



Appeal Decision

Hearing held on 16 December 2025

Site visit made on 17 December 2025

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2026

Appeal Ref: APP/J0405/W/25/3372885

Land to the south of Bishopstone (adjoining plantation), off Kimblewick Road, Dinton, Buckinghamshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr A Brindle, Kimblewick Solar Limited against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref is 23/02077/APP.
 - The development proposed is the installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 40MW(AC), including mounting framework, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain and environmental enhancements for a temporary period of 50 years.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 40MW(AC), including mounting framework, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain and environmental enhancements for a temporary period of 50 years at land to the south of Bishopstone (adjoining plantation), off Kimblewick Road, Dinton, Buckinghamshire in accordance with the terms of the application, Ref 23/02077/APP, subject to the conditions in the attached schedule.

Procedural Matters

2. Unsolicited submissions were made in the run-up to the hearing from an interested party and the appellant. I only accepted these in as far as they informed my site visit itinerary and this was made clear to the parties at the hearing.
3. Matters were raised at the hearing over what bearing the Council's Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations), that the proposal would not likely result in significant effects, had over the consideration of the appeal. Making a planning judgment is a separate matter to the EIA Regulations and so the Screening Opinion does not fetter me from finding harmful or beneficial effects, or deciding on the level of such effects, and which then need to be considered in the planning balance.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area; and, if harm arises, whether this is outweighed by the benefits of the proposal.

Reasons

Character and Appearance

5. The appeal site consists of three gently undulating arable fields which combine to give a site area of approximately 39 hectares. They are bounded by well-maintained hedgerows and in part by a watercourse. The largest field, which lies in the western most part of the site is most pronounced in its topography, sloping downwards in a south-easterly direction. A pleasing area of woodland, known as Michael's Peace, forms a backdrop to this part of the site. A bridleway and a further Public Right of Way (PRoW) dissect the site. There are also a number of other PRoWs close to its boundaries. Morton Road is a narrow lane which peters out into a track. The sole element of built development on the site consists of low voltage power lines, and the immediate environs contain only occasional development in what is a countryside environment.
6. The site itself is not covered by any national or local landscape designations. The escarpment of the Chilterns National Landscape (Chilterns NL) is visible from the site, but at some distance to the east. Whilst the site is found in a pleasant area of countryside and is clearly valued to local people, there is nothing of note which sets it apart from other land in its vicinity. It is not therefore a valued landscape for the purposes of paragraph 187 a) of the National Planning Policy Framework (Framework).

Landscape Character and Visual Impact

7. The site lies within the Haddenham Vale Landscape Character Area (LCA) (Aylesbury Vale) and the Longwick Vale LCA (Wycombe District). In practice, both these LCAs have similar characteristics that concern a low lying topography of larger open arable or small pastoral fields that are enclosed, principally by hedgerows, with a generally low level of woodland. The settlement pattern is sparse and dispersed, but with a network of PRoWs and a sense of tranquillity. The site and its surroundings ably demonstrate these key characteristics. Both LCAs have landscape guidelines which are based on conserving and reinforcing these characteristics and they are said to have a moderate sensitivity.
8. The larger open arable field landscape character aspects of the site would be notably diminished by the proposed solar panel arrays and the associated infrastructure over the time period for which permission is sought. It would be in contrast with the existing open countryside character with the insertion of a built, infrastructure based development. It would lead to a less dispersed pattern of development and this in itself would also reduce the sense of tranquillity. The landscaped areas proposed around the margins of the site would not be to the level that would offset this temporary loss of larger open fields. To this extent, the proposal would be a discordant and somewhat alien feature.
9. The hedgerow provision around the site would be increased under the proposal through the introduction of new native planting and this would positively contribute

to this aspect of the landscape character. Appropriate management so they would not become a dominant feature can be addressed through the imposition of a landscaping planning condition. As the existing hedgerows would be largely retained, the existing field pattern would not be disrupted.

