Committee Report

Item No: 7A **Reference:** DC/20/05895
Case Officer: Bron Curtis

Ward: Blakenham.
Ward Member/s: Cllr John Field

RECOMMENDATION: GRANT PLANNING PERMISSION AND RESPOND TO APPEAL* AS APPROPRIATE

*****Officers have received notification that the applicant intends to submit an appeal against non-determination of this application.

GLOSSARY OF TERMS:

BDC	Babergh District Council
BESS	Battery Energy Storage Systems
BMSDC	Babergh and Mid Suffolk District Councils (referred to jointly to identify joint working, shared officer resource, etc.)
BMV	Best and Most Versatile (agricultural land classified by DEFRA as grades 1, 2 and 3a)
CCTV	Closed Circuit Television
CIL Regs	The Community Infrastructure Levy Regulations 2010 (as amended)
CS	The Core Strategy Development Plan Document (2008) of Mid Suffolk District Council's adopted Local Development Framework.
CWS	County Wildlife Site
DEFRA	Department for Environment Food & Rural Affairs
EIA	Environmental Impact Assessment
EIA Regs	The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017
ES	The Environmental Statement forming part of the submitted application documents in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999
FRA	Flood Risk Assessment
FZ	Flood Zone (i.e. FZ1, FZ2, FZ3a, FZ3b)

JLP	The Babergh and Mid Suffolk emerging Joint Local Plan
LEMP	Landscape Ecological Management Plan
LP	Mid Suffolk Local Plan 1998
LPA	Local Planning Authority
LVIA	Landscape Visual Impact Assessment
MSDC	Mid Suffolk District Council
MW	Megawatts
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance
NSIP	Nationally Significant Infrastructure Project
PPG	Planning Practice Guidance
PROW	Public Rights of Way (e.g. footpaths and bridleways)
SCC	Suffolk County Council
SFRA	The Mid Suffolk Strategic Flood Risk Assessment 2020
SLA	Special Landscape Area (as designated by the Mid Suffolk Local Plan policy CL2 & Babergh Local Plan policy CR04).
SO	The published Scoping Opinion reference DC/20/04125 issued by MSDC in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017
SSSI	Site of Special Scientific Interest

Description of Development

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.

***** It should be noted that the scale of the proposed development has changed during the course of determination. Full details are set out below *****

Location
Land To The South Of Church Farm, Somersham, IP8 4PN And Land To The East Of The Channel, Burstall, IP8 4JL In Suffolk

Expiry Date: 30/11/2022
Application Type: FUL - Full Planning Application
Development Type: Major Large Scale - All Other
Applicant: Bramford Green Limited
Agent: Enso Energy Ltd

Parish: Flowton, Somersham (and Burstall in BDC)
Site Area: 35ha overall site area
(Area in MSDC = 8.42ha, approx 24%. Area in BDC = 26.23ha, approx 76%).

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 ref: DC/20/03320 EIA Scoping ref: DC/20/04125

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

The Head of Economy considers the application to be of a controversial nature having regard to the location, scale and / or nature of the application.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

GP1 - Design and layout of development
T10 - Highway Considerations in Development
CL8 - Protecting wildlife habitats
CL3 - Major utility installations and power lines in countryside
CL11 - Retaining high quality agricultural land
CS1 - Settlement Hierarchy
CS2 - Development in the Countryside & Countryside Villages
CS3 - Reduce Contributions to Climate Change
H16 - Protecting existing residential amenity
HB1 - Protection of historic buildings
HB14 - Ensuring archaeological remains are not destroyed
RT12 - Footpaths and Bridleways

Neighbourhood Plan Status

This application site is not within a designated Neighbourhood Plan Area.

Other relevant documents:

- NPPF - National Planning Policy Framework
- NPPG - National Planning Policy Guidance
- Joint Babergh and Mid Suffolk District Council Landscape Guidance August 2015
- Suffolk Landscape Character Assessment
- 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.

Consultations and Representations

Click here to view the Consultee Comments online

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

A: Summary of Consultations

Town/Parish Council(s) (Appendix 3)

Bramford Parish Council: Objection
Additional comments on further information submitted:

- Agree with Care Suffolk comments

- Effect on environment
- Cumulative impact and significant impact
- Loss of agricultural land
- Damage to ancient woodland Somersham Park, not in line with NPPF paragraph 175
- Increased Flood risk, regular flooding occurs, some settlements being cut off in severe cases, this development will cause heightened flood risks.

Burstall Parish Council: Objection
Additional comments on further information submitted:

- Inappropriate to use high-quality agricultural land for a solar farm
- Fundamentally change the character, with multiple costs to residents and the environment
- Safety concerns
- Amended scheme still fails to meet the key policy requirements
- Cumulative impact
- Poor sitting and design on Special Landscape Area
- Harm to the setting of heritage assets
- Traffic issues

Chattisham and Hintlesham Parish Council: Objection
Additional comments on further information submitted:

- Considering new directive of government not positioning solar farms on agricultural land, the scheme should be refused
- Harm to large number of important heritage assets including three Grade I listed churches.
- Inappropriate in a Special Landscape Area

Elmsett Parish Council: Objection

- Loss of good quality agricultural land to the detriment of the landscape and food production
- Road safety dangers on the unclassified road network during prolonged construction period with heavy vehicles
- Result in the industrialisation of the open countryside and the loss of visual amenity particularly for users of the public right of way network as well as disruption to wildlife.
- Lead to cumulative noise from the batteries, transformers and motors driving the panels and will travel across open countryside impacting on the tranquil setting

Flowton Parish Council: Objection

- Vital land to produce food
- Inappropriate on agricultural land

Little Blakenham Parish Council: Objection

- Change the countryside in the area with major implications for the landscape and footpaths
- Loss of agricultural land, removal of food production for 40 years and longer
- Construction traffic and safety issues
- Risk from the storage batteries, including noise, possibility of fires and release of toxic chemicals

Somersham Parish Council: Objection
Additional comments on further information submitted:

- Loss of highly graded agricultural land
- Whilst the Parish Council welcomes the significant reduction in the first proposal from 102 hectares to 35 hectares, resulting from the removal of Fields 1, 2 and 3 in the northern section of the scheme, their objection still stands.

Sproughton Parish Council: Objection

- The NPPF (2019) clearly states that planning policies and decisions need to promote the effective use of land. We do not believe that the proposed 100-acre development that generates only enough electricity to power 13,000 homes can be deemed 'an effective of land use'
- Compaction of soil during construction and the concentration of rainwater run-off from the panels once installed, will significantly worsen the already regular flooding of roads particularly at Burstall Brook
- Potential Noise
- Loss of tourism and agricultural land
- Wildlife corridors and biodiversity
- Health and safety concerns

National Consultees (Appendix 4)

Anglian Water: No comment, falls out of the statutory sewage boundary

The British Horse Society: Objection

- Increasing pressure for development of houses and industry is making even fewer of those bridleways and byways available
- Road Safety is a particular concern to equestrians, who are among the most vulnerable road users.
- It is essential that in projects such as this, every opportunity is taken to benefit as many people as possible including those least active in the population (NHS, 2019).
- Equestrians have been excluded by this application.
- The Applicant's glare assessment talks about roads, aircraft and houses but makes no mention of the impact on users of the PROW in and around the site.
- The Applicant's proposed planting will not provide adequate screening for many years.
- The Applicant's plans show several roadways coinciding with PROW on the site. This needs to be discussed with us and Suffolk County Council's Public Rights of Way Team, as does any proposed surfacing.

