

Committee Report

Item No: 7C

Reference: DC/22/01530

Case Officer: Isaac Stringer

Ward: Needham Market.

Ward Member/s: Cllr Terry Lawrence. Cllr Ross Piper.

RECOMMENDATION – REFUSE PLANNING PERMISSION

GLOSSARY OF TERMS:

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

CLASSIFICATION: Official

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

Description of Development

Full Planning Application - Installation of a solar array, associated infrastructure and construction of new vehicular access.

Location

Land At Woodlands Farm, Stowmarket Road, Badley, Suffolk

Expiry Date: 07/08/2023

Application Type: FUL - Full Planning Application

Development Type: Major Large Scale - All Other

Applicant: Elgin Energy EsCo Ltd

Agent: Arcus Consultancy Services Ltd

Parish: Badley

Site Area: 56.22

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

Has a Committee Call In request been received from a Council Member (Appendix 1): No

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

This application is presented before committee as the Chief Planning Officer considers it to be of a controversial nature, in accordance with the Council's scheme of delegation.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

National Policy/Guidance

NPPF - National Planning Policy Framework

PPG - Planning Practice Guidance

Joint Local Plan (2023)

SP03 - The sustainable location of new development

SP09 - Enhancement and Management of the Environment

SP10 - Climate Change

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 not within a Neighbourhood Plan Area.

Other relevant documents:

- NPPF - National Planning Policy Framework
 - PPG - Planning Practice Guidance
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- Joint Babergh and Mid Suffolk District Council Landscape Guidance August 2015
- Suffolk Landscape Character Assessment
- Planning guidance for the development of large-scale ground mounted solar PV systems (BRE, 2014). This national guidance sets out best practice for large ground mounted arrays in respect of planning considerations and requirements.
- This development is below the threshold for consideration as an NSIP but EN-1 and EN-3 provide helpful context as the latest statement of Government planning policy on renewable energy development. EN-1 Paras 3.3.20–3.3.24 – state that a ‘secure, reliable, affordable net zero system in 2050 is likely to be predominantly of wind and solar’. Paras 3.3.25-3.3.31 refer to storage stating that ‘storage has a key role to play in achieving net zero and providing flexibility to the energy system’. EN-3 includes a specific section on ‘solar photovoltaic generation’ and highlights that solar is a key part of the government’s decarbonisation strategy, restating the five-fold increase in solar deployment before 2035, and that the Government is supportive of solar that is co-located with other functions, which specifically identifies storage.
- Draft revised National Policy Statements: The policy context for the determination of NSIP scale proposals.
- 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.

Consultations and Representations

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

[Link to Consultee Comments online](#)

A: Summary of Consultations

Town/Parish Council (Appendix 3)

Combs PC: Neutral

- Solar panels should be on buildings not fields
- There is a need for renewables but this is a sensitive landscape location
- Wildlife and visual impact on Combs Wood
- Loss of agricultural land
- No impact on local housing
- Construction may constitute over development

Stowmarket Town Council: Objects

- Loss of agricultural land
- Food security vs renewable energy

Needham Market Town Council: No objection, subject to conditions

- Hedgerow moved closer to fencing
- Zone A removed to protect experience of the Church
- Panels set further back along the southern edge of the site

Badley PC: Neutral

- No comments have been received by the Parish

National Consultee (Appendix 4)

Natural England: No objection, subject to conditions

- Conditions:
 - Construction Environmental Management Plan
 - Mitigation measures as set out in ecology assessment

Historic England: Objects

- The land which forms this application contributes to the significance of the Badley Hall complex. Whilst the hedgerow has overgrown and may obscure the visibility, the open rural agrarian landscape is readily appreciable and its relative isolation adds to the significance
- If setting has been affected by alterations to designed features or changes in agricultural practice the fact that the setting has not been developed, but remains as green space, contributes to the significance of the heritage assets
- There would be harm to the heritage assets resulting from the development as it would detract from this rural character

Suffolk Preservation Society: Comments

- Zone A should be completely removed
- Panels should be set back from the southern edge of the site
- Industrial land use is unlikely to be sufficiently screened by screening methods

Suffolk Wildlife Trust: Comments:

- Creation of habitats beneath and between panels would not be sufficient to mitigate adverse impacts on skylarks
- Should be a 15m buffer between ancient woodland and development

East Suffolk Internal Drainage Board: No objection

- Amendments to the scheme have overcome previous concerns raised, defers comments to the LLFA

County Council Responses (Appendix 5)

Travel Plan Officer: No comments

Archaeology: No objection, subject to conditions.

