

MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **MSDC PLANNING** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Wednesday, 13 September 2023 at 09:30am.

PRESENT:

Councillor: Sarah Mansel (Chair)
Lavinia Hadingham (Vice-Chair)

Councillors: Lucy Elkin Nicholas Hadingham
Terry Lawrence John Matthissen
David Penny Rowland Warboys

Ward Member(s):

Councillors: James Caston

In attendance:

Officers: Area Planning Manager (GW)
Planning Lawyer (IDP)
Case Officers (BC/JW/NM/AG)
Governance Officer (CP)

1 APOLOGIES FOR ABSENCE/SUBSTITUTIONS

40.1 Apologies were received from Councillor Austin Davies.

40.2 Councillor David Penny substituted for Councillor Davies.

2 TO RECEIVE ANY DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER REGISTRABLE OR NON REGISTRABLE INTERESTS BY MEMBERS

41.1 Councillor Hadingham declared an other non registerable interest in respect of application number DC/23/02667 as the landowners were known to her.

41.2 Councillor Warboys declared an other non registerable interest in respect of application numbers DC/23/02118 and DC/21/04711 as the landowners were known to him.

41.3 Councillor Matthissen declared an other registerable interest in respect of application number DC/23/03318 as a Director of MSDC (Suffolk Holdings) Ltd which are the owners of the land. A dispensation had been granted by the Monitoring Officer.

3 DECLARATIONS OF LOBBYING

42.1 All Members, apart from Councillor Penny, declared that they had been lobbied on application numbers DC/23/02118, DC/22/02667, and DC/21/04711.

4 DECLARATIONS OF PERSONAL SITE VISITS

43.1 There were no declarations of personal site visits.

5 MPL/23/10 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 16 AUGUST 2023

It was RESOLVED:

That with the following amendment the minutes of the meeting held on 16 August 2023 be confirmed and signed as a correct record.

Under application number DC/22/06117, item 2 of the resolution to read ‘renewables’ and not ‘renewal’.

6 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

45.1 The Governance Officer advised that a petition had been received in respect of application number DC/23/02118 with 75 validated signatures.

45.2 The Governance Officer read out the petition statement as follows:

We the undersigned petition the Council to Refuse the Enso "free-go" Planning Application DC/23/02118.

Planning applications must be decided according to the local plan, unless material considerations indicate otherwise.

This proposal is identical to the one which was previously refused by experienced Councillors by a substantial majority (vote 6-1) in order to protect the best and most versatile (BMV) land for the optimum purposes of agriculture, and to protect the landscape character and visual amenity of the “valued landscape forming part of the designated Special Landscape Area” for users of the public right of way, community, and tourists. In both respects, the proposal was contrary to the local plan as well as the National Planning Policy Framework (NPPF) and the Councillors evidently did not consider that there were any other material considerations that indicated that planning permission should be granted.

The local plan still affords those same protections. As does the NPPF. New publications and guidance by the Government still do not override the local development plan, environmental concerns, and the concerns of the local community, and so no new material considerations have arisen since the previous refusal that would warrant a change in decision.

Local development plans, compiled over many years and tailored to local

conditions, are there to reflect the wishes of the local community and to ensure consistency in planning decisions. The Mid Suffolk local development plan still provides those same protections to BMV land, landscape and amenity.

However, this application could also be refused in order to: protect the setting of heritage assets, namely the Grade 1 listed St Marys Church in Flowton and non-designated heritage asset of Flowton Hall; protect surrounding areas from increased risk of flooding, namely the area of Flowton Brook; to protect skylarks, which are a legally protected bird; to protect the amenity and safety of public right of way users, including horse riders, from glint and glare, unacceptable noise levels, and fear of harm due to high security fencing hemming in the footpaths and bridleways; and to protect public safety and prevent harm to the environment from pollution in the event of a battery storage thermal runaway fire event. These are also all valid and material planning considerations for refusal.

