

Statement of Case on behalf of Bentley Parish Council and Stop Grove Farm Solar

Appeal reference: APP/D3505/W/25/3370515

Appeal under Section 78 of the Town and Country
Planning Act 1990 in respect of:
'Construction of a solar farm (up to 40MW export
capacity) with ancillary infrastructure and cabling, DNO
substation, customer substation and construction of new
and altered vehicular accesses.'

Site address: Land at Grove Farm and Land East of the
Railway Line, Bentley


Appeal by: Green Switch Capital Ltd

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1. Introduction

- 1.1 This Statement of Case (SoC) has been prepared by Places4People Planning Consultancy on behalf of Bentley (Suffolk) Parish Council and Stop Grove Farm Solar ("SGFS"), who were granted Rule 6(6) status in respect of this appeal by the Planning Inspectorate in a letter dated 13 October 2025. These parties will be referred to as "the Rule 6 Party". It is submitted in relation to an appeal following Babergh District Council's (BDC) refusal of planning application reference DC/23/05656, a full planning application for "Construction of a solar farm (up to 40MW export capacity) with ancillary infrastructure and cabling, DNO substation, customer substation and construction of new and altered vehicular accesses" on land at Grove Farm and land east of the railway line, Bentley.
- 1.2 Bentley Parish Council were consulted by BDC on the planning application and submitted two separate representations prior to the application being determined. The first was registered by BDC on 2 February 2024 and the second, in response to a re-consultation on the application, was registered on 6 September 2024. These representations are all publicly available and do not need to be repeated in detail in this Statement of Case. SGFS also submitted detailed representations on the planning application recorded on the planning application portal on 1 February 2024. These representations are appended to this Statement of Case for ease of reference. Both parties wish to pursue these objections at the forthcoming inquiry and will do so in the form of a jointly presented case in order to minimise repetition and duplication.
- 1.3 The Rule 6 Party has also had the advantage of reading the District Council's Statement of Case and adopts without repetition the points which it makes.
- 1.4 In summary, the Rule 6 party wishes to pursue objections to this proposal on the grounds that:
 1. It is contrary to policies in the adopted Bentley Neighbourhood Plan (December 2022), and also in the National Planning Policy Framework (December 2024) and Babergh and Mid Suffolk Joint Local Plan (part 1) (November 2023).
 2. It would cause significant harm to the historic core of the village and its designated and non-designated heritage assets.
 3. It would cause significant damage to a recognised valued landscape area.
 4. It would have significant impact on residents' amenities by reason of noise, glint and glare and visual impact.
 5. It would have a significant impact on the extensive recreational use made of the network of public rights of way around and within the appeal site.
 6. It would result in the taking out of productive use of a large area of good quality, productive arable land
 7. The biodiversity benefits are overstated.

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8. Given the harms listed above and set out in greater detail in the representations appended, there has been no convincing demonstration that there are no better alternatives available contrary to policy LP25 of the recently adopted development plan.
 9. Whilst the benefits of renewable development *in the right place* are recognised, this is *not* the right place and the balance falls decisively against permission being granted, having regard to the relevant policy context.
- 1.5 This statement has been prepared by Ian Poole MRTPI, Managing Director of Places4People Planning Consultancy, who has over 40 years' experience in planning in both the public and private sector. Places4People Planning Consultancy have been retained by the Rule 6 Party to provide support through the Inquiry.

2. Background to the Statement


- 2.1 The planning application subject to this appeal was refused by Babergh District Council on 6 February 2025 for the following reasons:

1. HERITAGE

The proposal would conflict with policies SP09, LP19, LP25 and consequently SP03 of the Babergh and Mid Suffolk Joint Local Plan (2023), policies BEN 11 and BEN 12 of the Bentley Neighbourhood Plan (2022) and paragraphs 212, 213, 215 and 216 of the NPPF (2024). The proposal would result in a low to medium level of less than substantial harm to a number of designated and non-designated heritage assets; the most notable and highly graded of which include the Grade I listed Bentley Hall Barn and Grade II* listed Bentley Hall, Bentley Hall Stables and Church of St Mary. Whilst significant weight is afforded to the public benefits of renewable clean energy, this benefit is not considered sufficient to outweigh the harm to a range of heritage assets, which are matters of considerable importance and great weight. The setting of these assets and thus their significance would be eroded and undermined by the proposed development as it would introduce an industrial incongruous character to the current traditional agricultural character and historical landscape of the area.

2. LANDSCAPE

The proposal would conflict with policies SP09, LP17, LP18, LP25 and consequently SP03 of the Babergh and Mid Suffolk Joint Local Plan (2023), policies BEN 3 and BEN 7 of the Bentley Neighbourhood Plan (2022) and



paragraphs 187 and 189 of the NPPF (2024). The development would introduce an incongruous, industrialised character into a valued landscape, being within the setting and Additional Project Area of the Suffolk Coast and Heaths National Landscape. The development would erode a well preserved and largely unaltered agricultural area and would infill a tranquil transitional gap between settlement and a valuable historical landscape with an abrupt, alien and jarring form of development.

- 2.2 Further to the reasons for refusal, the Rule 6 Party considers that the proposal does not conform with Policy LP25 'Energy Sources, Storage and Distribution' of the Babergh and Mid Suffolk Joint Local Plan – Part 1 ('JLP', 2023). The issue of Alternatives was addressed in SGFS's original representations in January 2024 and will need to be updated for the inquiry, which will take place 2 years later, in January 2026. The Rule 6 Party also notes the designation of the Bentley Conservation Area since the reasons for refusal were issued and considers that the proposals would not preserve or enhance the character and appearance of the conservation area, but would cause substantial harm to its significance. This increases the need to consider properly the availability of alternatives.
- 2.3 The Rule 6 Party will further amplify in its evidence the objections already submitted in response to the planning application consultation.

3. The Rule 6 Party's objections to the Appeal Proposal

1. Contrary to policies in the adopted Bentley Neighbourhood Plan, and also in the National Planning Policy Framework and Babergh and Mid Suffolk Joint Local Plan (part 1)

- 3.1 Whilst the Rule 6 party will have full regard to policy and development plan context provided by the NPPF and the Babergh and Mid Suffolk JLP, it will endeavour not to duplicate unnecessarily the case of the local planning authority in relation to these matters. The Rule 6 Party will focus on the Bentley Neighbourhood Plan, which was 'made' by Babergh District Council on 12 December 2022, and which also forms part of the development plan for the area. In the opinion of the Rule 6 Party, the proposal is contrary to the following policies in the Neighbourhood Plan:




Policy BEN 3 'Development Design'

- 3.2 The policy sets out a range of criteria against which proposals will be assessed. In terms of those criteria, the Parish Council is of the opinion that, when judged against the criteria, the proposal does not satisfy these criteria in relation to:
- i) maintaining the quiet and tranquil character of the village;
 - ii) mitigating impact on the amenity of residents by reason of noise during construction, loss of outlook, and the volume or type of vehicular activity generated; and
 - iii) does not reflect the qualities and character of the setting of the village within a high quality rural landscape, as identified in the Bentley Landscape Appraisal that was prepared in support of the Neighbourhood Plan.

Policy BEN 7 'Protecting Bentley's Landscape Character'

- 3.3 The policy states that proposals must, proportionate to the development, demonstrate how the landscape characteristics of the site and its vicinity have been considered in preparing the scheme. In particular, the Parish Council considers that the proposal will:
- i) in relation to the field east of Church Lane, be visually intrusive on the upper valley slopes and, therefore, contrary to the third bullet of the policy and result in a detrimental impact on the valued landscape identified in the Neighbourhood Plan Landscape Appraisal. That Appraisal stated "the northern part of the Parish has a weight of evidence to support its recognition as a valued landscape due to its intact historic patterns of settlement, ancient woodland, remnant parkland and rural lanes.";
 - ii) as a result of the additional hedgerows along the northern and southern edge of the larger arrays, result in a new field pattern that, at the end of the 40-year period, will leave small fields not practical for agricultural use; and not in keeping with the historic pattern as it would create smaller scale fields on the outer fringes and larger fields in the centre.
 - iii) erode the rural lane character of this part of the parish through the introduction of new development with new junctions that will cause fragmentation of lanes due to the introduction of new access routes in Church Road and Potash Lane. Such development will also physically erode existing hedgerow corridors along these roads.



Policy BEN 11 'Heritage Assets'


- 3.4 In line with national policy, the Neighbourhood Plan requires proposals to preserve or enhance the significance of designated heritage assets of the Village, their setting, and the wider built environment. On 23 April 2025, after the planning application decision on the appeal scheme was issued, the Bentley Conservation Area was designated by Babergh District Council that includes the appeal site. There is now a requirement for any proposal, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention "to the desirability of preserving or enhancing the character or appearance of that area." It is the Parish Council's contention that the proposal would neither preserve or enhance the character of the Conservation Area within which it is located.

Policy BEN 12 'Buildings of Local Significance'

- 3.5 Closely aligned to the requirements to consider the significance of the proposal on designated heritage assets, the Parish Council agrees with the District Council's assessment in its updated reason for refusal that the proposal would result in harm to Non-Designated Heritage Assets identified in the Neighbourhood Plan, namely Falstaff Manor, Grove Farm, Red Cottages, Potash Cottages, and Church Farm House and Barn. (Para 1.5 Babergh District Council Statement of Case). The Rule 6 Party also considers this should include Potash Farm.

2. The proposal would cause significant harm to the historic core of the village and its designated and non-designated heritage assets

- 3.6 Appendix 2 of the Parish Council's response to the re-consultation on the application by Babergh District Council, registered on 6 September 2024, provided a detailed and informed view as to why the Parish Council considers that the significance of the heritage in this area has not been given sufficient weight in the preparation of the appeal proposal. Pages 15-21 of the SGFS representation dated January 2023 (appended hereto for ease of reference) also set out in summary form the nature and scale of the damage which the appeal




proposals will inflict on heritage interests. The appeal site and its immediate vicinity are ringed with buildings of great historic interest and the landscape itself is full of historic significance, containing ancient woodlands, tree and hedge lined lanes, some of which can be traced back 800 years.


- 3.7 The site now lies wholly within the designated Bentley Conservation Area, and the Parish Council disputes the appellants claim (paragraph 8.8 of their Statement of Case) that the proposal would result in less than substantial harm at the low end of the scale to the significance of the Conservation Area when seen as a whole. The significance of the CA is bound up with the remarkable surviving mosaic of historic buildings, ancient woodlands, the farmed manorial landscape with its lanes, hedges, veteran trees. The Rule 6 Party considers that imposing around 100,000 solar panels inside 4 km of security fencing with innumerable CCTV cameras on 3m masts, innumerable inverters, 11 substantial transformers, and two substations including 7m tall elements across the whole of the southern part of the CA, including the two fields either side of Church Road which forms the final approach to the Church/Hall/Barns/Vicarage/Churchyard nucleus of the CA, would represent *substantial* harm to this designated heritage asset.

3. The proposal would cause significant damage to a recognised valued landscape¹.

- 3.8 This issue is addressed in outline by Alison Farmer in the Parish Council's original representations and at pages 7-14 of the SGFS representations. The appellants judgements on the effects of the proposed development have been underestimated, principally as a result of a lack of understanding the value and susceptibility of the landscape to the proposed development and the downplaying of sensitivity. A lack of understanding of sensitivity has meant that the nature of the effects of the development have not been properly identified. In particular, the Appellant appears to have overlooked the fact that the appeal site lies within a valued landscape which has been expressly identified as such in the statutory development plan.

¹This section is based upon existing representations by the Rule 6 Party and is still subject to review by our intended landscape witness.

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- 3.9 The area within which the parish sits has been subject to a number of landscape appraisals, the most recent being the Bentley Neighbourhood Plan Landscape Appraisal (December 2019). That Appraisal noted that the majority of the Parish was formerly designated as the Dodnash Special Landscape Area (SLA) in the Babergh District Council Core Strategy (2014) but not proposed to be carried forward in the (then) draft Joint Local Plan. The Appraisal reviewed the SLA in the parish in the context of the criteria for assessing valued landscapes set out in the Guidelines for Landscape and Visual Impact Assessment (GLVIA 3rd Edition). It concluded that the northern part of the Parish “has a weight of evidence to support its recognition as a valued landscape due to its intact historic patterns of settlement, ancient woodland, remnant parkland and rural lanes.”
- 3.10 Importantly, the appellants Landscape and Visual Impact Assessment (LVIA) fails to make reference to the following independent evaluations:
- **Natural England Natural Beauty Assessment, 2017.** This evaluation was undertaken to define areas which are worthy of national landscape designation. The site falls within Evaluation Area D3 Shotley Peninsula which extends across the site as far as Ipswich and includes the elevated farmland stretching eastwards along the Shotley Peninsula.
 - **Valued Landscape Assessment for Suffolk Coast & Heaths AONB, 2020.** This study reviewed the Additional Project Area to the Suffolk Coast and Heaths AONB (of which the site forms a part) and determined that it expressed sufficient qualities to be recognised as a valued landscape in NPPF terms.
- 3.11 These past assessments clearly illustrate that whilst the landscape has not achieved national landscape designation (AONB now National Landscape), it nonetheless has positive and valued attributes that lift it above ordinary countryside. The NPPF is clear, in paragraph 187 (a) that decisions should contribute to and enhance the natural and local environment by, inter alia **protecting and enhancing valued landscapes.**
- 3.12 Further, it is not clear if the viewpoints in the appellants LVIA have been selected following consultation with the Local Authority officers and, notably, there are no viewpoints which are representative of any relation to local residents or heritage assets.
- 3.13 The proposed design and layout of the scheme does not take account of the susceptibility of the landscape to the proposed development. The proposed




hedgerow planting is considered in the appellants LVIA to 'generally follow the historic boundaries which have been removed' (appendix 4 page 2). However, reference to historic maps indicate that these proposed hedgerows only partially reflect the historic enclosure pattern. They would introduce an east west grain to the landscape pattern when, historically, the grain of hedgerows would have been predominately north south. This new enclosure pattern is not in keeping with the historic pattern as it would create smaller scale fields on the outer fringes and larger fields in the centre. The proposed mitigation and positive 'legacy' of the scheme is therefore questionable. Mitigation planting would take time to develop and would, therefore, not reduce the visual effects of the scheme in the short term and in the mid to longer term would, at best, filter views, replacing an ancient landscape which permits views and intervisibility between attractive landmarks and skylines.

