow screen planting, the proposal would not appear to be visible from publicly accessible land in Dacorum and would not be likely to materially impact on the amenities of its area. Therefore, on behalf of the Council, no objection is raised to this application.

#### **Archaeology:**

*01/03/23:* We note the amended area has reduced the size of the proposed solar farm, and no longer takes in fields containing upstanding ridge and furrow earthworks associated with the historic settlement at Hulcott. We welcome this reduction as it results in less impact to the upstanding earthworks and a lesser change to the setting of the nearby Scheduled Monument (the medieval moated site east of Hulcott Church). On all other matters we advise that our letter dated 16 April 2020 remains valid.

*25/01/22:* No further comments

*17/03/21:* No further comments

*16/03/20:* No objection subject to conditions

**Buckingham & River Ouzel Internal Drainage Board:** The site is outside the Boards district and therefore raised no comment.

#### **Lead Local Flood Authority (LLFA):**

*23/06/23:* No objection subject to condition

*31/05/23:* Objection. Further information requested regarding the proposed surface water drainage scheme

*31/03/23:* Objection. Further information requested regarding the proposed surface water drainage scheme

*17/02/23:* Further information requested regarding the proposed surface water drainage scheme

*27/01/22:* Objection. Further information requested regarding the proposed surface water drainage scheme

*25/03/21:* Objection. Further information requested regarding the proposed surface water drainage scheme

*17/07/20:* Objection. Further information requested regarding the proposed surface water drainage scheme

**Historic England:** There are no designated heritage assets within any part of the application site, however some lie in close proximity that have the potential to be affected by the proposals. The Hulcott Conservation Area lies close to the application site’s western boundary, which contains a scheduled moated site, the Grade II\* All Saints Church and numerous Grade II listed and non-

designated heritage assets.

The application site is an open field which positively contributes to the setting of the conservation area, the scheduled moated site and a number of other historic buildings by being unencumbered by modern development and providing clear rural panoramic views out north and east from the village and along public rights of ways.

Historic England have concerns that the solar array would result in unsympathetic development within the setting of the scheduled monument, conservation area and undesignated earthworks to the east, which otherwise retains a rural and agricultural character that responds to its medieval origins. We acknowledge that by omitting the field closest to the conservation area from the proposals and include some selective vegetation screening does reduce the level of harm overall. However, it does not remove it entirely and would still introduce an unsympathetic development within the setting of these assets. In the language of the NPPF the harm would be less than substantial towards the lower half of that range. If your authority is satisfied the harm has been clear and convincingly justified, it should then be balanced against the public benefits of the proposals.

**Economic Development:** Raised no comments as the application relates only to the installation of solar panels.

**Ecology:**

*15/07/23:* No objection subject to securing protection, enhancement and mitigation measures through conditions.

*24/05/23:* Objection. Further information required in relation to potential Kingsbrook nature reserve accumulative effects.

*29/11/22:* Objection. Further information required in relation to skylarks, BNG, woodland buffer, impacts on the priority habitat adjacent to the site, and potential Kingsbrook nature reserve accumulative effects.

*04/10/22:* Objection. Further information is required in relation to skylarks, bats, BNG, lighting strategy, impacts on the priority habitat adjacent to the site, woodland buffer, water course buffer and potential Kingsbrook nature reserve accumulative effects.

*28/01/22:* Objection. Further information is required in relation to skylarks, bats, BNG, lighting strategy, impacts on the priority habitat adjacent to the site, woodland buffer, water course buffer and potential Kingsbrook nature reserve accumulative effects.

**Newt Officer:** No objection subject to district licence conditions. The applicant has provided proof of entry into Buckinghamshire Council's District Licence Scheme via provision of a NatureSpace report.

**Heritage:**

*22/03/23:* Historic England have provided very detailed and thorough comments with a particular focus on impacts to the Hulcott Conservation Area, the Scheduled monument and related earthworks and to the higher level Listed Buildings. I would support their views in assessing less than substantial harm to the setting of the Hulcott CA and to the setting of the SAM and related

earthworks and reiterate my own earlier concerns with regard to less than substantial harm to the setting of GII LBs and NDHAs in the northern and eastern sections of the CA. As previously stated, the removal of development in a field closest to the CA has reduced the impact, but there is still harm to the landscape setting of these assets from the introduction of industrial style and scale development close to these sensitive sites. Public benefit has been identified from the proposal and this will need to be weighed against all heritage harm.

*10/10/22:* The changes proposed go some way to limiting the harm identified from a heritage perspective. The northern section is more contained and now offers increased separation from the heritage assets. The proposal results in the lower level of less than substantial harm to be weighed in the balance.

*27/01/22:* Whilst the revised site plan and planting would lessen some of the potential impact after a period of some years of growth, I remain unconvinced that this will sufficiently mitigate the impact of the proposal upon the setting of multiple historic settlements and Heritage assets.