This is an identical application, and the planning rules and guidance remain unchanged. The only change is the political makeup of the Council and the Planning Committee. If the Planning Committee decide to override a legitimate, substantial majority decision it will clearly be due to political reasons and not a change in planning policy or substantial change in the application. As such, such a dramatic change of decision on political and not planning grounds would endanger all future planning decisions as being tainted by political rather than planning considerations.

Please protect this countryside and the integrity of the local development plan by refusing application DC/23/02118.

7 MPL/23/11 SCHEDULE OF PLANNING APPLICATIONS

46.1 In accordance with the Councils procedures for public speaking on planning applications, representations were made as follows:

Application Number	Representations From
DC/23/02118	Caroline Wolton (Bramford Parish Council) Gary Page (Objector) John Cousins (Supporter) Owen Horrell (Applicant)
DC/22/02667	Neil Weston (Palgrave Parish Council) Jeremy Moynihan (Objector) Rob Shaw (Applicant) Councillor Tim Weller (Ward Member)
DC/21/04711	Caroline Wolton (Bramford Parish Council) Gary Page (Objector) Darren Cuming (Applicant) Councillor James Caston (Ward Member)
DC/23/02385	Councillor Rachel Eburne (Ward Member)
DC/23/03318	None

8 DC/23/02118 LAND TO THE SOUTH OF CHURCH FARM, SOMERSHAM, IP8 4PN, AND LAND TO THE EAST OF THE CHANNEL, BURSTALL, SUFFOLK, IP8 4JL

- 47.1 Item 7A
Application DC/23/02118
Proposal Planning Application – Installation of renewable led energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure, landscaping and biodiversity enhancements including Nature Areas ('Free Go' application following refusal of MSDC Ref: DC/20/05895)
Site Location Land to the South of Church Farm, Somersham IP8 4PN and Land to the East of The Channel, Burstall, Suffolk, IP8 4JL
- 47.2 The Case Officer introduced the application to the Committee outlining the proposal before Members including: the previous planning history of the site, the location of the site, the agricultural land classifications of the area, the cumulative impact of the surrounding proposed schemes, the proposed layout of the scheme including the location of the substation and battery storage, proposed landscaping and ecology enhancement plans, the dimensions and design of the elements, the proposed access and fencing schemes, the expected energy generation of the scheme, and the Officer recommendation of approval as detailed in the report.
- 47.3 The Case Officer responded to questions from Members on issues including: the administrative oversight mentioned in the officer presentation and the consequences of this, the cumulative impact of the schemes and the material changes to the proposal since the last presentation to Committee, whether there would be enough rooftop space to provide central Government's target for solar generation and the current percentage in Suffolk, and the agricultural classification of the site and surrounding land, the area of Best and Most Versatile (BMV) agricultural land included within the application in comparison to Suffolk and the wider area.
- 47.4 The Planning Lawyer responded to questions from Members regarding the Planning Permission granted by the Planning Inspectorate and provided clarification of the legal situation regarding the permission and the implications should the decision be deferred.
- 47.5 Members considered the representation from Caroline Wolton who spoke on behalf of Bramford Parish Council.
- 47.6 Members considered the representation from Gary Page who spoke as an Objector.

- 47.7 Members considered the representation from John Cousins who spoke as a Supporter.
- 47.8 The Supporter responded to questions from Members on issues including the proposed landscaping plans for the hedgerows.
- 47.9 Members considered the representation from Owen Horrell who spoke as the Applicant.
- 47.10 The Planning Lawyer and the Area Planning Manager responded to questions from Members on issues including: the addition of conditions to the permission which was granted at the appeal, the legal implications of having dual planning permissions granted, and the outcome of the appeal decision.
- 47.11 Members debated the application on issues including: the current policy set by Central Government, the effect of the development on local residents, the material changes and developments around biodiversity since the previous decision by Committee, and the loss of agricultural land.
- 47.12 Councillor Warboys proposed that the application be approved as detailed in the Officer recommendation.
- 47.13 Members continued to debate the application on issues including the biodiversity net gain, and the impact on local residents.
- 47.14 Councillor Hadingham seconded the proposal.
- 47.15 The proposer and seconder agreed to an additional condition to notify the LPA of implementation of this consent.

