

Committee Report

Item No: 7A

Reference: DC/22/02667

Case Officer: Jasmine Whyard

Ward: Palgrave.

Ward Member/s: Cllr Tim Weller

RECOMMENDATION –GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Description of Development

Planning Application - Mixed use development comprising installation of a ground mounted solar photovoltaic (PV) farm; along with continued agricultural use, ancillary infrastructure, substation, security fencing, landscaping provision, ecological enhancements and associated works.

Location

Grange Farm, Old Bury Road, Palgrave, Suffolk, IP22 1AZ

Expiry Date: 13/09/2022

Application Type: FUL - Full Planning Application

Development Type: Major Large Scale - All Other

Applicant: Pathfinder Clean Energy UK Dev Ltd.

Parish: Palgrave

Site Area: 91.56 hectares

Details of Previous Committee / Resolutions and any member site visit:

Members previously heard this planning application at committee on the 13th September. It was resolved to defer the application to seek amendments. This is dealt with at section 3 of this report. Members are asked to consider this application afresh, having regard to the new content of the report as set out below.

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

Has the application been subject to Pre-Application Advice: Yes DC/21/02845 and DC/21/06019 (follow-up response)

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

CLASSIFICATION: Official

- As per Mid Suffolk District Council's Scheme of Delegation the proposal is considered to be 'a renewable energy development' and is not recommended for refusal by officers.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

The following policies are considered the most relevant and important to the determination of this proposal. The policies are all contained within the adopted development plan for Mid Suffolk District Council which for the purposes of determining this application is comprised of: Mid Suffolk Core Strategy Focused Review (2012), Mid Suffolk Core Strategy (2008), Mid Suffolk Local Plan (1998), specifically the list of 'saved policies' (2016).

For the purposes of determining this application, the majority of policies are afforded full weight in the determination process (those afforded less than full weight are detailed within the main body of this report) as they are considered consistent with the policies of the NPPF in accordance with paragraph 219 of that document among other considerations. This will be explained further, later in this report.

- Mid Suffolk Core Strategy Focused Review (2012)

FC1 - Presumption in Favour of Sustainable Development

FC1.1 - Mid Suffolk Approach to Delivering Sustainable Development

- Mid Suffolk Core Strategy (2008)

CS1 - Settlement Hierarchy

CS2 - Development in the Countryside & Countryside Villages

CS3 - Reduce Contributions to Climate Change

CS4 - Adapting to Climate Change

CS5 - Mid Suffolk's Environment

- Mid Suffolk Local Plan (1998)

GP1 - Design and layout of development

HB1 - Protection of historic buildings

HB14- Ensuring archaeological remains are not destroyed

CL3 - Major utility installations and power lines in countryside

CL8 - Protecting wildlife habitats

CL11 - Retaining high quality agricultural land

T10 - Highway Considerations in Development

RT12 - Footpaths and Bridleways

Emerging Joint Local Plan- Significant Weight

On 19th September 2023, Babergh and Mid Suffolk District Councils received the Inspectors' report on the examination of the Joint Local Plan. The Inspectors' have concluded that, subject to the recommended modifications, the Plan is sound. Accordingly, officers have considered the modified policies having regard to the requirements of paragraph 48 of the NPPF, as relevant to the determination

of this planning application. The JLP and its policies are a material consideration of significant weight in this case.

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
LP29- Safe, Sustainable and Active Transport

Neighbourhood Plan Status

This application site is within a designated Neighbourhood Plan Area. Diss and District Neighbourhood Plan (DDNP) covers Diss and six adjoining other parishes (including Palgrave) and is being supported by both Mid Suffolk and South Norfolk District Councils.

The Diss and District Neighbourhood Plan went to local referendum on the 28th September and has successfully passed this stage with an 84% 'yes' vote in favour of adoption.

Confirmation of formal adoption by both South Norfolk Council and Mid Suffolk District Council will follow in due course following Full Council. Until the point of being 'made' (adopted), the Neighbourhood Plan has very significant weight.

The relevant policies of the plan include:

Policy 6: Design
Policy 7: Surface Water Management
Policy 8: Green Corridors and Biodiversity Enhancement
Policy 16: Protection of Key Views

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) 2021 contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-taking purposes.

Particularly relevant elements of the NPPF include:

Chapter 2: Achieving Sustainable Development
Chapter 4: Decision-making
Chapter 11: Making Effective Use of Land
Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 15: Conserving and Enhancing the Natural Environment

Chapter 16: Conserving and Enhancing the Historic Environment

Other Considerations

- A Green Future: Our 25 Year Plan to Improve the Environment (2018)
- Planning Practice Guidance for Renewable and Low Carbon Energy (March 2015)
- Joint Babergh and Mid Suffolk District Council Landscape Guidance August (2015)
- Suffolk Landscape Character Assessment
- Suffolk Climate Emergency Plan
- 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 Paragraphs 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'*. Paragraphs 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 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.
- 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.

The national Planning Practice Guidance (PPG) provides guidance and advice on procedure rather than explicit policy; however, it has been taken into account in reaching the recommendation made on this application.

Consultations and Representations

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

[Click here to view Consultee Comments online](#)

A: Summary of Consultations

Town/Parish Council

- **Palgrave Parish Council**

Object on the basis that 1) the development is in a very rural area, 2) it is fully fenced, 3) it covers 220 acres of high quality farmland (over half being grade 3a land), 4) dominating, 5) no attempt by the applicant to relocate it elsewhere, 6) twice the size of the whole of Palgrave, 7) cumulative effects of the development alongside a future solar farm and Norwich to Tilbury pylons being proposed, 8) little local support, 9) adverse impact on heritage assets, 10) adverse impact on protected bird breeding grounds, 11) adverse impact on tourism, 12) relocating skylarks is flawed, 13) recreational impact on school pupils and dog walkers,

In an earlier response Palgrave Parish Council provided the following comments, which remain valid:

1) inappropriate development for Palgrave, 2) loss of BMV agricultural land, 3) conflicts with development plan (policies CL1, CL8 and CL11) 4) Join Palgrave and Wortham together, 5) impacts to Grade I and Grade II listed heritage assets, 6) comprises the operations of the existing Forest School within the area, 7) loss of recreational and visual amenity for residents, 8) Reflective nature of panels, 9) landscape impact, 10) no consideration of food crisis, 11) fencing will impede wildlife, 12) shadows cast will degrade land, 13) toxic chemicals leach into soil, 14) loss of employment connected to farming, 15) a convenient grid connection is not adequate justification

Officer Comment: *It should be noted that policy CL1 is not a 'saved policy' of Mid Suffolk's Local Plan and thus ceases to have effect for the purposes of determining planning applications.*

An updated response from Palgrave Parish Council is expected on the 9th October which will be reported in a Tabled Paper for Members.

- **Diss Town Council**

Object on the basis of 1) loss of too much high-quality farmland, 2) increase risk of flooding to low-lying parts of Diss, 3) no decommissioning scheme submitted.

National Consultee

- **Environment Agency**
No objection.
- **Historic England**

Consider that there could be harm to Palgrave Conservation Area, and such harm should be mitigated through landscaping. Defer to Council and their expert advisors. Any harm should be weighed against public benefits.

- **Internal Drainage Board**

No objection. LLFA standing advice should be followed. Note that there is no increase in impermeable surface such that infiltration and discharge of surface water will continue in the same manner as it currently does.

- **Ministry of Defence**

No objection.

- **Natural England**

No objection. There would no significant adverse impacts on designated sites. Likely affect 42 hectares of BMV agricultural land **however** this is unlikely to lead to any significant permanent loss of such land with limited soil disturbance. There may be a reduction in agricultural productivity whilst the panels are in situ, this must be considered against paragraph 174b (and footnote 53) of the NPPF. Any planning permission granted should be done so with conditions on 1) remediation strategy for the return to former agricultural land classification (reinstatement, restoration and aftercare plans).

- **Suffolk Wildlife Trust**

No objection. Support the comments made by Place Services Ecology.

County Council Responses

- **Archaeology**

No objection. Recommend conditions on 1) Written Scheme of Investigation and 2) post investigation findings.

- **Development Contributions**

No objection but encourage the developer to contribute/ provide a fund and other initiatives to mitigate intangible residual local impacts and provide a comprehensive Local Economic Strategy.

- **Floods and Water**

No objection. Recommend surface water drainage conditions for 1) surface water drainage strategy, 2) implementation, maintenance and management of strategy, 3) Surface Water Drainage Verification Report and 4) Construction Surface Water Management Plan

- **Highways**

No objection. Note that there is a high risk of mud being dragged onto the road and no visibility splays have been provided, however visibility splays are clearly within either highway land or land within the applicant's ownership and can therefore be achieved. Recommend conditions on 1) improvement details for two existing accesses, 2) Construction Management Plan and 3) HGV traffic movements to be in accordance with submitted Construction Traffic Management Plan.