*22/06/21:* The application as proposed cannot be supported in heritage terms due to harm to the setting of multiple heritage assets. The proposal results in less than substantial harm to a number designated and undesignated heritage assets.

*19/03/21:* The application as proposed cannot be supported in heritage terms due to harm to the setting of multiple heritage assets. The proposal results in less than substantial harm to a number designated and undesignated heritage assets.

*21/04/20:* Currently unable to undertake site visits. The submitted Heritage Statement should consider impact upon heritage assets further than 1km from the site.

**Highways:** Raised no objection subject to a condition and informative.

**Trees:** Raised no objection subject to condition

**Environment Agency:**

*17/03/23:* The applicant has requested our modelling data and compared the levels with their topographical survey and has shown that the panels are located outside the 1% annual exceedance probability (AEP) flood level including an appropriate allowance for climate change. We therefore withdraw our previous objections subject to a condition.

Development that encroaches on watercourses can have a potentially severe impact on their ecological value. This development borders several main river watercourses including the Drayton Mead Brook and the Gudgeon Stream and an ecological buffer zone is necessary to ensure that the water-based environment is protected. The applicant has clarified that the proposed development does not include any new 2 bridges. The proposed development will therefore be acceptable if a planning condition is included requiring a scheme to be agreed to protect a 10 metre-wide buffer zone around the Drayton Mead Brook and the Gudgeon Stream

*03/03/22:* No further information has been submitted. We therefore maintain our three objections in line with our previous response dated 26 March 2021.

*26/03/21:* Objection as the proposed development falls within a flood risk vulnerability category

that is inappropriate to the Flood Zone in which the application site is located.

### **Landscape:**

04/07/23: The additional viewpoints and LVIA Addendum submitted by the applicant have been reviewed. These include viewpoints from within the AONB as requested by the LPA (the viewpoints were agreed with the landscape officer prior to submission).

1. The Hale Farm PVD alone will have an inevitable and long-term Substantial Adverse effect on the landscape character of the **site**
2. The Hale Farm PVD alone will significantly increase the long-term adverse effect on **local** landscape character already caused by the existing PVDs at Folly Farm and Gib Lane
3. Together with Tring Rd, Folly Farm and Gib Lane PVDs, the long term combined cumulative effect on **local** landscape character will be Substantially Adverse
4. Together with Tring Rd, Folly Farm and Gib Lane PVDs, there is potential for long-term, combined cumulative visual harm to long distance views from the **AONB**
5. Together with Tring Rd, Folly Farm and Gib Lane PVDs, the long term, sequential cumulative visual effects on the **Aylesbury Ring long distance route** will be Substantially Adverse
6. There is a likelihood of adverse long term, sequential cumulative visual effects on PRoW to the east of the PVDs (no assessments provided by applicant)
7. The continued lack of clarity regarding proposed mitigating planting shown on the **Landscape Strategy** provides no assurance that the Major adverse effects identified in the LVIA can be reduced to Minor as claimed

Subject to securing greater mitigation than currently shown, it is considered that the potential impact upon long distance views from the AONB can be mitigated.

Nevertheless, even after the mitigation planting has been established, the proposal will have a lasting:

- Substantial Adverse Effect on the landscape character of the site
- Major Adverse Effect on the character of the local landscape
- Substantial Adverse Cumulative Effect on the character of the local landscape (when considered in combination with Tring Rd, Folly Farm and Gib Lane PVDs)
- Adverse Sequential Cumulative visual effects on views from the Aylesbury Ring long distance route (when considered in combination with Tring Rd, Folly Farm and Gib Lane PVDs).

Conditions to secure additional landscape measures and maintenance are required to provide mitigation and/or minimisation of identified harms.

06/03/23: The further reduction of area of solar panels shown on LS01 RevB, and associated retention of grassland on the western side of the northern block sets more of the proposal slightly further away from visual receptors on the Aylesbury Ring recreational route, retains a larger area of rural grassland in the LCA, and slightly enhances the relationship between the proposal and traditional field boundaries. The area of the solar panels is less in the further revised scheme, and the simplified rectangular shape, in the landscape will additionally slightly reduce the overall significant negative impact this northern block of solar panel development will have on the landscape character and to visual receptors.

The cumulative impact of development, taken with Folly Farm and Gib Lane has not been given enough consideration. Sequential viewpoints from footpaths are required, in addition to viewpoints from within the AONB.

In landscape character and visual terms, while the reduction in area of solar panels in the northern block does slightly reduce the scale of the adverse impact; given the open prominent position of the large remaining areas of solar panels; the differences between these further revised proposals and the original proposal on this site are not sufficiently substantive to reach different conclusions from those previously reached

*08/02/22:* Having considered the revisions to the scheme – that of additional boundary tree planting and tree clusters, and of a small reduction in area of solar panels - the differences between these revised proposals and the original proposal on this site are not sufficiently substantive to reach different conclusions from those previously reached.