By a unanimous vote

It was RESOLVED:

That the Chief Planning Officer be authorised to GRANT Planning Permission subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer: (the same conditions as on the allowed appeal for DC/20/05895 plus soil management plan)

- **Time limit**
- **Approved plans**
- **Temporary PP, removal, reinstatement and retention of biodiversity enhancements**
- **Access details to be agreed**
- **Arb method statement**
- **Archaeology – WSI, PEX and recording**
- **CEMP**
- **Control of lighting**
- **CTMP**
- **Final details of permissive bridleway**

- Info board details
- Landscaping – details
- Landscaping – implementation
- LEMP – carry out in accordance with
- Method for glare compliant mitigation
- No burning
- Operational noise assessment
- Skylark mitigation strategy – delivery for 40 years
- Soils management plan
- Surface water drainage strategy
- Vis splays
- Working hours

And the following additional condition:

- Notify the LPA of implementation of this consent

9 DC/22/02667 GRANGE FARM, OLD BURY ROAD, PALGRAVE, SUFFOLK, IP22 1AZ

- 48.1 Item 7B
Application DC/22/02667
Proposal Planning Application – Mixed use development comprising installation of ground mounted solar photovoltaic (PV) farm; along with continued agricultural use, ancillary infrastructure, substation, security fencing, landscaping provision, ecological enhancements, and associated works.
- Site Location Grange Farm, Old Bury Road, Palgrave, Suffolk, IP22 1AZ
- Applicant Pathfinder Clean Energy UK Dev Ltd
- 48.2 A break was taken from 11:04am until 11:18am after application number DC/23/02118 and before the commencement of application number DC/22/02667.
- 48.3 The Case Officer introduced the application to the committee outlining the proposal before Members including: the updated surface water drainage plans and amended biodiversity net gain plan received from the applicant, the location of the site, the site constraints, the agricultural land classification of the site, the heritage assets in the area and potential for heritage harm, the relationship to the Palgrave Neighbourhood Plan, the site layout including the location of the substation, the design and dimensions of the substation and associated equipment, the proposed security plans including boundary fencing, the location of the existing public rights of way and permissive paths, the proposed landscaping plan, the proposed access points, the cumulative impact of the surrounding proposed schemes, the planning balance, and the

officer recommendation of approval as detailed in the report.

- 48.4 The Case Officer responded to questions from Members on issues including: the location of the existing electricity pylons, the distance to the substation and the technical requirements associated, the proposed deer fencing and the effect on other wildlife, the amount of BMV land at the site, the proposed habitat improvement, proposals for glare mitigation, the proposed landscaping plan and conditioning for advanced hedge planting, the proposed soil management plan, and the security plans.
- 48.5 Members considered the representation from Neil Weston who spoke on behalf of Palgrave Parish Council.
- 48.6 The Parish Council representative responded to questions from Members regarding whether any consultation had taken place between the applicant and the local community.
- 48.7 Members considered the representation from Jeremy Moynihan who spoke as an Objector.
- 48.8 The Objector and the Parish Council Representative responded to questions from Members regarding the mitigations which had been suggested by the community.
- 48.9 Members considered the representation from Rob Shaw who spoke as the Applicant.
- 48.10 The Applicant responded to questions from Members on issues including: the provision of Electric Vehicle charging points, the possibility of having a community fund and community liaison group, and the location and scale of the scheme.
- 48.11 A break was taken from 12:41pm until 12:44pm.
- 48.12 Members debated the application on issues including: the concerns of local residents, the distance from the built up area of Palgrave, the proposed boundary fencing, the biodiversity net gain, the importance of land being used for food production versus energy production, the consultation between the applicant and residents, and the possibility of sheep grazing on site.
- 48.13 A break was taken from 12:57pm until 13:16pm to allow Officers to discuss potential amendments to the application with the Applicant.
- 48.14 The Area Planning Manager advised Members that following discussion with the applicant, amendments could be made to the proposal in respect of the location of the site boundary, and the optimisation of grazing land for soil quality.
- 48.15 Councillor Hardingham proposed that the application be deferred to enable consultation on the proposed amendments.