- First phase trial trenching has been carried out.
- A number of areas of archaeology have been identified
- The scheme will damage or destroy archaeological assets but there is no grounds to refuse the application.
- Conditions:
 - Programme of archaeology works
 - Site investigation and post investigation assessment
 - Management plan for archaeological areas to be preserved

Developer Contributions: Comments

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

Fire and Rescue: Comments

- There is no battery storage at this site so fire risk is reduced
- Turning circles should be available for fire appliances
- There are water sources for fire fighting available nearby

Flood and Water Management: No objection, subject to conditions

- Condition confirming strategy for disposal of surface water

Rights of Way: Comments:

- Accepts that PROW are retained along the existing network
- PROW being placed in green corridors with hedging to screen array is positive
- Proposed widths of corridors is acceptable, hedging should be placed closer to fencing

Highways: No objection, subject to conditions

- Access point completed in accordance with plans
- Surface water discharge
- Visibility splays provided
- Construction management plan
- Delivery management plan

Internal Consultee Responses (Appendix 6)

Economic Development: No comments

Land Contamination: No comments

Sustainability/Climate Change: No objection

Noise/Odour/Light/Smoke: Objection

- A noise assessment is required to fully assess this application

Councillor Mike Norris: No objection

- Supports the comments made by Needham Market Town Council

Heritage: Objects

- Reduction to panels in areas A and F has not successfully reduced in reducing the harm of the scheme on the Conservation Area's setting Gaps in foliage throughout the Conservation Area would allow intrusive views of the solar panels PROW network allows for the appreciation of the heritage assets around the site, specifically No. 1, 10, and 12
- The scheme will result in a medium to high level of less than substantial harm to the nearby designated heritage assets. The assets are enjoyed as a group and not individually, they all gain significance from their relationship with each other and their survival together. the landscape contributes to their significance equally and so the level of harm is considered equal to each asset.

Landscape: Comments

- The proposed scheme will have an adverse impact on both landscape character and visual amenity and would advise that impacts on visual amenity are revised to take into consideration impacts on winter views
- Fencing details shall be submitted
- Access tracks should be limited as much as possible
- Details of the value of other landscape features on site should be submitted
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- Conditions if minded to approved:
 - Details of hard and soft landscaping to be submitted
 - Landscape and Ecological Management Plan to be submitted

Ecology: No objection, subject to conditions

- Enhancement recommendations shall be implemented
- Construction Environmental Management Plan for Diversity to be submitted

- Biodiversity Enhancement layout to be submitted
- Ecological Management Plan to be submitted

B: Representations

At the time of writing this report at least 29 letters/emails/online comments have been received. It is the officer opinion that this represents 28 objections, 1 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

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

<i>Objections</i>	<i>Support / neutral</i>
<ul style="list-style-type: none"> • Loss of productive agricultural land / BMV / food security • Affects local ecology/wildlife • Application is lacking information • Boundary issues • Carbon generation of solar panels • Conflict with NPPF • Design • Dominating/overbearing • Drainage • Food security • Health and safety • Heritage harm • Impact on SSSI • Impact to enjoyment of PROW network • Inadequate access • Inappropriate area • Inappropriate in a conservation area • Increase danger of flooding • Landscape impact • Light pollution • Loss of light • Loss of open space • Loss of outlook • Out of character with the area • Over development of the site • Panels should go on buildings • Residential amenity • Scale • Sustainability • Trees 	<ul style="list-style-type: none"> • Support principle of renewable energy • There is a place for solar development in the energy mix. • Britain has not been food independent since the 19th century • Mono-culture fields do not contribute significantly to biodiversity • Soil health often improves after a solar farm has been on site