10. The hedgerows would also temper broader landscape character effects in the area because they would aid in the enclosure of the site. Where there would be some harm, this would largely relate to the larger field because the slope would afford views beyond the site within the local area. This would also cause some harm to Michael's Peace as a feature of the area because of the proximity of the proposal. Nevertheless, this harm would be contained due to hedgerow screening and so some mitigation in these terms would be achievable.
11. The key characteristics of both LCAs is said to include the prominence of the Chilterns NL escarpment. In relation to the site itself, the escarpment appears as a more distant feature, with open agricultural land, hedgerows and the occasional building visible in between. When the hedgerow planting is also considered, it would not have an adverse effect on this aspect of the landscape character under the LCAs. The overall effect on landscape character would therefore be localised. However, as some harm would occur to the key characteristics closer to the site, the proposal would not reinforce or conserve these characteristics under the LCA guidelines.
12. In respect of the visual impacts, the harm would similarly be localised. Where the PRoWs pass through and close to the site, as viewpoint photographic evidence demonstrates, the scale of the proposal would result in a distinct, short distance adverse change from the existing open character. Such views would be filtered by hedgerows and proposed planting, but the experience of using these routes close to the site would clearly change due to the local visual prominence of the proposal, albeit for a short duration as the site is either traversed or passed. I am also mindful that some of these routes are locally named and they are no doubt well utilised by recreational users and this includes horse-riders who would have an elevated view of the proposal. The same would apply by way of construction related works.
13. In respect of other visual receptors, there would not be such an effect. I was given the benefit of visiting the nearest residential property, which is currently under construction. This property would be separated from the proposal by Moreton Road itself and while its first floor windows will allow for views over the undeveloped surrounding countryside, the view over the solar site would be at an angle. The associated paddock with that property would be well screened, apart from a view over a gate, which itself abuts Moreton Road.
14. In addition, road users are limited because Moreton Road leads only to a small number of residential properties and agricultural uses, in particular where it passes the site. Other roads are too far away for any discernible visual effect to arise. Overall, where some harm arises to visual impact, it would be to users of the PRoWs on and closest to the site.

Chilterns NL

15. The Chilterns NL lies around 3 kilometres (km) from the site at its closest point. The escarpment is a distinct feature within the Chilterns NL due to its elevation over the Vale of Aylesbury. It is a wooded, grassland and farmland landscape, and

has a rolling form beyond the escarpment. There are a number of notable viewpoints along the escarpment itself, including Whiteleaf Hill, Beacon Hill and Coombe Hill, which provide for panoramic views. Recreational use is a feature, with numerous PRowWs and areas of open access land, yet it also provides for a sense of tranquillity despite its obvious popularity. The Ridgeway National Trail runs along or close to the escarpment. These are all important special qualities of the Chilterns NL and it is a sensitive landscape.

16. There would be no direct effects on the Chilterns NL, but where these special qualities are of relevance to a consideration of the proposal is to its setting. This concerns views out from the escarpment over the Vale of Aylesbury and the associated effect on recreational use. In visiting the viewpoints at Whiteleaf Hill, Beacon Hill and Coombe Hill, the appeal site is not easy to make out with the separation distances involved. Michael's Peace does provide a reference point, yet the fields which make up the site are considerably less visible.
17. Apart from the sizeable urban form of Aylesbury, the landscape does retain its largely open character as viewed from the Chilterns NL and so there are few other prominent detractors. At this distance, the proposal would not provide such a distraction, even when accepting that in certain light conditions it may be a more apparent feature. That the proposed mitigation would be unlikely to be particularly effective at this distance is simply reflective of how far the site would be away from the Chilterns NL, rather than that the measures would be insufficient.
18. Furthermore, the proposal would form a very small part of the panorama, even when it would be most directly viewed, as at Beacon Hill. At Whiteleaf Hill, it would be more viewed at an angle, as it would be from Coombe Hill. The wide panoramic views would remain near entirely intact and this would also remain the experience of the users of the Ridgeway Trail. Nor would there be any real sense of a loss of tranquillity by these users.
19. As such, there would not be an adverse impact on the Chilterns NL and the proposal would respect the sensitivity of this landscape. While I am aware of criticisms of the landscape methodologies used by the different parties for assessing the effect on the Chilterns NL, I have considered the totality of this evidence and so it does not ultimately change my conclusion on this issue. Moreover, I have had the opportunity to visit the viewpoints myself to assess the likely change.