48.16 Councillor Elkin seconded the proposal.

48.17 Members debated the application further on issues including the conditions relating to skylark mitigation.

By a unanimous vote

It was RESOLVED:

That the application be deferred to seek amendments:

- **Agree condition to optimise grazing for soil quality**
- **Amendment to distance to village**
- **Reconsult on those amendments**

10 DC/21/04711 LAND NORTH OF TYE LANE, BRAMFORD, SUFFOLK

49.1 Item 7C
Application DC/21/04711
Proposal 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.
Site Location Land North of Tye Lane, Bramford, Suffolk
Applicant EDF Renewables

49.2 A break was taken from 13:25pm until 14:15pm after application number DC/22/02667 and before application number DC/21/04711.

49.3 The Case Officer presented the application to the Committee outlining the proposal before Members including: the location of the site, the agricultural land classification plan, the layout of the site, the potential cumulative impact of the surrounding proposed schemes, the dimensions of the solar panels, the proposed site access and passing bays, the landscape mitigation proposals, the contents of the tabled papers, the location of the public rights of way, the potential for heritage impact, the proposed skylark mitigation strategy, and the recommendation as detailed in the officer report.

49.4 The Case Officer responded to questions from Members on issues including: whether solar panels can be included on the roof of the agricultural grain store, proposed plans for mitigating surface water flooding incidents, and the potential for noise generation, proposed mitigation for glint and glare.

49.5 The Case Officer responded to a question from Ward Member, Councillor James Caston, regarding any provision for future advancements in technology and how this would affect the application.

49.6 The Case Officer responded to further questions from Members on issues including: the length of the temporary permission, the location of the access

to the adjacent camp site, the impact on the public footpaths and cycle paths during the construction phase, the concerns raised by the operators of the camp site, and the impact of the scheme on Tye Lane.

- 49.7 Members considered the representation from Caroline Wolton who spoke on behalf of Bramford Parish Council.
- 49.8 Members considered the representation from Derek Mayhew who spoke as an Objector.
- 49.9 The Objector responded to question from Members on issues including: the Settlement Sensitivity Assessment undertaken in 2018 by Mid Suffolk District Council.
- 49.10 The Case Officer provided confirmation regarding the status of the above mentioned document referred to by the Objector, in relation to the Joint Local Plan and the determining of applications.
- 49.11 The Case Officer responded to a question from Members regarding the location of potential tourist attractions in the area.
- 49.12 Members considered the representation from Darren Cuming who spoke as the Applicant.
- 49.13 The Applicant responded to questions from Members on issues including: whether the community benefit could be inflation linked, the connection to the grid, the location of the substation in Bramford, the suitability of the access to the site, and the proposed boundary fencing.
- 49.14 The Area Planning Manager responded to a question from Members on the construction management plan and the time constraints for the implementation of the passing bays.
- 49.15 The Applicant responded to further questions from Members on issues including: the potential and suitability for grazing on site, and the route of the cabling from the site to the substation.
- 49.16 Members considered the representation from the Ward Member, Councillor James Caston, who spoke against the application.
- 49.17 Members debated the application on issues including: the suitability of the location, the existing land use and how this effects the biodiversity and soil quality of the site, the cumulative impact on the landscape, the impact on the public rights of way and surrounding woodlands, the skylark mitigation plans, the suitability of the site for grazing, the timing of the application and the current energy crisis, the temporary nature of the installation, the decisions made by the Planning Inspectorate on similar schemes, and the benefits of having a site inspection.
- 49.18 Councillor Matthissen proposed that the application be deferred to allow Members to undertake a site visit.

