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# Appeal Decision

Site visit made on 28 July 2015

**by Jessica Graham BA(Hons) PgDipL**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 October 2015

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**Appeal Ref: APP/K0425/W/14/3001711**

**Land North of Bumpers Farm, Bumpers Lane, Ilmer, Buckinghamshire HP27 9RE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Adriano Satta against the decision of Wycombe District Council.
  - The application Ref 14/06582/FUL, dated 16 June 2014, was refused by notice dated 30 October 2014.
  - The development proposed is a ground-mounted solar farm, associated works and ancillary infrastructure.
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## Decision

1. The appeal is allowed and planning permission is granted for a ground-mounted solar farm, associated works and ancillary infrastructure on land north of Bumpers Farm, Bumpers lane, Ilmer, Buckinghamshire HP27 9RE in accordance with the terms of the application, Ref 14/06582/FUL dated 16 June 2014, subject to the 17 conditions set out in the schedule attached to this Decision Letter.

## Procedural matters

2. While the majority of the proposed development lies within the district of Wycombe, the vehicular access tracks and the route of the underground cable to the point of connection to the electricity grid lie within the district of Aylesbury Vale. An application for these aspects of the proposed development was made to Aylesbury Vale District Council, and that Council granted planning permission for them on 5 September 2014.<sup>1</sup>

## The appeal site and the proposed development

3. The appeal site, which extends to some 52 ha, lies in open countryside to the north-west of the settlement of Ilmer, on the southern side of the A4129. It consists of agricultural fields, crossed by the main Marylebone to Birmingham railway line. The appeal site is not part of the Green Belt, or any other nationally or locally designated landscape area. It lies approximately 4.5km from the boundary of the Chiltern Hills Area of Outstanding Natural Beauty (AONB) at its closest point.

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<sup>1</sup> Ref: 14/01926/APP

4. The proposed development would involve the installation of solar panels, each with a maximum height of 2.2m above ground level, set out in rows and supported on a framework anchored by ground stakes. The panels and supports would be fixed in place and immobile, rather than rotating to follow the sun. There would be 14 inverter enclosures, and a Network Operator Cabin. The solar farm would be enclosed by 2m high wire-mesh deer fencing on timber posts, with 130 CCTV cameras on 2.5m posts installed around the boundaries.

### **The local and national planning policy context**

5. The Development Plan for the area includes the saved Policies of the Wycombe District Local Plan (adopted 2004); the Wycombe Development Framework Core Strategy (2008); and the Adopted Delivery and Site Allocations Plan (2013).
6. The Overarching National Policy Statement for Energy (EN-1) was published by the Government in 2011, and sets out the national policy for energy infrastructure. Paragraph 3.4.1 makes reference to the UK commitment to sourcing 15% of energy from renewable sources by 2020. To reach this target, and to largely decarbonise the power sector by 2030, EN-1 states that "It is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable energy generation is therefore urgent".
7. The National Planning Policy Framework (NPPF), published in March 2012, states that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. It sets out the Government's view that the planning system plays a key role in supporting the delivery of renewable and low carbon energy, and that this is central to the economic, social and environmental dimensions of sustainable development. However, it is important to bear in mind that this does not mean that all renewable energy development is necessarily "sustainable". Other considerations need to be taken into account, such as the impact the development would have on the natural and historic environment, and on the living conditions of nearby residents.
8. In March 2014 the Government published Planning Practice Guidance (PPG). The chapter on renewable and low carbon energy emphasises the point that while all communities have a responsibility to help increase the use and supply of green energy, this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. It then goes on to identify the particular planning considerations relevant to large-scale, ground-mounted solar farms.
9. In March 2015, the Government issued a Written Ministerial Statement which states that, in the light of continuing concerns about the unjustified use of high quality agricultural land, "... we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence."

### **Main issue**

10. Wycombe District Council's single reason for refusing planning permission for the proposed development, and consequently the main issue in this appeal, is

the impact that the proposal would have on local landscape character and local views.

