

## **Committee Report**

**Item No: 7C**

**Reference: DC/21/04711**

**Case Officer: Bron Curtis**

**Ward: Bramford.**

**Ward Member/s: Cllr James Caston.**

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

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### **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)

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CLASSIFICATION: Official

HDD	Horizontal Directional Drilling
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**

Planning Application - Change of use from agricultural land to solar farm and construction of a solar farm (up to 49.9MW) with associated grid connection cable route, infrastructure and planting.

### **Location**

Land North Of Tye Lane, Bramford, Suffolk,

**Expiry Date:** 24/04/2022

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

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

**Applicant:** EDF Renewables

**Agent:** Ian Booker

**Parish:** Bramford

**Site Area:** 85ha

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

**Has a Committee Call In request been received from a Council Member:** No

**Has the application been subject to Pre-Application Advice:** Yes (Reference DC/20/03253)

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

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

The nature of the application as a renewable energy development, as defined by Government guidance, in accordance with the Mid Suffolk scheme of delegation.

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

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### **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

Relevant policies of the emerging Babergh and Mid Suffolk Joint Local Plan include:

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CLASSIFICATION: Official

SP03 - The sustainable location of new development  
SP09 - Enhancement and Management of the Environment  
LP15 - Environmental Protection and Conservation  
LP16 - Biodiversity & Geodiversity  
LP17 - Landscape  
LP19 - The Historic Environment  
LP24 - Design and Residential Amenity  
LP25 - Energy Sources, Storage and Distribution  
LP27 - Flood risk and vulnerability

### Neighbourhood Plan Status

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

### Other relevant documents:

- Bramford Parish Plan and Village Design Statement 2012
- 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.
- Draft revised 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 draft revised EN-1 and EN-3 provide helpful context as the latest statement of Government planning policy on renewable energy development. EN-1 Paras 3.3.20–3.3.24 – state that a ‘secure, reliable, affordable net zero system in 2050 is likely to be predominantly of wind and solar’. Paras 3.3.25-3.3.31 refer to storage stating that ‘storage has a key role to play in achieving net zero and providing flexibility to the energy system’. EN-3 includes a specific section on ‘solar photovoltaic generation’ and highlights that solar is a key part of the government’s decarbonisation strategy, restating the five-fold increase in solar deployment before 2035, and that the Government is supportive of solar that is co-located with other functions, which specifically identifies storage.
- Powering Up Britain including the Energy Security Plan: Government published this latest plan to ensure energy security and meet net zero commitments on 30<sup>th</sup> March 2023. The document reaffirms the Government’s commitment to aim for 70GW of ground and roof mounted solar by 2035, stating that this is a fivefold increase on current installed solar

capacity. To achieve this Government is seeking large scale solar deployment across the UK, and encourages solar development that delivers environmental benefits, with consideration for ongoing food production or environmental management.

- 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**

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**

[Click here to view consultee comments online](#)

#### **Town/Parish Council**

Bramford PC: Object

- The application lacks cumulative assessment.
- Suffolk the comments of Care UK (*sic*)
- Accept the need for renewable energy but not at any cost.
- The area has suffered significant disruption from recent projects.
- Cumulative effect of the various proposals in the area is unacceptable and Bramford is losing its identity, becoming part of Ipswich. These concerns form a major part of the Bramford Neighbourhood Plan (*sic*) which has been ignored.
- Inefficient use of land.
- No community benefits.
- Will damage the environment.
- Solar panels of industrial and residential buildings is preferred.
- Loss of BMV land in conflict with policy.
- Insufficient information on alternatives.

- Will cause large scale industrialisation of the landscape, resulting in an extreme adverse impact, in conflict with policy.
- Will have a significant effect on wildlife by loss of habitats.
- Fails to protect the setting of listed buildings in the landscape. Rutters Farmhouse is adjacent to the site and not included in the assessment.
- Do not believe there is an exceptional reason to permit this development. Application should be refused.
- Will impact protected wildlife including deer and skylark.
- Will impact local footpath and bridleways, affecting amenity, health and wellbeing. The application lacks information on fencing and planting along rights of way.
- Concerns regarding suitability of Tye Lane for access due to single track width with few passing places.
- Tye Lane is a designated Quiet Lane but the application makes no mention of the impact on users.
- Insufficient information to demonstrate flood risk from the development and any mitigation.

#### Burstall PC: Object

- Limited benefit of energy production and significant impact on loss of BMV and food production.
- Application lacks information on cumulative impacts
- Response to climate crisis requires a balance of managing issues including food security and biodiversity.
- Inconsistent with the rural character of the area.
- Damage to wildlife.
- Risks to water and fire management.
- Traffic problems.

#### Elmsett PC: Comments

- Same comments as submitted for the ENSO applications.
- May have taken a different view had treatment of PROW been more sympathetic to the countryside.

#### Flowton PC: Object

- The site is on good food producing land

#### Hintlesham and Chattisham PC: Object

- Insufficient consideration by government of cumulative impacts on communities and environment. These applications should be called in.
- Loss of grade 1 and 2 agricultural land.
- There are better locations for the development.

#### Little Blakenham PC: Objection

- The different solar farm applications should be considered as a whole.
- Major implications on landscape, wildlife and amenity.
- Cumulative effects with other nearby developments.

- Mitigation measures are inadequate to protect the rural nature of the landscape.
- Properties will be affected by glint and glare.
- Loss of BMV.
- Impact of construction traffic.
- Risks from battery storage such as noise and toxic chemicals.\*

\*Please note: This proposal does not include battery storage.

#### Sproughton PC: Object

- The developments in this area should be considered as part of a master plan
- Concern that energy crisis is overriding food crisis.
- Alternative energy generation would be better.
- Not an effective use of land.
- Flood risk issues from ground compaction.
- Conflict with policy.
- Noise.
- Impact on tourism.
- Loss of BMV.
- Impact on biodiversity.
- Mental health, wellbeing and health and safety issues.
- Traffic concerns.
- Cumulative impacts.

