

## **Committee Report**

**Item No:** 7A

**Reference:** DC/21/06825  
**Case Officer:** Averil Goudy

**Ward:** Rickingham.

**Ward Member/s:** Cllr Jessica Fleming.

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## **RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS**

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### **Description of Development**

Full Planning Application - Development of a photovoltaic solar array, battery storage and ancillary infrastructure.

### **Location**

Land To The South Of Suggenhall Farm, Church Lane, Rickingham, IP22 1LL

**Expiry Date:** 10/08/2022

**Application Type:** FUL - Full Planning Application

**Development Type:** Major Small Scale - All Other

**Applicant:** RNA Energy Ltd

**Agent:** Mr Tom Roseblade

**Parish:** Rickingham Superior

**Site Area:** 11.57ha

**Details of Previous Committee / Resolutions and any member site visit:** None

**Has a Committee Call In request been received from a Council Member (Appendix 1):** No

**Has the application been subject to Pre-Application Advice:** Yes – EIA Screening

Reference DC/21/04419 (Not EIA)

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason:

In accordance with the Mid Suffolk scheme of delegation as the proposal is for a renewable energy development as defined by government guidance.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

Adopted Mid Suffolk Local Plan (1998)

CL03 - Major utility installations and power lines in countryside

CL08 - Protecting wildlife habitats

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CLASSIFICATION: Official

CL09 - Recognised wildlife areas  
CL11 - Retaining high quality agricultural land  
H16 - Protecting existing residential amenity  
T10 - Highway Considerations in Development  
HB01 - Protection of historic buildings  
GP01 - Design and layout of development  
RT12 - Footpaths and Bridleways

Adopted Mid Suffolk Core Strategy Focused Review (2012)

FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development

Adopted Mid Suffolk Core Strategy (2008)

CS01 - Settlement Hierarchy  
CS02 - Development in the Countryside & Countryside Villages  
CS03 - Reduce Contributions to Climate Change  
CS05 - Mid Suffolk's Environment

NPPF - National Planning Policy Framework  
NPPG - National Planning Policy Guidance

Other relevant documents:

- Planning guidance for the development of large scale ground mounted solar PV systems (BRE, 2014). This national guidance sets out best practice for large ground mounted arrays in respect of planning considerations and requirements.
- National Policy Statements: The policy context for the determination of NSIP scale proposals. This development is below the threshold for consideration as an NSIP but EN-1 and the revised draft EN-3 provide helpful context and an indication of the government's direction of travel in respect of renewable energy development.
- Energy Security Strategy 2022: Reinforces the net zero agenda and sets out a package of priorities, funding and policy objectives to move the country back to energy independence This includes provision for onshore wind, solar and other technology including recognition of the need for network capacity and flexibility such as battery storage.
- Net Zero strategy 2021: A decarbonisation plan setting out the UK objective of achieving net-zero emissions by 2050. Part of the plan for "Building Back Better" after the covid pandemic.
- Energy white paper 2020: Builds on the Ten-point plan for a green industrial revolution, addressing the transformation of our energy system, promoting high-skilled jobs and clean, resilient economic growth as we deliver net-zero emissions by 2050.
- United Kingdom Food Security Report 2021: Sets out an analysis of statistical data relating to food security.

## **Neighbourhood Plan Status**

This application site is within the Botesdale and Rickinghall Neighbourhood Plan Area. The Neighbourhood Plan was formally adopted in January 2020. Accordingly, the Neighbourhood Plan is afforded full weight for decision-taking purposes. Of relevance to this application are the following policies:

Policy B&R 1 – Spatial Strategy  
Policy B&R 14 – Protection of Heritage Assets  
Policy B&R 15 – Design Considerations  
Policy B&R 20 – Open Space, Sport and Recreation Facilities  
Policy B&R 21 – Public Rights of Way

## **Consultations and Representations**

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

### **A: Summary of Consultations**

#### **Town/Parish Council (Appendix 3)**

##### **Rickinghall Parish Council [Objection]**

- Acknowledge NPPF presumption in favour of sustainable development
- Nature of the project would allow for adaptation and restoration of balance (wildlife and nature)
- Request more information about the effect on Skylarks
- Potential conflict with Neighbourhood Plan policy B&R20
- Effect on two neighbouring properties: loss of amenity, glint/glare, noise and visual impact

##### **Rickinghall Parish Council [Objection]**

- Revised location for buildings is more visually prominent
- Time taken for hedge screening to mature
- Loss of arable land – needs justification
- Conflict with Neighbourhood Plan policy B&R20
- Request a more comprehensive approach is given to the alternative energy sources in the UK

##### **Cllr Jessica Fleming [Objection]**

- Landscape and visual impacts
- Impact on designated heritage assets
- Impact on local businesses
- Cumulative impact with other solar proposals in the District
- Loss of agricultural land
- Inefficient use of land

#### **National Consultee (Appendix 4)**

##### **Historic England [Objection]**

- Harm to Grade I listed building through inappropriate development within its setting
- This harm could be mitigated by reducing the number of solar panels, moving the development out of the northern and western arms of the field and increasing planting along the boundaries

##### **Historic England [Objection]**

- Welcome reduction in panels and has lessened the impact on the Grade I church
- Continue to result in less than substantial harm to the designated heritage asset
- Should the LPA be minded to approve, thicker planting along the western boundary should be provided

#### **Ministry of Defence**

“No safeguarding objections to this proposal”.

#### **Environment Agency**

No response received to date.

#### **Civil Aviation Authority**

No response received to date.

### **County Council Responses (Appendix 5)**

#### **SCC Archaeology**

- Site lays near sites of archaeological interest and groundworks have potential to damage or destroy any archaeological remains
- Conditions for WSI and site investigation and post investigation assessment

#### **SCC Flood and Water Management**

No objection, subject to conditions for:

- Submission of a strategy for the disposal of surface water [prior to commencement]
- Details of the implementation, maintenance and management of the strategy for the disposal of surface water [prior to commencement]
- Submission of a surface water drainage verification report
- Submission of a Construction Surface Water Management Plan [prior to commencement]

#### **SCC Fire and Rescue**

- Request a Fire Risk Management Plan to be submitted

#### **SCC Travel Plan**

No response received to date.