- **Public Rights of Way**

No objection. Standard informatives are recommended.

Internal Consultee Responses

- **Arboricultural Officer**
No objection. Recommend condition on being carried out in accordance with recommended protection measures in the Arboricultural Report.
- **Environmental Health- Land Contamination**
No objection. Recommend informative that the LPA are contacted in the event of unexpected ground conditions being encountered.
- **Environmental Health- Noise, Odour, Light and Smoke**
No objection. Recommend conditions on 1) acoustic barrier constructed around solar inverter units, 2) details of interim mitigation measures prior to hedgerows establishing for glint and glare, 3) method for reporting glare complaints, 4) scheme of external lighting, 5) construction hours, 6) no burning, 7) Construction Management Plan
- **Environmental Health- Sustainability**
No objection as there is the need to increase the amount of electricity generated from renewable sources. However, notes that there may be a cumulative impact with neighbouring applications and that there will be a loss of farmland, albeit this can be reinstated in future years.
- **Heritage**
Note that the harm to Valley Farmhouse cannot be reduced further through relocating the proposed substation. The level of harm identified to the relevant affected heritage assets are as follows:
 - Ivy Cottage and Longs Farmhouse- very low level of less than substantial harm
 - Park House and Associated Buildings- no harm
 - Ivy House- low level of less than substantial harm
 - Valley Farmhouse- low to medium level of less than substantial harm
 - Church of St Peter- very low to low level of less than substantial harm
 - Spring Barn- very low level of less than substantial harm
 - Palgrave Conservation Area- low level of less than substantial harm
- **Place Services- Ecology**
No objection. Recommend conditions: 1) Construction Environmental Management Plan, 2) copy of Natural England Licence for Great Crested Newts, 3) Biodiversity Net Gain Plan, 4) Biodiversity Enhancement Strategy and 5) Skylark Mitigation Strategy
- **Place Services- Landscape**
No objection. Note that there will be noticeable changes in the landscape character and visual appearance of the site, however the proposal is capable of complying with local and national landscape policy. Conditions are recommended; 1) hard and soft landscaping and 2) Landscape and Ecological Management Plan and 3) establishment and maintenance of area of hedgerow outside of red line.
- **Sustainable Travel Officer**
No objection. Note there are nearby PROW which should remain free from obstruction and could benefit from being upgraded.

Other Consultee Responses

- **Diss and District Neighbourhood Plan Group**

Object on the basis of 1) out of scale and disproportionately large, 2) highly visible, 3) no employment, housing or other public benefit, 4) substantial impact to heritage assets, 5) loss of best and most versatile agricultural land and 6) detrimentally affects resident amenity.

- **Suffolk Preservation Society**

Object. Supports transition to zero-carbon energy, however this should be done on brownfield land, rooftops and lower quality soil greenfield land. Such schemes should be community-led, designed to support biodiversity net gain and minimise visual impact. Object on the basis of: 1) will alter the sense of place when arriving into Palgrave, including far-reaching landscape views, 2) loss of Grade 3a agricultural land (40 years is not an acceptable temporary loss) and 3) heritage impacts.

B: Representations

Since Members first heard the application at committee on the 13th September, the following additional representations have been received:

20 objections:

- Benefits do not outweigh harm- loss of biodiversity, food production, industrialisation, historic damage
- Proposed layout changes make no difference
- Spoiling enjoyment of recreational use and quiet lane designation
- Loss of habitats
- Against Neighbourhood Plan just voted on
- Trees next to panels which would crush fencing and panels if they fell
- Unclear if planting is evergreen- deciduous inappropriate
- Height of planting should be high enough to protect from glare
- Light pollution at night
- Scale is unacceptable
- Farmers sold land for housing
- Resident concerns ignored
- Skylark mitigation flawed
- Why have alternative sites not been considered
- Property should be soundproofed and be compensated from light and noise
- Unacceptable at any scale
- Insulting amendment as it is so small
- Destruction of countryside
- Surface water run off will cause flooding in Diss
- No battery storage
- Solar renewable energy source is a trap- intermittent, unreliable
- Negative visual impact
- Unviable because there is not enough sunshine
- Culling of deer population from the deer fencing
- Deer will be forced onto the road causing accidents
- Flood risk ignored
- Millway Lane impassable
- Slave labour to produce panels
- Commercial exploitation

- Green Party policy against solar farms
- Cannot solve climate crisis through loss of biodiversity
- Undemocratic
- Members worried about turning down planning applications because they will be overturned, should be determined on its merits
- No defence made for ENSO appeal
- Character of a prison
- Loss of outlook for villagers and tourists
- Leakage of toxic chemicals into land
- Degrading land under panels
- Dangerous precedent set
- Loss of BMV land
- Impact on health
- Less rural feeling
- Should not be visible from houses
- Industrial setting
- Disengaged from community
- Dominate Palgrave
- No reduction in size from Millway Lane
- Further and temporary additional screening needed
- Undermines a protected view within the Neighbourhood Plan
- Maximise height of panels at 3 metres
- Cannot be relied upon without fossil fuels
- Higher energy bills
- Houses will be built at the end of the solar farms life as it will be brownfield land

Additional responses are likely to be received following publication of this report, any additional responses will therefore be presented as a tabled paper/ verbally during committee.

A representation was received from MP Dr Dan Poulter, which is summarised as follows:

- The scale will consume Palgrave
- Clearly visible
- Loss of amenity
- Views of Medieval church tower and countryside will be obscured
- Millway Lane has been designated a Quiet Lane
- Cannot sacrifice the countryside in the pursuit of greater energy security
- Conflict in Ukraine has highlighted need to improve food security
- Fertile prime agricultural land being removed from food production
- Local authorities disregarding guidance on solar development on agricultural land
- No joined up thinking

In addition to the above representation, at the time of writing this report at least 70 letters/emails/online comments have been received. It is the officer opinion that this represents 61 objections, 7 support and 2 neutral comments. A verbal update shall be provided as necessary.

Views are summarised below:

Objection Comments:

- Affects ecology/ wildlife (45)
- Landscape impact (40)
- Out of character with the area (40)
- Industrial scale (36)
- Food security (33)
- Dominating/ overbearing (32)
- Loss of open space (32)
- Loss of outlook (30)
- Loss of fertile land (30)
- Development should be directed away from BMV land (26)
- Change in view and experience of recreational users of the area (26)
- Overdevelopment of the site (23)
- Trees (20)
- Conflicts with Neighbourhood Plan (17)
- Existing buildings should have solar panels instead (16)
- Design (16)
- Conflicts with District Plan (16)
- Brownfield land should be used (15)
- Inappropriate in Conservation Area (15)
- Residential amenity (13)
- Harm to listed buildings and historical context of village (13)
- Not remote next to the village (12)
- Money making scheme (12)
- Development too high (12)
- Conflicts with NPPF (11)
- Inappropriate location (11)
- Noise (11)
- Social, emotional and environmental impacts to residents (11)
- Light pollution (11)
- Land currently in active agricultural use for crops and livestock (11)
- Increase danger of flooding (10)
- Increased traffic and highway issues (10)
- Carbon footprint during construction (10)
- High metal fencing (10)
- Issues with Russia and Ukraine affecting food security (9)
- No compensatory benefits for residents (9)
- Detrimental to health and wellbeing of existing residents (9)
- Millway Lane is now a Quiet Lane (8)
- Sustainability (8)
- Building work (8)
- Increased pollution (7)
- Solar farms are inefficient (7)
- Within 1km of SSSI (7)
- Application lacks information (6)
- Impact on private view (6)

- Unlikely to be used for sheep grazing (5)
- Panels to be sourced from China where there are human rights issues and slavery (5)
- Drainage (5)
- Overlooking (5)
- Will become more urbanised (4)
- Land piped for irrigation (4)
- Removal and destruction of hedges (4)
- Increasing global reliance on food imports and carbon footprint (4)
- Should not be seen in isolation, numerous other local energy projects (4)
- Technology will soon be obsolete and could be harmful (3)
- Boundary issues (3)
- Undermine school children's use of countryside (2)
- Glare impacts (2)
- No decommissioning plan (2)
- Not necessary to reach net zero (2)
- Greenwashing (2)
- Densely positioned 3m high panels (2)
- Piecemeal approach to renewable energy
- Loss of farming jobs
- Health and Safety
- Inadequate access
- Terrible precedent
- Plenty of agricultural land elsewhere
- Negligible contribution to the electricity grid
- Parliamentary debate in March 2022 about changing policy on solar farms
- Unlikely to be returned to agricultural use
- Construction disturbance to wildlife
- Security features undermine privacy
- Loss of dark skies
- Potentially contaminated land
- Loss of privacy
- Loss of light
- Ugly
- No economic benefits
- Crops help feed existing biodiversity
- Loss of commercial shooting business
- Landscaping unacceptable in historic area
- Loss of light, run off and soil erosion to land underneath
- Surround new barn converted for residential use
- Reputation of developer
- Unclear employment benefits
- Carbon increase from moving manure elsewhere from the village
- Biodiversity net gain unlikely to be met when crops lost
- Farmland is a carbon sink
- Unable to sell property
- More open space needed