#### Somersham PC: Object

### **National Consultee**

Anglian Water: No comments

Cadent Gas: No objection

- Advisory note recommended
- Details of developers responsibilities.

Environment Agency: No objection

Health and Safety Executive: Comments

- Do not advise against granting permission on safety grounds.

Highways England: No objection

- Construction Management Plan condition recommended

Historic England: No objection

- Would not result in harm to the significance of Grade I listed buildings.
- Cumulative impacts on Grade II buildings should be considered

Natural England: Comments

- Has the potential to adversely affect a SSSI.
- Refer to standing advice.

#### Suffolk Preservation Society: Object

- Landscaping belt between the development and Rutters Farm should be increased or the development set further back from Rutters farm to protect its setting.
- Unacceptable cumulative impacts.
- Loss of BMV.
- Loss of amenity to users of rights of way.
- North-west part of the site is highest and has intervisibility with the ENSO proposal.

#### Suffolk Wildlife Trust: Comments

- Withdraw holding objection
- Submission responds to our concerns about impacts on Miller's Wood.
- Measures to avoid impacts on ancient woodland and other recommendations in the ecology appraisal should be secured by condition.

#### Woodland Trust: Object

- Concern regarding damage and direct loss to Miller's Wood ancient woodland.
- Insufficient information on grid connection through the woods to demonstrate impacts on Miller's Wood.
- No development must take place within the woodland or within 15m of the edge of the woodland.

### **County Council Responses**

#### Archaeology: Comments

- First phase trial trenching has been carried out.
- A number of areas of archaeology have been identified.
- The scheme will damage or destroy archaeological assets but there is no grounds to refuse the application.
- Conditions recommended.

#### Developer contributions: Comments

- Reference to SCC policy context and other SCC officer advice
- Recommend contributions to mitigate impacts via Local Economic Development Strategy

#### Fire and Rescue: Comments

- Developer should produce a risk reduction strategy by condition
- Advice regarding BESS development\*

\*Please note: This proposal does not include battery storage.

#### Flood and Water Management: Comments

- Approve subject to conditions.

#### Highways: Comments

- Acceptable subject to conditions

#### Rights of Way: Comments

- The site contains, abuts or impacts on a large number of PROWs
- There must be no structures on the PROW
- All PROW must be protected on their current alignment
- New planting must be 10m from the edge of a PROW, creating a 20m corridor.
- Concern about assessment of PROW impacts.
- No mitigation of PROW impacts is proposed.
- Concern about loss of amenity to PROW users, especially given cumulative impacts.

Travel Plan Coordinator: No comments

#### **Internal Consultee Responses**

Communities officer: No objection

- Would help deliver the council's green commitment.

Ecology: Comments

- Satisfied that the Preliminary Ecological Appraisal and additional species surveys are
- Welcome further clarification that the development will not result in any proposed hedge loss on the site.
- The LPA can demonstrate it has met its biodiversity duty under the NERC Act 2006 (as amended) for Priority habitat, following the proposed new native hedgerow creation.
- However, we are not currently satisfied that there is sufficient ecological information available for regarding Skylarks.
- Subject to receipt of adequate Skylark information no objection, conditions recommended

Environmental Health – Air Quality: Comments

- Development does not trigger the need for an air quality assessment.
- Support vehicle routing to A14 instead of through Bramford / Sproughton.

Environmental Health – Contamination: No comments

Environmental Health – Noise / Odour / Light / Smoke: Comments

- Have reviewed cumulative noise impact.
- Happy with the report and findings that indicate there would be no detrimental impact on noise sensitive receptors.
- No objection
- Conditions recommended

Environmental Health – Sustainability: Comments

- No objection in principle.
- There is a need to increase renewable generation and storage.
- Cumulative impacts need to be considered.

#### Heritage: Comments

- Whilst there may be limited intervisibility between heritage assets and the site, the proposed development will alter how these assets are experienced with their agricultural setting partially removed.
- Rutters Farm will be closely surrounded on the western boundary by solar panels which will result in a low level of less than substantial harm, furthering the cumulative harm that has already occurred.
- Disagree with the minor/negligible harm conclusion of the submitted ES and consider there will be a minor adverse effect on the significance of Rutters Farm.  
*Further comments on additional information*
- Further analysis of non-designated assets Little Blakenham Hall and Copenhagen Cottage has been carried out as requested.
- Although located on historic sites it is clear that the buildings have no heritage value in themselves.
- Additional work requested has been carried out and I agree with the revised conclusion of less than substantial harm to Rutters Farm.

#### Landscape: Comments

- The application documents include an LVIA carried out generally in accordance with relevant guidance.
- Generally do not dispute the findings of the study.
- Significant effects on the landscape are inevitable.
- The proposed development would adversely affect the character of the landscape and reduce the overall value of the site.
- The Greybarn solar scheme should be included in cumulative assessment.
- We have a number of significant concerns that the development will have a significant adverse impact on the character of the landscape and is therefore not supported by CS5. This cannot be mitigated sufficiently for the impact to be considered minimised.
- Recommendations if minded to grant permission.  
*Further comments on additional information*
- Some likely effects on PROW journeys depending on route taken but no significant cumulative impact
- Recommend further hedgerow planting, e.g. to northern boundary with footpath 8 to mitigate views and for compensation of wider landscape views

Public Realm: No comments

Waste: No comments

#### **B: Representations**

At the time of writing this report at least 96 letters/emails/online comments have been received, including additional or reiterated comments received during re-consultation. **This includes the comments from CARE Suffolk, resident's campaign group, Cllr James Caston, the ward member for Bramford and Cllr Dan Pratt, the Ward Member for Battsford and Ringshall.** 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. Non-planning issues or those that breach the councils' policy for public comments on planning applications are not included here.