4. The proposal would have significant impact on residents' amenities by reason of noise, glint and glare and visual impact

- 3.14 As noted above, the Parish Council is of the opinion that the proposal would not:
- i) maintain the quiet and tranquil character of the village;
 - ii) mitigate its impact on the amenity of residents by reason of noise during construction, loss of outlook, and the volume or type of vehicular activity generated; and
 - iii) reflect the qualities and character of the setting of the village within a high quality rural landscape, as identified in the Bentley Landscape Appraisal that was prepared in support of the Neighbourhood Plan.

5. The proposal would have a significant impact on the extensive recreational use made of the network of public rights of way around and within the appeal site.

- 3.15 The site is bounded by a bridleway (Definitive Map 65) to the west while the access routes would have a direct impact on public footpaths 50 and 55, to the south-west, and public footpath 18, to the north-east. Even the public highways in the vicinity of the site are designated Quiet Lanes to reflect their extensive use by walkers, cyclists and riders. These are all ancient and very well used rights of way, from which views across and around the site are greatly valued by local



people and many visitors throughout the seasons. They have featured on local walking maps for at least 40 years. Their nature will be fundamentally and adversely affected by the presence of the proposed development and the loss of the openness for which this part of Bentley is so valued. There is nothing in the information submitted in support of the application to state how these paths will be protected both in terms of damage and ongoing use by the public during the construction phase.

6. The proposal would result in the taking out of productive use of a large area of good quality, productive arable land

- 3.16 The site is located within an area of predominantly best and most versatile Agricultural Land. Paragraph 187 b) of the NPPF requires proposals to contribute to and enhance the natural and local environment by, inter-alia “recognisingthe wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land”. Local Plan Policy LP15 – ‘Environmental Protection and Conservation’ states that “Where development needs to take place on greenfield land, avoidance of the best and most versatile agricultural land should be prioritised.” The whole appeal site has been actively farmed for as long as anyone can remember, producing a wide variety of different crops. While it is acknowledged that the appeal development, should it be approved, would not result in the permanent loss of the land, it would take it out of food production for 40 years. This is considered to be a significant period of time for the loss of best and most versatile land and must carry weight in the decision-making process.

7. The biodiversity benefits of the proposal are overstated

- 3.17 These matters are addressed in existing representations (SGFS, pp.28-30). The ground conditions of the site will change out of all recognition because of the proposal. This will result in the displacement of nesting sites for ground nesting birds, including the Skylark which is on the Breeding Birds Red List as a species at high risk of extinction. As well as supporting important populations of ground nesting birds, the appeal site is surrounded by areas with notable biodiversity: such as Engry Wood CWS, other nearby Tollemache ancient woodlands (also



CWS) and Bentley Park. The Bentley hedgerows are studded with veteran trees – the highest number of any parish in Suffolk. This is not a site in an area of low or negligible biodiversity where the harmful industrialising impacts of large scale solar and power transmission development may be justified in part by a major boost to biodiversity brought about by new belts and blocks of screen planting. This is a site in a location of high environmental quality, already celebrated and treasured for its biodiversity. Accordingly, the alleged biodiversity benefits of the appeal scheme need to be weighed in the planning balance with great care.


8. Given the harms listed above, there has been no convincing demonstration that there are no better alternatives available.

- 3.18 Policy LP25 of the Joint Local Plan requires that “proposals for renewable and low carbon energy impact on nature conservation sites, the Areas of Outstanding Natural Beauty, or the setting of heritage assets (including conservation areas), the applicant must be able to convincingly demonstrate that potential harm resultant from development can be effectively mitigated and that there are no alternative sites available within the District or for community initiatives within the area which it is intended to serve. This includes providing underground power lines and cabling.”
- 3.19 We note and support the local planning authority’s call for a refreshed Alternative Sites Assessment due to the significant change in policy circumstances. The Rule 6 Party confirms that, as suggested in paragraph 4.19 of the District Council’s Statement of Case, it would be prepared to work collaboratively with the appellant and the District Council in the production of that necessary up-to-date assessment.

4. Further matters

Other relevant policies of the Joint Local Plan

- 4.1 Policy SP09 ‘Enhancement and Management of the Environment’ requires development to “support and contribute to the conservation, enhancement and management of the natural and local environment and networks of green infrastructure, including: landscape, biodiversity, geodiversity and the historic environment and historic landscapes.”

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- 4.2 Given the designation of the Bentley Conservation Area and the location of the site within a valued landscape, the Rule 6 Party considers that the proposal would not support and contribute to the conservation, enhancement and management of the importance of this historic environment and landscape.

5. Witnesses

- 5.1 The Rule 6 party is still finalising its position in relation to witnesses, but it is anticipated that it will call expert evidence in relation to planning, landscape and heritage issues. Whilst it will also call a small number of lay witnesses to address matters such as recreational use of the public rights of way in the area, the lay evidence is likely to take much less inquiry time. As the Rule 6 Party's evidence will follow that of the local planning authority, every opportunity will be taken to avoid repetition.

6. Conclusion

- 6.1 The Rule 6 Party accepts the benefits of renewable development *in the right place*. However, the appeal site is demonstrably *not* the right place and it is considered that, having regard to the relevant policy context, the planning balance falls decisively against permission being granted.



Appendix – Rule 6 Party Planning Application Representations

Bentley Parish Council

Response to Consultation 2 February 2024

Bentley Parish Council – Objection to Grove Farm Solar Farm DC/23/05656

Bentley Parish Council Object to this application by reason of:

- **It is contrary to policies in the adopted Bentley Neighbourhood Plan (see below)**
- **It would cause significant harm to the historic core of the village and its listed and unlisted heritage assets.**
- **It would cause significant damage to a recognised valued landscape area.**
- **It would have significant impact on residents' amenities by reason of noise, glint and glare and visual impact.**
- **It would result in the loss of a large area of good quality, productive arable land.**
- **It offers no community benefit (contrary to NPPF and SCC planning policy)**

While Bentley Parish Council supports the need for renewable energy sources, including solar, it strongly objects to this huge, 116 acre solar farm being placed in the historic core of our village.

It will cause significant harm to our susceptible and unique, heritage landscape and to the many residents who live adjacent to the site.

Heritage - This historic landscape, preserved for centuries, with its intact manorial complex of Falstaff Manor, St Mary's Church, Bentley Hall, ancient Engry Wood and other associated grade listed buildings, encircles the proposed site. This special landscape is rare in the context of the wider Shotley Peninsula and is recognised in the Suffolk Coasts and Heaths Additional Project Areas as a Valued Landscape. This is significant both in terms of the NPPF and the AONB Management Plan. A review of the LVIA by Alison Farmer Associates finds that judgements on the proposed development have been underestimated and that this development would *"seriously erode the special qualities of the whole site"*.

Landscape - Villagers place a high value on the wide-ranging views across this heritage landscape set in its open skies. Enjoyment of this beautiful, peaceful, deeply rural landscape by residents and visitors would be transformed by an industrialised landscape, where the visual effects couldn't be fully mitigated by hedge planting and noise levels would be intrusive.

Our designated Quiet Lane, Church Road is used daily for exercise, enjoyment of nature and for access to our Grade 2* listed St Mary's Church. The road bisects the application site and so people using the lane would be in the middle of a solar farm seeing CCTV, security fencing etc instead.

Loss of Amenity - Bentley Parish Council have real concerns about the impacts to residential amenity. In terms of Glint and Glare, we feel expert assessment is required to assess these effects. The submitted noise assessment appears to have underestimated sound levels both at residential properties and in Potash Lane and Church Road (see Mr Doug Sharps' Noise Assessment Report). Intrusive noise, both during construction and during operation, as well as an oppressive outlook will have a significant adverse impact for those living adjacent to the site or using the rural lanes.

Loss of BMV Land - Sacrificing BMV land that produces good crops every year, as this site does, when there are alternatives is completely counterproductive. Solar panels should be placed on brownfield sites, industrial buildings or poor quality land where food production does not have to be sacrificed. New BMV farmland cannot be created.

Construction – Church Road, Potash Lane and connecting footpaths and a bridleway surrounds three sides of the site and are well used by walkers, cyclists and equestrians but the needs of those users during construction have not been considered neither is the viability of access to the proposed DNO sub-station using the single track, Quiet Lane of Church Road.

Bentley Parish Council – Objection to Grove Farm Solar Farm DC/23/05656

Community Benefits - There are no Community Benefits for the village of Bentley mentioned, which if the application was approved, would need to be included.

We fully support the representations made by Tom Hill KC in the Group Objection to Grove Solar Farm Bentley document and those made by Suffolk Preservation Society who state *“SPS considers that the proposals are of a scale and character that will result in unacceptable impacts to a Valued Landscape, cause heritage harm, require the loss of best and most versatile land and a loss of amenity for those living and walking through this landscape. Furthermore, the proposals are contrary to both national and local planning policy”*.

While there may be some minor biodiversity gains in the proposal, on balance this huge application would cause significant harm to the very fabric of Bentley village, and the way it is experienced by residents and visitors and is contrary to Bentley’s adopted Neighbourhood Plan.

This application would be contrary to the following policies in Bentley’s Neighbourhood Plan and Babergh’s Joint Local Plan.

BEN 3 Development Design

- The proposals would harm the amenities of nearby residents and walkers by reason of noise, outlook and glint and glare.
- The designs do not respect the qualities and character of the setting of the village within a high quality, Valued Landscape.
- They do not maintain and enhance the quiet and tranquil character of the village and its setting.

BEN 7 Protecting Bentley’s Landscape Character

The proposals will impact the landscape character by development that will interrupt long distance views across the landscape particularly to the Engry Wood and St Mary’s Church.

- Development on upper valley slopes will be visually intrusive.
- Erosion of rural lane character through introduction of new development with new junctions that will cause fragmentation of lanes due to the introduction of new access routes in Church Road and Potash Lane, which will also physically interrupt hedges.

The proposed site is part of the Shotley Peninsula Additional Project Area. No reference has been made in the submitted LVIA to the 2017 Natural England’s Evaluation of Natural Beauty in relation to the proposed Boundary Variation of the Suffolk Coast and Heaths or the 2020 Valued Landscape Assessments for Suffolk Coast and Heaths Additional Project Area.

The proposal is therefore contrary to Policy LP18 (3) in Babergh’s Joint Local Plan (Part 1) “Development within the AONB Project Areas should have regard to the relevant Valued Landscape Assessment”.

Bentley Parish Council – Objection to Grove Farm Solar Farm DC/23/05656

Policy BEN 11 - Heritage Assets

The proposals will not preserve or enhance the significance of designated heritage assets of the Village, their setting, and the wider built environment;

- Or contribute to the Village’s local distinctiveness, built form, and scale of its heritage assets;
- be of an appropriate scale, form, height, massing, alignment which respects the area’s character, appearance, and its setting;
- proposals do not demonstrate a clear understanding of the significance of the asset and of the wider context in which the heritage asset sits.

The applicant’s Heritage Impact Assessment significantly underestimates the impact on the heritage assets and their setting and so conflicts with policy LP19 in Babergh’s Joint Local Plan.

Policy BEN 12 - Buildings of Local Significance

- The protection of buildings of local significance, including buildings, structures, features and gardens of local interest or of heritage interest, must be appropriately secured.

Bentley Parish Council believe the applicant’s analysis doesn’t fully consider the harm and loss that would be experienced by the listed Buildings of Local Significance adjacent to the site.

Babergh’s Joint Local Plan LP19 (5) states “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.”

Bentley Parish Council

Response to Further Consultation September 2024

Bentley Parish Council – response to re-consultation on Grove Solar Farm Application Reference DC/23/05656

Bentley Parish Council have read the applicant's response dated 9 July 2024 but don't feel it addresses any of the issues we have raised. While the only 'concession' to our concerns is to offer some financial benefit, we don't feel this can possibly compensate for the significant harm that will be caused to our landscape, heritage and amenity of local residents by this application.

Landscape

A review of the applicant's LVIA and the Additional Information by two independent landscape experts (Alison Farmer dated January 2024 and Michelle Bolger dated 30 August 2024) concludes that the development could not be accommodated in this landscape **without significant harm to the character and appearance of this valued landscape.**

The fact that the site is part of the Suffolk Coast and Heaths NL Additional Project Area was missed by both Axis who produced the applicant's LVIA and the Landscape Officer at Place Services in their advice to the applicant which has affected their judgements on the harm that will be caused. See Appendix 1 for Alison Farmer's comments on the LVIA.

In the applicant's response on page 8 they agree that development is in a prominent location but maintain that *"setbacks have been taken on Church Road to avoid development in a prominent location"* but there is no setback of panels here as confirmed by Alison Farmer's comments. They also maintain that *"The access strategy avoids taking traffic along Church Road which is a recognised quiet lane."* Yet this is exactly where construction traffic will need to go to access the DNO substation site.

Heritage

The Supplementary Heritage Assessment submitted is considered to be **a gross underestimate of the harmful heritage impacts of the proposed development** which would be located in close proximity to a large number of heritage assets – 20 within a short distance of the site boundary. See Appendix 2 for the Parish Council's detailed response.

Separately, Bentley Parish Council have commissioned a Conservation Area Appraisal for the north of Bentley which gives an independent heritage expert's view of the high status of the heritage assets and landscape in this area. We include this appraisal with these comments.

Construction

Church Road, Potash Lane and connecting footpaths and a bridleway surrounds three sides of the site and are well used by walkers, cyclists and equestrians but the needs of those users during construction have not been considered neither is the viability of access to the proposed DNO sub-station using the single track, Quiet Lane of Church Road.