*02/10/20:* the development proposal will substantially alter the appearance and character of the site and its setting. The cumulative effect on landscape character has been underestimated and a detailed assessment should have been included on the combined effect of the proposed development in conjunction with the existing solar farms in the vicinity of the application site. Whilst the proposed development site does not have PRowS within it, it is in close proximity of a number of well used routes. There would be a number of locations where there would be major adverse effects on walkers using the PRowS as a result of the proposed development. The assessment has not included viewpoints demonstrating the sequential experience of routes in particular PRow HUL/5/2 and WIG/15/2 or taken account of all the directions of possible views from viewpoints, and therefore has not demonstrated all the possible worst case scenarios. Further concern is raised regarding the cumulative visual effects of the proposed development in addition to the existing developments in the locality of the proposal which furthermore has not been fully assessed through sequential viewpoints on the surrounding PRowS. For these reasons the landscape and visual harms identified should carry proportionate weight against the scheme in any consideration of the planning balance of the proposed development.

**Crime Prevention Design Advisor:** Concerns remain regarding the fencing type. Formal surveillance has been included however it is unclear how many cameras are proposed, without which cannot confirm if they will mitigate the concerns.

Concerns regarding the use of deer fencing and it being easy to cut through. A 3m high fence is proposed around the DNO substation and POC compound – this must be robust enough to prevent entry and maintenance over time needs to be considered. It would be more appropriate to consider a weld mesh compound. Recommend the perimeter fencing complies with the requirements of LPS1175, Issue 8 B3 and that the applicants also incorporate a monitored perimeter intruder protection system (PIDS). Recommend that an operational requirement exercise be carried out to aid in the specification of the proposed CCTV system which should work in conjunction with the PID system. The Authority may wish to condition that the development achieves the physical security standards recommended.

**Strategic Access Officer:**

*21/02/2023:* No further comments

10/01/22: The 'Typical Access Road Planning Details' cross section [Drawing JPW1332-009] indicates the internal track topped with 130mm of Type 1. There is one crossing of a public footpath, where 'fines' should be laid to ensure the track is suitable for pedestrians – Type 1 on its own is too coarse. This may be the intention but should be clarified.

09.03.21: With regards comments made by the Aylesbury and District Ramblers, the council is not in receipt of a formal application to modify the definitive footpath map. While a previous government set a deadline of 2026 to claim historic routes not currently recorded on the definitive map, based on historic maps and other information, this is not a government initiative and does not currently have a material implication for the development proposal.

05.05.20: There are no public rights of way directly affected. The access track and Footpath HUL/5/2 cross briefly at a point north of Hale Farm. This would appear to be an existing, surfaced track with good visibility. No objection is raised to the proposed surface on the footpath crossing, however the aggregates should not result in the surface being raised above existing ground levels to create a steep ramp or steps for walkers to cross. Appropriate signage to ensure the safety of pedestrians at this crossing should be outlined in any Construction Traffic Management Plan.

**Health and Safety Executive (HSE):** the proposed development lies within the Consultation Distance of two major accident hazard pipelines; the 7071\_1342 Southern Gas Networks gas pipeline and the 8221\_2488 National Grid Gas PLC gas pipeline. The proposed development, being a solar farm will have no significant effect on the numbers of people present in the consultation zone once the construction work has been carried out. Therefore there is no need to consult HSE's Land Use Planning Advice team on this application, and we have no comments to make.

## Representations

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

**Aylesbury & District Ramblers:** A Historic Path crosses the proposed arrays and these are the subject of a Government Initiative to record all lost paths before the current cut-off date of 202. This layout will destroy much of the route of the path which runs from footpath HUL/3/2 at Grid Reference SP854173 to SP860178 thence to SP862184 where it joins WIG/15/2 and is shown on old OS maps such as the Six Inch OS 1888-1913 and this is the basis of the objection.

**Buckinghamshire Local Access Forum (07/05/20):** A footpath runs to the west and in sight of the proposed development and provides the only walking link between Hulcott and Rowsham. The Forum's Disabled Ramblers representative suggested improvements (widening and ramping) to two bridges along this footpath: (i) a small sleeper bridge; and (ii) the main River Thames bridge. Improvements would allow 'access for all' at a combined cost of £30,000.

The Forum's representative from Cycling UK highlighted the relatively rudimentary pathway running alongside the A413 Aylesbury Road between Watermead and New Road, Weedon. He proposed surface improvements to the existing route such that it can also be used as a cycleway. The cost of upgrading this 1,700m long route would be around £318,000. A part of full contribution would be of great benefit to Aylesbury residents, albeit communities in the immediate Hulcott and Rowsham areas may not benefit directly.

I would encourage the council to consider securing these amounts from the applicant for the benefit of local and wider Aylesbury residents.