#### **SCC Highways**

No objection, subject to conditions for:

- Details of proposed access [prior to commencement]
- Provision of visibility splays [prior to use]
- Details of surface water discharge [prior to commencement]
- Submission of a Construction Management Plan [prior to commencement]
- Submission of a Deliveries Management Plan [prior to commencement]
- Details of loading, unloading, manoeuvring and parking areas and EV charging [prior to commencement]

#### **SCC Rights of Way**

No objection, subject to comments/informatives.

### **Internal Consultee Responses (Appendix 6)**

## **Environmental Health – Air Quality**

No objections.

## **Environmental Health – Noise/Odour/Light/Smoke**

No objection, subject to conditions for:

- Noise assessment to ensure compliance with submitted assessment [prior to beneficial use]
- External lighting restriction
- Method for reporting glare complaints and programme for mitigation [prior to beneficial use]
- Construction hours restriction
- Burning restriction / Dust and litter nuisance minimised
- Construction Management Plan [prior to commencement]

## **Environmental Health - Land Contamination**

No objections.

## **Place Services – Heritage**

- Detrimental visual impact on the views of the open landscape to the south of Suggenhall Farmhouse (Grade II listed)
- Detrimental impact on the strong visual links between the application site and Suggenhall Farmhouse
- Result in less than substantial harm
- A reduction in the scale of the solar farm may be effective mitigation

## **Place Services – Heritage**

- The amended proposal has gone some way to reducing the harm to the heritage asset
- Result in less than substantial harm (now considered at the lower end of the scale)

## **Place Services – Landscape**

Holding objection until the following is submitted and agreed:

- Topographical Survey
- Arboricultural Assessment
- Outstanding sections of the LVIA and a landscape and visual cumulative impact assessment

## **Place Services – Landscape**

- No landscape objection to the revised layout
- There will be a change in the landscape character and potentially some loss of visual amenity
- Recommends consideration of further reduction to the array, extent and scale of buffer planting to the north and west boundary would obscure desirable views, further details of the materials, colours and finishes of the built form
- Should the LPA be minded to approve, conditions recommended for landscape details [prior to commencement], advanced planting [prior to commencement] and Landscape Management Plan [prior to commencement]

## **Place Services – Ecology**

Holding objection due to insufficient ecological information upon Priority Species (farmland bird species, particularly Skylark)

## **Place Services – Ecology**

Holding objection due to insufficient ecological information upon Priority Species (farmland bird species, particularly Skylark). Do not consider adequate evidence has been provide to demonstrate that the development would have a negligible impact on priority species

## **Planning Policy**

No CIL charge or liability.

## **Arboricultural Officer**

No response received to date.

## **Other Consultee Responses (Appendix 7)**

### **Suffolk Wildlife Trust**

- Presence of Skylarks locally
- Requirement for a breeding bird survey
- Conditions recommended for a Landscape Environment Management Plan (LEMP) and a Biodiversity Enhancement Strategy

### **Suffolk Wildlife Trust [Objection]**

- Maintain previous comments that a breeding bird survey is required to determination
- If Skylarks are present on site a Skylark Mitigation Strategy may be required

### **Suffolk Preservation Society**

- Observations around policy, landscape and visual impact and heritage
- Should the LPA be minded to approve, conditions recommended for a Landscape and Ecological Management Plan and a shorter consent duration

## **B: Representations**

At the time of writing this report at least 40 letters/emails/online comments have been received. It is the officer opinion that this represents 30 objections, 10 support and 0 general comments. A verbal update shall be provided as necessary.

A valid petition opposing the application was received containing 102 validated signatures and 7 rejected (for no address being supplied).

Members should be aware that concern has been raised regarding the location of some of the representations received and their distance from the application site. MSDC no longer set a distance restriction in which to control representations received and it is possible that people who are not resident in the locality have a legitimate interest in the application, for example if they were to own property nearby. Whilst some comments have been received from villages within Mid Suffolk which are not surrounding Rickingham, the content of the comments are not materially different to those received from within Rickingham and surrounding villages and are therefore considered equally here.

In addition, it has been brought to the attention of Officers that several of the representations received may be from people with a conflict of interest with the landowner or application site. However, this is not a matter relevant to the determination of this planning application. The comments have been accepted or refused depending on their compliance with the Councils representation policy.

### **Summary of Third-Party Objection Comments Received –**

- Loss of arable land
- Solar panels should be on new developments
- Cumulative loss of open spaces
- Ruined vistas / loss of views
- Impact on Brown Hare's habitat

- Impact on mental health
- Impact on rural setting
- Cumulative impact of housing developments and other solar proposals
- Unacceptable light pollution
- Potential contamination from Lithium batteries
- Reduction in people's initiative to exercise
- No local benefits
- Inappropriate location for development
- Industrialisation of the countryside
- Emotional stress to residents
- Excessive scale
- Conflict with Neighbourhood Plan
- Impact of glare
- Impact on archaeology
- Impact on use of PROW

**Summary of Third-Party Support Comments Received –**

- Contribution to climate crisis mitigation
- Small scale
- Poor quality land and is not high productivity
- Diverse income for the farm
- Footpaths would remain unchanged
- No land contamination impacts
- Continued agricultural use (sheep grazing)

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

**PLANNING HISTORY**

<b>REF:</b> DC/21/04419	Environmental Impact Assessment Screening Request for proposed development of a 7MW solar farm.	<b>DECISION:</b> EAN 18.08.2021
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<b>REF:</b> 0544/11	Erection of 15m (to hub) Wind Turbine.	<b>DECISION:</b> WDN 12.05.2011
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**Other applications/pre-applications for solar development pending consideration in the District:**

<b>Grange Farm, Old Bury Road, Palgrave</b>	Planning Application - Mixed use development comprising installation of a ground mounted solar photovoltaic (PV) farm; along with continued agricultural use, ancillary infrastructure, substation, security fencing, landscaping provision, ecological enhancements and associated works.	<b>DECISION:</b> PCO
<b>REF:</b> DC/22/02667		

<b>Palgrave</b>	Pre-application for solar farm	<b>DECISION:</b> PCO
<b>REF:</b> DC/22/02592		