In conclusion Bentley Parish Council strongly objects to this application on the grounds already made but repeated here -

- It is contrary to policies in the adopted Bentley Neighbourhood Plan (see below)
- It would cause significant harm to the historic core of the village and its listed and unlisted heritage assets.

**Bentley Parish Council – response to re-consultation on Grove Solar Farm
Application Reference DC/23/05656**

- It would cause significant damage to a recognised valued landscape area.
- It would have significant impact on residents' amenities by reason of noise, glint and glare and visual impact.
- It would result in the loss of a large area of good quality, productive arable land.

This application would be contrary to the following policies in Bentley's Neighbourhood Plan:

BEN 3 Development Design

- The proposals would harm the amenities of nearby residents by reason of noise, outlook and glint and glare.
- The designs do not respect the qualities and character of the setting of the village within a high quality, Valued Landscape.
- They do not maintain and enhance the quiet and tranquil character of the village and its setting.

BEN 7 Protecting Bentley's Landscape Character

The proposals will impact the landscape character by development that will interrupt long distance views across the landscape particularly to the Engry Wood and St Mary's Church.

- Development on upper valley slopes will be visually intrusive (on the eastern field)
- Erosion of rural lane character through introduction of new development with new junctions that will cause fragmentation of lanes due to the introduction of new access routes in Church Road and Potash Lane which will also physically interrupt hedges.

Policy BEN 11 - Heritage Assets

The proposals will not preserve or enhance the significance of designated heritage assets of the Village, their setting, and the wider built environment;

- Or contribute to the Village's local distinctiveness, built form, and scale of its heritage assets;
- be of an appropriate scale, form, height, massing, alignment which respects the area's character, appearance, and its setting;
- proposals do not demonstrate a clear understanding of the significance of the asset and of the wider context in which the heritage asset sits.

Policy BEN 12 - Buildings of Local Significance

- The protection of buildings of local significance, including buildings, structures, features and gardens of local interest or of heritage interest, must be appropriately secured.

Appendix 1

Comments on the LVIA for Grove Farm Solar, Bentley

Introduction

Alison Farmer Associates (AFA) was appointed by Bentley Parish Council to undertake a review of the Grove Farm Solar Farm Landscape and Visual Assessment (LVIA).

The proposed development has been submitted by Green Switch Capital as a full planning application DC/23/05656 to Babergh District Council. The proposed scheme will take approximately 8 months to construct and have an operational life of 40 years.

This review has focused on the LVIA but has also made reference to the following documents:

- Design and Access Statement
- Heritage Impact Assessment
- Arboricultural Assessment

This review has been desk based but relies on a good knowledge of the area from previous assessment work. It does not include a detailed review of individual judgements on the effects of the scheme but rather provides an overview of the soundness of the LVIA.

Method and Approach

The methodology used to assess the effects of the proposed development is set out in Appendix 1 of the LVIA. It is broadly in accordance with published guidance and makes a clear distinction between landscape character and visual effects. However, no reference is made to the Landscape Institute (LI) Technical Guidance Note (TGN) on Assessing Landscape Value Outside of Designations (2021) and to the criteria that are taken into account (refer to appendix 1).

Graphics and Presentation

The mapping associated with the LVIA locates the development and provides information on the context and landscape baseline. The following observations are made:

- The Main Site and Substation Site are not labelled on the drawings nor are the main routes or footpaths numbered. Similarly key properties are not labelled which makes cross reference with the text harder.
- The topography map shows only 5m intervals for topography and therefore does not readily illustrate the variation in topography across the site. Given that solar panels are 3m in height, a 2m interval for topography would be more informative.

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- No mapping is provided showing the layout of the proposed solar panels and variation in site topography. This is an omission as it significantly informs susceptibility and the nature of effects.
- A number of the viewpoint photographs are poor quality, dark and blurred e.g. Viewpoints 10 and 11 and do not meet the LI standards.

Detailed consideration of the topography of the site shows that the highest area is adjacent to Engry Wood at 42m AOD and the lowest point is in the northeast of the site at 32m AOD. The change in topography across the site is c. 10m not 5m as suggested in the LVIA (para 4.2.4).

Understanding of Baseline

Character

Landscape character assessments have been reviewed within the LVIA but no recognition is given to the fact that the boundaries between character types are rarely abrupt. It is clear from overlying topography with character types that the field east of Church Road forms part of the Rolling Valley Farmlands landscape i.e. the upper valley slopes. This increases the susceptibility of this part of the site to the proposed development.

Reference to Historic Landscape Characterisation indicates that the historic assets surrounding the site range from medieval to 18th century and that the remaining enclosure pattern, ancient woodlands and historic quiet lanes also reflect this antiquity, although some boundary loss is noted in the central and western parts of the site. The articulation of landscape features and elements in this landscape gives rise to a distinct legible pattern and character which is rare in the context of the wider Shotley Peninsula. This is especially relevant to the Ancient Estate Farmlands landscape type and increases susceptibility.

Value

The LVIA does not include a thorough understanding of the value of the area. The LVIA makes reference to the past recognition of this landscape as part of the Dodnash Special Landscape Area (para 4.2.24) and value in the Bentley Landscape Appraisal at para 4.3.46. This latter document highlights the importance of the balanced and cohesive composition of landscape elements, lack of modern development and sequential views which impart strong perceptions of time depth. However, the LVIA fails to make reference to the following independent evaluations:

- Natural England Natural Beauty Assessment, 2017. This evaluation was undertaken to define areas which are worthy of national landscape designation. The site falls within Evaluation Area D3 Shotley Peninsula which extends across the site as far as Ipswich and includes the elevated farmland stretching eastwards along the Shotley Peninsula (refer appendix 2).

- Valued Landscape Assessment for Suffolk Coast & Heaths AONB, 2020. This study reviewed the Additional Project Area to the SC&H AONB (of which the site forms a part) and determined that it expressed sufficient qualities to be recognised as a valued landscape in NPPF terms (refer appendix 3)

Whilst both these evaluations predate the LI TGN the criteria used to assess value closely align with those set out in the TGN and follow the correct application and approach to assessment. Lack of reference to these independent studies is a serious omission in the LVIA and has a knock-on impact when assigning a value to the landscape and in understanding the susceptibility of the landscape to the type of development proposed. This in turn affects the professional judgements made regarding the sensitivity of the landscape and magnitude of change and whether the proposed development is acceptable or not. It also affects the design of the mitigation.

These past assessments clearly illustrate that whilst the landscape is not worthy of national landscape designation (AONB) it nonetheless has positive and valued attributes that lift it above ordinary countryside. The Natural England assessment of natural beauty highlights throughout the table for Evaluation Area D3 the higher qualities associated with the Bentley Hall and church area and its surrounding context.

The recognition of the Suffolk Coast and Heaths Additional Project Area as a valued landscape is also significant in NPPF policy terms and is specifically referred to with the AONB management plan (page 12).

Viewpoints

It is not clear if the viewpoints have been selected following consultation with the Local Authority officers. Furthermore, there are no viewpoints which are representative of local residents/heritage assets.

Mitigation – design and landscaping

The proposed design and layout of the scheme does not take account of the susceptibility of the landscape to the proposed development. Good practice is to ensure solar panels follow contour lines as this reduces visual and characterising effects. However, in the east of the site where the land drops more steeply into the valley, the panels run east-west against the contours. The panels are set back from properties along Potash Lane and to the south of the Church, drawing the panels into the central parts of the site. However, the scheme is not drawn back from Church Road.

It is noted that the hedgerow planting is located on the outside of the security fencing which is welcomed and that the proposed scheme introduces new hedgerows. The LVIA considers these hedgerows to ‘generally follow the historic boundaries which have been removed’ (appendix 4 page 2). ***However, reference to historic maps indicate that these proposed hedgerows only partially reflect the historic enclosure pattern. They would introduce an east west grain to the landscape***

pattern when historically the grain of hedgerows would have been predominately north south. This new enclosure pattern is not more in keeping with the historic pattern as it would create smaller scale fields on the outer fringes and larger fields in the centre. This does not accord with the landscape character assessment guidelines as it does not reinforce traditional landscape patterns. Furthermore, the restoration of the site does not allow for the possibility of reinstatement of past footpath routes as indicated on historic maps and the key view of the church tower from Potash Lane would not be respected during the lifetime of the scheme nor post decommissioning. The proposed mitigation and positive ‘legacy’ of the scheme is therefore questionable. (emphasis added).

The proposed mitigation planting would take time to develop, it would therefore not reduce the visual effects of the scheme in the short term and in the mid to longer term would at best filter views.

Assessment of Effects

The judgements on the effects of the proposed development have been underestimated. This is principally as a result of a lack of understanding the value and susceptibility of the landscape to the proposed development and the downplaying of sensitivity. A lack of understanding of sensitivity has meant that the nature of the effects of the development are not properly identified. This is clear in the conclusions which state that the proposed scheme does not have unacceptable effects.

Given the shortcomings noted above, development of the scale and nature proposed would not sit comfortably in the eastern part of the site and **would erode the special qualities of the whole of the site which have so clearly been articulated in past assessments of the area**. The open views across farmland to ancient woodland on the skyline and the experience of heritage features and their interrelationship, which increase perceptions of time depth, would be seriously eroded.

On this basis the judgements reached within the LVIA are not considered to be robust.

Appendix 2

Bentley Parish Council Comments on the Grove Farm Solar Supplementary Heritage Assessment (“SHA”) (as authored by AOC Archaeology of Loanhead, Edinburgh)

Introduction

1. This SHA has been submitted by the Applicant in an attempt to respond to the many objections to this proposal which raise heritage concerns, including those from Historic England, Babergh District Council’s Heritage Officers, Bentley Parish Council, many local residents and the action group Stop Grove Farm Solar.

2. The SHA attempts to plug some of the many gaps in the originally submitted Heritage Assessment, although the additional site visit undertaken took place in May and once again was confined to considering summer conditions, with all trees in leaf. This is simply not representative of views from October–April, ie for the majority of the year.

Points which are accepted by the Applicant’s consultants

3. It is accepted that the proposal would change the land use from agricultural to one which is of “an industrial character” (1.3).

4. Even the SHA maintains the view expressed in the HA that there will be harm to the setting of Grade II* Listed St Mary’s Church and Grade II Maltings House. Harm to setting is conventionally treated “less than substantial”, in contrast to direct harm to the fabric of a heritage asset, which is conventionally treated as “substantial”. But that does not mean that harm to the setting of a listed building should not attract great weight. We believe that the acknowledged harms – and the many other harms not acknowledged by the SHA - will have real impacts on the significance of these and other heritage assets.

Grade II* Listed St Mary’s Church

5. The SHA recites the familiar facts. It suggests (5.1.3) that the removal of some vegetation to the south of the Church has had “an adverse impact on the enclosed

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religious and memorial space which was historically created around the Church”. This is a manifest error and calls into question whether the writers of the SHA had ever seen what was removed. The removals were very large overgrown leylandii trees planted as part of an ornamental garden in the 1970s outside the Churchyard and which had grown to an immense height and were subsuming the power lines to Bentley House. Otherwise the reductions were to yew trees which had ceased to fulfil their original function as markers to the church yard path and had been allowed to grow out of control into full size trees. These have been retained as topiaried yews - alongside the other yews which frame the paths within the churchyard. Overall, everyone who uses the Church considers the tree works to have been an enormous benefit to the Church and Churchyard, allowing daylight and sunlight into the Churchyard and restoring pre-existing views towards the fields to the south.

6. The SHA makes a number of additional points about impacts on the Church. In turn:

i. the development would be located on agricultural land close to the southern boundary of the churchyard which has been “agrarian in nature since the construction of the Church” (5.1.7). Elsewhere in the SHA, there is an acceptance of that the proposal will have an “industrial” character (1.3). This is an admission that the proposal will dramatically disrupt a setting relationship which has lasted uninterrupted for over 800 years.

ii. The Tollemache family owned the Bentley Hall Group of assets for many centuries and the SHA accepts that they also owned “the surrounding land, including Falstaff Manor and the application site” (5.1.7). Indeed, the Tollemaches added Falstaff Manor to their Bentley Estate in the 1540s. The SHA suggests that “this postdates the establishment of the Church”. This is hardly surprising as the Church is the oldest structure in the parish. However, the association still goes back nearly half a millenium, which is one of depth and great richness.

iii. It is accepted by the SHA (paras 5.1.8-5.1.9) that there are a variety of views of the Church Tower across the larger western part of the development site and from the lanes to the south and the east. The SHA acknowledges that “the Church would be viewed across and beyond the modern solar array” (5.1.9) and that “this would change the experience of the view of the Church Tower” (ibid). The SHA (5.1.8) seems to

propose that the solution would be to block these views with screen planting; however, this means that these valued and celebrated views of the oldest and tallest building in the parish – enjoyed from some of the most popular circular walks in Bentley - will be deliberately obscured as a result of the development or left to be experienced across a sea of plastic panels. There is a suggestion at the end of para.5.1.8 that Potash Lane may not be of great antiquity. This is not evidenced and is disputed. It is shown on many early maps and provides access to medieval Potash Cottages/Farm.

Grade I, II* & II* Bentley Hall Group

7. This is a remarkable group of very high status assets, sitting “at the centre of the manorial estate” (5.2.1). But this estate included the sweep of farmland and woodland just to the south of the Church. Even the SHA has to acknowledge the “geographically proximity” (5.2.4) of the development site and that it forms part of the “broader landscape context” of these assets.

8. However, the SHA asserts that the site makes a “relatively modest contribution to the significance of the assets” (5.2.4) and goes on to assert a “neutral impact” and no harm at all to the setting of the Bentley Hall Group (5.2.8).