East Suffolk internal drainage board: Conditions
Additional comments on further information submitted:

- Recommend for approval subject to discharge of water will be facilitated in line with the non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible.

The Environment Agency: Conditions
Additional comments on further information submitted:

- Recommend for approval subject to conditions
- We are satisfied that the flood risk assessment, undertaken by RMA Environmental referenced RMA-C2097 provides you with the information necessary to make an informed decision.

Historic England: Comments
Additional comments on further information submitted:

- We previously commented on the impact of the proposed scheme on the setting of Grade I listed churches at Flowton and Somersham and concluded this impact fell short of harm.
- We consider that this amended scheme has improved upon the previous scheme through the removal of the three northern parts of the scheme and we have no further comments to make on this application.

- In determining this application, you should bear in mind the statutory duty of section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

National Highways: Conditions
Additional comments on further information submitted:

- Recommend that conditions should be attached to any planning permission that may be granted
- No part of the development herby approved shall be commenced unless and until a Construction Traffic Management Plan CTMP has been approved in writing by the local planning authority who shall consult with the Suffolk County Council as the Highways Authority.
- The Construction Traffic Management Plan shall be in line with prevailing policy and best practice. The implementation of the development is to be carried out in strict accordance with the approved Construction Traffic Management Plan.

Natural England: No Objection

Suffolk Police: Design out of Crime Officer: No objection

- This type of development is seen as a high-profile target and there have been thefts from other sites.
- No objection but stress the need for good security.
- Prefer to see ANPR at the site entrance.

Suffolk Preservation Society: Concerns
Additional comments on further information submitted:

- We welcome the significant reduction in the scheme from 102 hectares to 35 hectares, resulting from the removal of Fields 1, 2 and 3 in the northern section of the scheme, but note that the battery storage facility and Fields 4 - 7 remain.
- Disappointing that Field 5 is retained in the amended scheme which will continue to cause less than substantial harm to a highly designated heritage asset
- Application does not consider the impact of the scheme on non-designated heritage assets.
- Impact on PROW users, the character of the landscape and the loss of food producing land

Woodland Trust: Objection

- Damage to an area of ancient woodland known as Somersham Park
- We do not consider that there is a wholly exceptional reason for development at this location and as such this development should be refused unless sufficient protection is granted to ancient woodland close to the development site.
- Where development is near ancient woodland, mitigation measures should be considered to prevent detrimental edge effects from penetrating the woodland and causing changes to its ancient woodland characteristics.
- Development adjacent to ancient woods can result in increased noise, light and dust pollution, during both construction and operational phases.

County Council Responses (Appendix 5)

Archaeology: Conditions
Additional comments on further information submitted:

- Recommend approval subject to conditions
- Whilst the proposed scheme will therefore damage or destroy known archaeological remains, with the potential for further archaeological remains to be impacted upon by proposals in areas of the

site which have not yet been subject to trial trenched evaluation (including along the cable corridor), there are no grounds to consider refusal
- Any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

Development Contributions Officer: Conditions
- Recommend approval subjection to conditions
- If permission is granted, the project should be contributing to this aim through economic development initiatives agreed through a Local Economic Delivery Strategy as part of a s.106 agreement or, if agreed by the Local Planning Authority, as a condition of any grant of permission.

Ecology: Concerns
- It has come to our attention that a cable route has been aligned to be buried within the RNR and as such will require "*part of the CWS for the width of the cable to be excavated"*
- Within the ecology report, it was stated that this work will be placed within an area that does not have a concentration of features for which the verge is protected however this has not been backed by a botany survey and accompanying report proving they have chosen an area of least impact

Flood and Water Management:
Additional comments on further information submitted:
- Recommend approval subject to conditions

Fire and Rescue:
- No objection subject to conditions and ensuring risk of fire is minimised

Highways: No Objection

Rights of Way and Access:
Additional comments on further information submitted:
- We object to the installation of bridleway gates as detailed in 3.14, unless required for stock control.
- We insist all plans depict permissive routes – some omit the proposed permissive footpath.
- We welcome proposals to separate existing public rights of way from the proposed permissive bridleway.
- We accept the proposals related to managing safety during construction as covered in 2.8.
- We accept the plotting of the PROW network as aligning with the legal definitive alignments of each PROW – please note, the definitive alignment may differ to the walked route on the ground, but it is the legal definitive alignment that SCC as the highway Authority is responsible for protecting.

Travel Plan Officer: No comments

Internal Consultee Responses (Appendix 6)

Arboricultural Officer:
- Recommend approval subject to it being undertaken in accordance with the measures outlined in the accompanying Arboricultural report, an appropriate condition should be used for this purpose.
- No trees or hedges are proposed for removal and suitable methods for effective retention have been recommended.

Ecology: No objection

- Satisfied with the information provided
- Conditions recommended to secure mitigation

Environmental Health Air Quality: No Objection

Environmental Health Land Contamination: No Objection

Environmental Health Noise/Odour/Light/Smoke:
- No objection subject to conditions

Environmental Health Sustainability: No Objection

Heritage – Place Services:
Additional comments on further information submitted:
- The applicant has submitted an amended site plan and boundary. This has reduced the scale of the proposed development and broadly limited it to fields 4, 5 and 6.
- There are no objections to the amended proposals.

Landscape:
- Recommend a reduction in site area.
- Arboricultural survey to be submitted.
- Further landscape enhancements should be explored.
- For planting, a predominance of one species or variety should be avoided.
- Site buffers and spaces should be appropriately planted with wildflowers and foraging plants.

Additional comments on further information submitted:
- Revised LVIA concludes that greatest effects (moderate significant) are within the site and immediate context given the noticeable change from agricultural to solar array.
- Would have the greatest impact on PROW visual receptors.
- Visual effects are largely contained to within 1km of the site after which effects would be negligible.
- Agree with methodology and most of the conclusions.
- Adverse impacts will occur and will need to be considered in the planning balance.
- Cumulative impact with other developments would increase the effects to moderate significant.
- Significant concerns that this development in conjunction with other solar farm proposals would have significant adverse effects on PROW users.
- Advise assessment of sequential effects as well as in combination effects.
- Recommend the applicants consider long-term landscape legacy funding opportunities.
- Conditions recommended if minded to grant.
- In sequence effects

Public Realm: No objection

Waste: No Objection

B: Representations

At the time of writing this report at least 189 letters/emails/online comments have been received, including additional or reiterated comments received during re-consultation. It is the officer opinion that this represents 186 objections, and 3 support comments. **This includes the comments from CARE Suffolk, resident's campaign group.** A verbal update shall be provided as necessary. Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.