<p><b>Land North of Tye Lane, Bramford</b></p> <p>REF: DC/21/04711</p>	<p>Planning Application - Change of use from agricultural land to solar farm and construction of a solar farm (up to 49.9MW) with associated grid connection cable route, infrastructure and planting.</p>	<p><b>DECISION: PCO</b></p>
<p><b>Land North of Tye Lane, Bramford</b></p> <p>REF: DC/22/00683</p>	<p>Full Planning Application - Installation of a solar array, battery energy storage system and associated infrastructure and construction of vehicular accesses and roadways.</p>	<p><b>DECISION: PCO</b></p>
<p><b>Land At Woodlands Farm, Stowmarket Road, Badley</b></p> <p>REF: DC/22/01530</p>	<p>Full Planning Application - Installation of a solar array, associated infrastructure and construction of new vehicular access</p>	<p><b>DECISION: PCO</b></p>
<p><b>Land To The South Of Church Farm, Somersham, IP8 4PN And Land To The East Of The Channel, Burstall, IP8 4JL</b></p> <p>REF: DC/20/05895</p>	<p>Full Planning Application - Installation of renewable energy generating station, comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure, landscaping and biodiversity enhancements including Nature Areas.</p>	<p><b>DECISION: PCO</b></p>

**\*This list includes some of the key developments within the immediate vicinity of the site that are relevant material considerations in the assessment of the application. It is not exhaustive insofar as considerations of cumulative impacts.**

## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1.0 The Site and Surroundings**

- 1.1 The application site is located within an area of countryside, approximately 650m from the main built-up area of Rickingham, between Church Lane to the northern boundary and the B1113 Finningham Road to the southern boundary. The site is 11.3ha of Grade 3 agricultural land, with the surrounding area characterised by various agricultural holdings. The Grade II listed Suggenhall Farmhouse lies immediately north of the site on Church Lane, with an electricity distribution site also to the north on Church Lane. The application site is in flood zone 1.
- 1.2 The character of the immediate area is predominantly agricultural in nature with a relatively flat, open, landscape offering broad views across the site from the highway and a public right of way located c.70m to the east of the site, which runs south from Church Lane.
- 1.3 The site does not fall within a designated Conservation Area. There are no listed buildings within the proposed site area, but the Grade II listed Suggenhall Farmhouse lies to the north, with several



other listed buildings of varying classifications in the wider area and two Scheduled Monuments within 3km of the site.

## **2.0 The Proposal**

2.1 Full planning permission is sought for a photovoltaic solar array with associated battery storage and ancillary infrastructure for a period of 40 years (after which the site would be reinstated and returned to the existing agricultural use).

2.2 The development comprises the following elements:

- c.10,600 Photovoltaic Solar Panels and associated support frames;
- 24no. String Inverters;
- 1no. Transform Station;
- 4no. battery storage container with associated inverter/transformers;
- 1no. DNO substation;
- 1no. switch-room building;
- 1no. control room building;
- Grid connection cable to UKPN's Rickingham Primary Station;
- c.0.58km of permanent new/resurfaced internal access tracks (3.5m wide and constructed using Type 1 stone);
- c.0.6km of temporary re-surfaced access track;
- 2no. improved existing access points off Church Lane and B1113 Finningham Road;
- c.2km deer/stock fencing;
- c.80m of 4m high acoustic fencing;
- c.13no. 3m high CCTV cameras;
- c.1.1km hedgerow planting (new and gapping up of existing);
- c.38 hedgerow trees;
- c.230 sqm of woodland edge planting;
- c.2920 sqm of woodland planting; and
- c2.2 hectares of species-rich grassland.

2.3 A brief description of the main infrastructure is set out below:

**Solar Panels** - There will be approximately 10,600 solar panels mounted to a steel and aluminium frame at a 20° angle, facing south. The maximum height will be 2.4 m with the lowest height of the panels being 800mm above the ground level, allowing adequate space for grazing animals.

**Stringer Inverters** - The proposal requires up to 24 string inverters which attach to the end of solar panel rows. These will measure approximately 1.04m by 0.7m high and 0.37m deep.

**Transformer Stations** - The proposed station measures approximately 6.01m by 2.9m and 2.9m high (maximum height 3.4m high with foundations). This station would contain transformers that enable the solar farm to connect to the on-site DNO substation.

**Battery Energy Storage System (BESS) Containers** - There will be a requirement of four BESS containers, measuring 12.19m by 2.44 m and 2.59m high (maximum height 3m with foundations). The external colour will be Harrods Green or similar.

**Various buildings** - The DNO Substation, Switch-room, Control Centre buildings would be positioned close to one another on the western boundary of the northern field. The DNO Substation

would have a footprint of 8 sqm, Switch-room building would be 19 sqm and the Control Centre would be 11 sqm.

Acoustic Fencing - Acoustic fencing of 4m high is proposed around the BESS containers, two sides of the transformer station and around two sides of the DNO Substation and Switch-room building. The design of this fencing is to be confirmed post determination through condition (Noise Assessment).

2.4 During the course of determination, the following revisions to the proposed development have taken place:

- Reduction of c.8% in no. of solar panels (panels removed from northern and western fields);
- Greater offset from Church Lane to provide buffer;
- Reduction of c.11.5% in footprint of land within boundary fence from 8.94ha to 7.91ha;
- Reduction in footprint of the battery compound; and
- Relocation of DNO Substation and associated buildings away from Church Lane.

2.5 The solar array would have a peak capacity of 6.8MW with a maximum export capacity of 5MW due to the size of the grid connection at Rickingham Primary Substation. Battery storage enables energy generated from renewable sources, like solar and wind, to be stored outside of the national and local transmission and distribution network and then released onto the grid when customers need power most, ensuring a continual supply of energy outside the constraints of the intermittent nature of solar and wind generation. BESS are an integral part of the transition to net zero and ensuring security of supply.

### **3.0 The Principle of Development**

3.1 In considering this planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan includes the saved policies of the Mid Suffolk Local Plan 1998, Core Strategy 2008 and Core Strategy Focused Review 2012.

3.2 These policies and documents will be replaced by the emerging Babergh and Mid Suffolk Joint Local Plan (JLP) once it is adopted, which includes proposed policy LP27 – ‘Energy sources, storage and distribution’ which seeks to encourage the development of renewable energy in line with national policy. The JLP is therefore also a material consideration, albeit of limited weight at this time because it is not yet adopted. Following an Exploratory Meeting with the Planning Inspectorate held on 16th December 2021 the JLP is progressing in two parts. Part 1 would set the housing requirement for the districts and provide an up-to-date development plan, but specific sites would be allocated in Part 2.