### **Other Representations**

6 comments have been received supporting the proposal:

- The project is 40 megawatts (MW) in size and once energised will provide enough clean renewable electricity to power up to 15,000 homes every year.
- Substantial contribution to both local and national energy targets
- Its an opportunity for Aylesbury Vale Council to support efforts to achieve the national target of net zero emissions by 2050; an objective supported by the Buckinghamshire Local Energy Strategy 2018-2030.
- The proposal will offset more than 650,000 tonnes of carbon during the projects lifetime making a major contribution to Aylesbury Vale's carbon reduction strategy.
- Provide a significant and necessary contribution to the local and national environment which all share and wish to continue to enjoy.
- Proposal includes ecological enhancements, positively contributing to the local and wider biodiversity.
- Understand that sheep will continue to graze the land once installed changing the land from a single purpose use to dual purpose use of clean energy production and agriculture.
- Only around 3% of Bucks electricity requirements are generated within the county and this will help the County to become more self-sufficient.

38 comments have been received objecting to the proposal:

- The proposal would be a massive blot on a beautiful landscape.
- Whilst it is appreciated that there is a need for greener energy sources it has to be weighed up with the visual impact.
- Already have a solar farm nearby and this area does not need another one.
- Reference to other development and the area quickly turning into the energy centre of Buckinghamshire.
- Impact of other solar farm developments within the area – extensive gloss black stretch of panels that create glare and an industrialised appearance. Although landscaping scheme were implemented, it provided no visual enhancement, in particular to the Conservation Area.
- Impact on Wingrave & Hulcott Conservation Area
- Dispute the information contained within the supporting Heritage Report
- Not willing to tolerate a further accumulation of development in the valley which is designated an Area of Attractive Landscape.
- The scale is far too large affecting much agricultural open countryside.
- The views from Wingrave are beautiful and does not consider any amount of tree planting will alleviate the visual impact of 172 acres of solar panels.
- Additional information fails to address concerns raised by objectors and the Council's



Heritage Officer.

- Enormous proposed industrial installation in a rural setting
- The latest statement contains a number of inaccuracies and falsehoods which are worrying bearing in mind the long-term damage to the local communities that this development would have if it were to go ahead in its present form.
- Not against renewable energy sources, however any proposal should not have an unacceptable adverse or cumulative impact in line with C3 of VALP.
- The proposal has too many adverse or cumulative impacts.
- The northern block will have a severe impact on the visual amenity of the surrounding communities due to topography and ineffectiveness of screening.
- Impact on Heritage Assets, ordinary properties and people who live in them will be adversely affected.
- Southern block may be acceptable.
- The developers have not visited properties, the moat site or many other core sections of the parish and its conservation area. Their contention that these locations do not have direct views over site is unsubstantiated and false. – Need to provide evidence before the application can be considered.
- In experience, developers screening proposals rarely becomes realities and understandably it is difficult for the planners to enforce them.
- Support sustainable energy however the size of the scheme and its effect on the landscape is much too large for it to proceed as proposed.
- This application is for one of the largest solar power generation plants in England.
- The size of this industrial installation is disproportionate within the scope of this landscape.
- Will cut down on the agricultural use which at present used for food production at a time when food security is becoming a greater necessity. Often overlook the carbon footprint of food miles due to importation replacing the domestically produced shortfall as farmland gives way to industrialisation.
- Since the start of the pandemic there has been a huge increase in public using the footpaths.
- The rural environment with its views for miles has a positive impact on their sense of wellbeing and mental health – this benefit would be destroyed for many.
- Hulcott is totally unsuitable for heavy traffic the installation would generate – particularly concerns given the amount of children, cyclist and horse riders use the lane – consideration should be given to this given the government endorses such activities.
- Inaccuracies in original and supplementary information submitted as part of the application.
- The view from houses of many will be destroyed and Hulcott village will suffer severe traffic disruption both during construction and operation.
- The loss of the countryside is too large
- Sheer scale
- Developer references that the proposed development represents a small part of the agricultural landscape which is disagreed with as 172 acres represents a large part.

- Dispute statements made by the developer
- Visual amenity would be ruined.
- Many people still are unaware of the application. It has not been publicised widely enough.
  - Would like to see rectified and more time given for public consultation. Publicity has been relatively invisible, many residents unaware.
- The views from Wingrave are beautiful and wide-reaching, but already scarred by several substantial industrial sites.
- Probability that future improved technology could greatly reduce the amount of land required to produce a similar output, compared to the size of the current proposal.
- An OS map published in 1969 shows the ‘time out of mind’ footpath leading directly from Wingrave to the Hulcott footbridge over Thistle Brook/ River. – The proposal will completely cut through and obliterate this footpath.
- The northern half of the development will stop up a historic amenity footpath used since at least 1780.
- Traffic up Hulcott Lane is already heavy with agricultural vehicles and lorries for animal distribution from 5 farming enterprises on the lane – this will be exacerbated during construction.
- The Cane End Lane out of the village is too narrow for any of the traffic to exit the site.
- The new junction with the Eastern Link Road will make any site traffic a problem as the Hulcott Lane exit will have no traffic lights to enable any traffic to turn right out onto the A418.
- Badly thought out proposal at present.
- The proposal would displace wildlife and would change ecosystems.
- Should be more emphasis on biodiversity and the supporting documents do not appear to include the Ecological Assessment which was carried out. Reference is made to an Ecological Assessment in the relevant document however its heavily redacted and it is difficult to see what is intended. The statement refers to a 10.25% biodiversity net gain which does not sound a lot. Only enhancements are more hedgerows and trees that are required anyway to reduce visual impact.
- Building Research Establishment (BRE) has produced a document called Biodiversity Guidance in Solar Developments which suggests every scheme should have a biodiversity management plan – unable to locate this. Presumably this could be required as part of a condition which also requires the developer to implement all measures considered practical.
- Request more community involvement which could take the form of a share offer, and/ or provision of a community fund.
- Adverse effect on the landscape and townscape character.
- Short term impact of additional traffic on the village road.
- Residents severely impacted during construction phase.
- Residential property has direct view over the access lane.
- Viewed from the hills and adjacent villages this solar farm will be a huge scar on the beautiful, greenbelt conservation area that no amount of hedging will hide.