11. However, as noted above, the Government's PPG identifies the particular planning considerations relevant to large-scale, ground-mounted solar farms, and many of these have been raised as concerns by local residents. It is therefore appropriate to proceed by assessing each in turn.

#### *The use of greenfield land*

12. The first of the considerations identified by the PPG is encouraging the effective use of land, by focusing large-scale solar farms on previously developed and non-agricultural land. The current appeal site consists of agricultural land that has not been previously developed.
13. The Council has not, to date, undertaken any Capacity Study or other analysis to establish which areas of the district would be suitable to accommodate renewable energy development of this type. It will therefore be necessary to consider, for each proposal which comes forward on greenfield land, the potential availability of other sites on previously-developed and non-agricultural land. The area of search for potential alternative sites is not specified, in published Government guidance or elsewhere. In this particular case, the proposed site is directly adjacent to the district boundary, and so the Council took the view that rather than limiting the search to the Wycombe district, a reasonable area of search for alternative sites would be the combined Buckinghamshire and Oxfordshire area, with the exclusion of the Chilterns AONB. That seems to me a sensible approach.
14. The appellant consequently undertook an analysis of alternative development sites on that basis. The report produced by the appellant identifies and assesses a number of identified potential sites, by reference to the National Land Use Database and relevant operational constraints and requirements, and concludes that none would constitute a suitable alternative. The Council reviewed the report and accepted its findings, and on that basis concluded that the use of agricultural land would be necessary. I have not been provided with any alternative contradictory evidence, and have no reason to doubt the robustness and veracity of the analysis undertaken by the appellant and accepted by the Council.
15. I therefore consider that the proposed development would accord with the aims of Policy 10 of the Local Plan, which seeks to ensure that within the countryside beyond the Green Belt, planning permission will only be given for specified categories of development including (of relevance here) development wholly appropriate to a rural area which cannot be located within a settlement.

#### *The quality of the agricultural land*

16. The PPG advises that where the proposed use of agricultural land has been shown to be necessary, consideration should be given to (i) whether poorer quality land has been used in preference to higher quality land, and (ii) whether the proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays.
17. The NPPF defines the "Best and Most Versatile" (BMV) agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification. The appellant's initial Agricultural Appraisal concluded that the appeal site consists of land

classified as grade 3b, which constitutes “moderate” quality. At the Council’s request, the appellant then commissioned a more detailed professional investigation of the Agricultural Land Classification and soil resources of the appeal site, which included analysing soil samples. This investigation established that 97% of the land area is grade 3b, and 3% is grade 3a. However, since the incidence of grade 3a land is limited to separate isolated areas at the western extent of the site, which could not be managed separately as a unit of land, the report concluded that in practice all of the field parcels within the appeal site would need to be managed and farmed as grade 3b agricultural land.

18. The proposed development would not, then, result in the substantive loss of one of the district’s areas of high-quality BMV agricultural land.
19. The vast majority of the habitat on site is currently of low or negligible ecological value, due to the prevalence of arable and improved grassland fields. The proposed development would include establishing species-appropriate wildflower grassland and tussock meadow grassland beneath the panels and around the margins, managed through low-level grazing or cutting, to enhance the appeal site’s biodiversity value. In addition the ponds on the site would be improved to benefit their great crested newt population, while existing hedgerows would be improved through gap planting, and provided with a 5-10m development buffer, to maintain their functionality as wildlife corridors.
20. Subject to a condition to securing the proposed improvements and precautionary measures, and their ongoing retention and management, I consider that the proposed change of use from intensively farmed arable and pasture land to a solar farm incorporating wildflower and low-intensity grassland would be likely to prove beneficial for biodiversity.

*The temporary nature of the installation*

21. The PPG points out that solar farms are normally temporary structures. That is the case here, with planning permission sought for a period of 25 years. Planning conditions could be used to ensure that the solar farm, and all the associated works and infrastructure, would be removed at the end of the permitted period and the land restored to its previous agricultural use.