Comments are summarised below: -

Objections	***Support / neutral***
• Loss of productive agricultural land / BMV / food security • Landscape/Visual Impact • Traffic/Congestion/routing/inadequate access and parking • Precedent/Cumulative impact • Impact on tourism/experience of visitors • Does not follow NPPF/ Development plan • Should go on roofs • Ecological/Biodiversity impact / concern regarding proposed skylark mitigation. • Out of character with the area and scale • Sustainability • Dominating/Overbearing • Impact on listed buildings • Inappropriate in a Conservation Area* • Conflict with Neighbourhood Plan** • Loss of open space / outlook • Loss of privacy • Will affect mental health benefits residents and visitors get from the countryside. • Increase danger of flooding • Potentially contaminated land • Light Pollution • Noise Pollution • Air pollution / smoke from battery fire • Safety of battery storage / concern regarding potential hazardous substances. • Concern regarding quality of submission documents in respect of specification of proposed equipment. • Walking between solar panels will not be attractive. • Concern regarding decommissioning/disposal • Concern regarding potential for PD rights	• Relatively low impact • Once established requires little attention • Coverage is only a small part of farming land • Large part of site will not have panels and will be left as natural habitat. • Renewable energy, sustainable • Reduce carbon emissions • Biodiversity enhancements • Minimal landscape and visual impacts • Reduction in size is welcome • Provision of rights of way is good

**Please note, the site is not in a designated Conservation Area*
*** Please note, the site is not in a designated Neighbourhood Plan area*

PLANNING HISTORY

The following are relevant to the consideration of this application:

REF: DC/20/03320	Screening Opinion - Proposed solar farm and battery storage facility	**DECISION:** EIA 21.08.2020
REF: DC/20/04125	Request for formal Environmental Impact Assessment (EIA) Scoping Opinion. Proposed solar farm and battery storage facility	**DECISION:** EIA 09.11.2020
REF: DC/19/01601	Anesco BESS	**DECISION:** GTD
REF: DC/22/00683 and DC/22/01243	Solar farm (Greybarn / Statkraft)	**DECISION:** PCO

***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

1. The Site and Surroundings

1.1. The application site comprises three parcels of grade 2, 3a and 3b classified agricultural land located within the countryside adjacent to the Flowton Brook watercourse and highway in the parish of Flowton and to the north of Hill Farm, Burstall. The site also includes land required for access, from the Church Hill highway and a cable route to enable connection of the solar panels to the National Grid substation at Bullen lane, Bramford. The site crosses the administrative boundary between Mid Suffolk and Babergh districts.

1.2. The overall site area is 35ha of which approx. 9ha lies within the MSDC area and approx. 26ha lies in the BDC area. The majority of this land is comprised of the main agricultural field areas where the solar panels and other equipment would be sited with the remainder accommodating ancillary works such as underground cabling and access routes.

1.3. The site is served by an existing vehicular access from Church Hill which crosses the Bullen Lane right of way bridle way which passes the southern boundary of the site. Another right of way leaves the Bullen Lane right of way northward along the eastern boundary of the site before crossing the site and joining The Channel to the north-west.

1.4. The site lies within a locally designated Special Landscape Area and the surrounding area is generally characterised by arable agricultural land with areas of woodland and interspersed with occasional scattered built development, either commercial or residential properties. The settlement of Flowton lies to the north and east and the main built area of the settlement of Burstall lies to the south of the site.

1.5. The site has a slope generally from east to west, falling from a highest point of 54m at the eastern side to a lowest point of 33m on the western side. The majority of the site lies within flood zone 1 although some of the lower parts of the site on the western boundary adjoin Flowton Brook watercourse are affected by flood zones 2 and 3.

1.6. As the application site crosses the administrative boundary between Mid Suffolk and Babergh districts a duplicate submission has been made to each authority and the proposal is considered as a cross-boundary application accordingly. See section 2 below for further details on cross-boundary application issues.

2. Cross-boundary application issues:

2.1. The application site crosses the administrative boundary between Mid Suffolk and Babergh District Councils. As such this application is submitted in duplicate concurrently to the two Councils.

2.2. In cases of cross-boundary applications it is expected that officers for each authority work collaboratively to consider the issues arising from a proposal and the advice received to assess the applications. In this Mid Suffolk and Babergh District Councils have an established joint working and shared resource relationship meaning that the same officers represent both councils.

2.3. There are a number of options for determination of such cases and in this instance it has been agreed between the two authorities that the applications would be dealt with separately but determined concurrently with the issue of two separate planning decision notices. As notification of an appeal for non-determination has been received Members are advised that your shared officer team will respond to the appeal in accordance with the instructions received by the Planning Committee of each council respectively and will seek to advise Members to enable collaborative working and agreement of matters to be pursued.

2.4. The cross-boundary nature of the application has no impact on the development itself or the planning issues that are material to assessing the proposal and determining the applications. The application is considered on its merits by each authority, having regard to the provisions of the NPPF and the policies of each authority's development plan.

2.5. The development plan policies of Mid Suffolk and Babergh differ slightly in their titles and phrasing but they deal with the same technical planning issues to be considered and the policies cited have been assessed as being in accordance with the principles of the NPPF as set out in section 5, below.

3. The Proposal

3.1. The application seeks a temporary (40 year) permission for the proposed development of the construction, operation and decommissioning of a renewable energy generating station with associated development which comprises the following elements:

- A ground-mounted, solar photovoltaic (PV) generating station with a gross electrical output capacity of 30MW comprising arrays of fixed solar panels fitted to mounting structures fixed to the ground.
- A battery storage facility with a capacity of approximately 50MW housed within 20 shipping container style structures.
- A substation
- 6 x inverter, transformer and switchgear stations housed in metal containers across the site.

- Underground cabling to connect the panels to equipment within the site and the whole development to the National Grid substation
- The construction of internal roadways
- Stock proof security fencing, gates and CCTV
- A control room building, combiner boxes and weather station poles.
- Surface water attenuation, landscape planting and biodiversity enhancement works.

3.2. The submitted plans refer to the three parcels of land comprising the site as fields 4, 5 and 6 respectively. The solar panels will be arranged in lines across all three fields facing south and angled to maximise solar harvesting meaning that the panels will be up to 3m high. The containers housing the inverter / transformer / switchgear equipment are sited at positions across the site to enable connection to the solar panels. These would be mounted on a concrete base and would be 3.5m high overall. A complex comprising the battery storage, substation and other equipment buildings are to be sited within the north-west corner of the site.

3.3 During the course of determination the proposed development has been amended. In particular, the area of the application site has been reduced from 102ha to 35ha, the size and capacity of the solar array has reduced from 49.9MW to 30MW, the panels changed from tracking to fixed, new accesses from Somersham Road and Flowton Road have been omitted.

4. EIA matters

4.1. The councils have screened the originally proposed development and determined, as set out in the published EIA Screening Opinion, that this proposal is EIA development. The proposal is considered to be EIA development by reason of the potential for significant effects arising from the cumulative impacts of the development when considered together with other relevant developments in the locality.

4.2. The application submission includes an ES, in accordance with the EIA Regs which responds to the issues identified as 'scoped in' in the councils' published Scoping Opinion.

4.3. An independent peer review of the submitted ES was commissioned by BMSDC and carried out by Professor Martin Broderick and Dr Bridget Durning of ESIA Consult Ltd. That review concluded the ES to be very proportionate well-structured and well written despite some omissions when compared to their standardised assessment criteria.

4.4. On the basis of this advice, officers are satisfied that the ES is fit for purpose and provides the information necessary to enable the councils to determine the applications with sufficient environmental information to understand impacts of the development and any likely significant effects

5. Principle of development

5.1. This application is for a renewable energy development. As such, this section sets out the planning policies and other material considerations relevant in considering whether the principle of renewable energy development is generally acceptable. Other policies and considerations relevant to the location of the proposal are set out in the topic specific sections of the assessment below.

5.2 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.

5.3 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 at examination stage, with an Exploratory Meeting with the Planning Inspectorate held on 16th December 2021 to consider progressing the plan 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.