Comments are summarised below: -

<b>Objections</b>	<b>Support / neutral</b>
<ul style="list-style-type: none"> <li>• Loss of productive agricultural land / BMV / food security</li> <li>• Inadequate submission / incorrect information</li> <li>• Landscape/Visual Impact/ Special Landscape Area*</li> <li>• Traffic/Congestion/routing/impact on Quiet Lane and cycle route/inadequate access and parking</li> <li>• Precedent/Cumulative impact</li> <li>• Impact on tourism/experience of visitors</li> <li>• Conflict with NPPF/ Development plan / incorrect analysis of planning policy**</li> <li>• Should go on roofs/ other development / other renewable generation preferred.</li> <li>• Ecological/Biodiversity impact / concern regarding proposed skylark mitigation.</li> <li>• Would lead to a loss of local jobs.</li> <li>• Out of character with the area and scale</li> <li>• Sustainability</li> <li>• Dominating/Overbearing</li> <li>• Energy is not needed in Suffolk.</li> <li>• Would affect the ability of offshore generation to reach consumers.</li> <li>• Will set a precedent for future development of the land.</li> <li>• Fear of increased crime.</li> <li>• Infra-red light would disrupt dark environment.</li> <li>• Possible interference with mobile technology.</li> <li>• Impact on heritage</li> <li>• Impact on local tourism businesses</li> <li>• Application has caused distress to local residents.</li> <li>• Conflict with EA1/EA3 developments</li> <li>• Impact on amenity – glint and glare</li> <li>• Loss of open space / outlook</li> </ul>	<ul style="list-style-type: none"> <li>• Support principle of renewable energy</li> <li>• There is a place for solar development in the energy mix.</li> <li>• Developer must engage with EA1 operator.</li> </ul>

<ul style="list-style-type: none"> <li>• Will affect mental health benefits residents and visitors get from the countryside.</li> <li>• No local community or environmental benefits.</li> <li>• Increase danger of flooding</li> <li>• Concern about ethics of the solar panel manufacturer.</li> <li>• Concern about construction and decommissioning waste and carbon footprint.</li> <li>• Light Pollution</li> <li>• Noise Pollution</li> <li>• Safety and pollution concerns of battery fire***</li> <li>• Walking between solar panels will not be attractive.</li> <li>• Concern regarding decommissioning/disposal</li> <li>• Concern regarding potential for PD rights and future installation of battery storage without control.</li> </ul>	
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*\* Please note: the site is not in a designated Special Landscape Area*

*\*\* Please note: the representee refers to policy CS15 of the Babergh Core Strategy which is not relevant to the determination of this Mid Suffolk application.*

*\*\*\* Please note: the proposed development does not include battery storage.*

## **PLANNING HISTORY**

**There is no planning history for the application site that is considered relevant to the determination of this application. However, there are other applications within the locality that are considered relevant to the determination of this application. These include:**

The following are relevant to the consideration of this application:

<b>REF:</b> DC/21/00060 and DC/20/05895	ENSO solar farm	<b>DECISIONS:</b> REF (MSDC) Appeal allowed and GTD (BDC)
<b>REF:</b> DC/23/02118	ENSO solar farm (submission to MSDC)	<b>DECISION:</b> PCO
<b>REF:</b> DC/19/01601	Anesco BESS	<b>DECISION:</b> GTD
<b>REF:</b> DC/22/00683 and DC/22/01243	Solar farm (Greybarn / Statkraft)	<b>DECISION:</b> 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.**

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

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

- 1.1. The application site comprises an approximately 84-hectare area of Grade 3a and 3b classified agricultural land, currently in arable production, located in the countryside close to the village of Bramford and lies wholly in flood zone 1.
- 1.2. The majority of the southern boundary of the site adjoins the Tye Lane highway, a designated Quiet Lane, except where it excludes a small agricultural yard with building and Oxon Covert woodland which also adjoin the highway. The eastern boundary of the site adjoins the property of Rutters Farm, a Grade II listed building, and the Somersham Road highway. The northern boundary of the site leaves Somersham Road, passing west across agricultural land, around the boundary of Copenhagen Cottage and then follows part of the route of a PROW, beyond which the site is adjoined by agricultural land to the north. The western boundary of the site crosses agricultural land between the route of two PROWs and around the boundary of Tye View and Tye View Cottage close to Tye Lane.
- 1.3. There are generally open views from the extensive local PROW network which crosses the site at three points with other routes adjoining or passing close to the site. Views from the highways are open in places and more intermittent in others due to the presence of stretches of mature trees and hedges along some parts of the site boundary, which screen public views.
- 1.4. The site occupies land forming part of a shallow valley side and, as such, the site inclines generally from east to west from a level of approximately 10 AOD to 50 AOD.

### **2.0 The Proposal**

- 2.1. The application seeks a temporary (35-year) permission, to reflect the expected lifetime of the equipment to be installed, for the proposed development of a solar array, after which the site would be reinstated and returned to the existing agricultural use. The development comprises the following elements:
  - Rows of solar panels to a maximum of 2.4 metres in height, tilted at 20 degrees to cover 27.9ha of the site (34%) with a generating capacity of up to 49.9MW
  - Inverter and transformer units within containers dispersed throughout the solar panels
  - An underground connection cable from the site to the National Grid substation at Bullen Lane
  - New vehicular access from Tye Lane and internal access ways
  - Boundary stock proof fencing and steel mesh access gates, 2 metres high.

- 2.2 The applicant calculates that, when operational, the solar array would be expected to generate the equivalent of 67,500MWh each year, the approximate electricity needs of 14,5000 average households. The ES estimates that the development would offset approximately 17,1000 tonnes of CO2 each year.