- So close to local village and of no direct benefit to the residents there.
- Reference made to Dr John Constable, the director of Renewable Energy Foundation – over deployment of renewables has resulted in a very fragile electricity system. Grid balancing expenditure so far this year is already horrific and by the end of the summer it will be terrifying. National embarrassment and disgrace to the management of the electricity sector who have complacently allowed this crisis to develop over the past decade. £136m was paid in constraint payments to renewables last year to stop them producing electricity, a record £9.3m was paid last Friday in one day.
- Cannot justify the despoiling of our beautiful countryside on economic grounds.
- Already have solar farms in the vicinity.
- Too big and too much countryside would be disfigured by such a huge development.
- Smaller solar area might be acceptable.
- Damage created by the proposal in an area of attractive landscape.
- Cumulative impacts of existing solar farms and the one proposed.
- There are only 80 sites in the whole country with an output of greater than 20MW.
- Design & Access statement states it is not necessary to demonstrate the ‘need’ for renewable projects – this was undoubtedly the case before two recent major events have made this thinking obsolete. – Outbreak of SARS-CoV-2, demand for electricity has dropped dramatically. Food uncertainty due to both SARS-CoV-2 and Brexit, and the change of use from pure agriculture use of this land at this time probably negates the ‘need’ in the medium term.
- By the time that the demand for electricity recovers, rather more efficient photovoltaics will probably have replaced the present PV technology requiring a smaller area of land for the same output.
- Insufficient information provided as part of public consultation undertaken by the applicant for the public to make any meaningful judgements – therefore references made by the applicant that the proposal received support is not accurate due to the sampling level.
- Hulcott Lane is not built to standard and will be damaged due to mass of construction traffic. There are already issues with large vehicles being unable to turn without causing harm to the verges.
- Reference made to requirements in local and national policy and the proposal being contrary to these requirements.
- Whatever their benefits, solar farms are sprawling, ugly ranks of panels which disfigure landscapes, with the scale making it particularly unpleasant.
- Add a lot of heavy duty traffic to an already oversubscribed A418.
- If approved, Buckinghamshire Council must ensure there is adequate screening, something which they have failed to do in the past.
- Any damage to the roads should be repaired and made a condition of any consent.
- Proposal is too near the Aylesbury ring walk and too near the water meadows which are part of Hulcott Conservation Area – a place of study of water fowl for walkers.
- The proposal should be reduced in scale and modified to ensure it does not impinge on the views from the footpath beside the moat and from the footbridge from Hulcott to

Rowsham across Thistle Brook.

- Impact on the footpath running from Thistlebrook footbridge to Wingrave.
- Any further amendments need to be addressed at a public meeting where all local residents are invited to attend
- Whilst favour renewable energy in principle, balanced approach needs to be taken with the balance being the impact of this huge development on the loss of countryside and agricultural land.
- One of the largest in the Country.
- Question the need for the size of the development as read that the proposed technology is already outdated.
- Purchased property due to far reaching views.
- Aylesbury Vale is a beautiful area which is slowly being eroded by housing and development such as this.
- More consideration needs to be given to effective screening on the site boundaries – revised screening proposals should be subject to consultation with those impacted by the development.
- Already have a gas turbine power plant built in the immediate area and this will be a further blot.
- Whilst recognise the extreme circumstances due to COVID 19, do not consider there has been sufficient consultation.
- Some of the land has archaeological interest.
- Note further information has been requested by Highways and trust that no decision will be made until that information has been submitted.
- There are no grounds for industrialising fields.
- Impacts of existing solar development with no protective measures or landscaping requirements were not enforced.
- Rowsham parishioners may have been notified but there was no publicity in Wingrave (just the Parish it would seem)
- Loss of even more greenfield sites
- The outcome of the community engagement was misleading, particularly given the small sample.