Support Comments:

- Reducing CO2 emissions (2)
- Support use of agricultural land
- Improvement in biodiversity
- Better than intensive farming
- Projects like this are essential
- Short sighted to comment on housing prices
- Future proofing land for future arable use
- Alternative energy generation involves factories, industrial units, permanent buildings and pollution
- Diversify area
- Climate emergency
- Well obscured by landscaping
- Reducing impacts of climate change
- Pigs previously on site which caused other complaints
- Well served by existing landscaping
- Part of land is 3b (not BMV)
- Public consultation listened to
- Biodiversity net gains, monocrops do not support wildlife
- Food prices increased because of rising energy costs
- If land for farming is of concern then all equestrian land should go back into farming use
- Carbon footprint of a solar panel is minimal compared to its carbon reduction benefits
- Tool to fight climate change
- Need many new renewable energy projects
- It is important to protect heritage but technology moves on, there never used to be electricity, now that electricity needs to come from renewable sources

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

PLANNING HISTORY

Case Reference	Proposal	Outcome
DC/21/02867	Environmental Impact Assessment- screening opinion request for proposed solar farm	EIA not required 01.06.2021

PART THREE – ASSESSMENT OF APPLICATION

1. Site and Surroundings

- 1.1. The site falls wholly within the countryside and straddles between Millway Lane, Lion Road, and Bury Road (A143). At its closest point, the site is 135 metres away from the settlement boundary of Palgrave.
- 1.2. The site straddles two key parcels of land extending 91.56 hectares. The applicant has carried out soil testing which confirmed that the site is 51.2% Grade 3a agricultural land (Best and Most Versatile (BMV)) and 48.8% Grade 3b agricultural land (not BMV land). The majority of the

land would be utilised for the siting of solar panels with an area to the east used for the substation. Four access points are to be incorporated into the scheme connecting to Lion Road and Bury Road (A143).

- 1.3. The site is currently part of a family run farm consisting of 309 hectares of arable and grazing land. They currently produce wheat, barley, maize, sugar beet, herbage, potatoes and rear cattle and fat pigs.
- 1.4. There are a number of nearby listed buildings located within Palgrave to the east. The nearest listed buildings are Grade II listed Valley Farm House and Ivy House to the south of the site. At its closest point the site is 151 metres west of the Palgrave Conservation Area. The site lies within an area with a high archaeological potential, situated within the Waveney Valley.
- 1.5. There are no trees on site protected by Tree Preservation Order.
- 1.6. The site has a relatively flat topography. The site is outside of but near to two Special Landscape Areas to the southeast and southwest. There are no other landscape designations covering the site. The landscape in Palgrave and the immediate surrounding area is characterised primarily as Ancient Plateau Claylands, as identified in the Suffolk Landscape Character Assessment, 2 with a band that wraps around from the north to the east and the south characterised as Rolling Valley Farmlands and Furze.
- 1.7. A very small sliver of land in the southeast corner of the site falls within Flood Zones 2 and 3 which is at a medium to high risk of fluvial flooding (river). Small isolated areas of pluvial flooding (surface water) are found across the site, these are primarily low risk (with very low risk being the lowest) but there are areas at a high risk. The site is at a very low risk of flooding from all other sources.
- 1.8. There are several nearby Public Rights of Way all of which either run near to but outside of the site or along the boundaries of the site. These include footpaths 2, 4, 5, 6, 12, 15, 19 and 20.
- 1.9. The site falls entirely outside of but is adjacent to an emerging green corridor as per the emerging Neighbourhood Plan located to the south of the site. The site is also outside of but adjacent to an emerging Key View (No.22 views down into the valley) which is looking outwards from Palgrave into the site and beyond.

2. Proposal

- 2.1. The application seeks a temporary (40 year) permission for the proposed development.
- 2.2. The proposed development primarily consists of a ground mounted solar PV array with a gross electrical output of 48MW alongside other ancillary infrastructure:
 - Substation
 - Storage building
 - Transformer
 - Deer fencing
 - The construction in internal access tracks
 - Four access points
 - Inverter station
 - CCTV
 - Temporary construction compound

- Soft landscaping
- Permissive paths

2.3. No battery storage is proposed under this application.

2.4. The solar farm would generate 49.5 GWh of energy each year, this would provide enough energy to power in excess of 10,900 homes (representing a carbon reduction of 11,500 tonnes of carbon dioxide a year).

2.5. The application was subject to an earlier Environmental Impact Assessment (EIA) screening opinion as determined under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It was determined that the development was not EIA development and did not require a separate Environmental Statement to be submitted. Nevertheless, officers are satisfied that the application is supported by sufficient information in order to understand the likely environmental effects of the development. Such effects are unlikely to be significant (consistent with the outcome of the screening exercise).

3. Deferral

3.1. Members were presented with this application at planning committee on the 13th September where it was resolved to defer the application to seek amendments to the scheme. These amendments are summarised as:

- Agree a condition to optimise grazing for soil quality
- Amendment of the solar panels distance from the village

3.2. The amendments made by the applicants are as follows:

- The distance from the edge of Palgrave has increased from 40 metres to 135 metres. The site area has not changed and the area of panels lost has been used for biodiversity. A new native hedge is also proposed along the new edge of the panels for additional screening. An updated Site Layout Plan has been provided to demonstrate this.
- An updated Biodiversity Net Gain Assessment has been submitted. The total amount of species rich native hedgerows (5 or more species included) has increased to 1.65km. Minimum of 100% Biodiversity Net Gain achieved, with the potential to offer 35% additional biodiversity net gain opportunities for other developments in the district through reserved land.
- As confirmed during the last committee, wildlife gates would be installed for medium sized mammals (recommended to be secured via condition)
- It has been agreed that the Soil Management Plan will include sheep grazing as part of the land's long-term management during the lifetime of the permission (this is secured via condition).

3.3. Consideration had been given to moving the solar panels further south away from Millway Lane. The panels had previously been set back 100 metres from Millway Lane to respond to local resident and landscape concerns. However, moving the panels further south would undermine the viability of the scheme. Moreover, there are no planning reasons to insist that an increased set back is made, noting that the Council's Landscaping Consultants are happy that the landscape and visual impacts have been mitigated.

- 3.4. Palgrave Parish Council have been re-consulted on the amendments and have until the 9th October to provide formal comments. These will either be reported via Tabled Paper or verbally during the meeting.
- 3.5. SCC Floods and Water previously raised a holding objection as insufficient information had been submitted for the substation. This was submitted prior to the last committee meeting but a revised consultation response had not yet been received. SCC Floods and Water now recommend approval of the application subject to conditions, which is reflected in the updated recommendation.
- 3.6. Place Services Ecology have also provided an updated consultation response in respect of an updated Biodiversity Net Gain Plan which addressed their previous concerns about feasibility.
- 3.7. The Diss and District Neighbourhood Plan went to referendum on the 28th September. The Neighbourhood Plan is now afforded very significant weight, but will need to be formally made at Full Council. The relevant policies of the Plan were previously assessed in the earlier iteration of this report. Whilst these policies are now afforded very significant weight, for the same reasons as outlined in the earlier iteration of this report, the proposal would not conflict with those policies and is therefore in accordance with this new part of the Development Plan.
- 3.8. The Councils emerging Joint Local Plan now carries significant weight in the determination of this application following receipt of the Inspectors' report on the Main Modifications the emerging JLP now holds significant weight. The primacy of decision taking does nonetheless remain with the adopted Development Plan. This comprises the saved policies of the Mid Suffolk Local Plan (1998), Mid Suffolk Core Strategy (2008), Mid Suffolk Core Strategy Focused Review (2012) and the Diss and District Neighbourhood Plan (2023).
- 3.9. The relevant JLP policies are set out within Part 2 and now hold significant rather than moderate weight, as they did in the last committee meeting. Having regard to their increased weight, officers do not consider that there would be any change in the assessment or conclusions drawn in the earlier iteration of this report. The proposal would comply with the emerging JLP. This ultimately supports the direction of the adopted Development Plan to grant planning permission.

4. Principle of Development

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2. In this instance the development plan and relevant policies are listed within 'part two' of this committee report.
- 4.3. Given the stage that the JLP has reached and having regard to paragraph 48 of the NPPF, the JLP is a material consideration of significant weight in the determination of this application following the publication of the examining Inspectors Report following the Councils' proposed modifications. The report concludes that subject to implementing the main modifications, the JLP is sound and capable of adoption. The adoption of the JLP will be the subject of discussions during the Full Council meeting in November.