**NB There is no battery storage proposed for this development.**

### **3.0 EIA matters**

- 3.1. 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, as detailed above.
- 3.2. The application submission includes an ES, in accordance with the EIA Regs.
- 3.3. An independent peer review of the submitted ES was commissioned by MSDC 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.
- 3.4. 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

### **4.0 Principle of development**

- 4.1 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.
- 4.2 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.
- 4.3 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 LP25 – ‘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. A consultation on main modifications to the JLP was completed in May 2023 and further examination hearings took place in June 2023 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.

- 4.4 Given the stage that the JLP has reached, officers are of the view that the JLP is a material consideration, albeit of moderate weight at this time. The relevant policies of the JLP reflect the principles of the NPPF and, 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 moderate weight at this time because it is not yet adopted.
- 4.5. 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.
- 4.6 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.”
- 4.7 Although this policy is considered to be out of date insofar 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 principle of the policy objective remains up to date. This policy is therefore acknowledged on that basis and afforded moderate weight.
- 4.8. Policies FC1 and FC1.1 of the Core Strategy Focused 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”
- 4.9 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.

4.10 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.

4.11 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. The Bramford Parish Plan and Village Design Statement 2012 is also material to the assessment of this application, albeit of limited weight, due to its age.

4.12. 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."

4.13. 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:

- Powering Up Britain including the Energy Security Plan: Government published this latest plan to ensure energy security and meet net zero commitments on 30th March 2023. The document reaffirms the Government's commitment to aim for 70GW of ground and roof mounted solar by 2035, stating that this is a fivefold increase on current installed solar

capacity. To achieve this Government is seeking large scale solar deployment across the UK, and encourages solar development that delivers environmental benefits, with consideration for ongoing food production or environmental management.

- 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.

4.14. It is also material to note a number of recent appeal decisions allowing solar development. These decisions are indicative of how the Secretary of State and Inspectors are applying the latest, up to date policy, in granting permission for similar solar developments despite acknowledged harms such as significant adverse landscape impact and BMV that result in some tension / conflict with parts of the relevant Development Plan.

Of particular note is the decision for the ENSO appeal against MSDC's refusal of application DC/20/05895. 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. Regarding BMV, the Inspector considered the development to represent a small proportion of agricultural land within the district as a whole and gave extremely limited weight to the adverse landscape impact of the scheme which he concluded to be outweighed, in the planning balance, by the contribution of the development to a low carbon economy, job creation, biodiversity gains and soil quality improvements. Please refer to the appendices for a more detailed summary and the full text of the Inspector's report and decision with the conditions imposed.

Other relevant appeal decisions include:

APP/C3240/W/22/3293667 (Telford, Shropshire), a Secretary of State recovered appeal. In allowing the appeal and granting permission for a solar farm development the Secretary of State accepted that the development would result in a significant and harmful change to the strategic 'valued' landscape and would therefore not be in accordance with local landscape policy. However, he considered this impact was outweighed by the public benefits of the proposal. The Secretary of State relied on the NPPF support for the increased use and supply of renewable energy. This position has also since been reinforced by the publication of documents mentioned above.

APP/C3240/W/22/3308481 (Telford, Shropshire). The Council had refused permission on impact on the character and appearance of a strategic landscape around the AONB. The site fell within a 'valued' landscape. It was found that the proposal would result in an engineered landscape at odds with the special qualities of the area which would have a material adverse effect on the landscape character and appearance of the site and the strategic landscape that conflicted with development plan policy. The loss of BMV was found to be acceptable assessed against the NPPF. The significant benefits offered and support from policy for such proposals meant that permission was granted despite several conflicts with elements of the development plan.

APP/L3245/W/23/3314982 (Squirrel Lane, Shropshire). 95% of the site was BMV agricultural land. The Inspector concluded that, whilst the land would be capable of some ongoing agricultural use through sheep grazing, the underutilisation of a significant area of BMV would be an adverse effect of moderate significance. Weighing this in the overall planning balance, the Inspector found the benefits of renewable energy and contribution to climate change attracted substantial weight given local and national policy support. Overall, the planning balance was found in favour of the proposal.

- 4.15. 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.
- 4.16. 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.

4.17. 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.

## **5.0 Loss of best and most versatile agricultural land**

5.1 For the purposes of planning policy Best and Most Versatile (BMV) agricultural land is that classified at Grade 1, 2 or 3a in accordance with the DEFRA agricultural land classification system. The DEFRA mapping system shows the agricultural land classification layer for this area at a scale of 1:250,000 and greater, indicating the site to be a mix of Grades 2 and 3. The application submission includes more detailed analysis by way of a soil survey which has been undertaken in accordance with guidelines and concludes that the land within the application site is, in fact, a mix of Grade 3a and 3b, with approximately 52% 3a, 47% 3b and the remainder non-agricultural. Of the 1.68ha of the site that is proposed to be covered by physical development (comprising the solar panel frames, transformer, substation, etc), 0.87ha is grade 3a and the remainder is not BMV / agricultural.

5.2 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...”

5.3. 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.”

5.4. 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...”

5.5 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 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.