3.3 The progress of the JLP examination is not considered to alter the weight to be afforded to the JLP and for the avoidance of doubt Members are advised to place no determinative weight on policy LP27 at the present time. The starting point for the determination of the application remains the current development plan, in accordance with the S38(6) duty under the Planning and Compulsory Purchase Act 2006, and material planning considerations including the NPPF.

3.4 Policies CS1 and CS2 of the Mid Suffolk Core Strategy 2008 set out the types of development that are likely to be considered appropriate inside defined settlements (CS1) and within the countryside comprising the rest of the district (CS2). These policies state development within the countryside, as in the case of this site, is restricted to certain types of development, including for renewable

energy. In the circumstances of this application, whereby the determinative element of the proposal is not reliant on its location inside or outside a defined settlement, but rather the impacts of the development. These policies are considered to accord with the objectives of the NPPF insofar as they provide for the principle of renewable energy development in the countryside and are therefore afforded full weight.

3.5 Policy CS3 of the Mid Suffolk Core Strategy 2008 states that:

*“The Council will promote and encourage the appropriate development of stand alone Renewable Energy schemes to assist in achieving the Regional Spatial Strategy's target of 10% total electricity consumption in the East of England by 2010 and 17% by 2020.”*

Although this policy is considered to be out of date as it refers to the targets within the now revoked Regional Spatial Strategy, the objective of encouraging renewable energy development to contribute to an overarching objective of decarbonisation aligns with the priorities of the net zero agenda and the principles of the NPPF. This policy is therefore acknowledged on that basis and afforded limited weight. Members are advised not to place no determinative weight on policy CS3.

3.6 Policies FC1 and FC1.1 of the Core Strategy Focussed Review 2012 are relevant to the determination of this application in general terms, by reflecting the NPPF presumption in favour of sustainable development, including for renewable energy proposals, providing the impacts of the development are or can be made acceptable. In such cases FC1 states that applications which accord with the Local Plan will be approved without delay. FC1.1 seeks conservation and enhancement of the local character of the district and following para 3.7 specifically mentions renewable energy:

*“The environmental and landscape sensitivity of the district means that large-scale, on-shore renewable energy generation will often be difficult to accommodate in the landscape in an acceptable way”*

These policies are considered to accord with the NPPF and are afforded full weight. The impact of the development on the landscape is considered in detail in the landscape section below.

3.7 Whilst it is likely that policy CL3 (Major utility installations and power lines in the countryside) of the Mid Suffolk Local Plan 1998 was not written with solar array development, as proposed here, in mind, as what could be reasonably termed a major utility installation the general objective to “... ensure minimal intrusion in the landscape...” reflects the objectives of the NPPF and the issue identified in the Core Strategy Focused Review and so is considered to have relevance to the determination of this application and is afforded significant weight.

Other policies in the Mid Suffolk development plan that are relevant to the consideration of this application because of their objectives relating to a specific issue or impact are discussed in the relevant section of the assessment below.

3.8 The NPPF must also be taken into account as a material consideration in planning decisions.

Para 152 states:

*“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve*

*resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”*

And goes on, at para 158, to set out how plans and decisions should provide for renewable energy development including stating that in determining applications for renewable energy developments:

*“local planning authorities should:*

*a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*

*b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”*

3.9 It is also necessary to note a number of relevant documents that set out the Government’s wider objectives for delivering renewable energy developments as part of the ongoing decarbonisation and net zero agenda, including:

- National Policy Statements: Provide the policy context for the determination of NSIP scale proposals. This development is below the threshold for consideration as an NSIP but EN-1 and the revised draft EN-3 provide helpful context and an indication of the government’s direction of travel in respect of renewable energy development, now specifically identifying the role of solar development as a key part of the government’s strategy for low cost decarbonisation of the energy sector.
- British Energy Security Strategy (2022): Reinforces the net zero agenda and sets out a package of priorities, funding and policy objectives to move the country back to energy independence. This includes provision for onshore wind, solar and other technology including recognition of the need for network capacity and flexibility such as battery storage.
- Net Zero Strategy – Build Back Greener (2021): A decarbonisation plan setting out the UK objective of achieving net-zero emissions by 2050. Part of the plan for “Building Back Better” after the covid pandemic
- Energy white paper (2020): Builds on the ten-point plan for a green industrial revolution, addressing the transformation of the energy system, promoting high-skilled jobs and clean, resilient economic growth as we deliver net-zero emissions by 2050.
- United Kingdom Food Security Report (2021): Sets out an analysis of statistical data relating to food security. It is relevant here as the development would take an area of agricultural land, in arable production, out of active use for the period of the development proposed.

3.10 The principle of renewable energy development is supported by the NPPF (and other existing and emerging Government policy). The proposal is considered to be in general accordance with those policies of the development that are up-to-date such that, provided the impacts of the proposal are or can be made acceptable (particularly bearing in mind impacts upon landscape and loss of land for food production), in accordance with NPPF para 11c, the planning authority should grant permission without delay. The impacts of the development and accordance with topic-specific policies are discussed in the following sections.