- 4.4. The existing adopted development plan policies and documents will be replaced by the emerging Babergh and Mid Suffolk Joint Local Plan (JLP) once it is adopted.
- 4.5. Policy SP03 guides new development to sustainable locations, applying the current settlement boundaries and hierarchy until Part 2 is progressed. The site continues to fall within the countryside, however policy SP03 is permissive of development in the countryside where it accords with other relevant policies in the Plan.
- 4.6. This includes policy LP25 – ‘Energy sources, storage and distribution’ which seeks to encourage the development of renewable energy in line with national policy. As policy LP25 is permissive of solar farms in broad principle terms, the proposal would be in accordance with policy SP03 as a form of development permissible in the countryside. Policy LP25 supports the principle of renewable and low carbon energy generating proposals subject to impacts on the landscape, highway network, ecology, heritage, residential amenity, drainage, airfield safeguarding and local community being appropriately mitigated. This is in addition to demonstrating connection rights and grid capacity. As discussed later in this report the proposal is considered to comply with this emerging policy.
- 4.7. All other relevant policies of the emerging JLP are discussed in the relevant sections of this report.
- 4.8. Palgrave and the application site fall within the Diss and District Neighbourhood Plan area. This plan went to local referendum on the 28th September. Whilst the plan has not yet been adopted, pending formal adoption at Full Council, the Plan now holds very significant weight in the determination of planning applications. There are no explicit policies covering renewable energy schemes or countryside development. There are however some relevant topic specific policies are considered within the relevant sections of this report.
- 4.9. Considering the rest of the adopted Development Plan 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 (CS2). These policies state development within the countryside, as in the case of this site, is restricted to certain types of development, including for renewable energy. In the circumstances of this case, the acceptability of the scheme is therefore not dependent on its countryside location, 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.
- 4.10. Policy CS3 of the Mid Suffolk Core Strategy 2008 states that:
- “The Council will promote and encourage the appropriate development of standalone 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.”*

4.11. 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.

4.12. 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 paragraph 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”

4.13. 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.

4.14. 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.

4.15. 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.

4.16. The NPPF must also be taken into account as a material consideration in planning decisions. Paragraph 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 paragraph 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.”*

4.17. Whilst there is no requirement for applicants to demonstrate the overall need as per paragraph 152 of the NPPF, the applicants have nonetheless provided a report explaining how the site has been chosen. Grid analysis has been carried out and has identified a capacity of 132KW on the Diss Grid line, a 1km study area has been carried out either side of this line to find an appropriate site. The appropriateness of the site has subsequently been informed by deliverability and developability which is determined through landowners willing to provide land immediately, large enough to accommodate a viable scheme and avoid designated sites and other environmental, policy and amenity constraints. Further information on the site selection process is found in section 4 of this report.

4.18. 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.

4.19. In late August a solar farm appeal (ENSO) was allowed in Mid Suffolk (APP/W3520/W/23/3319970) following a planning inquiry. This appeal is of significance to the approach adopted in the determination of this application. The application was for a smaller scale solar farm than this application covering 35 hectares in total. The appeal dealt with issues around landscape, PROW, 80% BMV land, heritage assets and whether the benefits of the scheme outweigh any harms identified. A copy of the full appeal decision is appended to this report.

4.20. Specific conclusions drawn by the Inspector will be referenced where relevant within the body of this report.

4.21. It is also material to note that there have been a number of recent appeal decisions elsewhere in the UK, in which Inspector’s have adopted the same stance as the one allowed in Mid Suffolk in allowing solar development. These decisions are indicative of how the Secretary of State and Inspectors are applying and balancing the latest, up to date policy, in granting permission for similar solar developments despite acknowledged harms such as significant adverse landscape impact and loss of BMV land that results in some tension / conflict with parts of the relevant Development Plan.

Relevant appeal decisions include:

APP/C3240/W/22/3293667 (Telford, Shropshire) was a decision of the Secretary of State in a 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.

- 4.22. 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 loss of land for food production), in accordance with NPPF paragraph 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.
- 4.23. 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. On balance the principle of development is however considered to be acceptable.
- 4.24. The impacts of the development in respect of topic specific plan policies are set out below.

5. Best and Most Versatile Agricultural Land

- 5.1. 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. Whilst this outlines a clear preference, this does not however preclude the use of active agricultural land or BMV land.
- 5.2. The application site is greenfield agricultural land comprised of Grades 3a (51.2%) and 3b (48.8%) classified land. As such, and for the purposes of planning policy, 46.88ha of land, approximately 51.2% of the site is BMV land. 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, the applicant has among other things described the steps that were taken to assess alternative options for the location of the development through a site selection report. Whilst there is a national preference to use lower graded agricultural land and brownfield land, there are other factors and constraints which have to be taken into account during this site selection process, which includes grid connection and grid capacity.
- 5.6. The site selection report provides an in-depth assessment of sites within a 1km radius of the Diss Grid Line, which is the furthest distance considered viable for a solar farm of this size (circa 90 hectares) to make a connection to the Diss Grid Line.

A review of the Council's Brownfield Land Register was carried out however all sites were outside of the viable distance and range between 0.33 hectares and 2 hectares. Poorer quality agricultural land has been chosen in preference where possible discounting those sites with the highest graded land. The majority of land within Mid Suffolk is Grade 3, however the national Provisional Agricultural Land Classification does not differentiate between Grade 3a (BMV) and Grade 3b (non BMV land). As such it is unclear how much land within the district is 3a or 3b without conducting soil testing in every field across the district. The areas of Grade 1 and Grade 2 land (BMV) which are differentiated on national maps have been avoided in full, as well as avoiding other designated sites.

This left two available sites however one was only considered deliverable and developable.

The chosen site has a willing landowner and is available for development now making it deliverable and developable as per the NPPF definitions.

- 5.7. In paragraph 26 of the ENSO appeal decision the Inspector states, *“Whilst appreciating that this is imperfect, it nonetheless is evident that around 97.2% of the land in the district falls within Grades 2 and 3 of the Agricultural Land Classification”*. The loss of 20 hectares of BMV land in the context of this scheme would therefore not be significant.
- 5.8. Natural England raised no objection in respect of the loss of BMV land (as a statutory consultee on sites where over 20 hectares of BMV land is affected). They do not consider that there would be a significant **permanent** loss of BMV land for future generations as it would be a temporary use. The solar panels would be secured to the ground by steel piles limiting soil disturbance. Some small areas, for example where the substation is sited, may have a permanent effect, this would be a very limited and marginal loss in context of the wider development.
- 5.9. The site covers 26% of the agricultural holding used for growing crops, which is intended to be replaced by sheep farming should the solar farm be approved. The continued agricultural use is

not development and therefore does not require planning permission. Sheep grazing has been included as part of the biodiversity and landscape management plan submitted. Grazing of the land will also be included into the Soil Management Plan which is to be conditioned.

- 5.10. An Agricultural Land and Farm Diversification Statement has been submitted with the application, providing details on the site's current active agricultural use, alongside the wider agricultural holding, production, and future farming direction. The lease of this land for a solar farm is intended to provide additional fixed income to the existing farm which will continue to operate on surrounding land and introduce sheep to graze on the site around the solar array.
- 5.11. Whilst farming viability is not material to the determination of this application it nonetheless provides a useful background as to the intended direction of future farming operations within the wider agricultural holding.
- 5.12. A continued agricultural use of the site alongside the siting of solar panels has been accepted in the ENSO appeal decision as being of benefit, *"the evidence before the Inquiry here is persuasive in that the conversion of arable farmland to grassland for a period of 40 years, with sheep grazing (or other ruminant mammals such as goats) taking place on the land is 'good for soil carbon, results in increased organic matter compared to arable land, reduces the risk of erosion, and soil biodiversity (including earthworms) will improve'. Considered in that way, the evidence here indicates that the proposal would encourage the conservation of the agricultural land through these nature-funded improvements and improve the overall quality of the land for future generations. These are improvements in soil quality – which is different from BMVAL classification – that can be secured by planning condition."*
- 5.13. As above, steps have been made to minimise the impact of the development on BMV land, including the proposed panels to be installed on metal ground-driven piles (similar to fence posts), and the provision of low intervention grassland between panels, which is suitable for sheep grazing and biodiversity improvements around arrays.
- 5.14. It is also important to note that the application seeks permission for a limited period of 40 years after which the site will be reinstated and returned to agricultural use, this reinstatement can be secured by condition. Whilst this is standard on solar farm applications, this is also in line with emerging JLP policy LP25.
- 5.15. The development would lead to a temporary loss of an area of BMV land. However, the loss would be time limited, reversible and would affect a relatively small area of BMV land as a proportion of operational agricultural land across the district, without unduly hindering the ongoing agricultural use and operation of the surrounding land and rest of the holding.
- 5.16. In respect of numerous concerns raised through representations, whilst over 50% of this site is BMV land, this is a very negligible level of BMV land when put into context nationally and protection of such land does not automatically equate to increased/ decreased food security. Within the planning system all land (regardless of use) is designated as agricultural land in the first instance, unless subject to a change of use. As such the agricultural use of land is rarely influenced by planning. Therefore, in a wider context, irrespective of this application, existing farming operations on this land and any other BMV land could cease at any point. Issues around food security and the pressures on farming in the UK are part of a wider national issue that goes beyond the remit of planning and is not currently reflected in national planning policy relating to the delivery of renewable energy.