Cumulative Effects

20. Well to the south-west of the site at an approximate distance of 3 km, lies the Bumpers solar farm. In its vicinity are the Whirlbush solar farm and a further site that would be closer to the proposal, known as Callie's solar farm. The latter has received planning permission, based on what I was told at the hearing. In the opposite direction and towards Aylesbury, is the Moat Farm solar farm which lies at an approximate distance of 2 km from the site.
21. The proposal would be well separated from either the cluster to the south-west, or from Moat Farm. It would not have a harmful impact on the LCAs in terms of cumulative effect due to the degree of separation involved. While the ProW network would potentially allow a recreation user to pass through or close to all of these sites, including the proposal, the routes would by no means be direct as is shown where Ordnance Survey mapping has been provided as part of the appeal

submissions. There would also be considerable stretches in between where no such solar development would be close. The proposal would thus also not result in a cumulative harmful effect on visual impact.

22. Equally however, solar farms are not found to the extent they are a key characteristic and so this does not in itself adequately justify the proposal in local landscape character and visual impact terms. Nor though would the proposal result in a landscape type that is dominated by solar farm development, or notably contribute to a changing character, beyond the immediate environs of the site where harm would solely arise from the proposal itself.
23. The views from the Chilterns NL escarpment show some clustering of the Bumpers and Whirlbush solar farm developments, and which Callie's solar farm would also contribute to. Yet, this forms only a small, distant part of the wide panorama. At the other end of the view. Moat Farm stands alone from other solar development, but is read with development and transport infrastructure around Aylesbury. The proposal would be well separated from these clusters of development and it would be viewed distinctly on its own, to the limited extent that it would be visible. Accordingly, there would not be a cumulative harmful effect on the Chilterns NL.

Conclusion

24. In taking these considerations together and while I find there would not be harm to the Chilterns NL and arising from cumulative effects, there would be some localised, temporary harm to landscape character and visual impact. As such, the proposal would have an unacceptable effect on the character and appearance of the area in these respects. Hence, it would not comply with Policies NE4 and BE2 of the Vale Of Aylesbury Local Plan 2013-2033 (2021) (VALP), Policy DM32 of the Wycombe District Local Plan (2019) (WDLP) and Policy KIM1 of the Great & Little Kimble-cum-Marsh Neighbourhood Plan 2013-2033 (2021) where they concern maintaining landscape character and local distinctiveness, visual amenity, protecting and reinforcing positive key characteristics, important views and countryside locations, amongst other matters.
25. The proposal would also not comply with Paragraph 187 of the Framework where it concerns enhancing the natural and local environment, in particular by recognising the intrinsic character and beauty of the countryside. Due to the localised nature of the landscape character and visual impact, the associated harm and conflict with development plan and national policy in these respects attracts moderate weight in my decision.
26. The statutory duty at section 85 of the Countryside and Rights of Way Act 2000 (as amended) requires a decision-maker to seek to further the statutory purposes of the Chilterns NL through conserving and enhancing its natural beauty. In addition, great weight should be given to conserving and enhancing landscape and scenic beauty as a National Landscape, in accordance with paragraph 189 of the Framework. As the proposal would not result in harm to the setting of the Chilterns NL, there would not be conflict with paragraph 189, and nor with Policy NE3 of the VALP and Policy DM30 of the WDLP, which have similar objectives. The statutory purposes would be achieved.