## **4.0 Loss of agricultural land**

- 4.1 The first of the considerations is whether the proposal represents effective use of land in line with NPPG which encourages the siting of large-scale solar farms on previously developed and non-agricultural land. The application site consists of greenfield agricultural land.
- 4.2 The Design and Access Statement addresses the site selection process, stating that the exercise focussed on areas in proximity to National Grid and District Network Operator (DNO) Substations with capacity. Rickinghall Primary Substation was therefore identified as a primary search location due to available capacity and necessary land areas in close proximity to the substation. Given the rural nature of the locality it is reasonable to accept that there are no alternative sites of a suitable scale that are previously developed or non-agricultural in proximity to the substation.
- 4.3 The NPPG (paragraph 170) goes on to state that “*where a proposal involves greenfield land, [consideration should be given to] whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.*”
- 4.4 The NPPF defines the “Best and Most Versatile” (BMV) agricultural land as land in Grades 1, 2 and 3a of the Agricultural Land Classification.
- 4.5 The application submission is accompanied by an Agricultural Land Classification. Of the 13ha surveyed, 0.6ha (at 4.6%) was found to be Grade 3a (good quality) and 12.4ha (at 95.4%) was found to be Grade 3b (moderate quality).
- 4.6 Paragraph 174 of the NPPF states that “*...decisions should contribute to and enhance the natural and local environment by:*
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
  - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland...*”
- 4.7 Policy CL11 of the Mid Suffolk Local Plan states that the council “*...will encourage the conservation of agricultural land. Particular protection will be afforded to the best and most versatile agricultural land...*”
- 4.8 As c.95% of the application site is identified as Grade 3b, which is not BMV land, the proposal would not have a significant adverse impact on the BMV agricultural land.
- 4.9 The application seeks permission for a limited period of 40 years after which the site will be reinstated and returned to agricultural use, this reinstatement will be secured by condition. The solar panels would be removed with limited soil disturbance and therefore there is likely to be no permanent loss of agricultural land quality. Whilst some components of the development, such as the substation, control centre and BESS, may permanently affect agricultural land this would be limited to small areas.
- 4.10 Most of the site could also remain in agricultural use during the operational phase of the development through the grazing of a flock of sheep below the panels, as supported by the NPPG.

- 4.11 The vast majority of the habitat on site is currently of low or negligible ecological value, due to the prevalence of arable fields. The proposed development would include establishing species-appropriate grassland, new hedgerow planting and infilling of existing hedgerows, installing bat and bird boxes on trees around the site, all of which enhance the sites biodiversity value. A biodiversity net gain assessment has been completed and by replacing the low value habitats with higher value grassland, a net gain of 194.99% for area derived units has been calculated.
- 4.12 Overall, the impact by way of the loss of agricultural land for a period of 40 years is not considered to warrant refusal of this application.

## **5.0 Traffic and highway safety**

- 5.1 Access to the site is from the existing farm access points of Church Lane and the B1113 Finningham Road. Both accesses would be improved in accordance with SCC Highway specification. During the construction phase access would be from Finningham Road, whereas operational access would be from Church Lane.
- 5.2 The proposed development would require c.580m of permanent new stone access track and c.600m of temporary access track. The temporary access track would follow the existing farm access track and utilise a no-dig construction method (given areas of known archaeological sensitivity). The temporary access track would be removed at the end of the construction period.
- 5.3 The construction period is anticipated to be 24 weeks. A Construction Management Plan is recommended to ensure the detriment to residential amenity is minimised during the construction phase.
- 5.4 Once the solar farm is operational, access would be limited to routine maintenance operations and grazing. The facility would be unmanned and would be operated and monitored remotely. Maintenance would be undertaken by a small van or similar with spare equipment and tools stored on site.
- 5.5 The parking provision for deliveries and staff is not confirmed at this stage but would be met with a temporary compound within the footprint of the site.
- 5.6 SCC Highways have raised no objection subject to conditions. These conditions are to secure the improvement of the access/es, confirmation of visibility splays, surface water discharge and a Deliveries Management Plan.
- 5.7 On this basis, there is not considered to be any unacceptable highway safety impacts that would warrant refusal of this application.

## **6.0 Landscape and visual impact**

- 6.1 Policy CS5 of the Core Strategy seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character.
- 6.2 The character of the immediate area is predominantly agricultural in nature with a relatively flat, open, landscape offering broad views across the site from the highway and a public right of way (016) located c.70m to the east of the site, which runs south from Church Lane. The site is not subject to any statutory or local designations.

- 6.3 The settlements of Rickinghall and Botesdale are approximately 1km to the north. They are separated from the site visually by intervening vegetation along the A143 corridor, landform and built form.
- 6.4 The application is accompanied by a proposed Landscaping Plan and Landscape and Visual Impact Assessment (LVIA). A topographical survey and arboricultural assessment were also provided during the course of determination at the request of the Landscape Officer.
- 6.5 The existing trees and hedgerows around the site boundary would be protected and retained to ensure a minimum 6m buffer to the fence line. The gaps in the existing hedgerows would be planted up and maintained at a minimum height of 3m. New hedgerow and tree planting would be introduced to the boundaries, in addition to 10m wide strips of woodland planting to the northern and western site boundaries. The site layout has been revised during the course of the application, with a reduction in the number of solar panels and a 60m buffer strip of land to the north fronting onto Church Lane.
- 6.6 The zone of theoretical visibility (ZTV) shown in blue below (Figure 1) is a realistic representation of where the proposed development is likely to be visible from. Viewpoints within this ZTV have been chosen, in consultation with the Landscape Officer, and assessed. These viewpoints include both public highway and public rights of way. It is clear that the residual impact would be localised.
- 6.7 The proposed development would have an outlook and visual amenity impact namely to occupiers of Suggenhall Barn, which overlooks field 1, Sunnyside which adjoins the north-western corner of field 2 and Falcons Hall Cottages to the southwest. A distance of approximately 90m is afforded to the nearest property (Suggenhall Barn). To the northern boundary (between the site and Suggenhall Barn and Farmhouse) and to the western boundary (between the site and Sunnyside) a 10m wide strip of woodland planting is proposed.
- 6.8 It is acknowledged that the proposed landscaping will not effectively screen the development in the short-term (0-3 years). Once the planting has established and matured, in the medium-term (3-10 years) and long-term (10+ years) the landscaping is considered to provide adequate mitigation. It is however possible to require the provision of planting at the earliest opportunity and to include, as appropriate, mature and fast-growing species.