PLANNING HISTORY

No planning history on site

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The application site covers an area of approximately 57.71 hectares, comprising approximately 5Ha (8.6%) of Grade 3a and 53Ha (91.4%) Grade 3b agricultural land. The site is currently used for arable production, located in the countryside close to the village of Badley and lies wholly in flood zone 1 with some areas that are vulnerable to surface water flooding. The site is adjacent to two ancient woodlands and approximately 120m from a Site of Special Scientific Interest (SSSI).
- 1.2. The site is surrounded by agricultural land to the east, south and west with Stowmarket Business Park to the north. There is a cluster of dwellings to the east and a single dwelling to the south of the site. The site benefits from some existing agricultural access tracks through the Stowmarket Business Park.
- 1.3. The site is adjacent to both a Special Landscape Area (SLA) and a Conservation Area. The site is adjacent to the B113, with a new proposed access off this highway. There are several listed buildings immediately adjacent to the site including: the Grade II listed Woodland Farmhouse, the Grade II* listed Badley Hall, and the Grade I listed St Mary's Church. The site is adjacent to a Special Landscape Area and a Conservation Area.
- 1.4. There is an extensive Public Right of Way (PROW) network surrounding the site. Footpaths 1, 3 and 5 run along the northwest boundary of the site, connecting to footpaths 6 and 12 that run south through the middle of the site, connecting to footpath 11 (known as Badley Walk) that runs west to east along the southern boundary.

2. The Proposal

- 2.1. The application seeks a temporary (40-year) permission, to reflect the expected lifetime of the equipment to be installed, for the proposed development of a solar array, after which the site would be reinstated and returned to the existing agricultural use. The development comprises of the following elements:
 - Rows of solar panels to a maximum of 3.2m at an incline of 25 degrees with a generating capacity of 49.9MW.
 - Substation compound surrounded by 2.4m high security fencing measuring a total of 64.5m by 43.5m
 - Transformers (9.6m x 6.1m x 5.2m)
 - Firewalls (1x 8.1m x 0.4m x 6.1m – 4x 5m x 0.4m x 3.9m)

- Switch house (10m x 17.3m x 5.6m);
- Connection equipment (19m x 6m x 4.9m)
- 18 inverters (7m x 2.5m x 3.5m)
- 96 CCTV cameras on 4m high poles
- Security gate (2.35m high and 5m wide)
- 2.4m high deer fence around the perimeter of the site
- Underground cabling
- Access tracks

2.2. The applicant calculates that, when operational, the solar array would be expected to generate the equivalent of 49,900MWh each year, the approximate electricity needs of 14,000 average households.

3.0 Environmental Impact Assessment (EIA) Matters

3.1 The councils have screened the proposal and determined, as set out in the published EIA Screening Opinion that the proposal is not EIA development. The proposal is not considered to be EIA development considering its location, nature and scale, and the cumulative impact with other development in the site's locality.

3.2 Having regard to the scale and the location of the site, it is likely that the visual impacts are substantial, together with other identified impacts as set out below. However, it is not likely that the results of the proposal would have significant effects in accordance with the EIA regulations and that all relevant consideration can be adequately assessed through the planning process without an Environmental Statement.

3.3 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.

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

4.0 The Principle Of Development

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

4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the

development plan unless material considerations indicate otherwise. In this case, the development plan consists of the recently adopted Joint Local Plan (2023).

4.5 Policy LP25 of the JLP states: ‘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 have being appropriately mitigated. This is in addition to demonstrating connection rights and grid capacity.

4.6 Policy SP10 sets out a wider strategic aim for the district to address climate change.

4.7 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.”

4.8 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. 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.

4.9 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.

4.10 Whilst the principle of the proposed development is supported by the NPPF (and other existing and emerging Government policy), a medium to high level of less than substantial level of harm to several heritage assets has been identified, therefore engaging paragraph 202 of the NPPF. Paragraph 202 states that:

“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.”

- 4.11 Policy LP19 (5) states that: *When considering applications where a level of harm is identified to heritage assets (including historic landscapes) the Councils will consider the extent of harm and significance of the asset in accordance with the relevant national policies. Harm to designated heritage assets (regardless of the level of harm) will require clear and convincing justification in line with the tests in the National Planning Policy Framework.*
- 4.12 The discussion of harm and public benefit will be discussed in the relevant section below. The Councils however, do not consider the proposal to create sufficient public benefit to outweigh the identified harm and is therefore not acceptable.