*The impact that the proposal would have on local landscape character, and its visual impact*

22. The planning application was accompanied by a Landscape and Visual Impact Assessment (LVIA) prepared by the appellant, which was reviewed and assessed by the Council’s Natural Environment Officer and its Planning Officers. Following the Council’s decision to refuse planning permission against the recommendation of its Officers, it commissioned a further Landscape and Visual Assessment (LVA). I have taken all of this information into account, together with the representations on this issue made by other interested parties, and my own observations at the site visit.
23. The Wycombe District Landscape Character Assessment (2011) identifies 14 Landscape Character Types, which are subdivided into 20 Landscape Character Areas (LCAs). The appeal site lies within the Longwick Vale LCA. The character of the site and its local landscape context are broadly consistent with this published Assessment, and exhibit many of the identified key characteristics:

gently undulating low-lying topography, field boundaries of ditches and hedgerows, a network of public footpaths and bridleways, some open and expansive arable fields and other more enclosed and intimate areas, and long views toward the Chiltern escarpment. Noise and movement associated with the mainline London-Birmingham railway (which bisects the appeal site) and the A4129 (which lies a short distance to the north) erode tranquillity periodically, and the presence of overhead power lines through the site, and pylons off-site, are further man-made interventions.

24. In light of the presence of these detractors, and the absence of any particularly distinctive qualities, the appellant's LVIA and the Council's LVA agree that the landscape of the appeal site and its immediate surroundings is of medium quality and medium value. I share that view.
25. The proposed development would not disrupt the existing field pattern; the ditches, trees, boundary hedgerows and other landscape features would remain intact. However, the installation of the proposed solar panels and ancillary buildings would fundamentally alter the existing undeveloped, agricultural character of the appeal site by covering it with man-made infrastructure. The development would be more industrial than rural in character, extensive in scale, and unrelated to its countryside surroundings. This incongruity may be highlighted by glint and glare from the panels at some viewpoints, although such effects are likely to be limited, since solar panels are specifically designed to absorb rather than to reflect light. While the 2m high deer fencing around the perimeter would be of a type not uncommon in rural settings, the inclusion of CCTV cameras on 2.5m high poles would clearly identify it as security fencing, in contrast with the existing agricultural field boundaries.
26. However, it is necessary to bear in mind the context of the appeal site's location next to the railway line and close to the A4129, which reduce its sensitivity to development. The site and its surroundings are not uniquely representative of the Longwick Vale LCA, which covers a large extent of land, and given the limited vertical scale of the scheme, the proposed planting, strengthening of hedgerows and other landscaping would have a mitigating and screening effect, over time. It is also important to note that the area over which the landscape effects of the proposed development would be experienced would be limited since, as the Council's LVA acknowledges, the development would not be widely visible within the local landscape.
27. The visual impacts of the development would be most appreciable from sections of the two public footpaths which pass adjacent to the site's southern and eastern boundaries (PRoW numbers LCI/13/1 and LCI/12/2 respectively).
28. PRoW LCI/13/1 leads out of Ilmer following a track which provides access to local houses and farms. The route terminates at the south-western corner of the appeal site, where the track forks into two private accesses. There are currently clear and open views over the appeal site as this footpath approaches and then passes along the southern boundary of the site, which are obscured by buildings while walking past Bumpers Farm, then visible once more from the western section of the footpath. The proposed development would replace these existing views across open agricultural fields with close-range views of the solar farm in the short term, screened in the longer term by the proposed new intervening hedgerow. Longer views in the other direction from the footpath toward the Chiltern Escarpment would not be affected by the proposed