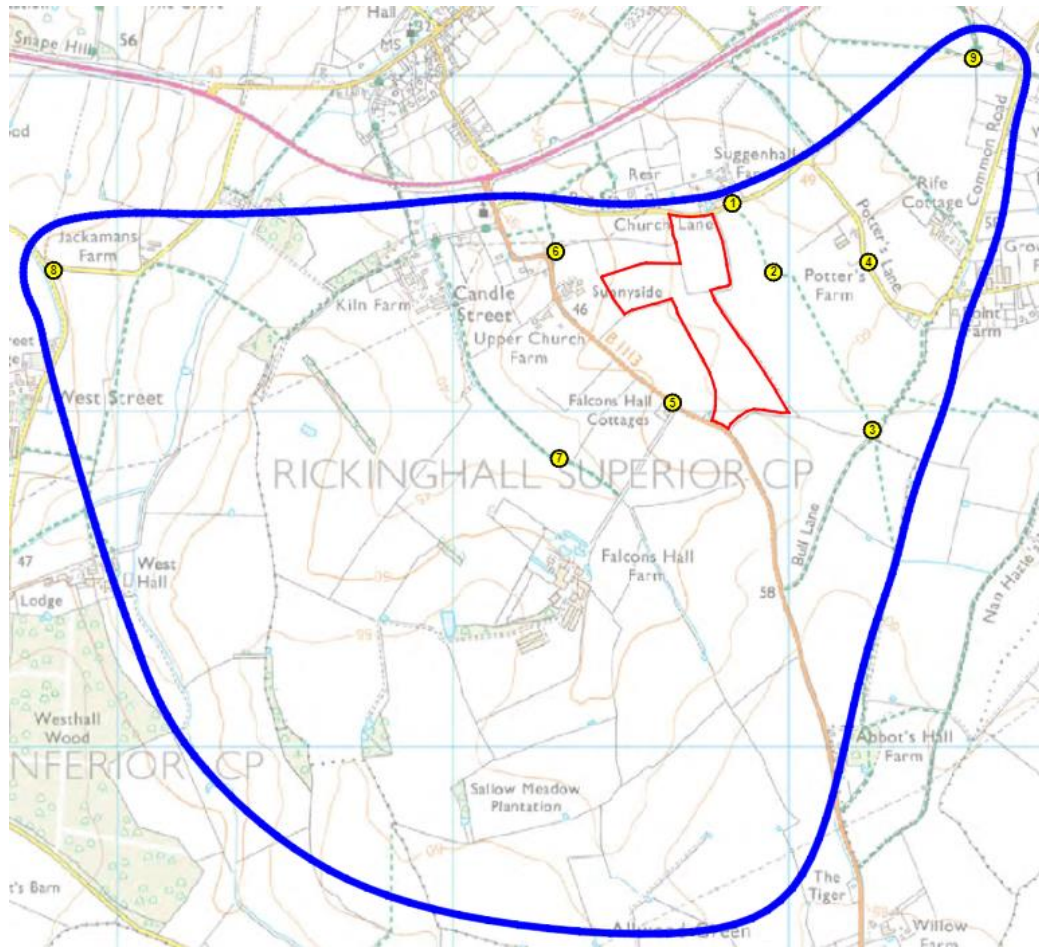


Figure 1: Snippet from LVIA – LVIA Viewpoint Locations

- 6.9 The Council's Landscape Officer concurs with the assessment judgement that with mitigation measures the long-term visual effects can be adequately reduced to 'minor' adverse. They have confirmed they have no objection to the revised layout subject to conditions (landscape details, advanced planting, landscape management plan and details of the buildings)
- 6.10 It is acknowledged that the proposed development would change the landscape character and potentially result in some loss of visual amenity.
- 6.11 There are no public rights of way (PROW) within the site. The closest PROW is 016 (Rickinghall Superior) to the east. The LVIA contains a viewpoint from PROW 016 looking west towards the application site. Direct views of the development would be achievable.
- 6.12 Rickinghall Parish Council have raised concerns that the proposed development conflicts with Botesdale and Rickinghall Neighbourhood Plan policies B&R20 and B&R21. B&R20 seeks to protect open space, sport and recreation facilities. Officers do not consider the proposed development to conflict with this policy; the PROW network is not an open space, sport or recreation facility. Regardless, the proposal does not result in the loss of any PROW. B&R21 relates specifically to PROW, stating "development which would adversely affect the character or result in the loss of existing or proposed rights of way will not be permitted unless alternative provision or diversions can be arranged which are at least as attractive, safe and convenient for public use". The proposed development would not impact the PROW directly, but it would change the surrounding landscape character. Given the proximity and open nature, PROW 016 would be most



affected, albeit a distance of c.70m is afforded between the route and the application site. Mitigation planting along the eastern boundary would screen the development in part and would soften the appearance. The LVIA concludes that “*it would be compatible with the existing rural and countryside characteristics of the view*”. Views north and south along the footpath would not be impacted. The assessment of other PROW views in the LVIA conclude that the visual impact (in the medium to long term) would reduce to negligible. On this basis, Officers do not consider the proposed development to conflict directly with the Neighbourhood Plan; the effect on the character of the PROW is not considered to be adverse.

- 6.13 Having regard to the potential for cumulative impacts arising from this proposal in combination with other development in the locality it is acknowledged that there is a pending application and a pre-application submission for solar array proposals in Palgrave. These sites are approximately 5 miles from the application site which distance is considered to be such that there will not be significant cumulation of visual effects arising from these developments when considered together.
- 6.14 On the basis of the above and the advice from the Landscape Officer, there is not considered to be any unacceptable landscape or visual impact arising from the development such as would warrant refusal of the application.

## **7.0 Ecology, Biodiversity and Protected Species**

- 7.1 Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.
- 7.2 Paragraph 180 of the NPPF requires planning authorities, when determining planning applications, to seek the conservation and enhancement of biodiversity by ensuring significant harm resulting from a development is avoided (through locating on an alternative site with less harmful impacts), or where not possible to be adequately mitigated, or, as a last resort, compensated for, and if this cannot be secured then planning permission should be refused.
- 7.3 The application site is an area of agricultural land, currently with arable crop. There are records of protected flora and fauna species in the surrounding area such that the proposed development has the potential to have an impact on ecology unless appropriate designed and mitigated.
- 7.4 Place Services Ecology have reviewed the Ecological Assessment provided and are not satisfied that sufficient ecological information has been provided, namely in respect of Priority Farmland bird species, particularly Skylark. This concern is shared by Suffolk Wildlife Trust and Rickingham Parish Council.
- 7.5 A Breeding Bird Survey has been carried out and is currently being reviewed by Place Services Ecology. A Skylark Mitigation Strategy may be required. The updated consultation response, and any update to the recommendation below, will be included in tabled papers and a verbal update will be provided at committee as necessary. Subject to satisfying Place Services Ecology, the application would be acceptable in this regard.

## **8.0 Flood Risk and Drainage**

- 8.1 The application site lies in flood zone 1 and has some small areas of low risk from surface water flooding.