- 5.6 Steps have been made to minimise the impact of the development on BMV including the majority of the proposed panels to be installed on ground-driven piling (similar to fence posts), rather than with concrete foundations (except in areas of archaeological interest, where surface mounted concrete foundations would be used to minimise impacts on soils), the provision of low intervention grassland between panels which is suitable for sheep grazing and biodiversity improvements around arrays, discussed further below.
- 5.7 It is also important to note that the application seeks permission for a limited period of 35 years after which the site will be reinstated and returned to agricultural use, this reinstatement can be secured by condition. It is also material to note the conclusion of the Inspector for the ENSO appeal, that the time-limited and reversible nature of that development, together with the persuasive evidence submitted as to the positive impact the development would have on soil quality, combined to result in a neutral / positive outcome in terms of BMV impacts and the planning balance.
- 5.8 The development would result in an area of BMV land being taken out of arable production for the lifetime of the development. The land would however be capable of concurrent agricultural use, by way of grazing, together with the operation of the solar farm. Further, evidence shows the positive impact such development can have on soil quality for future generations, which can be secured by a soil management plan condition, as recommended. The impact on BMV would be time limited, reversible and would affect a relatively small area of BMV land as a proportion of the overall available operational agricultural land across the district and would not unduly hinder the ongoing agricultural use and operation of the surrounding land. 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.
- 5.9 Overall, therefore, the development is considered to meet the objectives of policy CL11 in seeking to protect BMV land and there is not considered to be grounds to warrant refusal of this application for reasons of BMV impact.

## **6.0 Traffic, highway safety and rights of way**

- 6.1 The proposed development includes the construction of a new access serving the site from Tye Lane, leading to a temporary construction compound located adjacent to the highway and PROW next to an existing agricultural yard together with internal accessways to serve the construction of the solar array. It is relevant to note that Tye Lane is a designated Quiet Lane.
- 6.2 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.*

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).*

- 6.3 It is proposed that construction traffic will access the site from Tye Lane after travelling south along the B1113 from the A14 Claydon interchange. The construction period is anticipated to be 6 months during which a daily average of between 4 to 22 movements of LGV or HGVs are expected, depending on the phase of the construction programme. Once construction is completed the solar array would be unmanned and would be operated and monitored remotely. Maintenance visits 1-2 times a month by small van are expected. Decommissioning can reasonably be expected to be undertaken with similar traffic impacts as the construction phase.
- 6.4 Concerns have been raised regarding the impact of traffic associated with the development on users of the highway network, in particular potential conflict with users of Tye Lane, a designated Quiet Lane. Local authorities are able to designate country lanes as 'Quiet Lanes' in rural areas, under the Transport Act 2000. 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.
- 6.5 In a Quiet Lane it may be appropriate to control development traffic to a level appropriate to the Quiet Lane concept, where the local planning authority considers it necessary. It is for each local planning authority to decide the relevance of any particular issue when assessing a planning application, and the relative weight that should be given to any factor when reaching its decision. Having regard to the advice of SCC Highways, the type and volume of existing traffic on Tye Lane and the very low level of traffic movements expected for the main operational phase of the development, there is not considered to be an unacceptable impact on users of Tye Lane as a designated Quiet Lane.
- 6.6 Although the SCC highways officer has concerns regarding the proposed use of Tye Lane for construction traffic they have raised no objection to the proposed development which they conclude to be acceptable subject to conditions to secure the access and

visibility works, off site highway improvement works, repairs to any damage and a construction management plan.

- 6.7 National Highways have raised no objection to the proposed development subject to a condition to secure a construction management plan, as recommended below.
- 6.8 There is an extensive PROW network in the area around the site. A number of PROW footpaths cross through or directly adjacent to the site, including:
- A footpath aligned east to west leading from Somersham Road along the northern boundary of the site and then between field parcels at the western side of the site.
  - A footpath PROW aligned north to south adjacent to Copenhagen Cottage crosses the site before joining Tye Lane highway to the south.
  - A footpath PROW aligned north to south crosses the site from the rear of Tye Grange and Tye View Cottage passing between two field parcels and joining the wider PROW network.
- 6.9 The SCC PROW team have raised concerns regarding the assessment of PROW impacts and the lack of mitigation measures proposed. Concerns regarding impacts on PROW are also raised by the community.
- 6.10 As discussed above, the visual appearance of the development and the resulting effect on view and landscape character is one of the most significant impacts of the development. This impact is discussed in section 7 below.
- 6.11 The submitted documents state that PROW will be maintained clear of obstruction during construction and decommissioning, with the use of banksmen to control traffic crossing PROW. Mitigation of the visual impacts to be experienced by PROW users are proposed by way of new hedgerow planting to some sections of the affected PROW routes. Care has been taken to design the planting such as not to result in undue enclosure and a 'tunnelling' effect on the rights of way. Further, the delivery of new PROW information boards to improve the experience of PROW users is recommended to be secured by condition.
- 6.12 The proposed development will not change or unduly restrict access to the PROW network as it currently exists. Impacts of the development on users of PROW, specifically in terms of views and experience, will be significant, as discussed below. In assessing this impact regard is had to the proposed improvements, 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 PROW.
- 6.13 Cumulative impacts: Regard has been had to cumulative impact of the proposed development on highway safety and PROW in the context of other relevant development and proposals in the area and together considering their location, access points and vehicle routing.
- 6.14 In assessing the overall highway safety and PROW 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 alone or 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.