- solar farm, but the presence of this incongruous form of development would have an adverse visual impact, particularly in the years prior to the maturation of the new hedge, and would consequently detract from the experience of walking in otherwise largely open countryside.
29. PRoW LCI/12/2 heads northwards out of Ilmer through fields towards the railway line, and there would be no views of the development from this section due to the intervening vegetation. However, after crossing over the railway line, the footpath runs alongside it directly towards the appeal site, and then heads northward, parallel with and inside the existing hedgerow boundary of the appeal site, before diverging from that boundary to head towards the A4129. Along this section of the footpath, from the northern side of the railway crossing to its divergence with the appeal site boundary, existing views over open fields would be replaced with close-range views of the solar panels, their associated infrastructure and the perimeter fence.
  30. Here too the planting of a new hedgerow is proposed, between the existing boundary hedgerow and the perimeter fence, but again this would take a number of years to mature. And while it would provide some visual relief in terms of screening an incongruous form of development, it would not compensate for the loss of longer, open views currently available over the appeal site. There would clearly be an adverse visual impact which would, albeit for a relatively short section of the footpath's length, reduce the enjoyment of walkers using this footpath.
  31. Given the considerable difference in levels, views over the appeal site are possible from the high ground along the Chilterns escarpment, although I agree with the authors of the appellant's LVIA and the Council's LVA that at this distance, the appeal site is difficult to discern with the naked eye. It is fair to note that in certain light conditions the proposed development may stand out and thus be more readily distinguishable from its undeveloped surroundings, but even if that were the case, it would form such a small part of a wide, panoramic view that its effect would be minimal. I am satisfied that there would be no adverse impact on the Chiltern Hills AONB.
  32. Traffic using the A4129, and the layby on its southern side, would have some limited views toward the proposed development, filtered by the existing roadside hedgerow boundary and also the vegetation along the northern boundary of the appeal site. Where such glimpses were available, they would be limited to a small section of the northern portion of the site, seen in the context of a wider panorama. There would be clear views across both halves of the site from the railway line, although the vegetation alongside the track would provide intermittent screening, and rail travellers would experience the visual impact of the proposed development for only a very short period of time in the context of their overall journey. Views from other roads, footpaths, bridleways and public viewpoints in the surrounding area would be largely restricted by topography and intervening vegetation, such that they would not be subject to significant adverse impacts.
  33. Taking all of this into account, I conclude that while the proposed development would clearly result in harmful change to the character of the appeal site itself, this harm would be localised and limited. So too would the adverse visual impacts, which would largely be restricted to specific sections of two of the local footpaths which make up the extensive network of public rights of way in

the area, and which would in time be much mitigated by the proposed new hedge planting. Nevertheless, despite these limitations to the identified harm, the proposed development could not in my judgment rightly be described as protecting the rural character of the District, and so in this respect would conflict with the objectives of Policies CS2 and CS7 of the Core Strategy. This is an important consideration to be weighed in the overall planning balance.

34. The Council's refusal notice also referred to conflict with Policy CS17 of the Core Strategy. However, since in my judgment the proposed development would not harm the Chilterns AONB, would enhance biodiversity, and would not undermine the character of the Longwick Vale LCA as a whole, I consider that the proposed development would broadly accord with the overall aims of this Policy.
35. While there are currently no other similar developments in the area, a number of local residents drew my attention to two other applications for solar farms near Bledlow, and near Towersey. Planning permission for the proposal near Bledlow was refused in October 2014<sup>2</sup>. Planning permission for the proposal near Towersey was refused by South Oxfordshire District Council<sup>3</sup>, but that refusal is now the subject of an as yet undecided appeal<sup>4</sup>. However, given the separation between the two proposals, the lack of intervisibility between them, and the particular characteristics and limited visibility of the current appeal site that I have discussed above, I consider that if the Towersey Proposal were to be granted permission, this would not give rise to any significant cumulative landscape or visual impacts such as would weigh against granting permission for the scheme under consideration here.