9. This analysis is completely rejected. It is simply wrong. Bentley Hall, the separately Grade II* Listed range of Tudor outbuildings behind it and Grade I Listed Bentley Hall Barn to the north are evidence of a manorial estate heavily centred on agricultural activity. Extraordinarily, the vast majority of the original manorial farms are still productively farmed and form the broader setting for the high status complex. Paras 5.2.6 & 5.2.7 both acknowledge that the application site was “historically owned by the Tollemache family”.

10. The very closest manorial fields to this Group to the south comprise the application site. Indeed, the main approach from the village to the Church and Bentley Hall Group would quite literally be through the middle of the proposed solar farm. This will fundamentally and dramatically disrupt the setting of this very high status group in a demonstrably harmful way.

11. We also dispute that there will be no views from this group towards the solar development. Bentley Hall sits on a plateau above a valley feature to the south carrying a stream which feeds the Medieval fishponds below it. There are winter views

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to the south which have not been examined by the applicant's consultants. The SHA is incomplete as it has not sought access from the owners of the Bentley Hall Group; nor has any winter view analysis been undertaken. Views from the public highway on the north side of the complex in high summer would plainly not reveal direct winter relationships. This is NOT a sound basis for assessment.

Maltings Group containing three Grade II Listed Buildings

12. The SHA has to acknowledge a harmful effect on Maltings House (5.3.5), as this rural farmstead still in its original setting would have to look at the eastern field of solar panels and the DNO substation. This will not be a “low level” effect on its setting.

Red Cottages and Potash Cottages

13. Many of these cottages have direct views over the larger, western portion of the proposed development. The SHA acknowledges that these non-designated, but historic dwellings would suffer “an appreciable and perceptible change to the land to the north” (5.4.6). Even a medium adverse impact on their wider setting is acknowledged. Harm to their setting is a factor to be weighed against the proposal.

14. The suggestion in the SHA that Potash Lane dates from the late 18th or early 19th century is doubted. Potash Cottages were originally Potash Farm and date from 16th-17th century. They would have needed access from the lane.

Little House, Bentley House & Glebe Cottage

15. There are clear views from all three non-designated heritage assets (and from their historic approaches) across the application site, as these properties are very close to the site indeed.

16. The SHA says that the proposed development “may or may not be visible from these Buildings of Local Significance”. These buildings are all related to Bentley House, originally “Bentley Church House” and the manor house of the manor of that name. In the 1840s, after a land exchange with the Church, this became the Vicarage to St Mary's Church, a role which it played until the end of the 20th century. It is a building with Medieval origins and 18th and 19th century alterations. **Hope Lodge** is an extremely attractive Lodge building at the head of its drive. These buildings all

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contribute to the significance of the grouping just to the north of the site, which includes the Church and Bentley Hall assets.

17. There will be clear harm to the setting of these undesignated assets which are themselves historic and exhibit strong group value with the designated assets.

18. Their significance is missed by the SHA and the impacts understated because of the absence of research and of a winter intervisibility assessment.

Uplands Farmhouse

19. Uplands is a fusion of an historic site with some original buildings and an award-winning contemporary structure, all set within in an attractive garden and woodland. The house is oriented to look due south – directly over the eastern field. To suggest that the Proposed Development “may at times be intervisible” is a serious understatement and suggests a failure to appreciate the proximity, the rolling topography and the absence of any intervening coniferous vegetation.

20. The suggestion of a “neutral” impact is so wide of the mark that it calls into question the entire SHA.

Falstaff Manor

21. This house lies at the heart of the farm-holding which is promoting the solar development. It is another remarkable survival and dates from the Medieval period with 18th and 19th century improvements. It appears to be the original manor house from which “Falstaff Manor” was held, at least until it was subsumed within the broader Tollemache holding at Bentley in the 1540s, when it was acquired by Lionel Tollemache from the Brokes, who had married into the Fastolf or Falstaff family, who themselves held the manor from the 1300s and lent it their name. They were directly related to Sir John Falstaff of Shakespearian fame.

22. The reference to “the Nacton family” at para. 5.7.2 of the SHA is erroneous. There is no such family, although the Fastolfs held land at Nacton, so the writers of the SHA may have become confused.

23. What cannot be in doubt is the importance of the survival of Falstaff Manor, which warrants much greater investigation.

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24. The SHA states (5.7.8) that “the wider historic setting of Falstaff Manor relates to the rural, agrarian, and dispersed settlement pattern in the wider landscape and historic associations to nearby landholdings. At present, the wider landscape, which survives as a relatively unchanged agricultural landscape, echoes the historic landscape and thus the location of Falstaff Manor within the wider rural landscape is easily appreciable.”

25. This will all change when Falstaff Manor is wrapped in solar development to the North and West, including the whole of the field alongside Church Road, which is its main approach from the North and Church & Hall Grouping of high status designated assets, with which it was associated for many centuries.

26. The impact on the setting of historic Falstaff Manor would be high.

Church Farm and Barn

27. The timber framed buildings at Church Farm are believed to be the original vicarage of Bentley, first the subject of a land exchange with the Ruck-Keene family in 1843 and then translocated to their present site in the later 1840s to accommodate the building of the Bentley-Hadleigh rail spur. The large timber framed barn on site remains in storage use and has not been “converted” into a dwelling house.

28. They are located at the far end of Church Farm Lane, a very attractive and sinuous tree-lined lane which has panoramic views across the application site. The SHA (5.8.5) predicts an “appreciable and perceptible change of land use to the south of the buildings”. In reality, the approach to Church Farm would so dominated by the serried rows of solar panels to the south that the setting effects would be overwhelming.

Grove Farm

29. Although undesignated, Grove Farm is an historic farmstead, long associated with Falstaff Manor and served by attractive historic brick-built ranges of outbuildings adjoining local public rights of way. It sits at the historic junction of Pond Hall Lane and Potash Lane.

30. Views from Grove Farm, its immediate curtilage and its historic the access along Potash Lane would be transformed unrecognisably. The “low” level of harm predicted is a serious underestimate.

Ancient Woodland/Historic Landscape

31. The SHA (section 5.11) appears to acknowledge the role of ancient woodland within the landscape as providing additional context and significance by virtue of its setting relationship to the highly designated assets nearby.

32. Here Engry Wood is well known to be one of the 16 historic Tollemache woodlands in Bentley, many of which the family held for 800 years, and which local people and most visitors **know** make Bentley’s woods special and very ancient. That may not be so well known in Loanhead.

33. Views of Engry Wood across the open landscape, sometimes with the Church Tower in the same panorama, are very important. Views to Engry Wood are very highly valued for their historic and landscape qualities. This sense of an ancient landscape is readily appreciated and adds significance to the high status group of designated assets just to the north of the application site.

34. The SHA woefully undervalues this role of the wider historic landscape in the significance of these assets and the high impact that 100,000 solar panels and 2 substations will have on this relationship.

Conclusions

35. Even the SHA accepts harm to the settings of Grade II* Listed St Mary’s Church and Grade II Listed Maltings House. However, the developer’s intention appears to be to block or obscure views of the Church Tower from the south by extensive planting, so that it cannot be seen from the various vantage points to the south. It asserts no more than “neutral” impacts to the settings of all other designated impacts, including the Bentley Hall Group. It also records low-medium harm to the settings of a wide range of non-designated heritage assets, but does not summarise these impacts in its Conclusions.

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36. This assessment is considered to be a gross under-estimate of the harmful heritage impacts of the proposed development.

37. The following conclusions are offered.

38. First, the proposed development is being promoted in close proximity to a very large number of heritage assets. Even the SHA considers **20** of these within a short distance of the site boundary, including one Grade I Listed and three Grade II* Listed Buildings. This should immediately have rung alarm bells for the consultants.

39. Second, the original HA missed many important facts and relationships, such as the fact that Falstaff Manor was part of the Tollemache manorial estate at Bentley Hall and the complete absence of winter analysis for heritage assets. The latter deficiency has still not been remedied, but has compounded the deficiencies in the assessments.

40. Overall, the analysis simply fails to absorb the network of historic relationships which persist around and across the application site, which, by virtue of its open and agricultural nature, contribute in a highly material way to the significance of the group of assets in question, ranging from ancient Engry Wood to the Hall/Church Group and to Falstaff Manor itself (now receiving some belated attention).

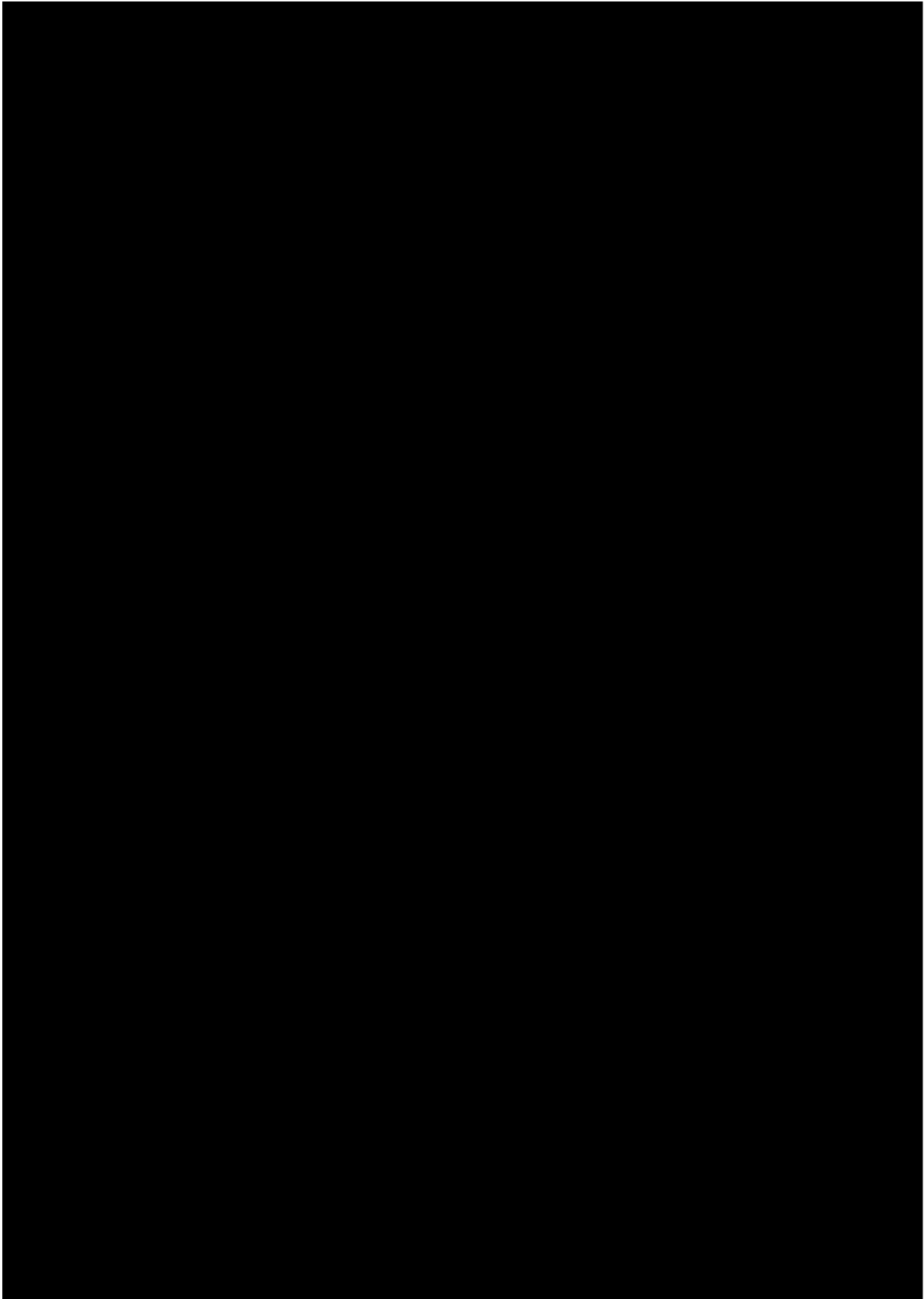
41. It is considered that the placing of a “solar panel and substation landscape” across these open agricultural fields, all experienced at present with highly attractive wooded backdrops, would be very harmful in heritage terms.

Stop Grove Farm Solar

Response to Consultation February 2024

GROUP NAME: STOP GROVE SOLAR FARM

GROUP MEMBERS:





INTRODUCTION

We are a group of Bentley residents who object in the strongest possible terms to this planning application. Most of us live directly alongside one of the two sites and our lives will be negatively affected in numerous, significant ways should this go ahead. The remainder of us live near to the sites or in the village of Bentley and, as regular users of the public rights of way that surround the sites or visitors to St Mary's Church and Churchyard, are very concerned about impacts of a development of this nature and scale on our everyday lives.

We understand the need to move to more renewable energy, but not at any cost. We say "no" to an industrial scale proposal here, as we believe the environmental impacts would be far too great. We wish to protect the wonderful environment which has endured at Bentley for so long and upon which so many depend for their quality of life and mental health and to see this "predominantly best and most versatile agricultural land" (as the applicant puts it) farmed as it has been since time immemorial.

We live in a truly remarkable parish, where the historic mosaic of farmland, woodland, houses, farms and other buildings is very largely intact. We are so fortunate to be surrounded by treasures: Grade I and II* listed buildings in abundance, no fewer than 15 separately identified and named ancient woodlands – more than any other parish in Suffolk, preserved initially for their timber and then for their sporting potential by the Tollemache family over many centuries. And at the heart of all this, centrally within the parish, lies ancient Engry Wood and Falstaff Manor. Just to the North lies Grade II* Listed St Mary's Church and the Grade I & II* Bentley Hall complex: the original seat of the Tollemache family.

Babergh's Heritage Officer states in her recent consultation response: "I am not convinced that there is any scope for the proposed solar farm in this location, due to the potential for harm to the significance and setting of several heritage assets".

We entirely agree with her assessment. This is simply not the place to site 100,000 odd solar panels inside 4km of security fencing with innumerable CCTV cameras on 3m masts, innumerable inverters, 11 substantial transformers, and two substations including 7m tall elements. The application site stretches end to end 2 km across our village. It is much too much and cannot be absorbed by our village without very serious adverse impacts, which will change the character of Bentley and its historic core forever.