5.4 Given the stage that the JLP has reached, officers are of the view that the JLP is a material consideration of limited weight. In applying s.38(6) PCPA 2004, officers do not consider that the policies of the JLP justify departing from the policies of the current development plan. The JLP is therefore also a material consideration, albeit of limited weight at this time because it is not yet adopted.

5.5. 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. Therefore, the determinative element of the application for CS2 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.

5.6 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."

5.7 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, and to that extent the policy remains up to date. This policy is therefore acknowledged on that basis and afforded moderate weight.

5.8. 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"

5.9 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.

5.10 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 full weight.

5.11 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.

5.12. 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."

5.13. 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.

5.14. 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 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 if the impacts of the development and accordance with topic-specific policies are discussed in the following sections.

5.15 The PPG on renewable and low carbon energy notes that large scale solar farms "can have a negative impact on the rural environment, particularly in undulating landscapes", but "the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively". The PPG sets out the factors to be considered when deciding a planning application and says that large scale solar farms should be focussed on previously developed and non-agricultural land, provided that it is not of high environmental value.

5.16 The principle of the proposed development is considered to generally accord with the policies of the development plan and the objectives of the NPPF; this is because, whilst the principle of energy development is supported there is some tension with policies that recognise the intrinsic character and beauty of the countryside and which seek to protect BMV land. The impacts of the development in respect of topic specific plan policies and are set out below.

6. Siting of development and impact on BMV agricultural land

6.1 The application site is greenfield agricultural land comprised of Grades 2 (approx. 25%), 3a (approx. 50%) and 3b (approx. 25%) classified land. As such, and for the purposes of planning policy, 26.69ha of land, approximately 75% of the site is BMV. 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…"

6.2. The NPPG states that planning authorities should encourage the siting of large-scale solar farms on previously developed and non-agricultural land in preference to greenfield agricultural land. Where a proposal is sited on greenfield land, as in this case, 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."

6.3. 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…"

6.4. There are therefore a number of factors specific to this application to consider in the assessment of impact on BMV land. First, as part of the ES, the applicant has among other things described the steps that were taken to assess alternative options for the location of the development. Officers consider that the assessment of alternatives in the ES adequately meets the requirements of the EIA Regulations. The information submitted explains that available sites of appropriate size, topography and within practicable connection proximity (5km) of the National Grid substation were considered and that no appropriate alternative sites are available to host the development.

6.5. Steps have been made to minimise the impact of the development on BMV including the proposed panels to be installed on ground-driven piling (similar to fence posts), rather than with concrete foundations, the provision of low intervention grassland between panels which is suitable for sheep grazing and biodiversity improvements around arrays, discussed further below.

6.6 It is also important to note that 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 can be secured by condition.

6.7. The development would lead to a temporary loss of an area of BMV. However, the loss would be time limited, reversible and would affect a relatively small area of BMV land as a proportion of operational agricultural land across the district, without unduly hindering the ongoing agricultural use and operation of the surrounding land and rest of the holding. The proposal has been designed to use poorer quality land in preference to higher quality land where possible, to enable grazing between the panels and to deliver biodiversity improvements around the site. Overall, therefore, the impact on BMV is not considered to be such as to warrant refusal of this application.

6.8. Overall, therefore, the impact on BMV is not considered to be such as to warrant refusal of this application. This is because any inherent tension with policy CL11 is mitigated by the factors referred to above; if any conflict with the policy were present then the significance of that conflict would be low.

7. Landscape and visual effects

7.1. The application site is located in an area of countryside that is predominantly rural in nature, comprising areas of enclosed agricultural land, woodland and dispersed built development. Public views are available from parts of the adjoining highway and the PROW network. Some views include a background of existing and permitted energy infrastructure development such as the adjacent Anesco BESS, the National Grid substation, the EA1 and EA3 compounds and a number of overhead lines.

7.2. Much of the site lies within the locally designated Special Landscape Area defined by policy CL2 of the Mid Suffolk Local Plan. The area is described by the Suffolk Landscape Character Assessment as Ancient Plateau Claylands which is characterised by:

- *Flat or gently rolling arable landscape of clay soils dissected by small river valleys*
- *Field pattern of ancient enclosure – random patterns in the south but often co-axial in the north. Small patches of straight-edged fields associated with the late enclosure of woods and greens*

- *Dispersed settlement pattern of loosely clustered villages, hamlets and isolated farmsteads of medieval origin*
- *Villages often associated with medieval greens or tyes*
- *Farmstead buildings are predominantly timber-framed, the houses colour-washed and the barns blackened with tar. Roofs are frequently tiled, though thatched houses can be locally significant*
- *Scattered ancient woodland parcels containing a mix of oak, lime, cherry, hazel, hornbeam, ash and holly*
- *Hedges of hawthorn and elm with oak, ash and field maple as hedgerow trees.*
- *Substantial open areas created for WWII airfields and by 20th century agricultural changes*
- *Network of winding lanes and paths often associated with hedges create visual intimacy*

7.3. 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…".

The site lies within a locally designated landscape that is considered to be a valued landscape for the purposes of the NPPF.

7.4 Policy FC1.1 of the Mid Suffolk Core Strategy Focussed Review 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"

7.5 Policy CS5 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.

7.6 Policy CL2 states that the landscape quality of SLAs is particularly safeguarded and that development should be sensitively designed, with high standards of layout, materials and landscaping.

7.7 Policy CL3 includes the general objective to *"… ensure minimal intrusion in the landscape…"* which reflects the objectives of the NPPF and the issue identified in the Core Strategy Focused Review.

7.8. Immediate public views are available at intervals from the public highway which adjoins the northern boundary of the site, especially at the point of the PROW and field access onto The Channel. Immediate but more glimpsed views are available from The Channel highway along the western boundary as the site slopes downward to the highway here and vegetation is more dense. Immediate views are available from PROW and permissive routes adjacent to and through the site.

7.9 The solar panels are to be arranged in rows across the majority of the site and are angled to enable optimum solar gain meaning that the structures measure 0.8m from the ground at their lowest point and 3m from the ground at their highest point. The BESS and substation complex is on the eastern

side of the site. Proposed fencing around the perimeter of the site is 2 metre high steel mesh deer fencing with timber posts. There is no permanent lighting proposed for the operational phase except some manually operated lighting at the BESS / substation complex for emergency purposes.

7.10 The solar panels and other equipment are laid out in areas set back from the existing site boundaries and public rights of way with planted buffers in these areas to mitigate the visual impact of the development from public views.

7.11. The application documents include an LVIA which reviews the landscape baseline and assesses landscape and visual receptors including sensitivity, magnitude of change and scale of effect. The LVIA also sets out mitigation measures included in the proposal. It concludes the greatest visual effects will occur in the short-term, after construction and before the mitigation planting has established with a reduction in these effects in the medium and long-term over the 40 year lifetime of the development. The effects of change resulting from the development would be contained generally within the site itself and the area more immediately around the site.

7.12 Large scale effects would occur within the site itself, experienced predominantly from the PROW and permissive routes, as there would be a significant change to the character of the site. Medium scale effects would be experienced in the areas immediately surrounding the site and small scale effects in some areas beyond this, rapidly decreasing to negligible effects further from the site and available views.

7.13. Your landscape officer advises that the LVIA has been carried out in accordance with appropriate guidelines. Your officer generally agrees with the assessment of effects and, where their opinion differs from that stated in the LVIA, that difference is not considered to be significant. Adverse visual impacts will occur as a result of the development, as detailed above, and your officer advises that these impacts must be considered in the planning balance in determining the application.