- 8.2 The proposed development will replace some of the undeveloped agricultural land with areas of hard surfacing for the access, roadways, associated buildings and solar panels. This will affect the drainage capacity of the site.
- 8.3 A Flood Risk Assessment has been provided. Infiltration testing has been completed during the course of the application and a Surface Water Drainage Strategy has been provided.
- 8.4 The Lead Local Flood Authority (LLFA) consider the proposal to be acceptable subject to condition. Thus, there are not considered to be any unacceptable flood risk or drainage impacts that warrant refusal of this application.

## **9.0 Heritage Issues**

- 9.1 The duty imposed by s.66(1) of the Listed Buildings Act 1990 sets a presumption against the grant of planning permission which causes harm to a heritage asset. The assessment of heritage harm is the subject of policy set out in the NPPF and Local Plan policies seeks to safeguard against harm. A finding of harm, even less than substantial harm, to the setting of a listed building is a material consideration to which the decision-maker must give “considerable importance and weight”.
- 9.2 The proposed development, by virtue of its siting and scale, has the potential to impact the setting and significance of a number of designated heritage assets. The assessment from Place Services Heritage and Historic England relates to Suggenhall Farmhouse (Grade II listed) and St Marys Church (Grade I listed), respectively.
- 9.3 Suggenhall Farmhouse is situated within a complex of associated farm buildings on the north side of Church Lane which borders the application site. The asset has views across the open landscape to the south which makes a positive contribution to its setting. The proposed development would impact these views and obscure the legibility and understanding of Suggenhall Farmhouse as part of the farmstead associated with the agricultural land.
- 9.4 St Marys Church is situated to the northwest of the site. Due to the isolated nature of the church, it has strong links to the surrounding countryside and the rural and undeveloped character of the area contributes to the significance of the listed building. Historic England consider the proposed development to result in inappropriate development within its setting.
- 9.5 Both Place Services Heritage and Historic England recommended a reduction in scale of the solar farm as a possible mitigation measure. The development has been reduced by 8% and a 60m buffer strip has been created between the solar panels and Church Lane.
- 9.6 Paragraph 202 of the NPPF states that: “*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*”.
- 9.7 It is considered that the proposed development would result in a less than substantial harm to the designated heritage assets, albeit this level of harm would be at the lower end of less than substantial, but this is harm nonetheless. As such, this harm should be weighed against the public benefits on the proposal.
- 9.8 The contribution this scheme would make to addressing the national challenges of climate change and energy security as part of the government’s wider objectives for decarbonisation within the net zero agenda are recognised as significant public benefits. It is also acknowledged that the principle

of renewable energy is also sustainable by definition. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The development of renewable energy is important to the future energy security of the country and cannot be underestimated.

- 9.9 In the round the public benefits are substantial and are considered to outweigh the weight attached to the identified harm to the heritage assets. It is also relevant to consider in this weighing exercise that the proposed development is for a limited period after which it will be removed and the site reinstated to its current condition, which can be secured by condition.
- 9.10 The comments from Historic England regarding thicker planting along the western boundary are noted. In the Place Services Landscape consultation response, the importance of retaining views of the Church from PROW 016 was highlighted. Officers are concerned that by thickening up the western boundary the appreciation of the asset would be minimised. It is therefore concluded, in accordance with advice from your heritage adviser, to condition the proposed planting with no requirement to increase thickness.
- 9.11 SCC Archaeology advise that the site lies within an area of archaeological potential and recommend conditions to secure appropriate investigation and recording of below ground assets.
- 9.12 The proposed development is therefore considered to comply with Local Plan policies GP01 and HB01, Core Strategy Policies CS5 and Section 16 of the NPPF.

## **10.0 Impact on Residential Amenity**

- 10.1 The site is situated in close proximity to a number of residential properties including but not limited to: Sunnyside, Upper Church Farm, Suggenhall Farmhouse, Suggenhall Barn, Potter's Farm and Falcon's Hall Cottages.
- 10.2 Due to the nature of the proposal, privacy and overlooking concerns will not arise from the development.
- 10.3 There will be increased traffic movements along Finningham Road during the construction period. Once the development is operational it will be unmanned so there will minimal disturbance impact from vehicle movements, all of which will be on the public highway. A construction management plan condition would adequately control this aspect of the proposal.
- 10.4 The proposed development includes electrical / mechanical equipment that would produce noise when operational which has the potential to be heard at nearby residential properties, affecting the level of amenity enjoyed by occupants. A Noise and Vibration Assessment has been submitted which concludes that the predicted noise contribution from maximum operations would be below the representative background sound level during daytime periods. During night-time noise would be well below the typical residual sound levels. Acoustic barriers are proposed around the BESS containers, DNO Substation and Switch-room and Control Centre buildings to mitigate disturbance. The predicted noise levels and proposed mitigation measures are considered sufficient and acceptable by the Council's Environmental Protection Officers.
- 10.5 A Glint and Glare Assessment has been provided. The assessment states that there are 19no. dwellings that could potentially be impacted by glint and glare from the development. Of these, 7no. are predicted to experience glare for three months of the year, for no more than 60 minutes a day. However, the proposed screening (in the medium to long term) will block the views of the proposed development's reflective areas.

- 10.6 A number of neighbour representations have raised concerns regarding the potential light-blocking. The solar panels have a maximum height of 2.4m. The panels are approximately 100m from the nearest neighbour (Suggenhall Barn). To the west the nearest neighbour is approximately 170m from the panels. The low-level nature of the development the significant separation distance means that light-blocking would be negligible.
- 10.7 BMSDC's Environmental Protection Officer has raised no objection subject to conditions. The recommended conditions secure/restrict noise levels, external lighting, reporting method for glare complaints and programme for mitigation, no burning, dust nuisance, construction hours, and Construction Management Plan.
- 10.8 Overall, there are not considered to be any unacceptable impact in respect residential amenity such as would warrant refusal of the application.