THE NATURE OF THE PROPOSAL

Operational development

Despite the vast scale of the application documentation, there is in fact very little precise detail about the physical elements of the application.

Local people have been left to calculate the number of solar panels (circa 100,000) based upon the metric referenced in the application documents. There is also no clarity about the total length of 2m plus tall security fencing (which has been measured at about 4km); nor any clarity about the number of 3m tall CCTV masts. Certainty is needed on these matters, as these are all industrializing elements proposed to be imposed upon a very rural context and the applicant must be transparent about the nature of the transformation which they intend to inflict upon us.

There is also no clarity about the need for and distribution of the two sub-stations. Why are there now two substations, when only one was shown at the public consultation? This is not a normal feature of solar applications and is not explained anywhere. What is the justification for the duplication of some of the elements? This is important as these substations are highly industrial in character and wholly inappropriate in a Valued Landscape in the setting of heritage assets. Why does there need to be another major substation (35m in length) east of the railway, generating a need for a new road close to Grade II Listed Maltings House and requiring the felling of a fine Grade A oak tree?

These questions are all unanswered in the application documents.

Time: the fourth dimension

Permission is sought for 40 years, rather longer than the frequently used 25 years for renewables permissions. 40 years is a very long time indeed. For the majority of those grappling with the implications of this proposal, it undoubtedly means the rest of their lives. Who then will remember what the views to Enry Wood and the Church Tower once looked like or the song of the skylarks over the wide open fields?

The application says¹ the site will be decommissioned after 40 years “unless planning permission is secured for its continued operation”. Of course, once the infrastructure is all installed, paid for, the connections to the grid in place and functioning, the case for continued operation in perpetuity would surely be very difficult indeed to resist.

This is made abundantly clear in the NPPF, which expressly addresses this situation², advising that local planning authorities should:

“in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.” (emphasis added)

So, for all relevant purposes, it seems to us that this must be regarded as a de facto permanent installation, with speculation of a return to agricultural use at some long distant date being a matter to which very little weight can attach.

OUTPUT FROM THIS SOLAR INSTALLATION

There have been many claims about how many houses and indeed settlements a 40MW facility could power.

Much of this overlooks the essential truth that “40MW” is simply a headline expression of the theoretical capacity of this plant in optimal conditions, ie midsummer with a clear sky with the panels orientated to maximum effect. Of course, for a great deal of the year, this is not the case. In winter months, daylight hours are short and, even summer months, skies can be grey for prolonged periods with minimal opportunity to harvest solar energy.

Last year’s Renewable Energy Statistics published by the Government reveal the seriousness of the problem with solar energy³. In Q3 2023, renewable generation was 6.8% higher than 2022 and a record for Q3. However solar generation was down on 2022 due to “shorter average sunlight hours”, notwithstanding the highest ever solar PV capacity (with 1.1GW new solar coming on stream over the previous 12 months).

Thus, what is relevant for solar PV is its efficiency rating over the course of a year. Representatives of the applicant told members of the public at the consultation in the Bentley Village Hall that their proposals would have a 12% efficiency. This is close to industry averages. This means that only 4.8MW would be generated on average, certainly not enough for some of the extravagant claims made for the development. This puts the headline figure of “40MW” into context.

¹ PADS 1.3.1rRqQ

² NPPF, para.163(c)

³ renewablestatistics@energysecurity.gov.uk

PLANNING POLICY CONTEXT

What is the correct policy Framework for the consideration of this application?

The application PD&AS devotes many pages to passages from the (then Draft) NPS on Renewable Energy and appears to accord it great status in the determination of this application, which has been made under the Town & Country Planning Act 1990.

However, this is not the correct approach, as the Overarching NPS for Energy EN-1 makes clear.

It provides as follows⁴: “In England, this NPS, in combination with any relevant technology specific NPSs, may be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended).”

It continues: “Whether the policies in this NPS are material and to what extent, will be judged on a case-by-case basis and will depend upon the extent to which the matters are already covered by applicable planning policy.” (emphases added)

In this case, the Parliament has provided that a planning application made pursuant to the Town and Country Planning Act 1990 shall be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan includes the up to date Babergh & Mid Suffolk Joint Local Plan, which was only adopted in November 2023 and the very current Bentley Neighbourhood Plan 2022. Regard must also be had to the NPPF as updated in December 2023. None of the above is “trumped” or “out-ranked” by the NPS on Renewable Energy which has been published to provide a framework for the determination of development consent orders for NSIPs promoted under the Planning Act 2008. This is not such an application and is not for nationally significant infrastructure.

The newly re-issued NPPF is content to leave discretion very much with local planning authorities. Para 163(b) provides merely that applications for renewable development should be approved if its impacts are “acceptable” or “can be made acceptable”. This is the normal approach to most forms of development and does not amount to any sort of presumption in favour of renewable development; there is no lessening of scrutiny; nor is there any suggestion that a lesser weighting be given to material adverse impacts when the planning balance is being weighed.

The principal impacts are now addressed briefly in turn.

Page 7 – Landscape Impact and Visual Impact to Residents and Public Rights of Way

Page 15 – Heritage

⁴ NPS EN-1 para.1.2.1

Page 21 – Loss of BMV Farmland

Page 25 – Noise

Page 27 – Biodiversity

Page 31 – Traffic

Page 34 – Disturbance to Mainline Railway

Page 35 - Alternative Site

Page 37 - Conclusion

Landscape Impact and Visual Impact to Residents and to Public Rights of Way

The applicant claims the site is in the ‘best possible location... avoiding or minimising environment harm’ and that the ‘characteristics of the site are well suited to accommodating a commercial solar array.’ The applicant also claims a ‘strong level of enclosure’ is present and that ‘there are no long distance views across the study area’. This account is completely fanciful and should be rejected by the local planning authority.

Landscape Character

We understand that this issue is being addressed by Alison Farmer Associates on behalf of Bentley Parish Council. Alison Farmer is a renowned landscape specialist and has particular expertise and experience in the landscapes of the Shotley Peninsula and Dedham Vale, having acted for national bodies and local authorities on numerous occasions in relation to these landscapes. We defer to her expertise.

However, it is necessary to mention the single greatest surprise contained within the LVIA submitted with the application, namely that it overlooks arguably the most important relevant development plan policy and supporting landscape character assessment of all.

The application site is located entirely within the Suffolk Coasts & Heaths AONB Additional Project Area (the SC&H AONB APA”), designated in the 1970’s alongside the AONB. The SC&H AONB APA was an obvious candidate for valued landscape assessment, following the injunction of the NPPF that planning policies and decisions must inter alia “protect and enhance valued landscapes”⁵.

Accordingly, a Valued Landscape Assessment of the SC&H AONB APA was commissioned and formed part of the evidence base documents for the recently adopted Babergh LP. Under Policy LP18 AONB, the development plan provides⁶:

“The Suffolk Coast and Heaths AONB also has a project area which encompasses the Shotley Peninsula. Whilst these project areas do not benefit from the same protection as the AONBs, development proposals in these areas should conserve their special qualities as identified in the Valued Landscape Assessments (“VLA”)...” (emphasis added)

Policy LP18 (3) provides “Development within the AONB Project Areas should have regard to the relevant Valued Landscape Assessment”, so the reader is directed expressly to the VLAs.

The SC&H AONB APA VLA of March 2020 is readily available and provides a very detailed assessment of the APA, dividing it into character areas, first of which is the Western Wooded Plateau, which includes the application site⁷.

⁵ Now NPPF

⁶ Para.15.25

⁷ Pages 15-18

It is not necessary to repeat this verbatim, but the assessment concludes:

Special Qualities:

- **Hall/church complexes** along with ancient woodland and rural lanes reflect patterns of the medieval landscape.
- **Remnant areas of parkland and notable veteran trees throughout area** impart an established character.
- **Sinuuous lanes and patterns** created by wavey edges to ancient woodland, rural winding lanes and old park boundaries and enclosure patterns.
- **Wooded skylines defined by ancient woodlands** and highly valued for biodiversity.
- **Attractive open views across rural farmland** to individual or clusters of vernacular buildings.

These qualities are particularly well expressed in the following geographical areas:

- **Around Bentley Hall and Church**

So it is clear beyond any shadow of doubt that the application site is not only part of a “valued landscape”, but right at the heart of the areas where the special qualities of this landscape are best expressed. National and local policy enjoin that such areas should be protected and conserved.

The application is proposing to cover a vast area within this landscape with alien “industrial character” infrastructure and - because this development is alien and ugly in a rural context - seeks to shut down and close off views by the use of extensive screen planting, which will transform the area yet further in due course. Yes, it proposes some new hedges, but these are not even fragmentary compensation for what will be lost in the Valued Landscape.

There are many hedges already and wonderful ancient woodlands. Trees and vegetation frame virtually every view in this part of Bentley. It is not a denuded landscape and there is no need to disrupt fundamentally and sacrifice over 100 acres at its core and where its special qualities are most evident for some new hedges.

This gives rise to a serious and significant conflict with policy – which is not even mentioned in the application LVIA. [Nor is it addressed by the Place Services response for the Council.] This is an omission of great consequence. Had these matters been properly considered and addressed, it is difficult to understand how this application would ever have been submitted.

Visual Impact

To recap, the application asserts: ‘characteristics of the site are well suited to accommodating a commercial solar array’. A ‘strong level of enclosure’ is present and ‘there are no long distance views across the study area’.

This is all entirely incorrect. See accompanying PDF document of maps and images of long views taken in at least 20 positions at residential property and on public rights of way taken in both summer and winter.

The 2 sites are in plain view of at least 30 residential properties and are in the immediate vicinity of at least 10 other homes/key buildings including the Grade II* St Mary's Church - which has a thriving congregation, many of whom walk to services along Church Road. All are sufficiently close to the site that if it were to go ahead these homes would look out over an industrial site and sea of 100,000 3m+ high solar panels with associated glint and glare, 11 transformer stations, over 4 km of tall fencing, 3m tall CCTV posts, 2 substations, 3 ancillary buildings, car parking and access roads rather than the existing open, unspoilt, productive agricultural landscape.

The plans for the Main Site do not mention at least 16 wide gaps in hedgerows and areas of no screening at all that give long distance views. The planning submission admits 'in relation to landscape character, the Proposed Development would result in short term landscape effects ranging from major/moderate adverse to moderate adverse... utilitarian development would have a degrading influence at localised level.' This is all correct apart from the short term aspect. The major adverse and degrading effect on the locality and setting for multiple heritage sites and buildings will be permanent and long term.

The plans for the substation site admit 'major to moderate effects on landscape fabric' with the removal of trees, but claims 'long term effect would remain moderate' because of 'proposed replacement planting.' Realistically any new planting will take many years to establish and will not equal what will be destroyed.

Parts of Potash Lane and the lane to Church Farm are ancient, sunken lanes meaning the height of the solar panels, fencing and buildings will be further exaggerated. The main site field to the east of Church Road is undulating, meaning panels will appear above the height of the screening hedging even when fully grown. The site of the substation appears from footpath 18 to be on raised land.

Not only are the distances between residential property and the perimeter fence and panels not confirmed in this application, but the applicant also says the following: 'Due to the nature of the proposed development the final position of the panels, support frames, cable runs and transformer stations may move slightly in response to the detailed design of the facility and constraints identified during construction. As such a micro-siting allowance of 25m has been requested to assist in mitigating any environmental /physical effects that cannot be identified until the construction stage.'

25m is a significant distance. We can assume, therefore, that the development could move even closer to residential property than the applicant's vague plans already show.

Distance (m) to residential property	No. Dwellings as planned	No. Dwellings using 25m micro-sighting allowance
40-50		1
50-60		6

60-70	3	
70-80	3	6
80-90	1	
90-100	1	6
100-110	4	
110-120	4	2
120-130	1	1
130-140	4	
140-150	2	1
150-160		
160-170		2
170-180		
180-190		
190-200	1	
200-210	1	
Total	25	25

We are also concerned about the fact that this application makes no reference to batteries and battery storage. Every other solar farm of this size that we could find includes battery storage. So, we can only assume that this addition will be slipped in somewhere along the line.

The applicant's plans directly contradict multiple aspects of the new Bentley Neighbourhood Plan (passed by majority of 90% in a referendum in December 2022), the specific objective of which is to maintain the rural nature of the village 'to protect and enhance our natural, built and historic environment' to 'enhance our rural nature and agricultural surroundings ...for generations to come' and 'to maintain and enhance a strong rural identity and sense of place (with) sensitive small scale development' stressing the 'attractive landscape and distinctive views'. The planning application incorrectly dismisses most of the Neighbourhood Plan as only relevant to residential buildings and makes many omissions and mistakes in this area.

Glint and Glare

Glint and glare would impact the residential amenity and the amenities of all people and animals in the area.

The map below shows all the properties that will be most affected by Glint and Glare.



Glint and Glare are sometimes grouped under the term 'solar reflection', which is what causes them. Glint is a momentary flash caused when sunlight hits a smooth, glassy surface such as a solar panel. The effects range from distraction at best, to at worst flash-blindness which can cause brief loss of vision. Glare is diffused light caused by the reflection of the sky on smooth, glassy surfaces (no solar panel absorbs 100% of incoming light); it is less intense than glint, but the effect may be experienced continuously for long periods.

Glint and Glare are phenomena which can give rise to significant adverse visual effects, and negatively affect people's quality of life and well-being. Both are unpleasant at a distance, and highly disturbing and disorientating at close quarters, especially when experienced regularly and for long periods of time.

Currently, there is no formal guidance for carrying out Glint and Glare assessments, only high-level guidelines from the Civil Aviation Authority (CAA). However, most experts in the field seem to use guidance published by Pager Power, (Independent Solar Photovoltaic & Building Development – Glint & Glare Guidance 3rd Edition (3.1) (April 2021), Pager Power). This is also the company that carried out the applicant's survey.