7.14 Your officer has carried out an assessment of in-sequence cumulative effects, having raised some concern about the potential significant impact on PROW users. They conclude that the PROWs are not directly linked to other PROWs that traverse the Greybarn and Tye Lane schemes and there is no evidence of designated long-distance walks within the local area. Therefore, a 'journey scenario' is not considered to result in significant cumulative visual impacts and an 'in-combination' assessment, as undertaken in the ES, is deemed to be acceptable.

7.15 Your officer further recommends that opportunities for further landscape mitigation than is currently proposed are explored and recommends conditions should members be minded to grant permission.

7.16. *Cumulative impacts:* the LVIA includes an assessment of cumulative visual effects arising from the development in combination with other relevant development in the area and concludes this would increase the impact to moderate significant given the change of the agricultural landscape to solar farms.

7.17. The change in the character of the landscape will be mainly contained within the site with views from the PROW within the site most affected. Impacts on views from outside the site will be mitigated by the design and layout of the scheme as well as proposed landscape planting.

7.18. Overall, there will be a significant change to the visual appearance of the site and the immediate surroundings resulting from this proposal. However, given the relative containment of the site and these visual effects together with the proposed mitigation of views the scheme is not considered to

significantly detract from the overall special landscape qualities of the SLA and wider valued landscape, in accordance with CL2.

7.19. Having regard to the temporary and reversible nature of the proposed development, officers conclude that, whilst the development would not comply with the NPPF para 174, CS5 and FC1.1 in terms of protecting and enhancing valued landscapes, and there would be an impact on the special qualities of the valued landscape in this area, the degree of the impact would be considered to be neutral and would not be in conflict with the objectives of the development plan policies cited above.

When weighing this impact in the overall assessment of the proposal, there are not considered to be grounds to refuse the application on grounds of visual and landscape impacts.

8. Historic environment

8.1 Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision taker must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. What this means is that a finding of harm, even less than substantial harm, to the setting of a listed building is something that must be given "considerable importance and weight" in the balancing exercise.

8.2 This is reflected in the advice in paragraph 199 of the NPPF that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)." Consequently, any harm to, or loss of, the significance of a designated heritage asset from development within its setting should require clear and convincing justification (NPPF, paragraph 200). 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 (NPPF, paragraph 202).

8.3 The assessment of harm is set out in the NPPF and Local Plan policy HB1 seeks to protect the character and appearance of buildings of architectural or historic interest, particularly the settings of listed buildings. Further, policies HB14 and HB15 seek to protect archaeological assets and promote positive outcomes from developments involving archaeological assets.

8.4 There are no designated heritage assets within the site itself and the site does not lie within a designated area but there are a number of designated assets close to the site and within the surrounding landscape. The site lies within an area of archaeological potential. It is therefore necessary to consider any impact the development would have on the setting of nearby assets and on below-ground assets.

8.5 The submitted ES includes a cultural heritage chapter which identifies the relevant assets that may be affected and assesses the magnitude of impact arising from the scheme and cumulatively with other relevant development in the locality. The approach to assessment is based on a zone of theoretical visibility (ZTV) and zone of visual influence (ZVI). The ZTV is the area in which the development could theoretically be seen from an asset or vice versa. The ZVI is the area more likely to be subject to the direct visual influence of the development. The ES also includes details of trial trenching investigations and archaeological finds across the site.

8.6 The assessment identifies the potential for harm to below ground assets arising from the construction and decommissioning phases of the development and the potential for harm to the significance of nearby listed buildings by changes to their visual setting. Assets within or on the boundary of the ZVI are Grade I St. Mary's Church, Flowton, Grade II Lovetofts Farm and Grade II Canes Farmhouse. Following your heritage officer's advice, Grade I Hintlesham Hall has also been included in the assessment, which considers how the assets are experienced, their setting, and views between the assets and the development. In the case of all assets it is concluded that there will be no effect arising from the development as follows:

St. Mary's Church: The ES concludes that there would be little or no visibility of the development from St. Mary's Church, no change to its landmark status and negligible change to the experience of this heritage asset in a rural setting as a result of the development. No harm to significance would result.

Lovetofts Farmhouse: The ES states that views of this asset from the site are screened by other built development, topography and vegetation and that it is only experienced in close proximity such that there would not be an adverse impact on the significance of the asset through its setting.

Canes Farmhouse: The ES concludes that the asset is experienced as part of a complex and that views between the asset and site are limited by buildings and vegetation, resulting in no material change to the setting and no harm to significance.

Hintlesham Hall: The development is sited to the north-east of the asset where the former park behind the hall is now a golf course which, together with extensive tree screening means there would be no views of the development and no harm to the significance of the listed buildings through their setting.

8.7 *Cumulative impacts:* The ES concludes there will be no cumulative effects of the proposed development together with other developments in the locality due to distance, topography, vegetation and other intermediate development.

8.8 Your Heritage adviser has raised no objection to the revised scheme and considers that, whilst the proposals will have an impact on the setting of heritage assets, that impact does not result in a finding of harm to the significance of the heritage assets or the ability to appreciate their significance, in the sense of the Listed Buildings Act 1990. This conclusion includes cumulative impact. Taking into account the assessment in the ES and the views of your heritage adviser, planning officers consider that the proposal would not result in any harm to the significance of any heritage assets and the application is considered to accord with HB1 and the objectives of the NPPF in respect of impact on the setting of heritage assets.

8.9 The SCC Archaeology officer advises that, although the archaeological investigation works show that the development will damage or destroy known archaeological remains, and that there is potential for further remains to be impacted in areas which have not been investigated, there are no archaeological grounds to refuse permission and a condition is recommended to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. Subject to these conditions the development would meet the requirements of policies HB14, HB15 and the objectives of the NPPF in respect of below ground assets.

8.10 Overall therefore, on the basis of the advice received from technical specialists, the individual and cumulative impacts of the proposed development are not considered to result in any degree of harm to any heritage asset. Subject to the conditions as recommended by the SCC Archaeology officer the impact on below ground heritage assets can be appropriately mitigated. The proposed scheme

is considered to accord with the objectives of relevant heritage policies and is not considered to result in harm to any heritage asset that would be considered an unacceptable impact warranting refusal of the application.

9. Ecology

9.1 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.

9.2 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.

9.3 Policy CS5 seeks to protect, manage and enhance Mid Suffolk's biodiversity. Policy CL8 states that permission will be refused for development which would result in the loss or significant alteration of important habitats or would threaten vulnerable or protected species.

9.4 The application site is an area of agricultural land. There are potential habitats such as hedgerows, trees and watercourses and records of protected species in the surrounding area such that the proposed development has the potential to have an impact on ecology unless appropriately designed and mitigated. A number of concerns have been raised regarding the impact on ecology. It should be noted that the revised site means that the development will no longer be sited in close proximity to Somersham Wood and there is not considered to be any impact on this woodland as a result of the development.

9.5 The ES includes an ecology section which sets out the findings of ecological surveys and assessments as well as recommended mitigation. The ES identifies the presence of habitats and species within and around the site including bats, badgers, great crested newts, deer and birds.

9.6 The ES explains the potential effects of the development on ecology including permanent and temporary habitat loss, habitat damage, disturbance and injury to species. It concludes there would be no impact on the nearby SSSI or CWS and that, subject to the mitigation measures proposed, significant adverse effects on species and habitats would not occur.