## Planning Application 20/00779/APP

### Response 5<sup>th</sup> March 2023

Hulcott Parish Council wishes to re-iterate its previous objections. We strongly object to this planning application.

We are extremely disappointed that a new application has not been submitted. The original application was submitted in March 2020, and the application currently has over 200 items of documentation attached to the application. We consider it unreasonable that we the Parish Council, and our parishioners have to view the vast amount of documents in an attempt to decipher what has changed over the last three years. Our previous comments have been attached to this objection.

We trust the planning officer, will agree with our comments and the number of recent objections, by requesting that the applicant submits a new application.

### Response 1<sup>st</sup> February 2023

#### Hulcott Parish Council – response to 20/00779/APP

Hulcott Parish Council wishes to re-iterate its previous objections on the basis that they still stand. This is an enormous industrial installation close to a Conservation Area, and adjacent to two already existing solar power installations.

#### Vale of Aylesbury Local Plan (VALP)

The adopted policies of the VALP include C3 Renewable energy, which states:

All development schemes should look to achieve greater efficiency in the use of natural resources. Planning applications involving renewable energy development will be encouraged provided that there is no unacceptable adverse impact, including cumulative impact, on the following issues:

- a. landscape and biodiversity including designations, protected habitats and species
- b. visual impacts on local landscapes
- c. the historic environment including designated and non-designated assets and their settings
- d. the Green Belt, particularly visual impacts on openness
- e. aviation activities (*not relevant here*)
- f. highways and access issues, and
- g. residential amenity....

## Basis of objection

We take issue with a number of the subsequent assertions made by the applicants in their Heritage Statement addendum dated 7 Jan 2022 on the planning portal.

In the Supplementary Heritage Note, in response to the Heritage Officers the applicants say on pg. 3: *“The HO’s comments appear to be based on the opinion, as stated explicitly in the ‘General Principle of the Development’ section of the document dated 22/06/2021, that ‘Solar farms are considered to be industrial development’ before going on to talk about the ‘industrialisation of the rural landscape’. ..... This assertion that solar farms are considered to be industrial development and automatically represent elements that detract from the understanding and appreciation of the settings of heritage assets should be challenged. Solar farms are now an increasingly familiar aspect of the countryside and have become key elements of the rural economy”.*

The fact that solar power installations have now been installed in various parts of the country does not alter the fact that they are considered industrial development. Their placing in other settings, whatever the nature of these, does not alter this fact.

On page 5 of the same document the applicants state:

*“The HO comments that Hulcott is a ‘small and sensitive quiet back water agricultural settlement designed around an open central village green’, going on to say that ‘Modern development has had little impact on the village as demonstrated by the lack of kerbs, pavements, street lighting etc. which all enhance its rural unspoilt character’. All of that is true of the historic village core which is represented by the area within the initial designation as a Conservation Area. However, the eastern extension is very different in that it does not include built elements but instead comprises a number of linked earthwork features that are likely to have been associated with the moated site located on the eastern edge of the village core.”*

*The 2010 review of the Conservation Area which resulted in the addition of this eastern area stated that ‘These archaeological remains are well preserved and are important to the understanding of the village’. The character and appearance of this part of the Conservation Area is therefore very different to that of the village core. The proposed development would not be visible in views from or across the historic village core at Hulcott – this has been established through site visits and is the result of the existing mature vegetation within and around the eastern side of the village core. There may be views towards the historic village core from higher ground to the north-east in which parts of the proposed development are also visible, but these would be longer views in which Hulcott is a very minor element and the proposed development would not detract from its significance as a historic settlement.”*

We have two significant issues with these passages:

1. There appears to be an attempt here to suggest the eastern part of the conservation area should not be considered in this planning application because it is ‘different to the village core’ and that the impact of the industrial solar installation on views from this area should somehow be discounted. This is entirely spurious. The existence of different aspects of the conservation zone does not mean some of them are in less need of protection than others.

Section 69.1a of the Planning (Listed Building and Conservation Areas) Act 1990, places a duty on local planning authorities to determine which areas within their district are of 'special architectural or historic interest the character or appearance of which, it is desirable to preserve or enhance'. Once identified these areas should be designated as Conservation Areas. The principal purpose of Conservation Area designation is the official acknowledgement of the special character of an area. This will influence the way in which the Local Planning Authority deals with planning applications which may affect the area. The Hulcott Conservation Area Designation document does not distinguish between the importance of protecting the different elements of the conservation zone and there is no good reason to believe we should.

The eastern part was added to the conservation zone in 2010 precisely because it was considered that it contained important heritage assets that should be afforded the protection of a conservation zone. This includes, but is not limited to, archaeological evidence of a medieval manorial complex which is believed to have been established during the mid to late 13<sup>th</sup> Century, a fishery mentioned in documentation in 1281 and a watermill mentioned in 1322. The views from this area of the conservation area are important to the great many people who use it, including the many walkers of public footpaths in the area. More importantly, perhaps, is that the setting of these important assets will clearly be impacted by such a massive industrial installation which, by the applicants' own admission is, at its closest a mere 85 metres from the eastern part of the conservation area.