- 5.17. A number of recent appeal decisions (including the ENSO appeal decision) are detailed between points 3.17 and 3.19. These all show how BMV land has been taken into account and the weight it has been afforded in the overall planning balance by numerous planning inspectors. To date the loss of BMV land as a reason for refusal has not been upheld at appeal.
- 5.18. Overall, the impact on BMV land is not considered to be to such a degree to warrant refusal, as it is not a permanent loss. Moreover, any inherent tension with policy CL11 is mitigated by the factors referred to above. If any conflict with the policy were present then the significance of that conflict would be low and is once again not considered sufficient enough to warrant refusal, especially when balanced against the renewable energy support in local and national policy and locational constraints arising from grid connections that are considered within this application.

6. Site Access, Parking and Highway Safety

- 6.1. Local Plan policy T10, paragraphs 110 and 111 of the NPPF, and emerging JLP policies LP25 and LP29 seek to ensure there is no severe detrimental impact on highway safety through consideration of access and egress arrangements, traffic impacts, parking, and sustainable transport. Local Plan policy RT12 and paragraph 100 of the NPPF further seek to protect and enhance Public Rights of Way.
- 6.2. Four access points are proposed to be used, one taken north of Lion Road (existing), two south of Lion Road (new), and the other taken north of the A143 (Bury Road) (existing). Two of the access points (one north of Lion Road and one south of Lion Road) will be used for construction, with the remaining two solely used post construction for maintenance purposes.
- 6.3. Internal access tracks are proposed with a width of 3.6 metres, laid with crushed stone (or similar). The final material detail is recommended to be secured via condition.
- 6.4. The highway impacts of the development would be carried out between a 30–35-week construction period. Deliveries (estimated 4 to 5 deliveries per day, with an upper estimate of 10 days on some days) are proposed to be restricted to avoid peak hours.
- 6.5. Whilst a Traffic Statement and Construction Traffic Management Plan has been submitted, both delivery and construction details are to be detailed and restricted through a Construction Management Plan secured via condition. Two temporary compounds would be set up adjacent to the construction accesses.
- 6.6. There is an existing Public Right of Way running along the eastern side of the site, this is to be retained and remain free from any obstruction.
- 6.7. A permissive footpath is incorporated into the scheme along the western and southern edge of the northern part of the site which are secured via condition.
- 6.8. SCC Highways noted that the construction period was likely to result in a high risk of mud being dragged onto the highway. Two of the accesses will need to be upgraded with a bound surface and may need to be widened for visibility splays. Nonetheless SCC Highways raised no objection on the basis that the potential issues can be mitigated through standard conditions, all of which are included within the recommendation.

6.9. Subject to the recommended conditions being imposed there would be no severe impact on the highway network to warrant refusal. Access to and use of the PROW network will remain unimpeded. The proposal would therefore accord with the aforementioned highway policies.

7. Design and Layout

- 7.1. Core Strategy policy CS5, Local Plan policy GP1, emerging JLP policies SP09 and LP25 and emerging Neighbourhood Plan Policy 6 seek to ensure development is designed and laid out in a manner which is sympathetic and responsive to the wider environs it sits within.
- 7.2. The solar panels would be fixed to the ground via metal ground-driven piles and arranged in lines facing southwards to maximise their solar gain. A non-intrusive concrete element is currently proposed under the metal piles, however these are only proposed for archaeological purposes. If post-determination trial trenching identifies no potential archaeological remains of value these will be removed. The panels would measure 3 metres in height.
- 7.3. Other ancillary infrastructure includes a steel storage building and inverter station, which would have the same appearance as a conventional shipping container, measuring 3 metres in height, 7.014 metres in length, 2.823 metres in width. The colour is to be confirmed, the detail of which is to be secured via condition.
- 7.4. The substation compound containing the substation and other ancillary infrastructure would be located to the east of the site measuring a total of 77.250 metres in length and 37 metres in depth. The compound would contain the main substation, connection mast (28.9 metre high), a 2.4-metre-high palisade fencing. The substation has also been sited near to an existing pylon on site.
- 7.5. Deer fencing is proposed around the solar panels measuring 2 metres in height. This is in addition to CCTV cameras to secure the site and prevent damage.
- 7.6. Whilst there would not be a permanent loss of BMV land, consideration must still be given to whether the use of the site for a 40-year period is considered to be the most effective use of land. This should take into account and balance the aims of paragraphs 119, 120, 152, 158 and 174 of the NPPF. Solar farms across the UK are of varying scales and outputs, there are operational solar farms of comparable similar size generating the same output. Based on the need for a substation, maintenance access tracks and setback distances required to mitigate landscape distances it is considered that the layout and density of the site offers the most effective use of the land for solar gain whilst mitigating harms where possible.
- 7.7. Should Members be minded to grant permission, conditions are recommended to limit the lifetime of the permission to 40 years, to secure the removal of all elements of the development as listed above and to secure a scheme for the reinstatement and remediation of the site.
- 7.8. Whilst solar farms are not a traditional use of agricultural fields, they are nonetheless important in fulfilling and delivering the Council's and Government's commitments to fighting climate change. They are becoming an increasing feature of the rural landscape across the UK. Inevitably the design of such panels is utilitarian, reflective of its functionality. Amendments have been made to the layout of the panels in order to address landscaping comments, which are discussed further in section 7 of this report.

7.9. There are no design or layout issues to warrant refusal of the application in respect of the aforementioned policies.

8. Landscape

8.1. Core Strategy policy CS5, paragraphs 100 and 174 of the NPPF, emerging JLP policies SP09, LP17 and LP25 and emerging Neighbourhood Plan Policy 16 seek to ensure the protection of the landscape, designated key views and recreationally linked activities, such as the use of the PROW network.

8.2. The landscape in Palgrave and the immediate surrounding area is characterised primarily as Ancient Plateau Claylands, as identified in the Suffolk Landscape Character Assessment, 2 with a band that wraps around from the north to the east and the south characterised as Rolling Valley Farmlands and Furze.

8.3. The site is not within any designated landscape area, such as Area of Outstanding Natural Beauty or Special Landscape Area. Similarly, neither the site nor its immediate environs are identified as being a 'valued landscape' as outlined within the NPPF. Whilst the site is adjacent to an emerging Key View within the Neighbourhood Plan (Policy 16) it is however entirely outside of it, such that whilst its setting may be affected by the development, its local value and importance as a view looking outwards from the built settlement of Palgrave into the open countryside down into the valley is uninterrupted and protected.

8.4. A Landscape and Visual Impact Assessment (LVIA) was submitted which reviews the landscape baseline and assesses landscape and visual receptors including sensitivity, magnitude of change and scale of effect. The LVIA also sets out mitigation measures included in the proposal. The LVIA has taken into account the impacts of leaf cover in both summer and winter.

8.5. The LVIA concludes that the effects of change resulting from the development would be contained generally within the site itself and the area more immediately around the site. The most immediate impact would be for the first ten years which would arise owing to the relatively small area containing the substation compound prior to mitigation in the form of soft landscaping becoming established. Once the soft landscaping is established these effects will significantly reduce. It is concluded that even at a distance of 500 metres or less, many potential views into the development would be limited through a combination of level topography and the screening of existing features (hedgerows, trees and built form), with soft landscaping proposed to be consolidated further through proposed mitigation.

8.6. In reflecting on the ENSO appeal (where the site fell with a Special Landscape Area, unlike this site), at paragraph 40 of the Inspector's decision they concluded, "*The Appellant concedes that there would be some adverse landscape and visual effects arising from the scheme which lies in open countryside. This is harm that I afford extremely limited weight in the context of the reasons given above. The effects would be localised during the operational phase of the proposal, and reversible at the end of the 40-year operational period. I also find that there would be some limited harm to the character and appearance of the area: by their nature solar panels and associated infrastructure are different to arable fields. But this harm would also be extremely limited; both in terms of quantum within the wider landscape and duration as planting schemes such as hedgerows establish and blend into the existing character and appearance of the area. The landscaping could be secured by means of a planning condition relating to LEMP.*"

8.7. Similarly, to the ENSO appeal, this application site is likely to be most visible from public vantage points along the adjacent PROW, there are however existing hedgerows which will be bolstered

out and new ones are proposed where the site is most open. Aside from the substation, which is adjacent to a more prominent existing electricity pylon, the solar panels would be 3 metres tall and would therefore be well contained visually within the site and further mitigated by landscaping.