## **7.0 Landscape and visual impact**

- 7.1 The application site occupies four large fields that form part of a larger area of land in agricultural operation located in the countryside. The site is on a gently rising valley side with intermittent planted screening to some of the site boundaries. There are immediate public views across the site available from Tye Lane, Somersham Road and the rights of way network which crosses and borders the site at a number of points. The site does not lie within a locally designated landscape and is not considered to be a valued landscape for the purposes of the NPPF.
- 7.2 The site falls primarily within the area identified as Ancient Plateau Claylands and Rolling Valley Farmlands landscape character types in the Suffolk Landscape Character Assessment. This landscape is characterised as gently rolling arable fields, older field patterns of irregular partitions, generous sized woodland cover, and established hedgerows. The visual context of the area comprises a unique mix of enclosed agricultural land within a gently undulating landscape with some interspersed domestic and commercial buildings. The surrounding landscape also hosts a number of existing, but relatively discreet, energy infrastructure developments such as the EA1 and EA3 compounds and the National Grid substation at Bullen Lane. Parts of the landscape and skyline in this area are however visually dominated by a number of pylons and overhead lines leading to the Grid substation.
- 7.3 Whilst national and local policy seek to encourage appropriate renewable energy development, this principle in favour is tempered by the need for impacts of such development, including visual impact on the landscape of the area, to be acceptable or capable of being made so. Protection of the landscape and character of the countryside for its own sake is a notable element of topic-specific national and local policy, including policy CS5 which seeks 'to protect and conserve landscape qualities' and requires all development to 'maintain and enhance the environment'. The Core Strategy Focused Review also recognises the challenge of accommodating large-scale renewable energy development in countryside locations.
- 7.4 The application documents include an LVIA and other information to demonstrate the impacts and effect of the proposed mitigation. The proposal includes the reinforcement of existing planted screening and the provision of additional landscaping to mitigate the visual impact of the development.
- 7.5 Based on the proposals, it is clear that the proposed development would have a significant visual impact on the agricultural character of the landscape in the area as a result of the change in appearance of the site arising from the development, by introducing solar arrays, but also industrial features such as fencing, CCTV cameras and tracks. In turn, this would significantly change the character of the landscape and reduce the overall value and quality of the site.

- 7.6 Your landscape officer advises that the LVIA has been carried out in accordance with appropriate guidelines and they generally agree with the assessment of effects that significant effects on the landscape character are inevitable.
- 7.7 Your officer further recommends that opportunities for further landscape mitigation than is currently proposed are secured, particularly for further hedgerow planting along the northern boundary of the site, on the southern edge of footpath 8 and for compensatory planting within the landscape to mitigate wider views. These matters can be secured by conditions as recommended below.
- 7.8 Cumulative impacts: the LVIA includes an assessment of cumulative visual effects arising from the development in combination with other relevant development in the area. Your landscape officer agrees that, due to intervening vegetation views of multiple sites are limited from static locations. There is some concern however that depending on the routes walked, PROW users may encounter multiple views of solar developments along the route, where these travel past or through the developments.
- 7.9 The change in the character of the landscape will be experienced most intensely within immediate proximity of the site with views from the PROW within and adjacent to the site most affected but capable of mitigation by additional planting. Impacts on views from highways will be mitigated by the design and layout of the scheme as well as proposed landscape planting. Wider landscape views will also change, where the site is visible, from the current agricultural character of the land to the industrial character of the solar array.
- 7.10 There will be a significant change to the visual appearance of the site and the wider landscape of the area resulting from this proposal. Having regard to the temporary and reversible nature of the development and landscape mitigation measures to be controlled, officers conclude that, whilst the development would not comply with the NPPF paragraph 174, CS5 and FC1.1 in terms of enhancing the landscape, measures to protect the landscape can be secured such that the degree of impact would not be in conflict with the objectives of the development plan when read as a whole.
- 7.11 When weighing the landscape and visual impacts of the development in the overall assessment of the proposal it is also necessary to consider the public benefits of the development as an installation for the generation of renewable energy. Overall, there are not considered to be grounds to refuse the application on this basis.

## **8.0 Ecology**

- 8.1 Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1<sup>st</sup> 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.

- 8.2 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.
- 8.3 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.
- 8.4 The application site covers an area of agricultural land. There are potential habitats such as hedgerows, trees and woodland, 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.
- 8.5 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.
- 8.6 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. Further to concerns raised by consultees, additional information has been provided in respect of ecology impacts including construction mitigation for works close to Miller's Wood, skylark mitigation and re-surveying.
- 8.7 Your ecology officer's main concerns in respect of ecology impacts arising from the development include the construction method for the grid connection cable, impacts on protected species and habitats and the impact of external lighting within the site.
- 8.8 The grid connection cable route runs beside Miller's Wood County Wildlife Site (CWS) and ancient woodland, and then across this woodland at Tye Lane. In order to protect the woodland, habitat and species at Miller's Wood, the applicant has confirmed that HDD will be used rather than open cut method. This will enable the installation of the cable, to be pulled through an underground drilled channel beneath the woodland, to start and end at least 15 metres from the edge of the woodland in order to address concerns of consultees. The specific details of a construction method statement for the HDD cable route can be secured by condition, as recommended.
- 8.9 Additional information has been provided to demonstrate impacts and mitigation for Great Crested Newts present in ponds close to the site, disruption of bat foraging routes along hedgerows which can be effectively mitigated by CEMP, to be secured by condition as recommended below.

- 8.10 There is no external lighting proposed for the development but it is possible that temporary lighting may be used during construction unless works are timed appropriately so as not to need artificial light. A condition to restrict the use or installation of external lighting is recommended which, together with the CEMP condition, will control this. Whilst additional information regarding impacts on skylark territories, displacement / loss and replacement has been provided, your ecology officer has requested further detail on this point and, at the time of writing, discussions are ongoing with a view to agreeing resolution. A verbal update on this matter will be reported at your meeting and this position is reflected in the recommendation below.
- 8.11. Biodiversity net gain: The ES includes details of biodiversity net gain to be delivered by the development. Although the DEFRA metric hasn't been used, this is agreed with your ecologist and delivery of appropriate measures can be secured by condition for a LEMP. Subject to this condition, the development would meet the NPPF requirement to demonstrate a net gain, the emerging national requirement for 10% net gain and is acceptable in this regard
- 8.12. Your ecology officer has reviewed the comments from Natural England, Suffolk Wildlife Trust and the Woodland Trust. They have 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 now been submitted in respect of all ecology matters except skylark mitigation for which discussions are ongoing. Your ecologist raises no objection to the principle of the proposed development subject to receiving all information necessary to enable the council to discharge its statutory duties in this respect and subject to conditions to secure appropriate mitigation, as recommended below.
- 8.13 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.
- 8.14 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. Biodiversity net gain for the scheme that meets policy requirements will be delivered. Protection, mitigation and enhancement can all be secured by appropriate conditions, as recommended. 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.