#### *Neighbouring uses*

36. The closest residential properties to the proposed development would be the two cottages at Bumpers Farm (Kingfisher Cottage and Chestnut Cottage). Views from the ground-floor windows and outdoor amenity spaces would be close-ranging, though part-screened by farm sheds, a garage to the front of the cottages, and the proposed new hedge-planting, such that the main change to views would occur at the upper-storey windows.
37. The majority of the dwellings at Ilmer would have no views of the proposed development. The greatest potential for views would be from upper storey windows on the western edge of the settlement as ground-level views, even from Close End and Manor Barn, would be restricted by intervening trees and hedgerows. Upper-storey views would be part-screened or filtered, or limited by topography, such that there would be likely to be, at most, only a very low magnitude of change in existing views.
38. Similarly, at Hill Ground Farm to the north-east of the appeal site, and Carlyon House and cottages to the north-west, views from ground-floor windows and outdoor areas would be largely restricted by garden vegetation and intervening hedgerows. From upper storey windows at Hill Ground Farm some heavily filtered views may be possible, and also some glimpses from the driveway, but the overall change to views would be small. From upper storey windows at Carlyon House and Cottages there would be open, but oblique, views of the

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<sup>2</sup> Ref 14/05105/FUL

<sup>3</sup> Ref P14/S2242/FUL

<sup>4</sup> Ref APP/Q3115/W/15/3032498

proposed development. Since only a limited area of the solar farm would be visible as a small element within a wide panorama, this would also result in a very low magnitude of change to existing views.

39. At Whirlbush Farm, to the north of the appeal site, very oblique views from the west and east elevations would be filtered by intervening trees, and farm buildings, respectively. Direct views from the south elevation would be largely screened by trees lining the access drive.
40. I appreciate that the occupiers of these properties value their views over the surrounding countryside very highly, and many of them understandably object to the introduction of an uncharacteristic new element into those views. However, the planning system makes no provision for the protection of views from private properties, and the perceived reduction in the possible sale price of such properties is not a consideration that can carry any weight in the overall planning balance. Importantly, none of the dwellings in the vicinity of the appeal site would suffer such adverse visual impacts as would significantly harm the living conditions of their occupiers. There is, then, no conflict with any Development Plan (or National) Policy in this respect.
41. I note the Council's concern about the possibility of disturbance from low-frequency noise associated with the electrical distribution equipment proposed at the site. Given the nature of the development, and the fact that it would only be operational during daylight hours, it seems unlikely that such disturbance would occur. However, in the absence of specific evidence on that point, I share the Council's view that it would be appropriate to remove any potential for such disturbance by imposing a noise restriction condition.

#### *Aircraft safety*

42. The appeal site does not lie within any safeguarding zone such that the proposed development would require consultation with the relevant aviation authorities and operators, and no objections to the proposed scheme in this regard were received. There is no reason to suppose that the proposed development would have any adverse impact on aircraft safety.

#### *Security measures*

43. As discussed above, the presence of 2m high perimeter deer fencing, incorporating CCTV cameras mounted on steel poles at 35m intervals, would be one of the features contributing to the incongruous character and appearance of the proposed development. I note that concerns have been expressed about the visual impact of "light masts" associated with the proposal. However, the submitted plans show that the CCTV cameras would utilise an infrared operating system to avoid the need for any visible illumination of the site, and no other external lighting is proposed. A suitably worded condition, of the type suggested by the Council, would ensure that no such lighting could be installed at a later date.

#### *Heritage assets*

44. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on decision makers, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.



The NPPF explains that consideration needs to be given to the impact that proposed development would have on the significance of any heritage assets affected, pointing out that significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting.