5. Best and Most Versatile Agricultural Land (BMVAL)

- 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 Policy LP15 states that: ‘Where development needs to take place on greenfield land, avoidance of the best and most versatile agricultural land should be prioritised’.
- 5.3 The application site is greenfield agricultural land comprised of Grades 3a (8.6%) and 3b (91.4%) classified land. As such, for the purposes of planning policy, 5ha of land approximately 8.6% 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...”*
- 5.4 The PPG 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.”

- 5.5 There are therefore a number of factors specific to this application to consider in the assessment of impact on BMV land. The applicant has not demonstrated alternative sites for this development however has discussed the criteria required for adequate sites, and the reasons that this site complies. The biggest driving factor is the presence of the grid connection with capacity for the energy developed by the proposal.
- 5.6 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.
- 5.7 There would not be a loss of more than 20Ha of BMV land and so Natural England have no provided detailed comments in relation to this. The solar panels would be secured by either steel posts planted in the ground or, depending on ground conditions, will be on a concrete base. 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.
- 5.8 The Design and Access Statement (DAS) states that there will be sheep grazing alongside the use of the land for the solar array. This 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.”
- 5.9 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 policy LP25.
- 5.10 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.
- 5.11 Numerous concerns were raised through representations regarding the loss of food producing land as a result of this scheme. As set out above, 5Ha of the site is considered BMV, this is a very low 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.

- 5.12 A recent appeal decision (ENSO) is detailed between points 3.3. This shows 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.
- 5.13 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 identified with policy LP15 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. JLP policies LP25 and LP29 and paragraphs 110 and 111 of the NPPF 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. Paragraph 100 of the NPPF further seek to protect and enhance Public Rights of Way.
- 6.2 One new access point is proposed for the site that would be served by the B1113, with an existing agricultural access point through the Stowmarket Business Park.
- 6.3 The construction period of this scheme is estimated to be six months, estimating that during the busiest month (month 3) there will be a total of 89 two-way vehicle movements (54 car movements and 35 HGV movements). After this period, it is expected that deliveries would reduce to an average of 6-28 HGV movements.
- 6.4 Whilst a Transport Statement has been submitted, conditions have been imposed to secure a Construction Management Plan and a Delivery Management Plan. A temporary compound would be established in the middle of the site.
- 6.5 There are several PROWs running both along and through the site, these are to be retained and remain free from any obstruction.
- 6.6 Suffolk County Council's Highways team have been consulted and raise no objection to the proposal on the basis that the potential issues can be mitigated through conditions, and therefore this does not warrant refusal.

7. Design and Layout

- 7.1. JLP policies SP09 and LP25 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 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 3.2 metres in height.
- 7.3. Other ancillary infrastructure includes a switch house which would measure 10m x 17m and would be finished with facing brickwork, details of which could be confirmed via conditions. A substation compound, located to the north of the site, containing the switch house, transformers, and the distribution substation. This would also include a 2.4-metre-high fence around the perimeter.
- 7.4. Each parcel of land containing solar panels would be surrounded by 2.4-metre-high deer fencing, with openings for small mammals. A total of 96 CCTV cameras would be installed, on 4m high poles around the perimeter.
- 7.5. 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.
- 7.6. Whilst solar farms are important in fulfilling and delivering the Councils' and Government's commitments to fighting climate change, as will be discussed below, by means of its siting and appearance, a level of less than substantial harm has been identified. Whilst the utilitarian appearance is typical and reflects the functionality of solar farms, considering the countryside character of the area and how this contributes to the significance of nearby listed buildings, it is not considered acceptable in accordance with policies SP09 and LP25.

8. Landscape

- 8.1. Policies SP09, LP17 and LP25 and paragraphs 100 and 174 of the NPPF seek to ensure the protection of the landscape, designated key views and recreationally linked activities, such as the use of the PROW network. Place Services Landscape have been consulted on this application and have raised the following comments.
- 8.2. The site falls within two Landscape Character Areas (LCA) that are evaluated in the Suffolk Landscape Character Assessment. These are the Ancient Plateau Claylands (ACP) and the Rolling Valley Claylands (RVC). The ACP LCA runs north to south through the centre

of the site. This LCA lies south of the Gipping and is well known for its wooded feel, with strong hedgerows and ancient woodlands. In contrast, the RVC LCA, which covers areas to the northeast and southwest are often exposed due to the sloping nature of the landscape. Part of the site is also with a Special Landscape Area (SLA).