Benefits

27. The proposal would involve the generation of up to 40 megawatts (AC) of renewable energy that would be sufficient to power the equivalent of 12,000 homes. This would result in a reduction in carbon emissions of approximately 17,200 tonnes per annum. It would thus contribute towards tackling climate change through carbon savings. There is also backing from the Framework where it sets out that the planning system should support the transition to net zero by 2050 and support renewable energy and associated infrastructure, including increasing supply, and similarly through National Policy Statements for Energy EN-1 and Renewable Energy Infrastructure EN-3. While I note comments that there is already a sufficient pipeline of consented projects to meet net zero, even if this was the case, it does not act as a ceiling to permit further projects. The renewable energy credentials of the proposal is a matter which attracts significant weight in favour of the proposal.
28. In addition, the proposal would help meet increasing demands for electricity and contribute towards providing a more secure and stable energy supply for the country. It would thus contribute towards UK energy security and resilience. As it would connect to a low voltage power line which crosses the site, these benefits would also be readily deliverable. This also attract significant weight in its favour.
29. During the temporary duration of the construction period, the proposal would benefit the economy through construction and supporting employment, as well as the supply chain. There would also be some operational economic benefit through occasional maintenance activities. There is not compelling evidence that such development would deter tourism in this local area. The economic benefits attract moderate weight in support of the proposal.
30. There would be some biodiversity and habitat value as part of the proposal, associated with Biodiversity Net Gain (BNG). It is intended that 273.65% habitat units gain and 15.45% hedgerow units gain would be provided, at least during the operational period. While I note that no watercourse units gain is proposed, the application predates the statutory 10% BNG requirement. However, some level of gain is still required for the proposal to comply with the Framework. Overall, the level of BNG that would be provided also attracts moderate weight as a benefit.

Other Matters

31. Due to the standard of Moreton Road, a number of mitigation measures are required in order for this road to accommodate the temporary construction traffic associated with the proposal, which would include Heavy Goods Vehicles. These include passing places and the use of marshals. The package of measures would be delivered through a Construction Traffic Management Plan (CTMP). However, even with these measures, there would be likely to be some level of disruption to local residents, including key workers accessing vital public services, and to users of the PRow network. The roads immediately beyond Moreton Road are effectively country lanes and so some level of disruption would also likely occur where those routes would be utilised. The effect on highway safety during construction therefore attracts limited weight against the proposal, and this is agreed by the appellant. Such an effect would also likely occur during decommissioning. Such harm does not though extend into the operational period, as traffic would be limited to infrequent maintenance visits.

32. The appellant's most recent Preliminary Ecological Appraisal identifies that, amongst other species, the site has the potential to provide habitat for ground nesting birds of conservation concern, including the Skylark. As this species prefers large and open fields, the proposal has the potential to have an adverse impact as the fields would give way to the development. In order to compensate, a further field adjacent to the site which is under the same land ownership would provide for displaced Skylark territories. This can be controlled through a planning condition. Similarly, conditions can also be used in this instance concerning Great Crested Newts licencing, as the Council operates a District Licence Scheme under delegation from Natural England.
33. Matters in relation to noise during construction can be controlled through the CTMP, that would also allow the hours where such activities would take place to be agreed by the Council in relation to their duration, as well as noise restrictions if appropriate. The CTMP would also provide controls other living conditions related matters, such as dust, as it concerns wheel washing and vehicle cleaning. The appellant's Noise Impact Assessment found that noise from the proposal when operational would not give rise to unacceptable effects, or a need for mitigation. Given the relatively isolated location, there is not a substantive reason to disagree. While baseline noise levels in such a location will be low and there would inevitably be some noise as construction activities and associated vehicular movements would be involved, with the distances involved, it would not likely result in unacceptable effects.
34. The appellant is not required to evidence a site selection process, based on the proposed location. Clearly, it has the benefit of being readily accessible to a grid connection. I am mindful of concerns over the loss of agricultural land, even over the temporary proposed time period. However, the land in this case is not Best and Most Versatile Agricultural Land and so no loss of such land would occur where there is some protection afforded through the planning system.
35. Nor is the site Green Belt land and so these protections do not apply. Matters that have been raised over a land covenant precluding the proposal lies outside of what the planning system can consider, notwithstanding this is contested by the appellant. While I am also aware of criticism over the appellant's community engagement, I have taken account of all the representations made during the application and the appeal into account, and so there has been no disadvantage in this regard in my decision.

Planning Balance

36. The proposal would give rise to an unacceptable effect on the character and appearance of the area. Such an effect would however be localised and be temporary for the duration of the permission period sought. While I note concerns over the length of the time period sought, I have considered the duration in coming to my views on harm, notwithstanding it would still be time limited and not therefore permanent. There would also be a harmful effect with regard to highway safety during construction and decommissioning, albeit limited.
37. Set against these are the benefits of the proposal. These are considerable as regards the generation of renewable energy and combating climate change, and energy security and resilience. Economic considerations and biodiversity net gain

are further benefits. All other matters do not weigh either for or against the proposal.