## **9.0 Flood Risk and Drainage**

- 9.1 A drainage ditch runs along the north-west boundary of the site which, otherwise, does not lie within close proximity to any river or watercourse. Therefore, the application site

lies in Flood Zone 1 for fluvial flooding, areas at the lowest risk of flooding from rivers, and the majority of the site is at a low risk of surface water flooding. There is no record of surface water incidents on the site itself although there are a number of records of flooding on Tye Lane. Community concerns raised include the impact of the development of flooding, in particular the potential to exacerbate surface water flooding on Tye Lane.

- 9.2 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). 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.
- 9.3 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, and an outline drainage strategy.
- 9.4 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 maintain the existing run-off rate of the site in a 1 in 100 year flood event with an allowance for climate change. This will ensure there is no increase in flood risk arising from surface water run-off as a result of the development. Further, the proposal includes a surface water drainage strategy comprising a swale located along the southern boundary of the site, with Tye Lane, to store and delay infiltration of surface water run-off, thereby improving the existing run-off rate and preventing any exacerbation of the run-off flooding to Tye Lane highway.
- 9.5 The Environment Agency has raised no objection to the proposed development. The LLFA has confirmed that it is satisfied with the submitted drainage strategy and raise no objection to the proposed development subject to conditions.
- 9.6 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.
- 9.7 Neither the EA or LLFA has raised concerns. 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.

## **10.0 Residential and public amenity including noise, air quality, land contamination, light pollution and public safety**

- 10.1 Parts of the site boundaries adjoin the curtilage of existing residential properties including Rutters Farm to the east on Somersham Road, Copenhagen Cottage (which adjoins Little

Sage Hill, a commercial campsite operation) north of the centre part of the site, Tye Grange and Tye View Cottage to the south-west. The next nearest properties are as follows (distances are approximate):

- Properties on Loraine Way 140m
- Tye Farm 160m
- Properties at The Row 190m
- Poachers End 290m
- Properties at Bullen Row 400m
- Sycamore House 410m

There are further dispersed dwellings within the wider surrounding area.

- 10.2 The site is sufficiently distanced from residential properties and the nature of the proposed development is such that there will not be any impact on privacy, overshadowing or overlooking arising from the development.
- 10.3 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.
- 10.4. 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.
- 10.5 The glint and glare assessment concludes that, due to screening of views by existing planting and terrain, there would be no impacts on all except two of the receptors identified. These two receptors are residential properties, where there is potential for high glint and glare impacts unless appropriately mitigated. Therefore, planting mitigation is recommended that will reduce the level of impact to low when the planting is first in place, reducing to non after maturity.
- 10.6 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. On this basis, subject to conditions to control the implementation and maintenance of planted screening, the development would not have an unacceptable impact on amenity or safety as a result of glint and glare and the application should not be refused for this reason.
- 10.7. Whilst solar arrays are not considered to be significant sources of noise, the development includes electrical / mechanical equipment that will produce some noise when operational which has the potential to be heard at nearby residential properties, affecting the level of amenity enjoyed by occupants. As such, it is necessary for this potential impact to be appropriately assessed.

- 10.8 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 and so the assessment is based on World Health Organisation guidelines for noise level to protect sleep and finds that, when operational, the noise from the development perceived at the nearest noise sensitive receptors, as detailed above, would be below the guideline level in every case.
- 10.9 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.
- 10.10 There is no lighting proposed for either the solar panels or perimeter of the development complex. There may be some manually operated lighting used within the site to ensure the safety of inspection and maintenance personnel. The restriction of lighting can be controlled by condition as recommended below.
- 10.11 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 below.
- 10.12 It should be noted that this development does not include BESS and that the equipment must be installed in accordance with existing electrical installation regulations and standards. The proposal includes perimeter fencing, closed circuit television and restriction of access to authorised personnel and prevent incidents resulting from unauthorised access.
- 10.13 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 fire 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 fire risk reduction strategy, there is not considered to be any health and safety impact that warrants refusal of the application.
- 10.14 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.
- 10.15 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.

- 10.16 The applicant has submitted a cumulative noise assessment which calculates 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. Your Environmental Protection officer has reviewed the cumulative noise assessment and advises that they are satisfied with the findings and that there no detrimental effect on nearby residential properties.
- 10.17 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.

## **11.0 Heritage Issues**

- 11.1 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.
- 11.2 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).
- 11.3 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.
- 11.4 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.

- 11.5 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 ES also includes details of trial trenching investigations and archaeological finds across the site.
- 11.6 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. Specific assets identified in the assessment include Rutters Farmhouse, outbuildings at Rutters Farmhouse and Tye Farmhouse, all Grade II listed. Following your heritage officer's advice, non-designated assets Copenhagen Cottage and Little Blakenham Hall have also been included in the assessment, which considers how the assets are experienced, their setting, and views between the assets and the development. In respect of each of these assets, the assessment concludes as follows:
- 11.7 Rutters Farmhouse and associated outbuilding: The site lies within 100m of the asset and associated outbuilding. The site was historically associated with the farm as part of its operational land. The site is separated and screened from Rutters Farmhouse by a mature boundary hedge. The ES concludes that there would be a change to the setting of the asset by the visual change to the adjacent landscape. This change would result in a borderline no / less than substantial harm to Rutters Farmhouse.
- 11.8 Tye Farmhouse: The ES concludes that the site has no historic association with the asset and does not intrude into its setting. Therefore, no harm to the significance of this asset would arise as a result of the development.
- 11.9 Copenhagen Cottage: Although the building occupies an historic site, it has been substantially altered in recent times and is not considered to be a non-designated asset. It is not, therefore, relevant to assess heritage impacts in terms of this building.
- 11.10 Little Blakenham Hall: Although the building occupies an historic site, it has been substantially altered in recent times and is not considered to be a non-designated asset. It is not, therefore, relevant to assess heritage impacts in terms of this building.
- 11.7 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.
- 11.8 Your Heritage adviser has reviewed the information submitted and requested the further assessment of Copenhagen Cottage and Little Blakenham Hall as well as a revisiting of the assessment of Rutters Farmhouse. On receipt of this information your Heritage adviser has confirmed they have no objection to the development and accept that Copenhagen Cottage and Little Blakenham Hall are not considered to be non-designated heritage assets. Your adviser further confirms their opinion, in agreement with the ES,

that the development would result in no harm to Tye Farmhouse and that the impact on Rutters Farmhouse is at the lower end of less than substantial harm, by reason of the change to its setting arising from the development.