- 8.8. 285 trees (including hedgerows) were identified on site. Of those on tree group and part of one hedgerow are to be removed, however both fall within the lowest value grading (grade C). The remaining are to be retained and protection measures are recommended to be secured via condition having been reviewed by the Council's Arboricultural Officer.
- 8.9. Additional new native hedgerow screening is proposed around the solar array and substation, with some areas of existing hedgerow being planted up to fill in gaps. The new hedgerow is primarily along the eastern boundary of the site closest to Palgrave where there is currently no hedgerow.
- 8.10. The PROW would remain unobstructed, and new hedgerows would ensure that there is no experiential change for its users, reducing open views of the solar panels.
- 8.11. In publicly accessible locations, including the PROW it is not considered that the proposed development would be an overly prominent/ dominant feature within the landscape.
- 8.12. During the course of the application amendments were made to set the solar panels further back from Lion Road. A 30-metre setback distance from Lion Road to the solar panels both north and south is now proposed. In addition, the solar panels are to be reduced to 2.5 metres in height for an additional 20 metres to the north of Lion Road.
- 8.13. The land under the solar panels is to be made available for sheep grazing and as wildflower meadow.
- 8.14. Following earlier comments made by Place Services Landscaping, amendments were made to the position of the solar panels on site, including increasing setback distances from Lion Road. Place Services Landscaping subsequently raised no objection to the application in isolation.
- 8.15. A recommendation was made by Place Services Landscaping to provide a cumulative assessment of landscape and visual impacts in relation to a potential scheme being brought forward alongside this one. It is noted that a proposed solar farm adjacent to this site also along Lion Road has recently sought Environmental Impact Assessment Screening and Scoping Opinions under application references DC/22/05600 and DC/23/02362.

However, no formal application has been submitted in respect of the above application, such that no cumulative impacts can be taken into account at this stage through this application. The screening and scoping opinions carried out for the adjacent site have however identified that there is likely to be a cumulative impact on the landscape which the application bringing forward this site will need to take account of and demonstrate in any future submission they may make.

Whilst there may be a future cumulative impact, this application must be assessed as it currently stands in light of the lack of information available in respect of the other solar farm. It will be for any future submission adjacent to address cumulative landscape impacts, accounting for this application should Members wish to grant this application.

Moreover, at paragraph 42 of the ENSO appeal decision the Inspector considers potential cumulative impacts of adjacent schemes stating, *“I also do not find, on the basis of the evidence before me, that the appeal scheme would result in a negative cumulative impact on this issue. Whilst noting the concerns of interested parties as to other proposals coming forward for solar farms in the area, the surrounding fields are still in ‘traditional’ agricultural uses such as arable farming. It would be for the Council to consider proposals on those if or when they arise. There would not be a proliferation of solar farm developments arising as a result of this scheme.”*

- 8.16. Overall, there would be a low magnitude of change to the character of the landscape, with a negligible adverse effect. Conditions are proposed to secure mitigation, such conditions include further details of hard and soft landscaping and a Landscape and Ecological Management Plan.

9. Ecology and Biodiversity

- 9.1. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30th November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions."
- 9.2. In addition to the Council's statutory duties, Core Strategy policy CS5, emerging JLP policies SP09, LP16 and LP25, and emerging Neighbourhood Plan Policy 8 seek to protect, manage and enhance Mid Suffolk's biodiversity. Local Plan policy CL8 also states that permission will be refused for development which would result in the loss or significant alteration of important habitats or would threaten vulnerable or protected species.
- 9.3. Paragraph 180 of the NPPF requires planning authorities, when determining planning applications, to seek the conservation and enhancement of biodiversity by ensuring significant harm resulting from a development is avoided (through locating on an alternative site with less harmful impacts), or where not possible to be adequately mitigated, or, as a last resort, compensated for, and if this cannot be secured then planning permission should be refused.
- 9.4. The site is not within any designated conservation area. However, there is an emerging green corridor running outside of but adjacent to the site south, as designated within the emerging Neighbourhood Plan. A number of ecological consultees raised no objection to the proposed development and a range of biodiversity and ecological benefits are to be delivered through the scheme as noted below.
- 9.5. A range of surveys have been carried out and submitted in support of this application:
- Preliminary Ecological Appraisal
 - Great Crested Newt eDNA Report
 - Great Crested Newt District Level Licensing Impact Assessment and Conservation Payment Certificate
 - Breeding Bird Survey
 - Biodiversity Net Gain Assessment
- 9.6. Great Crested Newts were found within nearby waterbodies. No bats were found in any of the trees proposed for removal. A number of Skylark plots were found on site.
- 9.7. A precautionary approach is required during site clearance to avoid any adverse impacts to badgers, breeding birds, reptiles and hedgehogs.

- 9.8. Natural England raised no objection in respect of the development's impact on designated sites.
- 9.9. Place Services Ecology and Suffolk Wildlife Trust reviewed the submitted information and raised no objection the proposal subject to a number of conditions relating to ecological mitigation, biodiversity enhancement and biodiversity net gain, which are included within the recommendation.
- 9.10. Ten Skylark territories were identified across the site. The impacts on Skylarks are to be mitigated through the provision of 23 off-site Skylark plots within two land parcels south of the site in line with standard specifications. Two key areas along the northern boundary of the site (undeveloped set-aside area) and in an area southwest of and outside of the site (off-site nesting provision) are proposed to deliver the skylark mitigation strategy. These plots are to be secured via condition.
- 9.11. The Biodiversity Net Gain Plan has been updated since the first committee to address Place Services Ecology concerns relating to the feasibility of the previous plan's implementation. Place Services Ecology are content that the Biodiversity Metric has been redone and modified grassland will be created where the solar panels will be located, alongside the provision of other neutral grassland at other suitable locations across the scheme. The biodiversity net gain would be 135.9% on site. This would accord with emerging JLP policy LP16 in providing 10% biodiversity net gain.
- 9.12. A central area within the site in the field north of Lion Road is to be managed for biodiversity purposes. As supported by paragraph 25 of the ENSO appeal in which the Inspector states, *"the conversion of arable farmland to grassland for a period of 40 years, with sheep grazing (or other ruminant mammals such as goats) taking place on the land is 'good for soil carbon, results in increased organic matter compared to arable land, reduces the risk of erosion, and soil biodiversity (including earthworms) will improve'. Considered in that way, the evidence here indicates that the proposal would encourage the conservation of the agricultural land through these nature-funded improvements and improve the overall quality of the land for future generations. These are improvements in soil quality – which is different from BMVAL classification – that can be secured by planning condition"*.
- 9.13. It is clear that there are demonstrable soil and biodiversity benefits arising from the use of the field for solar gain when compared to those offered by intensive farming practices, especially noting the site falls within a Nitrate Vulnerable Zone (designated by the Environment Agency in respect of being at risk from agricultural nitrate pollution).
- 9.14. The Department for the Environment, Food and Rural Affairs (DEFRA) also has produced the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. Natural England recommend that this is followed where relevant by the developer and operator which is recommended to be influenced as an informative note in the event this application is approved.

10. Land Contamination, Flood Risk, Drainage and Waste

- 10.1. Core Strategy policy CS4, paragraphs 174 and 183 of the NPPF and emerging JLP policies SP09, LP15 and LP25 seek to ensure both existing and potential land contamination risk (amongst other forms of pollution) is mitigated.
- 10.2. The Council's Environmental Health Team were consulted in respect of land contamination and raised no objection to the proposal.

- 10.3. By way of the temporary nature and form of the proposed development, the impacts on the land are reversible such that no land contamination issues would result from the development that would undermine continued and future agricultural use.
- 10.4. Core Strategy policy CS4, paragraphs 159, 162, 164 and 167 of the NPPF, emerging JLP policies SP09, SP10, LP15 and LP27 and emerging Neighbourhood Plan Policy 7, seek to steer development to the areas at the lowest risk of flooding and appropriately deal with drainage matters to ensure development is safe for its lifetime and does not increase flood risk elsewhere.
- 10.5. A site-specific Flood Risk Assessment was submitted which found that the majority of the site falls within Flood Zone 1 (fluvial/river flooding) and is at a very low risk of pluvial (surface water) flooding. The site is also at a very low risk of flooding from all other sources. There are however small pockets of higher pluvial flood risk around the site and a very small area along the southeast corner of the site that is at risk of fluvial flooding (Flood Zones 2 and 3).
- 10.6. As a small area of the site is at risk of pluvial and fluvial flooding, it is considered sensible to adopt a precautionary approach to the development by engaging the sequential test outlined under paragraph 162 of the NPPF.
- 10.7. The Council's adopted Development Plan and emerging Joint Local Plan do not make any allocations for specific renewable energy sites. Unlike housing where the Government set housing land supply targets, and employment land, where the need is determined by local evidence bases, there are no quantitative figures for the amount of renewable energy sites needed within the district.