The reason for asserting the eastern part of the conservation area should be discounted perhaps becomes clear on pg. 6 of the Supplementary Heritage Note when the applicants say: *"The greatest impact would be on the views looking outwards from the eastern extension of the Conservation Area, in which some areas of solar panels in the northern block of the proposal site would be visible."*

They also say in the same paragraph: *"The 2010 review of the Conservation Area identified 'Important Views' including panoramic views looking to the north and north-east across the eastern extension, and some areas of solar panels in the northern block of the proposal site would be visible in these panoramic views"*. The important thing to note here is that these views referred to in the Conservation Area Designation document are from the village green not just from the eastern part of the conservation area.



View from the Village Green, north of the Church towards the proposed development

2. In the Key Views and Vistas section of the Hulcott Conservation Area Designation document makes it clear that the rural setting of Hulcott and the views from it are important aspects of what defines it – noting that *“views of the countryside help to reinforce the rural character of the village”*. In particular it states: *“Fine uninterrupted views of the landscape surrounding Hulcott are obtained at the north-eastern and south-eastern ends of the village”*. These views, it makes clear on a map on pg. 21, include views towards areas on which the applicants intend to build their solar installation.

The applicants state on page 6 of the Supplementary Heritage Note: *“The proposed development would not be visible in views from or across the historic village core at Hulcott – this has been established through site visits and is the result of the existing mature vegetation within and around the eastern side of the village core.”* This is simply untrue. A wide range of areas of the proposed installation would be clearly visible from a number of properties in the village core as well as from a range of areas on the village green. (This can easily be established from walking the site and Hulcott Parish Council would be happy to demonstrate this. Photographs are included here for reference.)





View from the northern edge of the village moat towards the proposed development

The applicants then go on to contradict their own assertion, admitting in the next sentence on pg. 6 that indeed *“There may be views towards the historic village core from higher ground to the north-east in which parts of the proposed development are also visible, but these would be longer views in which Hulcott is a very minor element and the proposed development would not detract from its significance as a historic settlement.”* Firstly, again, the areas of higher ground to the north-east are by no means the only parts of the installation that would be visible from the properties in the village core nor from the village green. Secondly, the scale of this enormous installation means that even the longest available views to it will significantly impact on the setting of the conservation area.

The applicants make a number of specific assertions on pages 9 and 10 of the Supplementary Heritage Note – all of which we take issue with:

- *“The Grade II listed Church Farmhouse is located just to the north of the historic village core at Hulcott. A barn and granary here are also separately listed at Grade II. The farmhouse and farm buildings are now used for residential and ancillary purposes and are no longer directly associated with the adjacent farmland. The settings of the listed buildings here principally comprise the complex of historic farm buildings. The proposal site is more than 600 m from the former farm and the proposed development would not cause any harm to the significance of any of these Grade II listed buildings.”*
- *“...no part of the proposed development would be visible in any views from, towards or across this Grade II\* listed church and the adjacent Grade II listed lychgate and boundary wall.”*
- *“The HO references several other Grade II listed buildings at Hulcott. Those which are within the historic village core have no intervisibility with any part of the proposal site”*

1<sup>st</sup> February 2022 & 5<sup>th</sup> March 2023

- *“The proposed development would not cause any harm to the significance of any of these Grade II listed buildings”.*

A number of views of the proposed site are available from Church Farm. Its fields extend down to Thistle Brook and thus the building is directly associated with the adjacent farmland making it relevant to its Grade II status and, given the scale and industrial nature of the development and its visibility from Church Farm, the distance to the solar panels does not provide sufficient mitigation to state that there would be no harm to its significance as a Grade II listed building.

It is not true there is no visibility from or across the Church or the other buildings mentioned above, and therefore that no harm will be caused to their significance.



View from the garden of The Manor House towards the proposed development

The applicants also suggest of the visual impact *“This would reduce over time as the proposed new planning (sic) reaches maturity” (we are assuming ‘planting’ was intended)*. Given the length and breadth of the installation and the rising nature of the land in a range of different directions (not limited to the north-eastern elements), the planting would have to be of a staggering height to block views of the installation. Standing and looking out from Hulcott it appears extraordinarily unlikely that such heights could be achieved by any planting. We do not accept that the proposed planting will disguise the installation to a significant degree. Any mitigation that might be achieved will be extremely limited indeed for at the very least a decade.