9.7 Best practice measures to ensure appropriate mitigation, reinstatement and compensation measures are set out in the LEMP.

9.8. Biodiversity net gain: The ES includes a calculation of biodiversity net gain to be delivered by the development using the DEFRA metric showing a 159.35% habitat improvement and 64.69% hedgerow improvement. This meets the NPPF requirement to demonstrate a net gain and exceeds the emerging national requirement for 10% net gain.

9.9. Your ecology officer has been involved in extensive discussions with the applicant to ensure sufficient information is submitted to enable the councils to discharge their statutory duties in respect of ecology. Your officer confirms that sufficient information has been submitted and raises no objection to the proposed development subject to conditions as recommended below.

9.10. Cumulative impacts: The ES considers the potential for cumulative impacts arising from the development together with other relevant development in the area and concludes there would be no cumulative impact.

9.11. The development will affect ecology within the site and surrounding area. The applicant has provided sufficient information to demonstrate the scale of these effects and how the impacts will be mitigated and compensated. The applicant has calculated a biodiversity net gain for the scheme that meets policy requirements. On the basis of advice received from your ecology officer and subject to conditions, the proposed development is not considered to have an unacceptable impact on ecology that would warrant refusal of the application.

10. Traffic, highway safety and rights of way

10.1 The main traffic and highway safety impact arising from the development is likely to be during the construction period which is anticipated to be 40 weeks. Concerns have been raised regarding the suitability of the highway network through Burstall village to the site to cope with the construction traffic and the impacts such traffic movements would have on residents, road users and property such as highway verges.

10.2. The application submission includes an outline construction traffic management plan which sets out the expected type and volume of construction vehicles as well as the working hours for construction. Working hours are 0800-1800 Monday to Friday and 0800-1330 on Saturdays. There will be no working on Sundays or Bank Holiday. 1112 total HGV movements to / from the site over the 40 week construction period are projected. A worst-case scenario adding a 10% buffer on top of the predicted movements results in a total of 1208. In both cases there is an average of 6 HGV movements per day. In addition, 40 car / small vehicle movements per day are expected to transport construction workers.

10.3. Construction traffic will be routed from the A14 junction 55 (Copdock) to the A1071 towards Hadleigh, turning onto The Street from Hurdle Makers Hill towards Burstall. Access to the site will be from Church Hill, Burstall, using an existing agricultural access and track, to a temporary construction compound to be sited on the south side of the site. This access is used for the ongoing agricultural operation at Brook Farm and the Anesco BESS development currently under construction. Temporary signage will be displayed to direct traffic to the site and banksmen will be used to ensure safe manoeuvring of vehicles entering and egressing the highway and crossing the rights of way within the site.

10.4 Once operational access to the site would continue to be via the existing access from Church Hill, Burstall. Once construction is completed the development would be unmanned and would be operated and monitored remotely. Maintenance visits by small van are expected1-2 times a month. There are existing unmade field accesses onto the western and northern boundaries of the site from The Channel which are not proposed to be altered or used for the construction or operation of the development.

10.5 Concerns have also been raised regarding the cumulative impact of traffic associated with the proposed and other development in the locality on users of the highway network, in particular potential conflict with users of Tye Lane, a designated Quiet Lane. A Quiet Lane is road on which people can enjoy the countryside by cycling, horse-riding, jogging and walking. The designation does not restrict motor vehicles but encourages considerate, use of the road as a shared space. The application does not propose access onto or routing of traffic via Tye Lane and, as such, there is not considered to be any unacceptable conflict with the Quiet Lane designation.

10.6 Policy T10 requires consideration of the following:

- The provision of safe access to and egress from the site
- the suitability of existing roads giving access to the development, in terms of the safe and free flow of traffic and pedestrian safety;
- whether the amount and type of traffic generated by the proposal will be acceptable in relation to the capacity of the road network in the locality of the site;
- the provision of adequate space for the parking and turning of cars and service vehicles within the curtilage of the site;
- whether the needs of pedestrians and cyclists have been met, particularly in the design and layout of new housing and industrial areas. Cycle routes and cycle priority measures will be encouraged in new development.

10.7 The NPPF states:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (para 111). Safe and suitable access should also be secured for all users (para 110).

10.8 Highways England confirm they are satisfied with the information submitted, that there would be no unacceptable impact on the strategic highway network and that they have no objection subject to a condition to secure a construction management plan. The SCC highways officer (LHA) advises that the proposal would not have any unacceptable impact on highway safety and would not have a severe impact on the highway network. SCC have raised no objection to the proposed development subject to conditions to secure the access works and a construction management plan. This would ensure construction traffic is managed appropriately and is respectful of other users.

10.9 Having regard to the duration of the construction and decommissioning periods and the volume and type of traffic to be generated during these times and during the operational phase of the development, and the advice from SCC Highways there is not considered to be any unacceptable traffic highway safety impacts that would warrant refusal of the application.

10.10 A bridleway PROW aligned east to west crosses the accessway at the southern end of the site. A footpath PROW leaves this bridleway close to the south-east corner of the site and travels north, along the eastern side of the site, before joining another footpath PROW, turning north-west joining The Channel highway to the north and onwards to the surrounding PROW network. There is also a permissive footpath (not a PROW) following a similar north-south route to the footpath PROW within the site and a second permissive route through the site leading from The Channel highway adjacent to the western boundary of the site, passing between fields 4 and 5 and joining the PROW / permissive route.

10.11 The proposal design ensures the footpath PROW and bridleway PROW are maintained clear of obstruction and measures to control crossing construction traffic. The proposal also includes the provision and maintenance of the permissive footpath and bridleway for the lifetime of the development alongside the PROW route.

10.12 SCC PROW team have raised no objection to the principle of development and welcome the proposed provision of the permissive routes for the lifetime of the development which they confirm accord with the SCC recommendations. Similarly, they are satisfied with the proposed widths and green corridor design for these routes. Concerns are raised regarding proposed gates on the

bridleway and the applicant has agreed to omit these (this can be controlled by condition as necessary).

10.13. One of the most significant elements of the development is its likely visual impact and the resulting change in the appearance of the site. Given the screening and topography of the site and availability of public views as discussed above, this change will be most readily experienced by users of the footpaths and bridleways. Regard is had to the improvements to walking and riding connectivity resulting from the development, the temporary and reversible nature of the development and the steps the applicant has taken to design the scheme so as to mitigate views of the development from the footpaths and bridleway.

10.14. *Cumulative impacts*: Regard has been had to cumulative impact of the proposed development on highway safety in the context of other relevant development and proposals in the area and together considering their location, access points and vehicle routing.

10.15. In assessing the overall highway safety and rights of way impacts of the proposal, in terms of the NPPF and Development Plan considerations, it is concluded that the proposal would not result in any unacceptable impact on highway safety or a severe impact on the highway network when considered cumulatively with other development in the area. Furthermore, the development would not have any unacceptable impact on users of the rights of way network. There is considered to be no grounds to refuse the application on these issues.

11. Residential and public amenity including noise, air quality, land contamination, light pollution and public safety

11.1 In general, the site is relatively isolated from residential properties, other than the south-east corner which falls close to the boundary of Hill Farm. The next nearest properties are as follows (distances are approximate):

Canes Farm (to site entrance) – 83m, Pipers Ley – 224m, 6 and 7 Burstall Hill – 229m, Brooklands – 231m, The Grange – 240m, Spenwin – 256m, Flowton Hall – 315m, Black Cottage – 327m, Park Farm, Little Park Farm and Lovetofts Farm – 460m

There are further dispersed dwellings within the wider surrounding area.