45. The appellant has provided a comprehensive Archaeological and Heritage Assessment, including a geophysical survey of the site and an analysis of the impact the proposed development would have upon heritage assets which may potentially be affected. The possible presence of archaeological remains in the south-eastern part of the site has been identified, and having reviewed the evidence, the County Archaeologist has recommended a condition that would ensure their preservation in situ, and recording as necessary.
46. I note that the Council considers the proposal would have no significant impact on the setting or significance of these or any other heritage assets, but a number of local residents and the MP for the area (the Rt Hon John Bercow) have expressed concern about the impact upon the Ilmer Conservation Area, and its 12<sup>th</sup> Century church.
47. As set out in the Council's *Conservation Area Character Survey: Ilmer* (1996), the central village green and the church are the focal point of the hamlet. The dwellings are well-spaced and scattered along the winding no-through road, often set well back from the roadside. The village green and the churchyard, as important open spaces, make strong contributions to the character of Ilmer, and the trees and vegetation found throughout the hamlet contribute to its rural ambience. The heritage significance of the Conservation Area lies primarily in the relationship between the individual buildings and the open spaces, and the historic character and appearance of the village. The plan included in the *Character Survey* identifies important views within, but also out from, the Conservation Area; these views of the open countryside beyond provide a visual connection to the wider landscape, and in this way, the setting of the Conservation Area contributes to its significance
48. The Church of St Peter, which lies at the heart of the Conservation Area, is Listed Grade II\*. Originally dating from the 12<sup>th</sup> Century, it was rebuilt in the 14<sup>th</sup> Century, with the bell-tower added in the 16<sup>th</sup> Century. The majority of the significance of the church as a heritage asset lies in the architectural and artistic interest of its fabric and construction, and its historic interest as the physical and spiritual focus of the hamlet. The setting of the church also contributes to its significance; mainly in terms of the close visual links with the encircling churchyard, but also in views from the green where the church can be seen against the backdrop of the barn complex, and from outside the Conservation Area to the east, where its distinctive appearance forms the focal point in views of the settlement.
49. I saw at my site visit that the distance of the appeal site from the Conservation Area, the flatness of the landscape, and the presence of intervening mature vegetation and hedgerow boundaries, would mean that the proposed development would not be visible in any of the important views from, or of, the Conservation Area identified on the *Character Survey* map. Indeed, there would be no significant intervisibility between Ilmer and the appeal site. The proposed development would not interfere with, or intrude upon, the visual and historic relationships between the buildings and open spaces of the Conservation Area. Nor would it, as a low-lying form of development,

undermine or compete with the church as the focal point of the settlement, in the manner that wind turbines are often said to do.

50. Taking all of this into account, I am satisfied that the proposed development would not result in harm to the setting or significance of any heritage assets.

*The energy-generating potential*

51. The proposed development would generate up to 22 MWp of electricity per year. This would save around 20 tonnes of CO<sub>2</sub> each year, and equates to sufficient electricity to power around 5,100 average homes.

*Other matters*

52. I understand that some local residents feel that the Council's deadline for the receipt of comments on the planning application was too short to allow for meaningful engagement with the volume of material submitted. Be that as it may, interested parties, including objectors and supporters of the scheme, were given a further opportunity to submit comments to the Planning Inspectorate at the appeal stage. I have read very carefully through all of the many representations received; those submitted at the appeal stage, and those received by the Council in response to the planning application.
53. I have borne the concerns raised by the local community in mind, alongside the evidence of the appellants and the Council, throughout my consideration of the issues involved. I have proceeded on the basis of a clear understanding that the need for renewable energy should not override the views of the local community: the extent of the need for the proposed development is only one of the many considerations that must be placed in the planning balance and, like each of them, has the potential to be outweighed by others. I consider that this approach represents the correct application of the Government's current policy and guidance.
54. I am aware that some have taken the Government's guidance and Ministerial Statements to mean that renewable energy proposals should be refused if the local community is against them, or at least, when determining such proposals, that more weight should be given to the views of local communities. My concern with that interpretation is not only that it would undermine the objectivity of the decision-making process, but also that it would be at odds with making decisions in the public interest. There are many types of development – not just renewable energy schemes, but new towns, airports and hospitals – whose wider benefits are not always immediately visible (or available) to the specific locality in which the project is sited. However, the benefits to society and the wider economy as a whole are significant, and that must be reflected in the weight that decision-makers give to these considerations in the overall planning balance. To pre-weight the scales in favour of local opinion would be to prevent many such schemes, unpopular on a local scale but necessary on a national scale, from being delivered.
55. Rather, it seems to me that the PPG emphasises the need for decision makers to pay very careful attention to the concerns of local communities, since they, after all, are the people who will have to live with the consequences of the development that is under consideration. In so far as the concerns raised are material and relevant, they must be given due weight in the overall balance of

considerations. But the extent of the weight that is due to such considerations remains a matter for the appointed decision maker.