### **11.0 Health and safety**

- 11.1 Solar arrays and battery storage installations are usually unmanned and operated remotely as is the case with the proposed development.
- 11.2 BESS are a relatively new technology and developments for such installations have only been dealt with fairly recently. As such, although there is ongoing discussion and comment at government level, there is limited specific policy relating to BESS development proposals. Therefore, in assessing the health and safety impacts of the proposal it is considered appropriate to follow the precedent of decision making on similar recent applications by other local authorities and the Secretary of State. As such it is necessary to consider whether there is sufficient information provided to demonstrate that risks associated with the construction, operation and decommissioning of the development proposal can be appropriately and safely managed and mitigated.
- 11.3 The proposed batteries in the BESS would use Lithium-ion. Some concerns have been raised regarding the safety of Lithium. It should be noted that the equipment must be installed in accordance with existing electrical installation regulations and standards and that Lithium is not listed as a named hazardous substance. It is also relevant to state that the planning process and decision making should not duplicate the function of other regulatory bodies.
- 11.4 In terms of fire risk, the temperature in each cell is monitored and when the temperature is in excess of the optimal operating conditions, air conditioning units turn on. If temperatures continue to increase, the cell will partially or fully shutdown to mitigate any risk of thermal runaway and fire. In the event of a fire within a BESS container, a fire suppression system would automatically trigger. This system comprises of FM200 gas or similar, which is a waterless fire protection system, such as there is no risk to soils or ground water as a result of use. This system extinguishes fires in 10 seconds or less and is extremely safe with proper design and is frequently used in confined spaces.
- 11.5 The SCC Fire Service have requested a condition for a Fire Risk Management Plan to ensure the safe operation of the development. On the basis of this advice and the above there is not considered to be any health and safety impacts that warrant refusal of the application.

### **12.0 Parish Council Comments**

- 12.1 With the exception of the request for a more comprehensive approach to alternative energy sources, the matters raised by the Rickinghall Parish Council have been addressed in the above

report. The Parish Council's request is noted and discussions within the Council are ongoing. Nonetheless, it is not within the remit of this application to be a material consideration.

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## **PART FOUR – CONCLUSION**

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### **13.0 Planning Balance and Conclusion**

- 13.1 The development supports the Government's policy for the UK's transition to achieving a low carbon economy and assist in meeting the pressing need for deployment of renewable energy generation in the UK to meet legally binding obligations for renewable energy consumption and more challenging targets in 2030 and onwards to net-zero emissions by 2050. The principle of renewable energy development is supported by the NPPF (and other existing and emerging Government policy). The proposal is considered to be in general accordance with those policies of the development that are up-to-date and the impacts of the proposal, as discussed above, are or can be made acceptable through conditions as recommended below. Therefore, in accordance with NPPF para 11c, the planning authority should grant permission without delay.
- 13.2 The 6.8MW proposal would provide electricity equivalent to the average electrical needs of approximately 1,560 homes annually and would result in significant savings of carbon dioxide emissions during its anticipated lifetime. Any renewable energy production is to be welcomed and this is a substantial benefit of the scheme in terms of energy production. In accordance with the provisions of the NPPF, significant weight is attached to this aspect of the proposal.
- 13.3 The proposed development would be for a duration of forty years and the agricultural land would be returned to its former condition at the end of the permitted period. The site could remain in agricultural use during the operational phase by way of sheep grazing. The proposal would not result in the loss of BMV agricultural land.
- 13.4 The solar array would change the landscape character and potentially result in some loss of visual amenity. This harm weighs against granting planning permission. The Council's Landscape Officer concurs with the LVIA assessment that with mitigation measures the long-term visual effects can be adequately reduced to 'minor' adverse.
- 13.5 Matters of ecology are in progress but outstanding. The Breeding Bird Survey is being reviewed by Place Services Ecology and subject to being deemed acceptable, allows the Council to satisfy its statutory duty in respect of biodiversity. An update will be provided by way of tabled papers and/or a verbal update at committee.
- 13.6 The Council's Environmental Health team have raised no objection in regard to noise, light and contamination, subject to conditions.
- 13.7 The proposed development would result in a less than substantial harm (lower end of the scale) to designated heritage assets by virtue of developing the rural landscape which contributes to the setting and significance of the assets. Substantial public benefits arise from the sustainable development and climate change objectives. These benefits are significant and considered to outweigh the less than substantial harm identified.
- 13.8 There are not considered to be any unacceptable flood risk or drainage or highways impacts that cannot be adequately mitigated such as would warrant refusal of the application.

13.9 The impacts of the development are either not unacceptable or can be mitigated to make them acceptable. The renewable energy and energy security benefits of the proposal are considered to weigh in favour of the proposal and, on balance, having regard to the assessment set out above, the proposed development is considered to be acceptable.

## **RECOMMENDATION**

That authority be delegated to the Chief Planning Officer to GRANT planning permission, subject to resolving the outstanding ecology issues.

**That, subject to resolving the outstanding ecology issues, authority be delegated to the Chief Planning Officer to GRANT planning permission subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer (and recommended by Place Services Ecology):**

- Commencement time limit
- Temp PP 40 years plus removal and reinstatement if operation ceases for a period of 6 months or at the end of the 40 year life. Reinstatement scheme to be agreed including biodiversity review, mitigation and details of retained landscape planting
- Approved Plans
- Archaeology - WSI and site investigation and post investigation assessment
- LLFA - Strategy for the disposal of surface water
- LLFA - Details of the implementation, maintenance and management of the strategy for the disposal of surface water
- LLFA - Surface water drainage verification report
- LLFA - Construction Surface Water Management
- Fire Risk Management Plan
- Highways - Details of proposed access
- Highways - Provision of visibility splays
- Highways - Details of surface water discharge
- Highways / EH - Construction Management Plan
- Highways - Deliveries Management Plan
- Highways - Details of loading, unloading, manoeuvring and parking areas and EV charging
- EH - Noise Assessment (and necessary mitigation)
- EH - External lighting restriction
- EH - Method for reporting glare complaints and programme for mitigation
- EH - Construction hours restriction
- EH - Burning restriction / Dust and litter nuisance minimised
- Landscape - Landscape details
- Landscape - Details the materials, colours and finishes of buildings
- Landscape - Advanced planting
- Landscape - Landscape Management Plan
- SWT - Landscape Environment Management Plan
- SWT - Biodiversity Enhancement Strategy

**And the following informative notes as summarised and those as may be deemed necessary:**

- Pro active working statement
- PROW
- SCC Highways notes
- Archaeology
- LLFA
- EH - Land Contamination