- 8.3 An LVIA was submitted with the application which graded the impact of the proposal on the landscape of the area, with the impact to the LCA and SLA being identified as minor adverse reducing to negligible adverse effects. Whilst this was largely agreed, the introduction of the solar array, fencing, CCTV cameras and other ancillary infrastructure, the discordant alien features would substantially change the character of the landscape. An amended LVIA has been submitted and reviewed, this document sought to review the gradings/judgements taking into account winter views of the site.
- 8.4 The revised gradings have been assessed as being lower than moderate adverse, with only one assessment of moderate. The general methodology and visual effects judged is agreed, and where there may be discrepancies, this does not substantially alter the stance on the development.
- 8.5 In reflecting on the ENSO appeal (where the site fell with a Special Landscape Area), 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."
- 8.6 Whilst it is acknowledged that the appeal above afforded extremely limited weight to the landscape impact considering that the impact is localised during the operational phase of the proposal and is reversible, the landscape character of this area significantly contributes to the significance of the nearby listed buildings and conservation areas. Whilst the impact to the landscape in its own right could be mitigated through additional planting and conditions, how it contributes to the nearby heritage assets cannot be replicated.
- 8.7 The PROW network would remain unobstructed, green corridors and additional hedgerow planting is proposed which would help mitigate the impact of the array on the enjoyment of the PROW network. The SCC PROW team consider the proposed widths of the PROW network to be acceptable.
- 8.8 The land under the solar panels is to be made available for sheep grazing with a native species grass and meadow mix.
- 8.9 Overall, there would be a low magnitude of change to the character of the landscape, with a negligible adverse effect. It is considered that the proposal could be made acceptable in

relation to the landscape character of the area with the use of appropriate conditions however, the impact this change would have on the landscape and how this contributes to the significance of nearby heritage assets will be addressed below.

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, policies SP09, LP16 and LP25 seek to protect, manage and enhance Mid Suffolk's biodiversity. Policy LP16 specifically states that: 'Development must: a) Protect designated and, where known, potentially designated sites. Proposed development which is likely to have an adverse impact upon designated and potentially designated sites, or that will result in the loss or deterioration of irreplaceable biodiversity or geological features or habitats (such as ancient woodland and veteran/ancient trees) will not be supported'.
- 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 application is supported by a number of documents that relate to biodiversity and ecology, including:
- Ecological Impact Assessment
 - Biodiversity Metric Assessment
 - Skylark mitigation plan
- 9.5 Natural England raised no objection in respect of the development's impact on designated sites, notably the Combs Wood Site of Special Scientific Interest, subject to conditions.
- 9.6 Suffolk Wildlife Trust and Place Services have reviewed the case with initial concerns being raised by SWT regarding the proposals impact on skylarks, the nearby ancient woodland, the ecological connectivity and recovery network and biodiversity net gain. Since these comments further plans including skylark mitigation plans and strategy. Place Services subsequently reviewed the new information and sought amendments from the applicants in order to ensure there is a 15m buffer between the fence and the ancient woodland, which now complies with standing advice.
- 9.7 There are demonstrable soil and biodiversity benefits arising from the use of the fields for solar gain when compared to those offered by intensive farming practices. 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 Policies SP09, LP15 and LP25 and paragraphs 174 and 183 of the NPPF seek to ensure both existing and potential land contamination risk (amongst other forms of pollution) is mitigated.
- 10.2 The Councils' Environmental Health Team were consulted in respect of land contamination and have no comment to make. 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.
- 10.3 Policies SP09, SP10, LP15 and LP27 and paragraphs 159, 162, 164 and 167 of the NPPF 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.
- 10.4 A site-specific FRA was submitted which found that the entire site falls within flood zone 1 (fluvial/river flooding). The majority of the site is at a very low risk of surface water (pluvial) flooding, however portions of the site are at a low to high risk.
- 10.5 As a small area of the site is at risk of pluvial 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.
- 10.6 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.
- 10.7 The site selection process has been outlined earlier in this report which identifies the requirements of land to be suitable to solar development. Whilst the Council believes there are alternative schemes nearby that would not produce the same issues in relation to heritage and character of the area, 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".
- 10.8 Despite the small areas at risk of flooding, the development is therefore considered to pass the sequential test in relation to flooding.