The site selection process has been detailed earlier in this report, which identifies a number of constraints to the delivery of renewable energy, such that the sequential test is passed in this instance as there are no other reasonably available sites, and even if there were other sites with extant planning permissions, as there are no specific localised targets it is of a national benefit to deliver renewable energy sites in order to meet Government objectives of transitioning to a low carbon future as part of a net zero agenda. This is reinforced in paragraph 158 of the NPPF, which states that, *"When determining planning applications for renewable and low carbon development, 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"*

Despite the small areas at risk of flooding, the development is therefore considered to pass the sequential test.

- 10.8. As the sequential test has been passed, the exception test at paragraph 164 of the NPPF is then engaged. This seeks to ensure that appropriate mitigation is in place to deal with the flood risk and that there are wider sustainability benefits to the community that outweigh any flood risk.

A sequential approach to the site's layout has been adopted to ensure associated infrastructure (substation, inverters and transformer units) which flood water would be unable to flow under are located in the areas of the site where there is a very low flood risk from all sources. There are clear wider sustainability benefits of the scheme. The small pockets of the site where there are solar panels and access tracks within areas at risk of surface water flooding would not displace any significant amounts of flood water as it could flow under the panels.

- 10.9. The proposed drainage strategy for the solar panels ensures overland flows will be allowed to infiltrate into the ground and freely run under panels in the same way that the land currently

drains. The solar panels would be sited and angled so there is a 0.8 metre gap between the lowest part of the panel and the ground.

- 10.10. Amongst others, a Construction Surface Water Management Plan is recommended to be secured via condition. The submitted Flood Risk Assessment does however indicate that concerns about soil compaction during construction will be mitigated through the use of permeable materials laid prior to construction. Temporary compound and construction areas will be reinstated to grass post completion.
- 10.11. Following review of information relating to the surface water drainage of the substation submitted prior to committee on the 13th September, the LLFA now raise no objection to the proposal subject to conditions, which are reflected in the recommendation. The LLFA have also published standing advice for adequately dealing with surface water drainage in respect of solar farms.
- 10.12. The Environment Agency raised no objection in respect of the fluvial flood risk in the corner of the site, including when modelled with climate change.
- 10.13. There would be no impact from any existing land contamination on the development, conversely there would be no land contamination impacts from the solar development to warrant refusal. In respect of flood risk the proposal accords with planning policy and appropriate drainage strategies can be secured via condition in respect of the solar panels themselves. The need to demonstrate that a feasible suitable surface water drainage scheme can be provided for the substation compound can be dealt with post-committee.

11. Heritage

- 11.1. 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 also lies within an area of high 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.
- 11.2. 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 and this presents a ‘strong presumption’ against permission being granted.
- 11.3. Core Strategy policy CS5 and emerging JLP policy SP09 strategically seek to protect the historic environment, recognising its value within the district and nationally.
- 11.4. 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).

- 11.5. Local Plan policy HB1 seek to protect the character and appearance of buildings of architectural or historic interest, particularly the settings of listed buildings. Local Plan policy HB14 seeks to protect archaeological assets and promote positive outcomes from developments involving archaeological assets. The assessment of heritage harm is further set out in the NPPF, and emerging JLP policies LP19 and LP25, which in addition to protecting and enhancing the setting and significance of heritage assets, they balance any less than substantial harm proportionately against public benefits, whilst continuing to place great weight and importance on conserving the asset in line with statutory duties.
- 11.6. SCC Archaeology requested additional investigations be carried out in part of the site with high archaeological potential. A first phase of trial trenched evaluation has since been carried out, and conditions are therefore recommended to secure recording works to advance understanding of the significance of any heritage assets on site.
- 11.7. The Council's Heritage Team provided the following comments:

"In my previous comments I highlighted that without relevant photos/photomontages, it was difficult to understand how the conclusions of the Heritage Statement had been reached, and what evidence had been used. Following this, I separately requested specific new CGI views and photos. Given issues with access directly to the heritage assets, it was decided that these would be taken from positions within the proposal site that would likely best reflect how the development would be seen from the heritage assets – where this would also give a greater indication than just positions within the public realm that might illustrate this.

It was anticipated that these photos would include CGIs showing how the development would appear from these positions, and be taken from all the positions I requested, but this is not quite what has now been submitted in the document dated 22/03/2023. Notably, a lot of the photos appear to be taken from the public realm, rather than the proposal site, from positions I did not request. Nevertheless, I have considered below how and to what extent they provide further clarity on the impacts of the works on the heritage assets:

Ivy Cottage and Longs Farm House – The submitted photos (Viewpoint 1) are not in the location requested, and I consider do not provide any greater clarity on the impact on these assets than what was previously available. As previously, a very low level of less than substantial harm to both seems the most likely.

Park House and Associated Buildings – The submitted photos (Viewpoint 2) are not quite in the location requested, but in combination with other evidence I consider that there is enough to conclude that there would likely be no harm to these heritage assets.

Ivy House – The submitted photos (Viewpoint 3 and 6) are not in the locations requested, but I consider that the Viewpoint 6 photos do add toward my identification of a low level of less than substantial harm to the significance of this asset as the likely level of impact.

Valley Farmhouse – I consider that the submitted photos (Viewpoints 4, 8 and 9) support a broad identification of a low to medium level of less than substantial harm to the significance of this asset, which is in line with the submitted Heritage Statement – though it may have been helpful to have included CGIs showing how the substation would appear in the Viewpoints.

Church of St Peter – I did not request any further photos relating to this asset as I am reasonably confident with the very low to low level of less than substantial harm previously identified, having been able to assess this building directly in my original site visit. The additional photos (Viewpoint 5) submitted do not change anything in this regard.

Spring Barn – Based upon the submitted photos (Viewpoints 7 and 8), I would specify a very low level of less than substantial harm, as I previously envisaged as the most likely level.

Overall, while the submitted documentation could have provided further photos closer to locations I requested, and while CGIs showing how the development would appear within these Viewpoints could have been included, which both may have provided even further clarity regarding the impacts of the works on the heritage assets, the additional photos that have been provided do, to a greater or lesser extent, allow for a certain degree of further clarity on those impacts, such that I do not specifically request anything further in this regard. I shall leave it to the Decision Makers to decide whether requesting more information in this regard would be warranted. I would still request evidence of consideration for an alternative location for the substation further from Valley Farmhouse (without causing more harm to any other heritage asset) such as through an options appraisal or similar, unless the Local Planning Authority considers that this is not warranted.

Overall, while the submitted documentation could have provided further photos closer to locations I requested, and while CGIs showing how the development would appear within these Viewpoints could have been included, which both may have provided even further clarity regarding the impacts of the works on the heritage assets, the additional photos that have been provided do, to a greater or lesser extent, allow for a certain degree of further clarity on those impacts, such that I do not specifically request anything further in this regard.”

- 11.8. In addition, the Council’s Heritage Team have also confirmed that the harm to the Palgrave Conservation Area is a low level of less than substantial harm.
- 11.9. Historic England provided comments indicating they felt insufficient information had been submitted echoing the comments provided by the Council’s Heritage Team. Notwithstanding that there are other photos and information that the Heritage Team and Historic England requested, importantly the extent of impact and harm can already be determined on the basis of the submitted information. Such that it is unreasonable to require additional information as this would be of no further benefit for assessment purposes.
- 11.10. An assessment of alternative substation locations was however submitted to demonstrate the need for the substation to be in its proposed location and that a reduced level of harm to adjacent Valley Farmhouse was not possible. The substation must connect into the existing overhead power line via one of the three existing towers that cross the site and therefore the proposed substation must be as close to one as possible. Three locations were considered feasible, the most appropriate of has been proposed.

Following the submission of this additional information in respect of the substation, the following comments were received from the Heritage Team:

“I shall accept the statements submitted in the attached document that there are no other practical locations where the substation can be installed and therefore that the harm to Valley Farmhouse cannot be reduced further through its repositioning within the parameters of the scheme.”

- 11.11. As a level of less than substantial harm has been identified, regardless of its level, paragraph 202 of the NPPF is thus engaged. The statutory duties within the Listed Buildings Act impose a strong

presumption against granting planning permission where harm is identified and harm of any quantum, is a matter of considerable importance and weight. Paragraph 202 of the NPPF requires harm to be weighed against public benefits. In this instance officers are satisfied that the installation of a solar farm, whose location has been underpinned by a justified site selection process, would generate adequate electricity to power 11,000 homes and reducing 11,600 tonnes of carbon is considered to be a demonstrable public benefit, delivering upon both Local and National Government commitments to combatting climate change. This is considered a significant public benefit for the purposes of paragraph 202, which outweighs the level of harm identified whether taken collectively or on an asset by asset basis. Such harm, however, nevertheless falls to be considered again in the overall planning balance.