38. Whilst I have found conflict with policies of the development plan by way of character and appearance effects that are both localised and temporary, I am not persuaded this amounts to not complying with the development plan as a whole. I also note that the reason for refusal makes no reference to conflict with renewable energy related policies that are found in the VALP and the WDLP. Overall, the balance favours the grant of a temporary planning permission for the proposal.

Conditions

39. In addition to a condition concerning the statutory timescale for implementation, I have imposed a condition concerning a temporary permission in the interests of the character and appearance of the area. A condition concerning the approved plans is imposed in the interests of certainty and this includes the plans which show the section elevations of the solar panels. Conditions are also imposed concerning final details of the energy and associated infrastructure, landscaping and decommissioning arrangements, also for reasons of character and appearance, as well as highway safety, trees and biodiversity.
40. Conditions are imposed concerning access, and construction and decommissioning highway pre-condition surveys, in the interests of highway safety. I do not consider it is necessary for any further such surveys on the basis that the compliance with the conditions would ensure a satisfactory highway condition. Conditions are imposed in relation to Moreton Road improvements and passing places, and a final CTMP, also in the interests of highway safety. The final CTMP condition is also imposed in the interests of protecting living conditions.
41. Conditions are imposed regarding land contamination in the interests of public health, and lighting/CCTV matters in respect of biodiversity, living conditions and character and appearance. Conditions are imposed concerning archaeology in order to protect the historic environment. In the interests of biodiversity, conditions are imposed with regard to a Construction Environmental Management Plan, a Landscape and Ecological Management Plan, Skylark mitigation and with regard to Great Crested Newts.
42. Conditions are imposed in respect of surface water drainage in order to provide for satisfactory drainage and minimising flood risk, and by way of tree protection in the interests of protecting the amenity value of trees. Conditions in respect of PRow visibility splays and internal access track crossings are imposed in the interests of highway safety.
43. I have not imposed a condition removing permitted development rights, as there are other conditions which deal with these matters where necessary and as it is not evident how permitted development rights could be exercised for such a proposal that would warrant further controls.
44. The conditions that concern highway works and Skylark mitigation involve land which is not under the direct control of the appellant. However, as the land in question is either highway land as was stated at the hearing, or under the same land ownership as the site, there is a clear prospect of the actions within these conditions being performed.

45. Where conditions are pre-commencement, there is agreement through the signed Statement of Common Ground. Where I have altered the wording of the remaining conditions put forward, and while I note comments made about flexibility, I have done so in the interests of precision and without changing their overall meaning.

Conclusion

46. The proposal would comply with the development plan when taken as a whole and there are no material considerations which indicate that a decision should be taken other than in accordance with the development plan. For the reasons set out above and having regard to all matters raised, the appeal should be allowed, subject to the conditions.

Darren Hendley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The permission hereby granted shall be limited to a period of 50 years from the date when electricity is first exported from the solar panels to the electricity network (the First Export Date). Written confirmation of the First Export Date shall be given to the local planning authority within 1 month of the First Export Date.
- 3) The development hereby permitted shall be carried out in accordance with drawing nos: Site Location Plan – Figure 2 Rev. C, Site Block Plan – Proposed – Figure 1 Rev. D, Grid Connection Area – Figure 5, Indicative Sections – Figure 4
- 4) Notwithstanding condition 3, no development hereby permitted shall commence until details of the final locations, alignment, design, finishes and materials including details of non-chrome, non-reflective material to be used for the panel arrays, inverters, Distribution Network Operator (DNO) substation (comprising of no more than 3 buildings), storage containers, transformers, CCTV cameras, fencing and any other structure required for the operation of the site as a solar farm have been submitted to and approved in writing by the local planning authority.

The plans approved in condition 3 represent the maximum parameters of the development and the following features should not exceed the following measurements: Solar Panels – Maximum height of 3.2 metres, Inverter Units – Maximum dimensions of 2 metres wide by 2.3 metres in height, DNO Substation – Maximum dimensions of 4 metres in height by 6 metres in length and 4 metres in width.

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 Site Block Plan - Proposed (Figure 1 Rev. D).