Para. 6.1 the applicant states, 'Local residents are a key stakeholder within the local environment when proposing a solar PV development. This is because residents will be living in close proximity to the solar PV development whilst also potentially having views of the solar panels for its lifetime. Where a view of the solar panel exists, a solar reflection may be possible which may impact upon residential amenity'(p41)

Indeed, there are 54 dwellings which will have their residential amenity impacted. Yet the survey concludes that there is no significant impact.

The Glint and Glare report in the application refers to reflection (glint). For receptors (dwellings) 4 and 130-137 there would be glint somewhere on Potash Lane at the following times:

05:22 - 06:10 mid March to beginning October
18:09 - 18:32 mid April to end of September
Dwelling 132 has no screening at all and it is predicted
05:27 - 06:10 mid March to beginning October
18:09 - 18:31 mid April to late August

This is 65 minutes per day over 4 months which is above the threshold of at least 60 minutes over 3 months. (7.5.1 in the Glint and Glare report.)

From the survey 'existing screening is predicted to significantly obstruct the visibility of the reflective area of all 54 affected dwelling receptors. Therefore, no impact is predicted, and no mitigation is required.' Anyone who has travelled along Potash Lane or Church Road knows that the present screening is totally inadequate and in places nonexistent. Even if hedges were planted, it would be 10 years until the vegetation reached the suggested height – and that is assuming all plants grew, and it would be inadequate to screen the panels at 3.25m. There would be very little screening in winter of the glare.

The applicant's survey has not considered the users of adjacent roads and rights of way. Only the A137 has been considered. There would be glint along Potash Lane, Church Road and the bridleway and very likely more which would severely impact drivers, walkers, riders and cyclists. There would also be constant glare. None of this has been taken into consideration by the applicant.

A further omission in the report is the reflection caused to drivers along Church Road of headlights at night. The assumption is that this has the potential to cause problems for drivers travelling north at night.

The figures in the applicant's report cannot be taken as reliable as all the calculations are based on the panel information of height of 1.9m and an angle of 17.5°. The application states that the panels are to be angled at 15-20° which means that the height of the panels would range from 2.67m - 3.25m. Potentially, the panels could be 35cm higher and the angle could vary up to 2.5° and these 2 factors would significantly alter the results published.

Also, as noted above, the application has requested a micro-siting allowance of 25m so again this margin would significantly alter the results as the panels may not be in the location on which the glint calculations were based.

This report was done by computer modelling and it is apparent that a site visit was not undertaken. The report expresses that existing screening is predicted to significantly obstruct the visibility of the reflective area. However, there are many breaks and spaces in the hedges which would not obstruct the reflections; nor would a fully grown hedge.

During the 8-18 month build phase, the negative visual impact will be huge.

Aside from the traffic, construction, excavations, machinery, HGV, workers, compound fencing, car parking, 'Artificial lighting would only be used during the hours of darkness...Appropriate lighting would be installed and operated to ensure that:

access/egress points are clearly visible during operational hours; staff and visitors can move safely around site; site security can be monitored and maintained; and sufficient area lighting is provided for the Site office and laydown areas.’ This appears to mean overnight lighting in multiple locations.

There will be an overwhelmingly negative impact on the footpaths and public rights of way that almost completely surround the 2 sites.

Church Road is much used for walking, horse riding and cycling between the village and the church, the school, the shop and the pub at all times of year and all times of day. School children walk from the school to the church along the section of Church Road that will have new permanent new access openings for HGV between the Main Site fields. These access openings are in addition to leaving the existing openings. Long views to Engrly Wood and Church Farm to the west and across undulating countryside to the east will be lost for the long, dominating view of 100,000 tall solar panels, 11 transformer stations, chain link fencing, danger of death signs, CCTV on tall posts, the consumer substation and ancillary buildings and new roads. In addition, these new openings are situated on a corner. HGVs will be crossing here and this will be extremely dangerous. Church Road is a single track designated Quiet Lane that prioritises recreational enjoyment of the countryside and landscape. Heavy traffic of various types will inevitably be moving between the two sites on Church Road, as this is the only access - because of the railway line. The access past the church and multiple residences has steep hills and sharp corners. We cannot see how the use of this route between the two construction sites can be prevented.

In addition, we do not see how it is remotely possible that HGV traffic can safely negotiate the very narrow, bendy section of the road with steep banks and poor visibility from the A137 past Maltings House, Farm and Cottage to the new access point for the new road to the DNO substation. Church Road is fundamentally ill suited to this sort of traffic. This is not addressed in the planning application.

4 out of 6 of Michael Anderton’s ever popular ‘6 Country Walks from the Case is Altered’ include Potash Lane, which is used very regularly by walkers from the village and surrounding villages. ‘The walks will take you through some of our most cherished landscapes; ancient woodlands and rolling farmlands with large skies and long-distance views. Some take you to neighbouring villages, some use our designated ‘Quiet Lanes’ to connect to the footpath network and some are in the recently extended Suffolk Coast and Heaths Area of Outstanding Natural Beauty. We hope you enjoy walking them’ says the Bentley Parish Council website. Potash Lane is a very pretty, single track lane that will be the main access point for the main site build via a new access road to be built along the route of a popular footpath from Capel Road (incorrectly referred to as Station Road in the planning application).

Pond Hall Lane bridleway and footpath and 7 other footpaths numbers 50, 55, 40, 21, 19, 18 and 22 to the south and north of Church Road and south and north of the railway line where the DNO substation will be located. See footpath map below.

In a recent survey of Bentley’s residents, our footpaths were voted the second most valued asset in the village after the shop.

Additionally, we have learnt that in April 2025 the pedestrian crossing over the railway line at The Island will be closed and Footpath 18 will be diverted to join Church Road at the railway bridge, exactly along the path of where the new DNO substation access road, gates and fencing will be built. How will this work if there is to be a road and security fencing there? The footpath will then cross the bridge and follow the railway line on the west side back to the woods.



Heritage

The submitted Heritage Impact Assessment (“HIA”) is frankly superficial and suffers greatly from the absence of critical winter views, which appear to have led to erroneous and incomplete assessments - and therefore to erroneous and incomplete conclusions.

Indeed, the HIA is mistaken and inaccurate in a number of important respects.

The baseline assessment is adequate as far as it goes, but it plainly does not go far enough.

The mosaic of woodlands, farmland and scattered buildings in the central part of the parish of Bentley is remarkably intact, even if some fields have been combined to create larger fields so as to facilitate more efficient farming. There has been very little intervention in terms of 20th century urbanisation. The ratio of farmland to woodland; the disposition of both in the landscape and the relationship of the latter elements to built development appears to be largely unchanged since the Medieval period. The special quality and rarity of the Bentley Hall and Church grouping in its original landscape setting is commented upon by the SC&H AONB APA VLA 2020 (see p.18), which is entirely overlooked by the HIA.

The ingredients of this ensemble are also remarkable in themselves.

The Ancient Woodlands of Bentley

The surrounding ancient woodlands are mentioned in the HIA, but the rarity of their survival is not assessed. The grouping of ancient woodlands at Bentley is indeed remarkable. They were assembled by Tollemache family by inheritance and acquisition between 1200 and 1540.

Whilst the family temporarily disposed of much of its landholding at Bentley in the 1660s, the woodlands were all retained well into the 20th century and many were held by the family (latterly in the person of the Hon Peter Strutt (1924-2007), son of Angela Tollemache) until 21st century, at which time their significance was realized and the moment of danger from over-aggressive arable farming practices had passed.

In the 1660s, the Tollemache family’s fortunes were much depleted by supporting the Royalist cause in the Civil War and land at Bentley had to be sold to raise funds in 1662 and 1668. However, Ptolemy Tollemache, Agent to his cousin Sir Lionell Tollemache (3rd Bart), persuaded him (in letters which survive) that the sale of these ancient family woodlands should not be contemplated.

These woodlands contributed directly to England’s naval strength during the Dutch Wars of the 1660’s and 1670’s, when substantial quantities of timber were purchased from Bentley by Samuel Pepys and the Admiralty Board and taken to Ipswich and Harwich dockyards to build ships of war. There are also extensive records of sales following selective coppicing and felling the 1700s, largely to support shipbuilding on the Orwell and Stour.

In the 1820’s the Steward of all these woodlands was Golding Constable, brother of John Constable, who had recommended Golding for the post, which was in the gift of his own patron, Lady Dysart, then head of the Tollemache family. John Constable was known to have visited the woods and sketched in and around them at Bentley during his brother’s time as Steward, when he would have had unrestricted access to these woodlands.

In 1843, a detailed survey of all the woodlands was made and hand drawn and coloured plans drawn up (now held at Bentley Manor). At this point, all these woodlands were formally retained by the branch of the Tollemache family seated at Helmingham, whereas other holdings outside Suffolk were distributed differently.

In the 1890s, the second Lord Tollemache sold some of the northern woodlands to his brother the Hon. Stanhope Tollemache, who had by 1900 re-established a substantial agricultural estate at Bentley, centred on Bentley Hall and Bentley Manor. Nearby Bentley Park continues to be held by a direct descendant of the original Tollemache family, whose grandmother was the Countess of Dysart. The most recent member of the Tollemache family to be interred in the Churchyard was Miss Ina Tollemache in 2014, marking over 800 years of continuous association of the family with the parish, the Church and the Hall.

Engry Wood

Engry Wood was one of the core woodlands in the Tollemache holding and expressly mentioned as “Ingrý Wood” in a Charter made under the Great Seal of Henry VIII in 1544.

The importance of Engry Wood as a heritage asset is insufficiently addressed in the HIA. Open views to Engry Wood cross the western part of the site will be lost forever.

The proposed fragmentation of this western field as part of the development does not follow historic precedent, but is based on a recognition that glint and glare impacts and impacts on residential amenity to properties on Potash Lane to the south would be so severe that some setbacks are essential and so scattered new field parcels have been created around the periphery, which are almost certainly too small to be farmed efficiently, thereby wasting the Best & Most Versatile farming resource which they represent.

Turning to the impacts of the setting of nearby heritage assets which are addressed by the HIA, the following response is necessary.

Matters of approach

The HIA is focused on “intervisibility”. However, setting of a heritage asset is NOT dependent on intervisibility. It is “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve”⁸. So both a view across land to a heritage asset or a progressive approach to a heritage asset are perfectly capable of being directly relevant to the setting of that asset. These elements receive scant attention in the HIA.

Grade II* Listed St Mary’s Church, Bentley

The Church & Churchyard are located very close to the northern boundary of the site - probably little more than 50m away. Interestingly, the HIR notes⁹ that photographs from midway through the 20th century show “the level of vegetation cover along the northern boundary of the site was significantly lower” than with “the Church of St Mary being very

⁸ See NPPF Glossary

⁹ Para.5.8.5

clearly visible within its churchyard” (emphasis added). The Applicant has not reproduced these photographs. The HIA then goes on to state on multiple occasions that the subsequent growth of vegetation means that the Church cannot be seen from within the site and that “the Church’s location within the hamlet does not allow it to be seen from across the landscape¹⁰”. This is incorrect and there are numerous opportunities to see it from Potash Lane to the south: see example below:



What is more, this reliance on growth of vegetation in the last 50 years or so has prompted some investigation of the vegetation which has started to reduce visibility of the Church in views from the south. It transpires that much of this vegetation comprises overgrown conifers and other ornamental garden trees outside the control of the Applicant which were planted (as was the vogue) in the 1970’s, but are now seriously in need of attention: several are interfering directly with domestic power lines and need to be felled or drastically pruned and others have just been neglected and are now in need of severe pruning in the interests of their own vigour and longevity. These works have already been identified as necessary by the owners and are in contemplation (see objection submitted to Babergh DC on behalf of the owners of Bentley House). When these works are completed, it will be necessary to review once again the visibility of the Church Tower from locations to the south. In the meantime, there are already views from the south (see above) and these are likely to increase significantly in the short term.

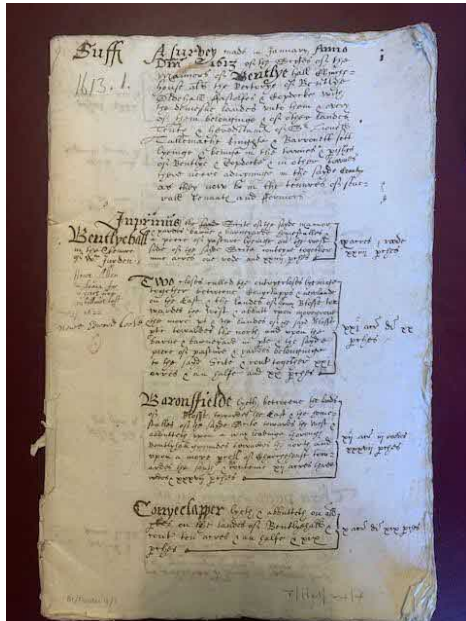
Notwithstanding all the above, the HIA ultimately accepts that the wider setting of the Church would not be preserved by the proposed development¹¹ and would cause a “level of harm” which is considered to be “less than substantial” in NPPF terms. This assessment appears to be the product of a single day “on site” in September 2022 and simply fails to grapple with the significance of the approach to the Church from its village to the South and the fact that the final approach to the most ancient building in Bentley will be made along the narrow “causeway” of Church Road through a “sea” of 100,000 solar panels on both side of the Road which will be up to 3.25m tall. It greatly underplays these impacts - which will not be “low level” (as the volume of local opposition to this proposal attests).

¹⁰ Para.6.2.8

¹¹ Para.6.2.8

Grade I & II* Bentley Hall complex: Hall, Brewhouse & Court Barn

This is a truly outstanding grouping and highly important in a national context. It is closely related to the Church a little to the south, where many members of the Tollemache family are interred. It is also closely related to Falstaff Manor (see below), which was for centuries held by the Tollemache family, as a subsidiary manor to the Manor of Bentley Hall. The Tollemaches acquired Falstaff Manor from the Broke family of Nacton, who themselves acquired it by marriage into the Falstaff (or Fastolfe) family. Thus, in 1613, when an extensive Field Survey was undertaken of the Bentley Estates of Sir Lionell Tollemache, Falstaff Manor and all its lands are included¹². The first page is reproduced below.



