

Summary of appeal decision APP/W3520/W/23/3319970 against MSDC refusal of application DC/20/05895 for land to the south of Church Farm, Somersham, IP8 4PN and land to the east of The Channel, Burstall, IP8 4JL Suffolk (appellant: ENSO)

This appeal was allowed, granting permission for the development of a 30MW capacity solar farm for a period of 40 years on a site of 35ha.

The appeal application was refused by MSDC for two reasons being impact on Best and Most Versatile agricultural land (BMV), contrary to policy CL11 and landscape and visual impact, contrary to policies CL2 and CS5.

Regarding BMV, the Inspector acknowledged that the DEFRA agricultural land mapping is not based on specific soil surveys and so does not differentiate between grade 3a (BMV) and 3b (not BMV). Whilst accepting the data source as imperfect, the mapping identifies that around 97.2% of the land in Mid Suffolk district falls within agricultural land Grades 2 and 3. The Inspector considered the development in this context and concluded that the proposal would represent a considerably less significant development of agricultural land when considered against the quantum in the district as a whole, even taking into account the part of the site in BDC.

The Inspector also had regard to the time-limited and reversible nature of the development and considered the potential for the land to be grazed concurrent with the operation of the solar farm and the persuasive evidence of the appellant as to the benefits to soil quality, and therefore the future value of the agricultural land, as a result of the development. On the basis of the above, the Inspector concluded the development would accord with the aims of policy CL11 and the NPPF.

Regarding visual impact, the Inspector concluded that whilst there would be a change in the appearance of the site from agricultural to solar farm, given the existing and proposed planting, the visual impacts of the development would be largely limited to the immediate area of the site itself. He considered that the dominant agricultural character of the landscape would prevail and that wider views of the development would be fleeting. Overall, the Inspector afforded extremely limited weight to the adverse landscape and visual effects of the development, having regard, again, to the time-limited and reversible nature of the proposal and the scope to control mitigation of impacts through conditions.

Similarly, the Inspector did not find unacceptable harm arising from cumulative impacts.

The Inspector also considered issues raised by the community including the interpretation of Policy CS3 and the Core Strategy Focus Review finding that CS3 does not prohibit renewable energy schemes and that, whilst the Regional Spatial Strategy has now fallen away, the general direction of local and national policy towards being supportive of renewable energy schemes when their impacts are carefully considered (and can be mitigated when there are negative or adverse impacts), has not altered.

On heritage matters, the Inspector found no harm to Grade I St. Mary's Church and non-designated Flowton Hall, which were of concern to the community. He further concluded that archaeological heritage impacts could be controlled by conditions.

On biodiversity, the Inspector found that impacts could be appropriately mitigated through conditions and did not weigh against the grant of permission.

On flood risk, the Inspector was satisfied with the assessment by officers and noted the advice of the Environment Agency and Lead Local Flood Authority, finding no grounds to refuse permission.

No glint and glare issues were found in terms of impacts on highway and rights of way users and neither were any unacceptable noise, risk of crime, health and wellbeing or tourism impacts concluded.

The Inspector acknowledged the advice of Suffolk Fire and Rescue Service in respect of battery safety and found no grounds for refusal on this matter.

In weighing the overall planning balance of the development, the Inspector found benefits in terms of the positive contribution towards a low carbon economy; economic benefits of job creation and wider benefits to the economy in powering homes, schools and hospitals. The Inspector also acknowledged benefits of biodiversity gain and improvement in soils.

Weighed against these, the Inspector considered the extremely limited harm to landscape, visual impacts, character and appearance.

Overall, the weight of positives was found to outweigh the harm identified and the proposal was found to accord with the most important policies of the development plan when read as a whole, and also accords with the objectives of national policy and advice.