11.2 The site is sufficiently distanced from residential properties such that there will not be any impact on privacy, overshadowing or overlooking arising from the development. It is noted that the amended scheme now proposed fixed panels rather than tracking panels which will reduce some amenity impacts in relation to noise when compared to the originally proposed scheme.

11.3 There will be increased traffic movements in the area during the period of construction, however, once the development is operational it will be unmanned so there will minimal disturbance impact from vehicle movements associated with the development.

11.4. The application documents include a glint and glare assessment which follows CAA guidelines and accepted industry standards. The document sets out the risks arising from the development on highway and aviation safety and residential amenity from the momentary or prolonged reflection of sunlight from the panels.

11.5 The glint and glare assessment concludes there to be low or no impacts on aviation or highway users, which is within acceptable limits of the guidelines and standards above. It goes on to identify four dwellings where there is potential for some impact for up to half-hour periods between April to

September but that these impacts would be significantly reduced by existing screening and terrain as well as proposed screening that forms part of the application scheme. Overall, the assessment concludes that no significant impacts are likely and no mitigation is required.

11.6 There is no standard methodology for assessing glint and glare but officers have reviewed the information submitted here in comparison to that submitted for similar schemes and are satisfied with the assessment and find no reason not to accept its conclusions.

11.7. The proposed development includes electrical / mechanical equipment that will produce noise when operational which has the potential to be heard at nearby residential properties, affecting the level of amenity enjoyed by occupants. The application documents include a noise assessment which sets out the likely impact of the operational phase of the development. It explains that the equipment is expected to operate from 0430am to 1 hour after sunset in the worst case scenario.

11.8 The assessment sets out the results of the monitoring of background noise levels in the area and the projected operational noise of the development. The assessment concludes that the daytime operation of the development would be lower than the existing background noise and that whilst the operational noise is slightly higher than the night time background level outside the nearest dwelling, when the measurement is adjusted for indoor noise with a partially open window the noise impact is classified as 'low' and the assessment concludes this is acceptable.

11.9 Your Environmental Health Officer raises no objection to the proposed development subject to conditions to ensure the confirmation of operational noise levels and mitigation to ensure the noise generated by the development does not exceed the levels stated in the assessment, if necessary, to be agreed and implemented.

11.10 There is no lighting proposed for either the solar panels or perimeter of the development complex. There is some manually operated personnel lighting within the area of the substation to ensure the safety of inspection and maintenance personnel.

11.11 Solar and battery storage installations are usually unmanned and operated remotely as is the case with the proposed development. This feature of operation together with reports of fire incidents at BESS sites in the UK and elsewhere has resulted in an understandable concern for this relatively new technology. Concerns raised include risk of fire and potential air and groundwater pollution associated with such an incident. Concerns relating to hazardous substances are discussed in section 13, below.

11.12 The proposal includes perimeter fencing, closed circuit television and restriction of access to authorised personnel and prevent incidents resulting from unauthorised access. 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 give great weight to the consistency 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.

11.13 Although the exact specification of equipment to be installed is yet to be confirmed the applicant has submitted an outline battery safety management plan which sets out the measures to be taken

in the case of all equipment and which will be updated to a detailed management plan before the first operation of the equipment. This can reasonably be controlled by condition.

11.14 The management plan explains the design and safety features that would be adhered to including minimum separation distances and thermal barriers, two types of fire detection system, suppression and cooling systems, access to water supply for firefighting and a commitment to monitoring and maintenance to ensure the ongoing safe operation of the development. It should be noted that the equipment must be installed in accordance with existing electrical installation regulations and standards.

11.15 Officers have sought advice from the SCC Fire service who would respond to any incident of fire at the site. They are generally satisfied with the information submitted provided the developer works with the fire service to prepare a risk reduction strategy to include the prevention of pollution to ground water and air. On the basis of this advice and subject to a condition to secure a risk reduction strategy / final safety management plan, there is not considered to be any health and safety impact that warrants refusal of the application.

11.16 Some of the equipment to be used in the development contain oil. In order to prevent the risk of pollution these elements of the development have been designed to include bunds with a capacity of 110% of the oil. This will ensure any oil leakage is contained within the bund and does not contaminate the soil.

11.17. Your Environmental Health officers have raised no objection to the proposed development subject to conditions to control noise, lighting and construction activities. As such, there is not considered to be any significant contamination or air quality impacts arising from the normal operation of the development. It is noted that, should a fire incident occur, water and air pollution is possible.

11.18. *Cumulative impacts:* Concerns have been raised regarding the cumulative impact of noise having regard to the cumulative impact of other developments in the locality. Officers requested that cumulative noise impacts be considered in order to take account of operational facilities nearby and permitted but as yet unbuilt / non-operational developments including the adjacent Anesco BESS and the EA3 converter station.

11.19 The applicant has submitted a cumulative noise assessment addendum document which calculate the worst case scenario noise impacts from all the relevant developments in the area on the nearest residential properties. It confirms that during the day cumulative noise is predicted to be lower than the measured background sound level at the closest residential properties. During the night the cumulative noise is predicted to be, at most, 1dB above the measured background sound level at the closest residential properties. The assessment concludes that both night and daytime cumulative noise would be considered a Low Impact in BS4142-terms and that no further mitigation is required for the proposed development.

11.20. On the basis of the information submitted and the comments of consultees it is concluded that the proposed development would not have any unacceptable impact in respect of residential and public amenity, noise, air quality, land contamination, light pollution or public safety such as would warrant refusal of the application.

12. Flood risk and drainage

12.1 The majority of the application site is located in FZ1, areas at lowest risk of flooding, with no identified surface water flooding incidents. However, part of the western boundary adjoins Flowton

brook, a main river, meaning that a very small part of the site (roughly 13m in width) is affected by FZs 2 and 3, areas of medium and high risk of flooding.

12.2. Paragraph 159 of the NPPF provides that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraphs 161-162 of the NPPF make clear that a sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. The aim of the sequential test (ST) is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The Planning Practice Guidance provides that the sequential approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding.

12.3 Policy CS4 states that "all *development proposals will contribute to the delivery of sustainable development and reflect the need to plan for climate change, through addressing its causes and potential impacts*" and that the council will adopt the precautionary principle in respect of flood risk and development.

12.4. The application documents include a site-specific FRA which sets out the flood risk affecting the site and arising from the development in more detail. The FRA also sets out the applicant's conclusion as to the ST.

12.5 The FRA states that the majority of the site is in FZ1 and that part of the site on the western side, where is adjoins Flowton Brook is affected by FZs 2 and 3.

12.6 The FRA states that all built development (solar panels, battery storage and other electrical equipment, roadways, etc.) would be located within FZ1 and explains the surface water risk affecting the site, including the results of infiltration testing. A surface water drainage strategy has been designed to ensure the existing runoff rate of the site is maintained in a 1 in 100 year flood event with an allowance for climate change.

12.7 The FRA explains that the impact of climate change has been taken into account in terms of a FZ3 (1 in 100 year) flood event. While there is no information to demonstrate the impact of climate change on a 1 in 1000 year flood zone 2 event and how this may affect the site, having regard to the topography of the area around Flowton Brook, that the site slopes relatively steeply from the Brook and the areas of built development would be significantly higher as well as distant from the Brook, in accordance with the SFRA it is not considered necessary to require modelling on climate change impacts on the 1 in 1000 year event. Officers consider that the submitted FRA is adequate.