- 10.9 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.
- 10.10 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. 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.
- 10.11 The Lead Local Flood Authority have been consulted on this application and have raised no objection, subject to a condition securing surface water disposal strategy. The LLFA have also published standing advice for adequately dealing with surface water drainage in respect of solar farms.
- 10.12 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.

11. Heritage

- 11.1 There are no designated heritage assets within the site itself. There are several listed buildings immediately adjacent to the site including: the Grade II listed Woodland Farmhouse, the Grade II* listed Badley Hall, and the Grade I listed Church of St Mary's. The site abuts the Badley Conservation Area which contains the Grade I Listed Church of St Mary, the Grade II* Listed Dovecote, a Grade II* Listed barn, the Grade II Listed Bakehouse, the Grade II* Listed Badley Hall and the site of the Chantry, a scheduled ancient monument.
- 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 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 The assessment of heritage harm is further set out in the NPPF, and 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 against public benefits, whilst continuing to place great weight and importance on conserving the asset in line with statutory duties.
- 11.6 SCC Archaeology have raised no objection subject to conditions. Initial trenching as been carried out on site which identified a number of areas with archaeological value. The scheme will damage or destroy archaeological efforts however there are no grounds to refuse the application. Conditions are suggested to secure a programme works, site investigations and post investigation assessments, and a management plan for areas to be preserved. The proposal therefore does not warrant refusal on these grounds.
- 11.7 The Council’s Heritage Team provided the following comments:

New material is presented regarding the evolution of the site and its surroundings over time. However, in my view the assessment put forward assumes that Badley Walk was intended as the main public access to the Hall, and its aesthetic effect was intended to be experienced from within, not as a landscape feature. This is almost certainly incorrect. Such long formal avenues radiating from a house were almost universally fashionable in the late 1600s / early 1700s. The numerous birds-eye views published by Kip and Knyff at the time illustrate how they expressed status and authority of the owner beyond the house’s immediate surroundings. There was not necessarily a practical purpose, but uses would include rides and walks (as here), but often not the principal access. The aesthetic effect arises from the contrast between surrounding countryside and the unwavering rigidity of the avenues. At Badley the trees are mostly lost and as the agent’s consultant suggests, the contrast is now less obvious, but this should not be taken to diminish its significance as a heritage asset. It would be intended for private enjoyment, probably not public access – another aspect of the contrast between the Walk and its surroundings. Neither the original aesthetic nor the current experience of the Walk’s significance can properly be understood without this contrasting relationship.

A further point is that the Gipping valley has been a route of communication and commerce at least since anglo-scandinavian-saxon times, and this would have been obvious throughout creation of the Walk. Extending a vast formal feature from the Hall to the main road along the Valley was not intended to create a secluded enclave, but to advertise and express influence. If the Hall was out of sight, this should not be taken to diminish that effect. The network of footpaths around the Hall continues to provide free access to a very special group of assets for anyone seeking relief from the busy modern world along the valley.

The amendment to layout is acknowledged to reduce the scheme's impact, but in my view the reduction falls well short of changing the level of resulting harm to the assets. The harm would be less than substantial but would nonetheless be at a medium to high level within that category.

- 11.8 In addition to the Councils' internal Heritage Team, Place Services' Heritage have also provided the following advice:

"The Heritage Statement concludes that the proposed development will result in an adverse effect on the setting of the Conservation Area along its entire northern border. I do not find that the proposed 10 metre landscape buffer within the site would mitigate this adverse impact. In addition, the Heritage Statement concludes that development of the site would directly have an adverse impact on the setting and heritage significance of the Grade I, II* and Grade II Listed buildings and the Scheduled Ancient Monument within the Badley Conservation Area.

This harm has been identified in the Heritage Statement as being less than substantial and I agree with this conclusion, although I find the development would result in a greater level of adverse change to historic character (setting) than the limited level of change described in the Heritage Statement. The introduction of the solar array would fundamentally alter the pastoral setting of the designated heritage assets to the detriment of their significance.

With regard to the setting of the group of Listed buildings at Holyoak Farm and Halfpenny Hall, due to a supposed loss of the functional relationship between the former farm buildings and the surrounding agricultural landscape, the Heritage Statement incorrectly imposes a limit to their setting, stating that "While this shared landscape context has remained largely unchanged, the actual extent of the heritage setting of these assets has contracted back to the boundaries of their individual plots" (6.1.6.2). I disagree with this assessment and the restriction of the assets' setting to their plot boundaries. The glossary of the National Planning Policy Framework defines setting as "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral" (NPPF, Annex 2: Glossary).