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

- 5) No development hereby permitted shall commence until details of proposed hard and soft landscaping, including a Landscape Management Plan covering the lifetime of the development, have been submitted to and approved in writing by the local planning authority. The details shall include the following:
 - a) The hard landscaping details shall include the extent of hard surfacing areas and the materials to be used for the areas of hard surfacing;
 - b) The soft landscaping details shall include new trees showing their species, spread and maturity, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities;
 - c) Details of its conformity with Landscape Guidelines for LCA 8.9 Haddenham Vale (LCT8) set out in the Aylesbury Vale Landscape Character Assessment 2008; and,
 - d) A Hedgerow Management Plan including hedgerow management up to 3 metres, new hedgerows to be planted at a height of at least 1.2 metres, details of infill planting & methodology and a maintenance timetable.

These works shall be carried out in accordance with the approved details prior to the first export date in so far as hard landscaping is concerned and for soft landscaping, within the first planting season following the first export date.

Any retained trees, hedgerows or shrubs, seeding and turfing forming part of the approved landscaping scheme as well as any trees or hedgerows identified as being retained, which within a period of 10 years from the First Export Date, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with others of similar size and species.

- 6) If within the 50-year period the development hereby permitted does not export electricity to the National Grid for more than six months in any continuous twelve-month period, or at the end of fifty years from the date of first export of electricity, the development shall cease and all materials and equipment brought onto the land in connection with the development shall be removed and the land restored to its previous state (greenfield, agricultural land, former character, condition and agricultural grade), in accordance with details to be submitted to and approved in writing by the local planning authority prior to decommissioning works taking place. In the case of non-generation, such details shall be submitted within three months of the end of the twelve-month period; in the case of end of operational life, details shall be submitted no later than twelve months prior to the cessation of the 50-year period. The details shall include a method statement and timetable for dismantling and removal of all solar photovoltaic panels, associated above-ground works and foundations to a depth of at least one metre below ground; removal of mounting frameworks, inverters, substation/ Distribution Network Operator buildings, underground cabling, stock-proof fencing, CCTV, internal tracks and all other associated infrastructure; a traffic management plan; tree protection measures; an ecological assessment report with post-decommissioning site recommendations; and a timetable for removal and restoration works. All works shall thereafter be carried out in full accordance with the approved details and timetable, and for the avoidance of doubt soft landscaping shall not be removed during decommissioning unless expressly permitted under the discharge of this condition.
- 7) No development hereby permitted shall commence until details of the access shall have been submitted to and approved in writing by the local planning authority. No development other than the construction of the access, or any deliveries taking place in association with the development shall take place until the access has been sited and laid out in accordance with the approved details and constructed in accordance with the Buckinghamshire Council highway access standards. The access shall thereafter be retained as such for the lifetime of the development.
- 8) No development hereby permitted shall commence until a highway pre-condition survey detailing the condition of the roads along the construction traffic route shall have been submitted to and approved in writing by the local planning authority. For the avoidance of doubt, the applicant, or their agents or successors in title, should ensure that the local highway authority agrees the scope of the highway pre-condition survey and attends the survey. The applicant, or their agents or successors in title, will be required to monitor the condition of the roads for the duration of the works and to rectify and repair any damage caused.
- 9) Prior to the commencement of any decommissioning works related to the development hereby permitted, a highway pre-condition survey detailing the

condition of the roads along the decommissioning traffic route shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt, the applicant, or their agents or successors in title, shall ensure that the local highway authority agrees the scope of the highway pre-condition survey and attends the survey. The applicant, or their agents or successors in title, shall monitor the condition of the roads for the duration of the decommissioning works and shall rectify and repair any damage caused.