12.8 The Environment Agency have raised no objection to the proposed development providing the council is satisfied that the development would be safe for its lifetime and that the council assess the acceptability of issues within the LPA's remit which includes the sequential and exception tests.

12.9 Officers have considered whether, in the particular circumstances of this proposal, the aim of the sequential test (i.e. to steer new development to areas with the lowest risk of flooding) has been fulfilled and whether the applicant should be required to demonstrate that there are other reasonably available sites available for the development in an area with a lower risk of flooding, having regard to the specific characteristics of the development, the site and the likely risk and nature of flooding impacts at the site and elsewhere.

12.10 In reaching their conclusion officers have considered the following:

- That only a very small area of the site adjoining Flowton Brook is affected by flood risk, with the vast majority of the site being located within FZ1 at the lowest risk of flooding
- That all built development and the means of access and egress will be located in FZ1
- The topography of the site and the difference in level between the operational area of the site and Flowton Brook, whereby the site slopes relatively steeply away from the Brook with the areas of built development being significantly higher as well as distant from the Brook
- The area of the site that lies within FZ2 and FZ3 comprises an area of boundary vegetation and grassland creation and will not be used for operational purposes in association with the development

12.11 In light of the above, officers are satisfied that the proposal does steer development to an area with the lowest risk of flooding and that the applicant should not be required to demonstrate that there are other reasonably available sites available for the development in an area with a lower risk of flooding. Officers are satisfied that the development has been directed towards the area of the site with the lowest risk of flooding, that the development would be safe for its lifetime and will not increase flood risk elsewhere.

12.12. The LLFA have confirmed they are satisfied with the submitted drainage strategy and raise no objection to the proposed development subject to conditions.

12.13. Cumulative impacts: There is no indication that there would be any unacceptable cumulative flood risk or drainage impacts arising from this development together with other developments in the locality.

12.14. Neither the EA or LLFA have raised concerns regarding the lack of climate change allowance on the 1 in 1000 year event and significant weight is given to this position of the relevant technical specialists. Furthermore, whilst a small part of the development site is affected by flood zones, the ST is not considered to apply in the case, having regard to the specific characteristics of the site and development proposal. The submitted documents demonstrate that the drainage of the site can be managed effectively and there would not be a risk of increased flooding elsewhere. On this basis the application is considered to accord with development plan policies and the objectives of the NPPF.

13. Other matters

13.1 *Hazardous substances:* Objectors have raised concerns regarding the safety of battery storage in terms of the potential for hazardous substances to occur on the site in the event of a fire incident at the BESS. For this reason, objectors query whether the application should be considered against the Planning (Hazardous Substances) Regulations 2015.

13.2 The proposal includes the installation of 20 shipping contained-housed batteries that would be likely to use Lithium-ion. Neither Cadmium or Lithium are listed as named hazardous substances in the Planning (Hazardous Substances) Regulations 2015. Objectors are concerned that, in the event of a fire incident at the BESS, hazardous substances may be produced as a consequence of the heat reaction of the BESS equipment and chemicals.

13.3 Hazardous substances consent is required for the storage or use of hazardous substances, at or above defined limits, at a site. Hazardous substance consent applications are made to the Local Planning Authority who determine the application in consultation with the Heath and Safety Executive. The proposed development is not considered to be for the storage or use of hazardous substances and as such officers consider that hazardous substances consent is not required.

13.4 There are a number of existing legislation and regulations controlling the installation and operation of electrical equipment and that the planning process and decision making should not duplicate the function of other regulatory bodies. Public safety is a material consideration in the assessment of this application which has been discussed in the preceding sections of this report.

13.5 *Developer contributions:* Some comments have been received suggesting that the developer should be asked to make financial or other contributions to mitigate the impacts of the proposed development. The applicant has not offered any unilateral financial contribution. Mitigation of development may be necessary to make the impacts of the scheme acceptable so as to enable the grant of permission. The mechanisms for securing mitigation of development is by planning condition or obligation. Conditions and obligations must meet certain tests set out in the NPPG and CIL Regs. In this case, should members be minded to grant permission, mitigation can be secured by conditions. There is not considered to be any policy basis for a payment to the community or other party and such would not meet the CIL 123 tests offered.

13.6. *Accrual of permitted development rights*: Concerns have been expressed that the site may incur permitted development rights as statutory undertaker and could undertake further development, particularly in respect of increasing capacity of the BESS.

Officers can confirm that Bramford Solar Farm or ENSO, as operator of the site, are not a statutory undertaker and therefore they do not have any permitted development rights. It is also considered unlikely that a statutory undertaker would acquire the site such as to confer their permitted development rights onto the site due to the necessary separation of various operations in accordance with competition rules, etc.

13.7. *Issues that are not planning considerations:* The Committee is reminded that issues such as loss of view, or negative effect on the value of properties are not material considerations in the determination of a planning application.

14. Parish Council Comments

14.1 Due to the scale and nature of the proposed development, consultation has been sent to the host and neighbouring Parish Councils.

14.2 All of the Parish Councils have responded with strong objections on grounds of a number of issues as summarised above.

14.3 The matters raised by the Parish Councils have been addressed in this report.

PART FOUR – CONCLUSION

15. Planning Balance and Conclusion

15.1. The development would contribute to the Government's objective for a transition to a low carbon economy and increased renewable energy generation as part of the net zero agenda. The principle of renewable energy development is supported by the NPPF (and other existing and emerging Government policy) and, as such, applications for permission should be granted providing the impacts of the development are, or can be made, acceptable.

15.2. The development would generate electricity from a renewable source and would result in significant savings of carbon dioxide emissions during its 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.

15.3. While officers consider that the proposed development would cause limited harm by reference to the temporary loss of BMV agricultural land, this impact is not considered to warrant refusal of the application. While the development would give rise to landscape and visual effects (primarily on the site and immediate surroundings), the degree of change does not lead to a conflict with relevant development plan policies and is not such as to warrant refusal of the application. There are not otherwise considered to be any adverse impacts on heritage, ecology, highways, amenity and safety or flood risk.

15.4. Even taking into account the limited harm that would arise to BMV agricultural land and the limited landscape effects described above, the proposed development is considered to accord with the development plan when viewed as a whole. Application of the policies of the NPPF reinforce the direction of the plan to grant planning permission, alongside the very significant benefits. Accounting for identified harms, including a temporary loss of BMV land and landscape effects, there are no considerations which indicate that the direction of the development plan to grant planning permission should not be followed.

RECOMMENDATION

A. That authority be delegated to the Chief Planning Officer to **GRANT** planning permission subject to the following conditions:

- Time limit
- Approved plans
- Temporary PP, removal, reinstatement and retention of biodiversity enhancements
- Access details to be agreed
- Arb method statement
- Archaeology – WSI, PEX and recording
- CEMP
- Control of lighting
- CTMP
- Final details of permissive bridleway
- Info board details
- Landscaping - details
- Landscaping - implementation
- Method for glare complaints mitigation
- No burning
- Operational noise assessment
- Skylark Mitigation Strategy
- Surface water drainage strategy
- Vis splays
- Working hours

B. In the event that an appeal is received that Members agree the above position and authority be delegated to the Chief Planning Officer to respond to the submitted appeal on this basis.