## Conclusions

56. I have found that the proposed development would conflict with Policies CS2 and CS7 of the Core Strategy, since it would not conform with their objective of protecting the rural character of the District. However, for the reasons discussed above, the harm caused to the character and appearance of the area, and the adverse visual impacts experienced, would be localised and limited.
57. The proposed use of greenfield land has been justified by evidence demonstrating the absence of any suitable alternative sites on previously-developed or non-agricultural land in the Buckinghamshire and Oxfordshire area. The proposed development would not harm the settings or significance of any heritage assets, or the Chilterns AONB. Importantly, in the light of the Government's Written Ministerial Statement of March 2015, it would not result in the substantive loss of one of the district's areas of high-quality BMV agricultural land. Nor would it cause any significant harm to neighbouring uses.
58. The proposed solar farm would make a significant contribution toward meeting national policy objectives and targets concerning the derivation of energy from renewable sources. It would help to improve the security and diversity of the national electricity supply, and would reduce carbon dioxide and greenhouse gas emissions, thereby helping to mitigate climate change. These are benefits which carry a great deal of weight in favour of the proposed development. I also attach a small amount of weight to the benefits of the ecological improvements to the appeal site that the proposed development would secure.
59. Placing all of this in the balance, I consider that the benefits of the proposed development would be sufficient to outweigh the limited harm associated with the identified conflict with the Development Plan, such that planning permission should be granted. Put another way, I consider that the impacts would, on balance, be acceptable; paragraph 98 of the NPPF advises that in such circumstances, the application should be approved.
60. I therefore determine that the appeal should be allowed.

## Conditions

61. The Council put forward a number of conditions that it suggested would be appropriate if I were to allow the appeal. I have considered these in the light of Circular 11/95 *The Use of Conditions in Planning Permissions* (so far as that guidance remains extant) and the advice contained in the NPPF, and have made some amendments in the interests of clarity and precision. In addition to the standard conditions governing the timescale for commencement (1) and requiring compliance with the approved plans (2), it is necessary to attach conditions limiting the period for which permission is granted to 25 years (3), and securing the removal of the equipment and restoration of the site at the end of this period (4), or sooner if the solar farm ceases to generate electricity (5).
62. In order to secure the visual and ecological benefits, conditions are needed to detail the landscaping provisions and their future management (6), ensure their timely provision and future retention (7) and ensure the implementation

and ongoing management of the proposed ecological mitigation and enhancement (8). To ensure that the development does not increase the risk of flooding on the site or elsewhere, it is necessary to impose conditions requiring the Council's prior approval of a surface water drainage scheme (9) and any crossings of the Longwick Brook (10), and ensuring a minimum clearance distance for the base of the panels and inverter stations (11).

63. Conditions are also necessary to protect the underlying archaeology of the site (12), to minimise adverse impacts for nearby residents, and the wider highway network, during the construction period (13, 14 & 15) and to prevent the adverse impacts that would arise from undue noise (16), or any form of lighting (17) at the site. However, given the nature of the development, I do not see any reason to impose the suggested condition concerning foul drainage.

*Jessica Graham*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

WDC1	Site Location Plan
T.200 Rev A	General Site Plan
054.0008.100 Rev P1	Proposed Construction Access Masterplan and Visibility Splays
054.0008.101 Rev P1	Proposed Site Compound Access and Articulated Vehicle Tracking
D.101	DNO Detail
D.102	Fence and Gate Details
D.103	Inverter Cabin
D.104	Control Room
D.105	Camera Detail
D.106	Customer Cabin
D.107	Structure Detail
- 3) This grant of planning permission shall expire no later than 25 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 14 days of its occurrence.
- 4) Prior to the commencement of development a Decommissioning and Restoration Scheme shall be submitted to and approved in writing by the local planning authority. The statement shall include details of the timescale and management of the decommissioning works; the removal of all equipment including the solar panels, mounting frames, buildings, fencing, and all other associated structures; and the reinstatement of the land to its former condition. The works shall be carried out in accordance with the approved details.
- 5) If at any time after the First Export Date the development hereby permitted ceases, for a period of no less than six months, to export electricity to the electricity grid then the solar panels, mounting frames, buildings, fencing, and all associated structures, shall be removed and the site restored in accordance with the Decommissioning and Restoration Scheme approved under condition no. 4 above, unless otherwise agreed in writing by the local planning authority.
- 6) No development shall take place until a detailed Landscaping Scheme has been submitted to and approved in writing by the local planning authority, which shall include:

- (a) details of proposed tree and shrub planting, including species, number, sizes and positions
- (b) details of grass-seeded / turfed areas, including written specifications of ground-preparation and cultivation
- (c) the treatment of the buffers around the Longwick Brook river corridor, including measures for protection during construction
- (d) details of the existing trees and hedgerows to be retained, as well as any to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation
- (e) details of all hard landscaping, including the access tracks
- (f) a Management Plan detailing how and when the landscaping will be managed, including management responsibilities for the buffer to the Longwick Brook river corridor; details of how the land between the hedgerow and fence line will be managed; and details of grazing regimes and other grassland management.

Development shall then be carried out in accordance with the approved details.

- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 8) No development shall take place until an Ecology Management Plan, detailing the measures for ecological mitigation, habitat creation and biodiversity improvements within the site in accordance with the recommendations of the submitted Ecological Appraisal Report, and provisions for their ongoing management, has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved Plan.
- 9) No development shall take place until a Surface Water Drainage Scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, and including details of how the Scheme will be maintained and managed after its completion, has been submitted to and approved in writing by the local planning authority. The Scheme should demonstrate that the surface water run-off generated up to and including the 1 in 100 year with an allowance for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The Scheme shall be implemented in accordance with the approved details.
- 10) The base of the solar panels and inverter stations shall be no lower than 600mm above ground levels within the flood plain.

- 11) No development shall take place until the details and design of any proposed crossings or amendments to crossings over the Longwick Brook have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 12) No development shall take place until an appropriate methodology for the preservation in situ, or by record, of the Archaeological Mitigation Areas defined by Plan Ref EDP2271/17 has been agreed by the local planning authority. These Archaeological Mitigation Areas will be excluded from the development area and a Management Plan for their protection and preservation will be submitted and approved in writing by the local planning authority, unless their appropriate mitigation is secured by
  - preservation in situ beneath the development, in accordance with an Archaeological Management Plan which has been approved by the local planning authority; or
  - preservation by record, secured by the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 13) No other part of the development shall begin until the new means of access to the eastern site via the existing lay-by on the A4129 has been sited and laid out in accordance with the approved plans, and constructed in accordance with Buckinghamshire County Council's guide note "Industrial Vehicular Access Within Highway Limits" 2013.
- 14) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) implementation of the recommendations contained in the Construction Traffic Management Plan dated June 2014, including details of the routing of construction traffic
  - ii) the parking of vehicles of site operatives and visitors
  - iii) loading and unloading of plant and materials
  - iv) the location, height, intensity and hours of use of any temporary lighting
  - v) storage of plant and materials used in constructing the development
  - vi) wheel washing facilities
  - vii) measures to control the emission of dust and dirt during construction
- 15) No construction work shall be carried out outside the hours of 07:00 to 19:00 on Mondays to Fridays, 08:00 to 13:00 on Saturdays, nor at any time on Sundays, Bank or Public Holidays.
- 16) No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the control of any noise emanating from any electrical equipment to be installed, such that the rating level (as defined in BS4142) will be at least 5dB below the background noise level

at the boundary of the nearest residential properties. The development shall only be operated in accordance with the approved scheme.

- 17) With the exception of any temporary lighting approved for the construction period in accordance with condition no.14 above, no floodlighting or any other form of external lighting shall be installed at the site.