This substantial seigneurial complex has survived remarkably intact, with virtually all the land which supported it still actively farmed in units which can be traced directly back to the 1613 Survey, made over 400 years ago. Bentley Hall is not, contrary to the erroneous assertion in the HIA, “currently in use as a weddings and events venue”¹³; nor has it ever been.

The notion that introducing “industrial character”¹⁴ development on the 116 acre application site – as the HIA puts it – will only have a “Neutral impact” and “no harm” on the significance of this nationally significant ensemble of heritage assets is manifestly incorrect and, in fact, a judgment which casts doubt on the validity of the entire HIA.

¹² The opening title reads: “A Survey made in January Anno Dom 1613 of the Scytes of the Mannors of Bentley Hall Church-house [alias the Rectorye of Bentley] Oldehall Fastolfes & Copdocke with the demesne lands unto them & every of them belonging & of other lands rents & hereditaments of Sir Lionell Tallemache Knight & Barronett sett lyeing & beinge in the townes & parishes of Bentley & Copdocke & in other townes there neare adjoyninge in the sayde countye as they now be in the tenure of several tenants and farmers”

¹³ Para.6.2.11

¹⁴ Para.6.2.7

Grade II Listed Maltings House

The HIA accepts that the wider setting of Maltings House “would not be preserved”¹⁵, but only finds “at worst a low level” of harm, notwithstanding the “industrial and utilitarian appearance”¹⁶ of the DNO Substation. This assessment fails to consider the well-used public footpath from which the DNO Substation and Maltings House will be experienced at the same time.

Nearby Buildings of Local Significance: Little House, Bentley House, Glebe Cottage, Uplands Farmhouse, Falstaff Manor, Red Cottages & Potash Cottages

Bentley House, Little House, Glebe Cottage (a grouping around St Mary’s Church)

Bentley House is the old vicarage of St Mary’s Church. However, before that and until a land exchange of 1843, it was known as Bentley Church House and was in fact the principal residence associated with one of the four Norman Manors of Bentley (of that name), passing down through the centuries with the Bentley Church House Estate. The vicarage was elsewhere in the buildings now known as Church Farm.

Bentley Church House (now Bentley House) is, accordingly, a property of great antiquity, for many centuries held by the Tollemache family with rest of their Bentley estate and recorded in detail in the 1613 Survey (see above). It plainly warrants much greater study and assessment.

The HIA is oblivious to this association and in the absence of any approach to the owners for access and/or any winter site inspection, the makes the erroneous statement “the Proposed Development is thought to be unlikely to be visible from any of this group of three buildings”. This is woefully inaccurate as there are undoubtedly clear winter views over the application site from these properties and their immediate curtilages.

The notion that the effect its significance will be “neutral” when the entire (historically agricultural) landscape to the south will become a sea of 100,000 solar panels ringed by 4km of security fencing is fanciful.

Uplands

The HIA states: “The Proposed Development will not impact upon the immediate setting within which this building is situated.....the level of effect upon this building is assessed to be, at worst, neutral...”

Anyone who has visited Uplands House and seen the strongly south facing focus of the house and garden will wonder how this conclusion can possibly be justified. Winter views south from Uplands and its carefully designed gardens look straight across the eastern field which is proposed to contained serried rows of panels, rising up the contours, which are particularly pronounced at this location.

Again, the prediction of an “at worst neutral effect” is not a credible assessment.

¹⁵ Para.6.2.16

¹⁶ LVIA

Falstaff Manor

The first question is why the proposed development has not been named “Falstaff Manor Solar”. The application site has always been farmed from Falstaff Manor; this is the address of the landowner/farmer behind the application and this is one of the properties against the curtilage of which the solar array will sit. It can only be assumed that a strategic decision was taken to call the proposal “Grove Farm Solar” to distract attention from the directly affected Falstaff Manor.

Moreover, the HIA states¹⁷: “the grounds of Falstaff Manor were not accessed due to being private property”. This is surely disingenuous, as the owners of Falstaff Manor are directly responsible for this planning application being made and could plainly have granted access had they chosen to do so. The HIA is supposed to assess impacts on heritage assets. However, it devotes barely one paragraph and no images to Falstaff Manor, a building of great interest and antiquity, whose setting will be rendered unrecognisable once the “industrial character” solar array and substation have been wrapped around it nearly on three sides. The assessment of “at worst low-level effect” is conducted on the most flimsy basis.



Falstaff Manor has not been assessed or analysed in any detail as a non-designated heritage asset and identified Building of Local Significance, although the image above suggests that that the house has a Medieval core with a late eighteenth/early nineteenth century wing attached to the east. The omission of a thorough assessment of the significance of this plainly important heritage asset is considered to have been entirely avoidable.

Church Farm and Church Farm Barn

These interesting and historic non-designated heritage assets are identified in the Bentley Neighbourhood Plan as Buildings of Local Significance. They are mentioned in the Asset Gazetteer (No.68), and they immediately adjoin the application site to the north. There can be no doubt that the setting of these assets and the approach to them down an ancient

¹⁷ Para.6.2.22

unadopted roadway running alongside thousands of solar panels will be directly affected by the proposed development, but there is no apparent assessment of these impacts in the HIA and they are omitted from the discussion of Buildings of Local Significance at pp.35-37 of the HIA.

Loss of Highly Productive BMV Farmland

ALC gradings Grading on the MAFF 1:250,000 scale Provisional ALC map indicated the site is located on ALC Grade 2 land.

The applicant conducted their own grading of the proposed site, (DC_23_05656-AGRICULTURAL_LAND_CLASSIFICATION_REPORT-8437293) which Graded 66% of the area as within the BMV ALC grading (ALC Grade 2 or Grade 3A). It is completely misleading to refer to Grade 3. Grade 3a is Best & Most Versatile Land.

Even in the applicant's own report, there were no limitations for the ALC grading across: Overall climate, Local Climate, Gradient, Microrelief, Flooding, Soil Texture and Structure, Soil Depth, Soil Stoniness, Chemicals in Soil, Wetness or Erosion. The ONLY factor limiting the ALC grades was 'slight to moderate droughtiness limitation for both wheat and/or potatoes'. In other words, this land is highly suited for cultivation and can produce high yielding crops or root vegetables. Anyone who has lived locally will have seen this land farmed very productively for decades.

We accept there is a need for renewable energy but NOT at any cost. Sacrificing BMV land when there are alternatives is completely counterproductive. Solar panels should be placed on brownfield sites, industrial buildings or poor quality land where food production does not have to be sacrificed. New BMV farmland cannot be created.

The views of the government and other environmental bodies are clear on this point. Government guidance currently encourages local planning authorities to focus on using previously developed land and non-agricultural land for large scale solar farm development and promises to "safeguard our cherished landscapes". We expect Babergh DC to act on this.

'On my watch, we will not lose swathes of our best farmland to solar farms. Instead we should be making sure that solar panels are installed on commercial buildings, on sheds and on properties' says Rishi Sunak (Daily Telegraph August 2022).

'Rishi Sunak plans to restrict the installation of solar panels on swathes of British farmland... (and) Ministers are understood to believe that food security should be on par with energy security' (Guardian Oct 2023)

There is a need to strike a balance between food security and climate ambitions. It is important that large-scale solar farm development is located on lower quality agricultural land, avoiding the most productive and versatile soils' Tom Bradshaw NFY Deputy President Oct 22.

It is also worth noting that because there are so many homes surrounding the main site, multiple pockets of buffer land between residential property and the Main Site will be leaving BMV farmland sterilized and entirely out of use because of the poor siting of this proposed development. Measurements for these pockets are not confirmed and should be.

This productive farmland is urgently needed for food production. The already UK imports just under 50% of the food that we eat. The proposed development would take 116 acres of BMV farmland out of food production for at least 40 years or the equivalent of an estimated 260 tons of wheat a year equating to over 180,000 loaves of bread per year.

The Solar Campaign Alliance has announced that a potential fivefold increase in solar farms covering up to 350,000 acres of farmland in the UK is posing a major threat to the security of the UK's food production capabilities. Over 119km² of farmland has been lost to development and urbanisation in Suffolk alone from 1990-2015. That's an area 3 times as big as Ipswich (UK Centre of Ecology & Hydrology) placing additional pressure on food security.

On 8 December 2023 the House of Commons Environmental Audit Committee published its report into food security in the UK calling on the government to urgently implement key measures regarding the UK's preparedness and resilience to future food supply stresses and shocks caused by climate change and biodiversity loss and publish a strategy by 19th December 2023.

The report calls on the Government to implement the following key measures:

- Publish the Land Use Framework no later than the 19th December 2023 and integrate food security as a central principle

- Designate food security as a public good

- Provide more clarity on its plans for baseline metrics in food sustainability

- Publish a strategy for innovative food production technologies

The UK Warehouse Association report has huge potential that must be unlocked in order to stop the land grab:-

As the warehousing sector possesses approximately a third of all commercial roof space, it has the potential to double UK's solar PV capacity, which means the warehousing sector alone could deliver the entire UK requirement for 2030 forecast by the National Grid future energy scenarios (FES).

According to this report, UK warehousing has the roof space for up to 15GW of new solar power, which could:

- Double UK's solar capacity

- Reduce carbon emissions by 2 million tonnes/year

- Cut warehousing electricity costs from between 40-80%

- Save the warehousing sector £3bn/year

- Provide a more secure power supply

- Enable the sector to become a net producer of green electricity

It is our understanding that there are currently 14 operational solar parks in Suffolk (184MW total). In addition the table below shows that in Babergh and Mid Suffolk alone there are a further 4 with recent approval, 5 awaiting a decision and 3 more recently submitted

applications. This gives an alarming insight into what the cumulative impact of so many solar parks and the consequent loss of productive farmland on the Suffolk countryside will soon be.

Current Solar Farm Planning Applications - Babergh and Mid Suffolk		
DC/21/00060	Burstall/Flowton/Somersham -	granted
DC/21/04711	Land North Of Tye Lane Bramford Suffolk	granted
DC/21/06825	Land To The South Of Suggenhall Farm Church Lane Rickinghall	refused, appeal submitted
DC/22/01243	Land South Of Tye Lane Bramford (Part In The Parishes Of Flowton And Burstall)	awaiting decision
DC/22/01530	Badley	refused
DC/23/02118	Land To The South Of Church Farm, Somersham IP8 4PN And Land To The East Of The Channel, Burstall Suffolk IP8 4JL	granted
DC/23/04644	Earl Stonham	awaiting decision
DC/23/05127	Boxted	awaiting decision
DC/23/05426	Land North Of Lion Road Palgrave Part In The Parishes Of Wortham And Diss	awaiting decision
plus another 3 potential solar farm applications recently submitted		

In summary, Best and Most Versatile (BMV) farmland cannot be created. It is a finite resource and should be prioritised for food production wherever possible. The Government has repeatedly stressed the need to avoid the loss of BMV land – and Babergh must act to secure this objective.

Noise

It is now clear that the applicant's noise report is lacking in many areas and the noise impact from an estimated 120 inverters, fans and 11 transformer stations are far more significant than has been portrayed.

It is very difficult to see exactly where the inverters will be located. See below a table demonstrating the proximity of homes to transformers, calculated from information found in the planning application:

	Within 250 metres	Within 300 metres
transformers	Dwellings	Dwellings
1	4	3
2	8	4
3	3	1
4	4	12
5		1
6		2

The noise impacts of the development have been considered by an eminent noise expert, who has submitted his Report directly to Babergh. He has found the applicant's submitted Report to be seriously deficient in number of key respects. The full Report needs to be read, but the Conclusions are set out below:

Assessment conclusions

3.1 The principal matters of note and a summary of what I believe are the applicant's assessment errors and omissions are set out below.

3.2 The applicant's noise consultant has assessed using the provisions of BS 4142. This is reasonable to an extent (but see below).

3.3 BS 4142 requires an assessment based on a comparison of the background sound level (preexisting, i.e. in the absence of the source being assessed) with the rating sound level generated by the assessed noise source, in this case string inverters and transformer plant on the solar farm.

3.4 The applicant's noise assessment uses the wrong representative background sound level at survey location M1 (aka MP1), Church Farm. For the 'sunrise period' of 0500 to 0700 hours the assessor has used a background sound level of 33 dBA when their own histogram shows that they should have used a level of 24 dBA perhaps with a sensitivity test at 31 dBA.

3.5 A sound level of 24 dBA is half as loud as the 33 dBA assumed by the applicant. This is a significant error that would have fundamentally changed the assessment conclusions reached by the applicant.

3.6 Noise emission levels from the site will be dictated by the string inverters – both because of their relative sound levels and their number (approximately 126).

3.7 The applicant has used the wrong source noise emission level from the inverters. It has used a level of 62 dBA at 1 metre whereas the specific datasheet for the chosen string inverter – the Sungrow SG350HX - shows the level to be 74.0 to 75.6 dBA at 1 metre.

3.8 In the sunrise period, a 'significant adverse impact' will be apparent at Receptors R1, R2, R3 and R4. There would be a lesser though still significant noise impact at R5 Maltings House. R5 Garden House will not be impacted by noise.

3.9 The noise impacts during the day will be less than during the sunrise period. However, the noise impacts at assessment locations R1, R3 and R4 will still be significant.

3.10 The noise impact at assessment location R2 Uplands will vary between 'significant adverse impact' and 'adverse impact' depending on precise location.

3.11 The impacts at R5 will be 'adverse' (Maltings House) but 'low' at Garden House.

3.12 In conclusion, the proposed solar farm would result in a significant adverse noise impact to the majority of residential properties around the site. There will only be a few properties in the assessment area where impacts will be adverse or low.