49.19 Councillor Hadingham seconded the proposal.

By a unanimous vote

It was RESOLVED:

That the application be deferred to allow a site inspection and the application to be returned to Committee.

11 DC/23/02385 10 SILVER STREET, OLD NEWTON, STOWMARKET, SUFFOLK, IP14 4HG

50.1 Item 7D

Application	DC/23/02385
Proposal	Householder Application – Erection of single storey side extension and new entrance porch
Site Location	10 Silver Street, Old Newton, Stowmarket, Suffolk IP14 4HG
Applicant	Ms N Hayward

50.2 A break was taken from 16:11pm until 16:21pm after application number DC/21/04711 and before the commencement of application number DC/23/02385.

50.3 The Case Officer presented the application to the Committee outlining the proposal before Members including: the reason for referral to the Committee, the site location, the existing and proposed floor plans, the parking area, and the officer recommendation of approval.

50.4 The Case Officer and the Planning Lawyer responded to questions from Members on issues including: the reason for the works being undertaken, the permission required for planning applications on Council owned properties, and the construction management of the parking area.

50.5 The Chair read out a statement from Ward Member, Councillor Rachel Eburne, who was unable to attend the meeting.

50.6 Members debated the application on issues including the construction management plan.

50.7 Councillor Hadingham proposed that the application be approved as detailed in the Officer recommendation.

50.8 Councillor Penny seconded the proposal.

By a unanimous vote

It was RESOLVED:

That authority be delegated to the Chief Planning Officer to GRANT planning permission, including the imposition of relevant conditions and informative as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- **Standard time limit (3 yrs for implementation of scheme)**
- **Approved Plans (Plans to be submitted that form this application)**
- **Materials Schedule (prior to commencement of works above slab level)**
- **Construction Management Plan (prior to commencement)**

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

- **Proactive working statement**

12 DC/23/03318 GATEWAY 14, LAND BETWEEN THE A1120 AND A14, CREETING ST PETER, STOWMARKET, SUFFOLK

51.1 Item 7E

Application	DC/23/03318
Proposal	Application for Advertisement consent – Construction of 4.no signs (retention of)
Site Location	Gateway 14, Gateway Boulevard, Land Between the A1120 and A14, Creeting St Peter, Stowmarket, Suffolk
Applicant	Gateway 14 Ltd and Jaynic

51.2 The Case Officer presented the application to the Committee outlining the proposal before Members including: the location of the site, the Gateway14 site location plan, the location of the signage, the details of the signage including dimensions, and the Officer recommendation of approval as detailed in the committee report.

51.3 The Case Officer responded to questions from Members on issues including the reasons for the signage, and how long the signage has been in place.

51.4 Councillor Hadingham proposed that the application be approved as detailed in the Officer recommendation.

51.5 Councillor Warboys seconded the motion.

51.6 Members debated the application on issues including: the retrospective nature of the planning permission, and the signage for the unit which is already occupied.

By a vote of 7 votes for and 1 against

It was RESOLVED:

That authority be delegated to the Chief Planning Officer to GRANT advertisement consent.

1) That the Chief Planning Officer be authorised to GRANT advertisement consent subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- **Approved plans**
- **Standard advert conditions (requiring that the signage is erected with landowner permission, does not harm amenity or block traffic signage, is maintained in good condition, does not create a public safety hazard and that the site is returned to its original condition once removed)**
- **Time period for display (each respective sign removed following occupation of the final unit/s within each respective zone of development)**

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

- **Standard pro-active working statement**

13 SITE INSPECTION

None received.

The business of the meeting was concluded at 4.42 pm.

.....
Chair