### VALP policy C3 also states:

*Planning permission will normally be granted for off-site renewable energy (for example, but not confined, to wind, solar, biomass and energy crops, anaerobic digestion and landfill gas), where it has been demonstrated that all the following criteria have been met:*

1<sup>st</sup> February 2022 & 5<sup>th</sup> March 2023

*p. There is no significant adverse effect on landscape or townscape character, ecology and wildlife, heritage assets whether designated or not, areas or features of historical significance or amenity value Vale of Aylesbury Local Plan 283*

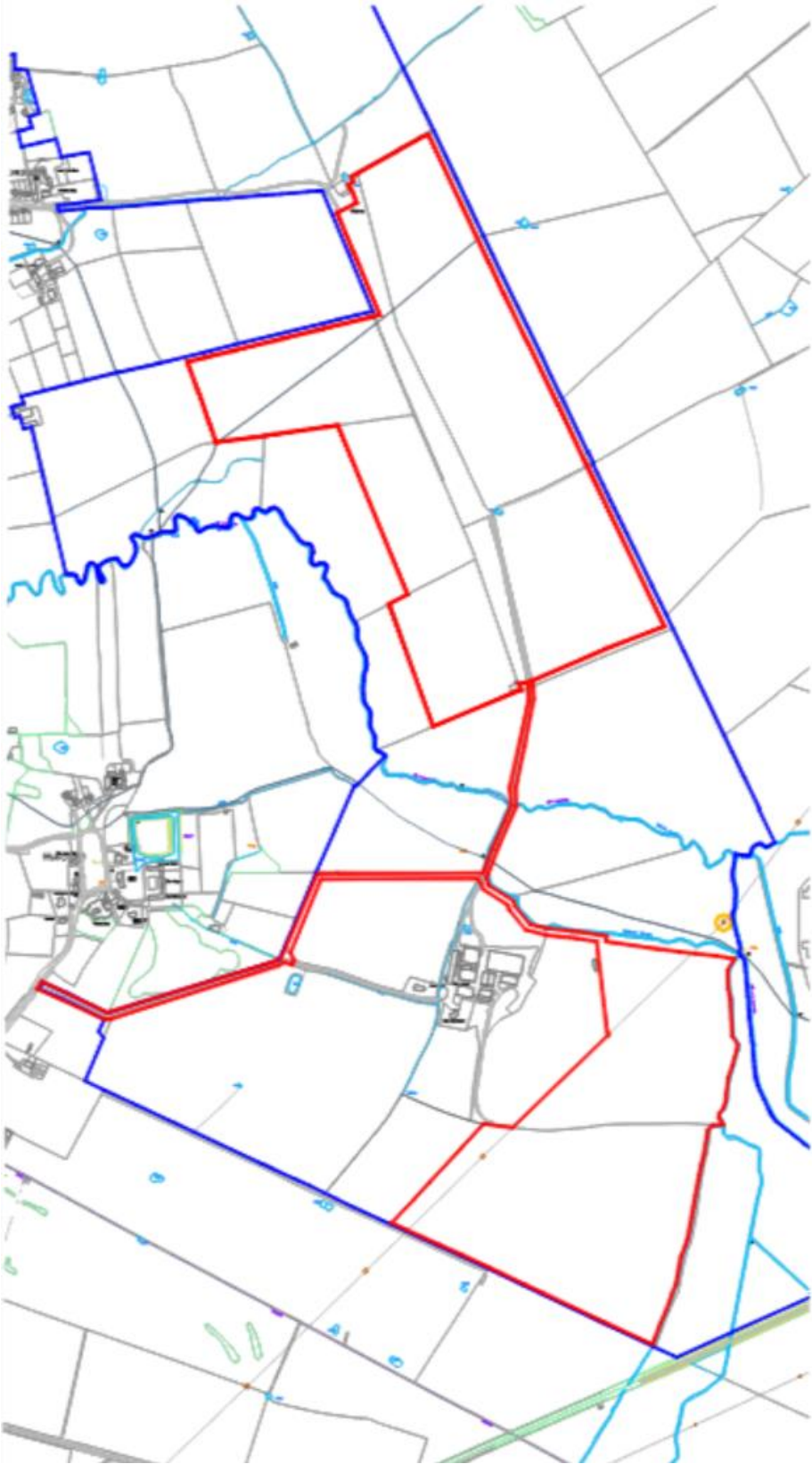
*q. there is no significant adverse impact on local amenity, health and quality of life as a result of noise, emissions to atmosphere, electronic interference or outlook through unacceptable visual intrusion*

*r. there is no adverse impact on highway safety. Where development is granted, mitigation measures will be required as appropriate to minimise any environmental impacts. When considering the social and economic benefits, the council will encourage community participation/ownership of a renewable energy scheme.*

Our comments clearly demonstrate that the criteria outlined in p and q have not been met, and to date no social or economic benefit to the local parishes has been proposed as described in paragraph r. We would also refer you back to the comments made by the Heritage Officer and County Councillor.

As stated previously, the sheer scale and mass of this project would make it one of the largest solar installations in the country, and whilst we would not object to a smaller proposal, confined to the southern section, the northern section is too intrusive, affecting historical features, visual amenity and quality of life. Therefore, the Parish Council objects to this amended application as submitted.

**APPENDIX B: Site Location Plan**



*Note: This plan is provided for information purposes only and it not to scale*