While the minimal reduction of the extent of the development has pushed its boundary back from the Conservation Area and the Listed Buildings, it has not resulted in the removal or lessening of harm from the proposed development. Similarly, the proposed screening along the public footpaths, which includes hedges as well as a fence boundary, would not reduce the detrimental impact of the scheme.

The scheme will have an adverse impact on the significance of numerous heritage assets, including nationally important Listed buildings and a Conservation Area and will result in less than substantial harm as a result."

- 11.9 Considering the scale of the proposal and its potential impact on the nearby Grade I and II* buildings, Historic England have reviewed the submitted information and have provided the following assessment and advice:

The Heritage Statement concludes that the proposed development will result in an adverse effect on the setting of the Conservation Area along its entire northern border. I do not find that the proposed 10 metre landscape buffer within the site would mitigate this adverse impact. In addition, the Heritage Statement concludes that development of the site would directly have an adverse impact on the setting and heritage significance of the Grade I, II* and Grade II Listed buildings and the Scheduled Ancient Monument within the Badley Conservation Area.

This harm has been identified in the Heritage Statement as being less than substantial and I agree with this conclusion, although I find the development would result in a greater level of adverse change to historic character (setting) than the limited level of change described in the Heritage Statement. The introduction of the solar array would fundamentally alter the pastoral setting of the designated heritage assets to the detriment of their significance.

The scheme will have an adverse impact on the significance of numerous heritage assets, including nationally important Listed buildings and a Conservation Area and will result in less than substantial harm as a result. Therefore, I am unable to support this application. The Site is poorly chosen for a development of this nature and an alternative, less sensitive site should be sought.

11.10 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, and this is a matter of considerable importance and weight. Paragraph 202 of the NPPF requires harm to be weighed against public benefits. In this instance, the public benefit that would accrue from the renewable energy generation is not considered to outweigh the medium to high level of less than substantial harm.

11.11 Whilst the energy generation is considered a demonstrable public benefit that is afforded significant weight in the planning balance, paragraph 199 states:

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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The degradation of the open agrarian landscape that is considered to contribute to the significance of both the nearby listed buildings and conservation area, including assets of particularly important significance, is considered a significant harm that is not outweighed by the public benefit produced by the proposal.

The application is therefore unacceptable for this reason and should be refused in accordance with local and national planning policies.

12. Residential Amenity

- 12.1 JLP Policies LP24 and LP25 and paragraphs 130 and 185 of the NPPF 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 not been provided however the Design and Access Statement does address this issue. The assessment states that the nearest dwellings located to the northeast of the site would not be impacted by glint and glare. The dwellings along Badley Walk are not addressed in the assessment however, the panels would be located a sufficient distance from these houses, and there could be sufficient landscaping conditioned, to ensure that this is not a significant impact on their amenity.
- 12.3 The councils' Environmental Health Officer for noise/odour/light/smoke have been consulted on this application and have stated that a noise assessment undertaken in accordance with the current version of British Standard 4142 is required to make informed comments. It cannot therefore be demonstrated that the proposal would not have an adverse impact in the residential amenity enjoyed by neighbours in regard to noise levels produced by the development.
- 12.4 The applicant has since discussed this matter with the EH Officer who has stated that this matter could likely be dealt with through a planning condition. Paragraph 43 of the NPPF states that 'The right information is crucial to good decision-making, particularly where formal assessments are required'. A condition ensuring that noise levels would not exceed daytime and night time background noise levels would not be enforceable as the existing noise levels are unknown. Without sufficient noise information being submitted, the Council adopts a precautionary approach as the noise impacts on nearby residents are uncertain.
- 12.5 It is not considered reasonable or practical for a noise assessment to be submitted under a planning condition as this matter is critical to the merits of the planning application, and if an adverse impact on the local sensitive receptors is identified that cannot be sufficiently mitigated, the condition would not be dischargeable, and therefore the permission would be unimplementable.