- 11.9 Adopting a precautionary approach, and noting the seriousness of the desire to keep designated heritage assets from harm, officers have assessed the application on the basis of a worst case i.e. that the development would result in a low level of less than substantial harm to the Grade II listed heritage asset, Rutters Farmhouse. Accordingly, officers have weighed that harm against the public benefits of the proposed development in accordance with NPPF.
- 11.10 The public benefits of the development, in terms of renewable energy generation, contribution to the transition to a low carbon economy and the UK's legally binding net zero targets are set out above. It is also relevant to consider the time limited and reversible nature of the development. These benefits and features of the development are considered to be significant and outweigh the low level of less than substantial harm to the heritage asset.
- 11.11 Officers have applied the balance required by the NPPF and had special regard to the desirability of preserving the setting of Rutters Farmhouse and associated outbuilding as listed buildings, as required by section 66 of the listed buildings Act. The outcome of this balancing exercise is that those public benefits identified outweigh the low level of less than substantial harm to the setting of the assets, having given considerable importance and weight to the harm identified.
- 11.12 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.
- 11.13 The impacts of the development on heritage assets has been identified and assessed. Having weighed the impacts against the public benefits of the proposal and, having regard to the advice received from technical specialists, the proposed development is considered to accord with the objectives of the Development Plan and NPPF and is acceptable, subject to the conditions as recommended below.

## **12.0 Other matters**

- 12.1 Gas main: There are buried gas mains which cross the application site. The presence of such infrastructure does not prevent the grant of permission but they may affect the siting of any buildings. Cadent have raised no objection to the proposal and have

recommended an informative to made the developer aware of their responsibilities in regard to this issue.

- 12.2 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 a BESS. This proposal does not include battery storage and any such development in future would require planning permission so that any relevant issues would be assessed and controlled, as appropriate, at that time.
- 12.3 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 are planning condition or obligation. Conditions and obligations must meet certain tests set out in the NPPG and CIL Regulations. 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.
- 12.4. 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. Officers can confirm that EDF, as operator of the site as a generating station, are not a statutory undertaker and therefore they do not have any permitted development rights associated with the site. 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.
- 12.5 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.

### **13.0 Parish Council Comments**

- 13.1 Due to the scale and nature of the proposed development, consultation has been sent to the host and neighbouring Parish Councils.
- 13.2 All of the Parish Councils have responded with strong objections on grounds of a number of issues as summarised above.
- 13.3 The matters raised by the Parish Councils have been addressed in this report.

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## **PART FOUR – CONCLUSION**

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### **14.0 Planning Balance and Conclusion**

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- 14.1. 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. This public benefit is afforded significant weight in the planning balance, consistent with the direction of policy and decisions on similar development. 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.
- 14.2. 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 significant landscape and visual effects, the degree of change does not lead to a conflict with the relevant development plan policies or the objectives of the development plan when read as a whole and is not such as to warrant refusal of the application. Impacts on heritage are either considered to be acceptable, or can be made so by conditions as recommended and any harm arising has been weighed against the public benefit of the development which is considered to outweigh any harm. There are not considered to be any unacceptable ecology, highways, amenity and safety or flood risk impacts.
- 14.3. Even taking into account the limited harm that would arise to BMV agricultural land and the 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.
- 14.4. It is also relevant to note the change in circumstances of material considerations to the determination of applications of this type, in particular the publication of relevant national documents and appeal decisions. These provide an indication of the government's direction of travel in respect of renewable energy development, in particular reinforcing the critical role of solar development in achieving net zero commitments and an acceptance of significant impacts of such development where they are outweighed by the benefits of the development.

## **RECOMMENDATION**

**That Delegated Authority be given to the Chief Planning Officer to resolve skylark mitigation matters. Subject to those matters being resolved, the application is GRANTED**

**planning permission and includes the following conditions and informatives (those listed, and others as may be deemed necessary\*)**

- Standard time limit for commencement
- Temp PP 35 years plus removal and reinstatement if operation ceases for a period of 6 months or at the end of the 35 year life. Reinstatement scheme to be agreed including biodiversity review, mitigation and details of retained landscape planting
- Approved Plans (Plans submitted that form this application)
- Access works, off site highway improvement works
- Arboricultural Survey and Impact assessment
- Repairs to any highway damage
- Off-site highway improvement works
- Archaeology
- Carry out in accordance with ecological assessment
- CEMP
- Construction management plan including deliveries, vehicle routing and working hours
- Fire safety strategy
- Glint and glare mitigation to be implemented and maintained.
- HDD methodology for Miller's Wood to be agreed
- Information board strategy
- Landscape planting scheme, to include planting to northern boundary along footpath 8 and long-term landscape compensation
- Landscape management and implementation
- LEMP
- Lighting restriction (no external lighting to be operated)
- No burning of waste on site
- Noise assessment once operational
- Right of way information board strategy
- Surface water drainage strategy to be agreed, implemented and verified
- Skylark mitigation
- Soil management plan
- Visibility splays

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

- Proactive working statement

- SCC Highways notes
- Support for sustainable development principles