12. Residential Amenity

- 12.1. Core Strategy policy CS4 and Local Plan policy H17, paragraphs 130 and 185 of the NPPF and emerging JLP policies LP24 and LP25 seek to protect residential amenity, specifically from the impacts of development, including noise and other forms of pollution.
- 12.2. A Glint and Glare Assessment has been provided which concluded that the effects of glint and glare from the panels on all sensitive receptors nearby would be low or none once the proposed mitigation is in place, which includes new hedging maintained at a height of between 3 and 4 metres. Whilst this is establishing, an alternative interim mitigation measure is conditioned.
- 12.3. A full noise assessment was submitted which concluded that noise levels will be at an acceptable level. A low level of noise would arise from the transformer units, however they are positioned away from residential properties and footpaths to mitigate any residential and recreational amenity issues. Such transformer units should therefore not be audible outside of the site boundaries. Mitigation is however proposed to ensure the predicted noise levels are not exceeded from the inverter units, which includes a 3-metre-high acoustic barrier being erected around each solar inverter unit.
- 12.4. No permanent artificial lighting is proposed. Some lighting is likely to be required during construction which is recommended to be conditioned.
- 12.5. The Council's Environmental Health Team assessed the application in respect of noise, odour, light and smoke and raised no objection, subject to a number of conditions which are included within the recommendation.
- 12.6. Nuisance from noise (vibration, vehicle movements and dust) is restricted to the construction period and is proposed to be mitigated through a Construction Management Plan and restriction on deliveries.
- 12.7. The proposed development alongside mitigation to be conditioned would ensure that there is no undue disturbance, nuisance or pollution to residential amenity in accordance with the aforementioned policies.

13. Parish Council and Representation Comments

- 13.1. Notwithstanding that additional comments from Palgrave Parish Council and Diss Town Council are expected before committee, Palgrave Parish Council previously raised a number of concerns in respect of landscape, ecology, noise, heritage and loss of BMV land. Diss Town Council raised

concerns in respect of loss of BMV farmland, increase risk of flooding to low-lying parts of Diss and no decommissioning scheme submitted.

- 13.2. The concerns of both Palgrave Parish Council and Diss Town Council have been addressed within the body of this report and mitigated via conditions where required.
- 13.3. Numerous representations have been received about the permanence of the solar farm, arising from the 40-year permission. At paragraph 26 of the ENSO appeal decision the Inspector states, *“concerns have been raised that the 40 years lifespan for the development proposed could extend beyond that period. In effect, this would mean the ‘permanent’ loss of the agricultural land. However, the use of planning conditions only permitting operational activity to take place over 40 years and require decommissioning to take place at the end of this period, provides certainty for the Appellant in the 40 years. It would be a matter for the local planning authority to consider further schemes or proposals submitted by an applicant at that stage in the future. It is also open to the Council to enforce any breaches in planning conditions imposed if, for example, a condition requiring decommissioning was not being followed.”*
- 13.4. The primary areas of concern raised through representations have again been addressed within the body of this report.

14. Obligations

- 14.1. A comment was received from SCC Contributions 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.
- 14.2. Financial mitigation of development can only be secured where it is necessary to make the impacts of the scheme acceptable so as to enable the grant of permission. The mechanism for securing such financial mitigation is by way of legal obligation. Such obligations must however meet certain tests set out in the NPPG and Community Infrastructure Levy Regulations.
- 14.3. Based on the nature of the application and policy basis, there is not considered to be any policy basis for any financial compensation or other scheme to be offered/ put in place for the community or other party as it would not meet the tests set out within the section 123 of the Community Infrastructure Levy Regulations 2010.

PART FOUR – CONCLUSION

15. Planning Balance and Conclusion

- 15.1. The development would contribute to the Council’s and Government’s objective to reduce carbon emissions and tackling climate change, specifically through a transition to a low carbon economy and increased renewable energy generation as part of the net zero agenda. The principle of renewable energy development is supported by the adopted and emerging Development Plans, the NPPF (and other existing and emerging Government policy).
- 15.2. Existing and emerging development plan policy supports the principle of solar development. Paragraph 158 b) of the NPPF further states, *“When determining planning applications for renewable and low carbon development, local planning authorities should... approve the application if its impacts are (or can be made) acceptable”*

- 15.3. The development would generate electricity from a renewable source and would result in significant savings of carbon dioxide emissions during its lifetime. Any renewable energy production is to be welcomed and this is a substantial public benefit of the scheme in terms of energy production. Significant weight is attached to this aspect of the proposal as a benefit of the scheme.
- 15.4. While officers consider that the proposed development would cause limited harm by reference to the temporary loss of BMV agricultural land, limiting (but not completely ceasing) its ability for active agricultural use, this also offers some soil and biodiversity benefits. This limited harm is not considered to warrant refusal of the application.
- 15.5. While the development will inevitably change the visual and landscape character of the site, this impact is considered to be limited and localised through appropriate mitigation as secured via condition. The degree of change does not lead to a conflict with adopted or emerging development plan policies and is not such as to warrant refusal of the application.
- 15.6. The varying levels of less than substantial harm identified to designated heritage assets (primarily between very low and low, but up to medium in respect of Grade II Listed Valley Farmhouse) is afforded great weight. However, in engaging paragraph 202 of the NPPF, the public benefits of the scheme are substantial and are considered to outweigh this harm. Moreover, the harms identified have been mitigated wherever practicable.
- 15.7. The surface water drainage matters are resolvable through technical means, as reflected within the recommendation and does not warrant refusal.
- 15.8. There are not otherwise considered to be any adverse impacts on ecology, highways, amenity or flood risk.
- 15.9. Whilst there is a strict conflict with Local Plan policy CL11, suitable justification has been provided as to the site selection process and preference for the use of lower graded agricultural land in preference to BMV land. Moreover, the loss of 20 hectares of BMV land in the wider context of available BMV land across the district is negligible.
- 15.10. Notwithstanding the strict conflict with policy CL11, the proposed development is considered to be in accordance with the development plan when taken as a whole. Further considerations supporting the direction to grant planning permission have included emerging planning policy, appeal decisions, and the Government's direction of travel in respect of renewable energy development. These have in particular reinforced the critical role and emphasised the importance of solar development in achieving net zero commitments, including an acceptance that impacts of such development are outweighed by the benefits of the development through the delivery of wider public benefits.
- 15.11. The proposal accords with the adopted Development Plan when read as a whole. The emerging JLP is a material consideration of significant weight. The emerging JLP supports the direction of the adopted Development Plan to grant permission. There are no other material considerations that indicate that a decision should be taken which departs from the Development Plan [whether made or not, there are also no policies within the Neighbourhood Plan that indicate that permission should be withheld]. The recommendation is therefore that the development be granted planning permission.

RECOMMENDATION

That Delegated Authority be given to the Chief Planning Officer to GRANT planning permission and includes the following conditions and informatives (those listed, and others as may be deemed necessary*)

* [If details reserved by condition are resolved prior to issuing the decision the conditions will be amended accordingly].

Conditions

- Commence in 3 years
- Comply with approved plans
- Temporary permission (up to 40 years or ceases operations, whichever is sooner)
- Scheme for remediation of land to be submitted and secured if either they cease use or after the 40 years (whichever is first)
- Hard and soft landscaping details to be submitted and implemented in first available planting season.
- Landscape and Ecological Management Plan to be submitted
- Size, location and number of wildlife gates to be submitted
- Permissive footpaths to be provided and retained
- Construction Management Plan to be submitted
- Improvements to existing accesses to be submitted
- HGV traffic to be in accordance with Construction Traffic Management Plan
- No burning during construction
- Acoustic barrier to be erected around solar inverter units
- Glint and glare interim mitigation to be submitted
- Programme for glare complaints to be submitted
- Temporary external lighting details to be submitted and permanent lighting restricted
- Construction hours restricted
- Internal access track material to be submitted
- Storage building and inverter colour to be submitted
- Biodiversity Net Gain Assessment secured
- Construction Environmental Management Plan to be submitted
- Great Crested Newt Natural England Mitigation Licence to be submitted
- Biodiversity Enhancement Strategy to be submitted
- Skylark Mitigation Strategy to be implemented
- Written Scheme of Investigation to be submitted
- Post Investigation to be submitted
- Surface water drainage strategy to be submitted
- Implementation, maintenance and management strategy for surface water drainage to be submitted
- Surface water drainage verification report to be submitted
- Construction Surface Water Management Plan to be submitted
- Soil Management Plan (including grazing provisions) to be submitted

Informative

- Proactive working with NPPF
- Follow DEFRA's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites
- SCC Floods and Water recommended informatives
- SCC Highway recommended informatives