- 10) No development hereby permitted other than the construction of the access, or any deliveries taking place in association with the development, shall commence until details of the resurfacing of the unmetalled section of Moreton Road between the end of the surfaced carriageway at Verney Farm Cottage and the proposed site access have been submitted to and approved in writing by the local planning authority. The resurfacing works shall be carried out in accordance with the approved details and shall be implemented in full prior to the commencement of the development with the exception of construction of the approved access, or any deliveries taking place in association with the development.
- 11) No development hereby permitted other than the construction of the access, or any deliveries taking place in association with the development, shall commence until details of the passing places along Moreton Road and Kimblewick Road have been submitted to and approved in writing by the local planning authority. The passing places shall be carried out in accordance with the approved details and shall be implemented in full prior to the commencement of the development with the exception of construction of the approved access, or any deliveries taking place in association with the development.
- 12) No development hereby permitted shall commence, including any deliveries associated with the development, until a further detailed Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP must include:
 - a) construction operating hours, including staff working hours;
 - b) construction vehicle details (number, size, type and frequency of movement);
 - c) a programme of construction works and anticipated deliveries;
 - d) timings of deliveries so as to avoid, where possible, peak traffic periods;
 - e) a framework for managing abnormal loads;
 - f) the location of the construction site access;
 - g) the location and form of the compound, storage areas, construction and visitor parking, turning, on-site holding area for Heavy Goods Vehicles, surfacing and drainage details;
 - h) wheel wash and vehicle cleaning facilities, including details of the design, specification, position of facilities and measures for the disposal of resultant dirty water, oils/chemicals and materials;
 - i) a vehicle routing plan for all contractors and suppliers to adhere to;
 - j) a scheme of appropriate signing of vehicle routes to the site (including the access track);
 - k) general signage details, including signage for highway and public rights of way;

- l) temporary traffic management measures where necessary (for example, lollipop stop/go traffic management);
- m) banksmen/ Marshalls to oversee larger vehicle arrivals and departures, and to warn any users of the lane. The details shall include the location, numbers and roles/ responsibilities of the banksmen/ Marshalls, and measures for consideration of horse riders using the access track;
- n) a point of contact for the users of the lane and the local highway authority;
- o) noise restrictions if appropriate;
- p) a Construction Staff Travel Plan to include details of personnel car/van sharing initiative(s) during construction to minimise vehicle movements; and
- q) the CTMP shall have regard to Section 7 of the Construction Traffic Management Plan ref: 27519-HYD-XX-XX-RP-TP-7001-P04 (dated 12.03.2024).

The construction phase of the development must thereafter be carried out in accordance with the approved CTMP.

- 13) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development shall be temporarily suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 14) No external lighting or CCTV cameras other than those shown on the approved plans pursuant to condition 4 (final details), other than emergency lighting, shall be installed during the operation of the site for the development hereby permitted.
- 15) No development hereby permitted shall commence until an archaeological evaluation in the form of trial trenching and a geophysical survey has been undertaken in accordance with a written scheme of investigation which has been previously submitted to and approved in writing by the local planning authority. Where significant archaeological remains are confirmed, these will be preserved in situ or in accordance with the implementation of further mitigation that has been previously approved in writing by the local planning authority.
- 16) Where preservation in situ is agreed following best practice, no works on site, including enabling works shall take place until an appropriate methodology has been submitted to and approved in writing by the local planning authority. The works thereafter shall be carried out in accordance with the approved details.
- 17) Where archaeological remains are recorded by evaluation and are not of sufficient significance to warrant preservation in situ but are worthy of recording, no works on site, including enabling works shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been previously submitted to and approved in writing by the local planning authority. The works thereafter shall be carried out in accordance with the approved details.

- 18) No development hereby permitted shall commence (including ground works and vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP 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 or similarly competent person; and
 - h) Use of protective fences, exclusion barriers and warning signs.

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

- 19) No development hereby permitted shall commence (including any demolition, ground works and vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. 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 which will (without limitation) include the provision of biodiversity net gain within the site as shown within the biodiversity net gain assessment & reasoning for proposed habitat creation and enhancement (wildlife trust consultancies, July 2024);
 - d) Appropriate management options for achieving aims and objectives;
 - e) Details of appropriate species specific biodiversity enhancement features as specified but not limited to the features contained within the submitted biodiversity net gain assessment;
 - f) Should the site require lighting, details of appropriate wildlife sensitive lighting strategy to include a lux plan of the site is required;
 - g) Prescriptions for management actions;
 - h) Preparation of a work/implementation schedule (including an annual work plan capable of being rolled forward over a thirty-year period);
 - i) Details of the body or organization responsible for implementation of the LEMP; and
 - j) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the mechanism(s) by which the long-term implementation of the LEMP will be secured by the developer with the management body(ies) responsible for its delivery. The LEMP shall be for no less than 30 years. The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/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 LEMP shall be implemented in accordance with the approved details.