13. Parish Council and Representation Comments

- 13.1 Combs and Badley Parish Councils have raised no objection, with comments being made regarding solar panels being better placed on roofs, as well as landscape, ecology, agricultural land and construction issues. Needham Market Town Council raises no objection subject to amendments, specifically hedgerows being moved closer to fences, Zone A being removed, and panels being set further back from the southern border of the site.
- 13.2 Stowmarket Town Council object to the proposal on the grounds of the loss of agricultural land, and the balance between the need for food security, and renewable energy.
- 13.3 The concerns raised by the respective Town and Parish Councils' have been addressed in 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 mechanisms 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

13. Planning Balance and Conclusion

- 13.1 The development would contribute to the Councils' 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).
- 13.2 Development plan policies 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"
- 13.3 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 significant 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.
- 13.4 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.

- 13.5 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 and can be 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.
- 13.6. The varying level of less than substantial harm identified to designated heritage assets is afforded great weight and this is a matter of considerable importance. When engaging paragraph 202 of the NPPF, the public benefits of the scheme, whilst significant, are not considered to outweigh the heritage harm, as identified. It is not considered that the harms can be mitigated through condition or amendments, despite the temporary nature of the proposal.
- 13.7 The surface water drainage matters can be resolvable through technical means and via planning conditions and so the scheme does not warrant refusal on these grounds.
- 13.8 The proposal has also not satisfactorily demonstrated that the proposal would not have a significant impact on the residential amenity of neighbouring properties from the noise generated from the site. Therefore, this is an additional reason for refusal.
- 13.9 Whilst there is some conflict with policy LP15 in regard to the loss of some BMV land, suitable justification has been provided. Moreover, the loss of 20 hectares of BMV land in the wider context of available BMV land across the district is negligible
- 13.10 As discussed above, the proposal is considered contrary to policies LP19 and LP25 through its impact on the nearby designated assets, and LP24 through the lack of information submitted in regard to noise concerns. 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.
- 13.11 There are no material considerations that indicate that a decision should be taken which departs from the development plan. Recommendation is that the development be refused planning permission.

RECOMMENDATION

That the application is REFUSED planning permission for the following reasons:-

REASON(S) FOR REFUSAL - AMENITY

The proposal is contrary to Babergh and Mid Suffolk Joint Local Plan (2023) policies LP24 and LP25 and paragraph 130 of the NPPF as insufficient information has been submitted in respect of noise impacts.

The Local Planning Authority adopt a precautionary approach as insufficient information has been submitted to demonstrate that there would not be an unacceptable noise impact on residential amenity arising from ancillary equipment associated with solar PV panels. No noise assessment has been submitted to evidence and demonstrate that there would not be an unacceptable impact.

In the absence of such noise assessment, it cannot be demonstrated that the proposal would not have a significant impact on the current residential amenity of neighbouring properties. Moreover, this matter cannot be dealt with via condition as the results of such assessment could result in an unimplementable permission.

REASON(S) FOR REFUSAL - HERITAGE HARM

The proposal is contrary to Babergh and Mid Suffolk Joint Local Plan (2023) policies LP19 and LP25 and paragraph 202 of the NPPF as the proposal would cause a medium to high level of less than substantial harm to the nearby designated heritage assets, notably those contained with the Badley Hall complex. This harm is not considered to be outweighed by sufficient public benefit.

The proposed solar array would result in development of agricultural land within the setting of Grade I listed Church of St Mary's, Grade II* listed Badley Hall, Grade II listed Woodland Farmhouse and the Badley Conservation Area which contains Grade I Listed Church of St Mary, the Grade II* Listed Dovecote, Grade II* Listed barn, Grade II Listed Bakehouse, and the site of the Chantry, a Scheduled Ancient Monument.

The proposal would detrimentally alter the undeveloped agrarian landscape which contributes to the significance of the aforementioned designated heritage assets. The proposal would harm the significance of the assets arising from development within their setting, and would alter the way they are experienced from the Public Rights of Way network.

In accordance with paragraph 202 of the NPPF, the proposal offers significant public benefits when viewed in the wider context of the district. The Council has permitted other solar schemes which generate substantially more solar power and are less harmful to fewer designated heritage assets than this proposal. The proposal's contribution to reducing carbon emissions, mitigating climate change and improving energy security is not considered to be substantial enough to outweigh the medium to high level of less than substantial harm to the numerous aforementioned designated heritage assets.