- 20) No development hereby permitted shall commence (including any demolition, ground works and vegetation clearance) until a Skylark Mitigation Strategy has been submitted to and approved in writing by the local planning authority to compensate the loss or displacement of the three skylark territories identified as lost or displaced. The Skylark Mitigation Strategy shall include the provision of offsite compensation measures (at a ratio of 2:1) to be secured in the field identified in blue on the Site Location Plan (Figure 2 Rev. C). The Skylark Mitigation Strategy shall include the following:

- a) the purpose and conservation objectives for the proposed compensation measures consisting of six Skylark plots;
- b) the detailed methodology for the management of these compensation measures. The establishment and management of the Skylark plots must follow RSPB 2024 guidelines and/or Natural England AB4: Skylark plot specifications;
- c) the layout of the compensation measures by appropriate maps and/or plans;
- d) persons responsible for implementing the compensation measures; and
- e) timescales.

The Skylark Mitigation Strategy shall be implemented in accordance with the approved details and the strategy shall apply for the operational lifetime of the development.

- 21) No development hereby permitted shall commence except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan "Kimblewick Solar: Impact plan for great crested newt District Licensing (Version 1)", dated 18th March 2024.
- 22) No development hereby permitted shall commence unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local planning authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner certificate must be submitted to the local planning authority for approval prior to the commencement of the development hereby permitted.
- 23) No development hereby permitted shall commence until a detailed surface water drainage scheme for the site, based on the principles set out in the approved Drainage Strategy Addendum (doc. ref. 24561-HYD-XX-XX-TN-C0001, 6th February 2024, Hydrock) has been submitted to and approved in writing by the

local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the first export of electricity. The scheme shall also include:

- a) Full construction details of all SuDS and drainage components;
 - b) Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components;
 - c) Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites;
 - d) Details of how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance; and
 - e) Confirmation of the site operator(s) registration with the Environment Agency's Flood Warning Service.
- 24) No development hereby permitted shall commence (including site clearance) until the tree protection measures shown in the approved Construction Tree Protection Plan (11530 TPP 01) have been carried out in accordance with that scheme. Thereafter, the tree protection measures shall be retained for the duration of the construction phase of the development.
- 25) Prior to the first use of the access and Internal Access Tracks for the development hereby permitted, pedestrian inter-visibility splays of 2metres by 2metres for the right of way GLK/15/1 and 3m by 3m for the right of way DFU/31/3 shall be provided from each edge of the access. The depth of the splays shall be measured 1metre back from the edge of the footpath, with the widths extending outwards by 2metres for the footpath and 3metres for the bridleway from the edges of the access. The area within the pedestrian visibility splays shall thereafter be kept clear of any obstructions above 0.6metres in height for the lifetime of the development, including decommissioning.
- 26) No development hereby permitted shall commence until details of the works shown on drawing Site Block Plan – Proposed (Figure 1 – Rev D), which includes the Internal Access Track crossings of rights of ways GLK/15/1 and DFU/31/3, have been submitted to and approved in writing by the local planning authority. The works shall then be laid out and constructed in accordance with the approved details prior to the first export of electricity and shall thereafter be retained for the lifetime of the development.

APPEARANCES

FOR THE APPELLANT:

Peter Grubb

Director, Lighthouse
Development Consulting

Lee Morris

Landscape Architect, Tir
Collective

FOR THE LOCAL PLANNING AUTHORITY:

Danika Hird

Principal Planning Officer

Chris Kennett

Landscape Architect and Urban
Designer

INTERESTED PARTIES:

Mark Hatton

On behalf of Local Residents

Alan Turner

On behalf of Greg Smith MP

Cllr Clive Harriss

Buckinghamshire Council

Joanne Bourke

Kimble Parish Council

Dr Jihene El Kafsi

Local Resident

Nicholas Cahill

Local Resident

Charles Biswell

Local Resident
(in attendance at the site visit)

DOCUMENTS SUBMITTED AT THE HEARING

- 1 RSPB, Land Management for Wildlife - Skylark (*Alauda arvensis*)