3.13 The noise and vibration report states at paragraph 7.4 that: Proposed Solar Farm, Bentley Page 13 'In order to ensure protection of amenity and to maintain levels that are well below sleep disturbance absolute criteria, we have proposed that during daytime and sunrise periods the rating level should not exceed the representative background sound level +3dB at NSRs.'

3.14 This BS 4142 objective of the applicant has not been met at any of the assessment locations at any time save at R5 Garden House.

3.15 Transformers generate low frequency noise at 100 Hz. BS 4142 states that it should not be used to assess low frequency noise - such as that likely from the transformers.

3.16 BS 4142 states that low frequency noise should be assessed using the provisions of NANR45. The applicant has not undertaken a NANR45 assessment of low frequency noise from the transformers. I am unable to undertake my own assessment of low frequency noise as I have not been provided with 100 Hz baseline data for the transformers.

3.17 However, I do have concerns about low frequency noise impact from this proposal. These concerns are based on significant experience of transformer and low frequency noise impact.

Summary

3.18 In summary, I have undertaken a BS 4142 assessment using the correct bsl and with rating levels calculated using the correct baseline noise levels for the string inverters.

3.19 A BS 4142 assessment shows that the proposed solar farm would result in a significant adverse noise impact to the majority of residential properties around the site.

3.20 Low frequency noise from the transformers should be assessed using the provisions of NANR45. The applicant has not undertaken a NANR45 assessment, and I am unable to undertake my own assessment as I have not been provided with 100 Hz baseline data for the transformers. However, I do have concerns about low frequency noise impact from this proposal based on experience.

This representation, concerning noise impact from the proposed solar farm, has also been made by the owners/occupiers of Church Farm:

Church Farm is stated to be survey position MP1 in the Applicant's Noise and Vibration Assessment report (Table 4.1). It is location R1 where predicted noise levels are concerned (Table 6.1)

It has become clear to us that the predicted noise impact, principally from inverters and transformers, has been underestimated in the Applicants noise assessment.

This is of serious concern, living so very close to the Main Site which will contain over a hundred of these items of plant and equipment.

As laymen it is complex task to try and unravel the applicant's noise report, but we have noticed that at Appendix 2 of the Applicant's noise report there is a bar chart showing 'representative background sound levels' at Church Farm.

This bar chart shows that the background sound levels are concentrated ('highest % occurrence') at 24 dB and 31 dB. These levels are in the "sunrise" period 0500 to 0700 hrs. We say that it is prudent and appropriate to use the lower background sound level i.e. the 24 dB level in any assessment.

Table 6.1 in the Applicant's noise report states the applicant's predicted rating levels of noise from the solar park for the sunrise period as 29 dB.

The simple fact is that even on the applicant's own figures, the noise level from the solar park is well above (5 dB) the representative background sound level at Church Farm.

This without penalising the noise for its tonality – as we understand is required by BS 4142. Our own assessment conclusions are contrary to the conclusion reached by the Applicant's noise consultant:

'7.4 In order to ensure protection of amenity and to maintain levels that are well below sleep disturbance absolute criteria, we have proposed that during daytime and sunrise periods the rating level should not exceed the representative background sound level +3dB at NSRs'.

Biodiversity

The application overpromises in this area and takes little account of the level of disturbance which the development will cause.

There is very heavy reliance on the BNG Calculator, but this is an extremely blunt and unsophisticated instrument. Closer examination reveals that the factor accounting for most of the differential between the baseline and predicted cases for the BNG Calculator is the use of a higher multiplier by the applicant's consultant for the grassland which is expected to grow under and around under the solar panels (notwithstanding the grass under the 100,000 panels will be starved of the sun's rays and of water) and the lower multiplier considered by the applicant's consultant to be suitable for the well-established grassland already on the site (notwithstanding that this is already grazed by cattle and sheep). These assumptions are disputed; they distort the calculation and need full evidential support if they are to be retained.

The other matter of critical importance under this head is that the application site and its surrounding area is already awash with ecological interest. There is no empirically derived imperative to introduce artificial pockets of additional biodiversity at this location as a quid pro quo for a vast solar installation. There will be many far more ecologically impoverished areas where solar could be sited and which might benefit to a much greater degree from additional hedges or grassland.

Engry Wood is already a County Wildlife Site and is part of Bentley's prized inventory of Ancient Woodland with a rare, important and diverse ecology that spills out onto the fields of the Main Site, Church Farm lane, Church Road and Potash Lane.

The professionals sent in by Green Switch capital for 'Look See' evaluations were here for a matter of hours. The planning application claims 'An extended habitat survey was undertaken 28 Feb – 1 March', which is one day.

The existence and yearly proliferation of wildlife (mammals, birds, insects) that find and flourish in the undisturbed, ancient habitats here and that move freely in and out of the woods and across the fields of the Main Site are fostered and encouraged by the quiet rural landscape.

Spring 2022 and 2023 Nightingales have nested in the hedgerow/trees between Church Farm and the Main site field. Dated recordings from May 2023 to prove this. The UK's Nightingale population declined by 53% in the years 1995-2008 (Breeding Bird Survey 2008) and presumably at a similar rate since then. The reasons? Loss of habitat and disturbance. Nightingales are only found in a few places in the south and east of England. It is unarguable that they will not come here to breed again if it becomes a building site and beyond that the continued level of disturbance is likely to stop them returning.

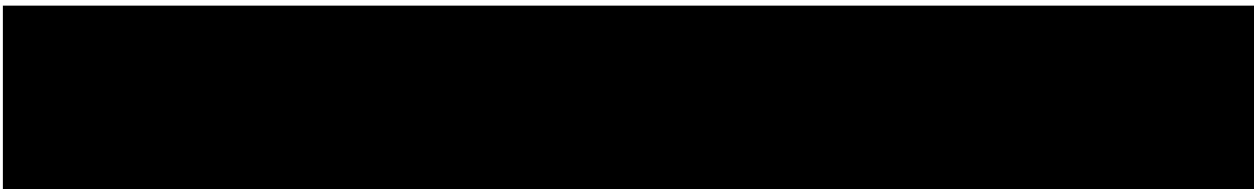
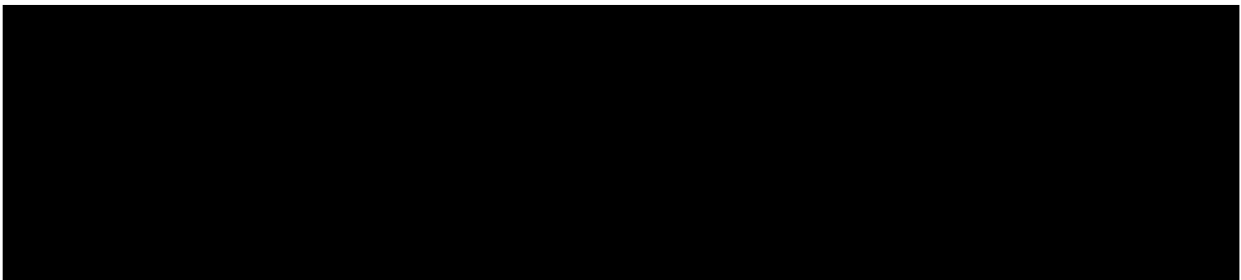
Barn owls are regularly seen crossing the Main Site. Barn owls are notoriously threatened and disturbed by humans and need open fields within 1km of their nesting site to hunt. Other varieties of owl are also present annually.

Brown hares cross the fields and inhabit Engry Wood and the hedgerows of Church Farm Lane. They are often seen in the Main Site field.

Engry Wood is the habitat for the endangered Hazel Dormouse that breeds there. The Hazel Dormouse is legally protected under the Countryside and Wild Life Act 1981 (as amended).

Golden Plovers wintered on the Main Site 2021/22.

Even the applicant's survey admits three territories of skylarks and yellow wagtails on the site, which require open ground to breed. This will be lost to the far the more enclosed environment of a solar array.



Whilst the planting of hedges is often cited as increasing biodiversity, this should be measured against what is being lost from the existing ecological environment. It is worth noting that there are already well established (3m+) hedges within the site, which is also surrounded by several of Bentley's many, mature County Wildlife Sites. So, in reality, planting of hedgerow whips will bring limited additional benefits.

By erecting 100,000 solar panels on this 116 acre area, there will be a loss (or at best a diminishing) of 468,000 m² of habitat for ground nesting birds including Skylarks and Yellow Wagtails - amongst many, many others. Continued farming, in the form of sheep grazing on the site will also restrict the possibility of ground birds nesting. The width of the hedge planting will be approximately 1 metre and go round the 4km boundary, creating 4,000 m² of saplings (this equates to less than 1% of the land area being lost for ground breeding birds) that will be unable to support any meaningful wildlife for the first 15 years of their life and after which will add little to wildlife diversity as there are already large, well established 3m+ hedges in the area.

Many of the birds mentioned in the applicant's report are known for their highly sensitive reaction to a changing environment and the proposed development will discourage a number of highly endangered breeding birds from this area. The planting of thin rows of saplings is not sufficient to offset this loss and is on a scale that is tokenistic at best.

On the Green Switch Capital website it shows a photograph of sheep grazing on a solar farm. This is a stock image that is available online and can be traced back to a site in Eastern

Europe. How, in reality, will 'sheep graze' the Main Site when the solar panels are angled on piling structures and are only a max of 80cm off the ground at the front? There appears to be very few if any solar developments in England where currently sheep are being grazed.

Farmers Weekly article 17/10/22 clarifies the reality of the situation with sheep grazing solar farms saying:

Only small breeds are suitable as some are too big to graze underneath the solar panels. Space between rows of panels is limited so only a quad bike can pass through. The figures for grazing on a solar farm studied in Pembrokeshire: summer 12, winter 5 sheep per hectare. Compared to figures from National Sheep Association which states summer 25-36 and winter 15-25 sheep per hectare. It is not possible to reseed the land, so there will be a nutritional penalty going forward, and the shade from the panels diminishes the sugar content of the swards, too. Over time, stocking rates need to be reduced as the quality of the grass becomes poorer. You need good, steady dogs for getting the sheep on and off the fields, and the dogs must get used to the panels too. Rounding up is kept to a minimum to reduce the risk of injury from the mounts.

Sheep grazing is also in conflict with skylark nesting as they nest up to 4 times per year.

The Suffolk Wildlife statement is inadequate and it appears that they have not thoroughly read this application and spotted all the errors and omissions as to the scale and nature of existing habitats and wildlife on and around the site, especially considering that SWT's own guidance states quite clearly that, when planning applications such as this are to be submitted, extensive research should be undertaken into existing wildlife and the present environment and that prime agricultural land should not be used for solar farms, going on to say that some low grade land which requires heavy fertilisation to grow crops could be used. This site is "predominantly BMV" land - even according to the applicants.

Traffic and Access

Construction Traffic

Though the volume of construction traffic and assumed programme appears to be of a reasonable order, there is no specific evidence provided in the Transport Assessment to support the construction traffic figures. In particular, it is most likely that there will be periods of concentrated activity in the form of deliveries that may result in impacts that are significantly greater than those presented. Such periods of intensified activity should be quantified, either through surveys of past construction or by assessment of a detailed construction activity programme, to enable suitable consideration of peak environmental and traffic impact.

Safety Records

It is noted that the Transport Assessment has relied on Crashmap data for 2017-2021 for the purposes of undertaking a safety review. This period includes the Covid hiatus and it is suggested that a full accident data report should be sourced from Suffolk County Council, who would hold comprehensive and up to date records, to ensure post covid conditions are suitably considered. It is known that this data set omits a fatality on a key section of the access from the A137.

Use of Quiet Lane for construction access

Quiet Lanes are nationally recognised designations of single-track road where visitors and locals can enjoy the natural surroundings and use them for activities such as cycling, horse-riding, jogging and walking.

They have advisory signs at either end to show motorised users clearly that the road is a shared space. The sign is included in the Highway Code (Rule 218) and indicates to drivers that other more vulnerable users may be using the road. The guidance in the Highway Code to drivers - '...You should drive slowly and carefully and be prepared to stop to allow people extra time to make space for you to pass them in safety'.

It must be noted that designation as a Quiet Lane does not bring about any enforceable restrictions nor does designation prohibit use by any types of vehicle or regulate their speed.

There are only a limited number of quiet lanes in Suffolk and only 3 in Bentley District. They would have been selected because they have established use for leisure and also carry very low levels of traffic. They are fundamentally unsuitable for an access to a construction site not simply because of their designation but because of their very nature; based upon geometry and usage. Quiet Lanes are minor rural roads or networks of minor rural roads appropriate for shared use by walkers, cyclists, horse riders and other vehicles. The aim of Quiet Lanes is to maintain the character of minor rural roads by seeking to contain rising traffic growth that is widespread in rural areas.

As noted above, the use of the quiet lane for construction access is inappropriate and an alternative access arrangement to the construction site should be sought. The change in nature of this lane would be a significant environmental impact.

Geometry of access arrangements

The physical geometry of the access designs appears reasonable for anticipated frequency of deliveries and likely nature of delivery vehicles. However the proposed visibility splays are questionable.

At 3.2.16 it states:

“Nonetheless, to allow suitable visibility splays and to minimise the impact of the proposed site access on surrounding vegetation, a 30mph temporary speed limit will be put into place and enforced during construction of the site.”

It is suggested that this is based on a flawed assumption in that there will be no practical enforcement of any temporary speed limit as the police will not be willing to allocate resources and speed camera usage would not be supported by DfT Circular 01/2007.

There is little evidence that speed limits in rural locations have any significant impact on vehicle speeds as drivers base suitable vehicle speeds by their individual judgement of road geometry and risks. Drivers tend to drive faster on very lightly trafficked roads. Signposts that show speed limit do not automatically imply that drivers will match the indicated speed limit and generally are only effective at sites where the hazards are obvious, and drivers understand and accept the speed limitation.

It is suggested that all visibility splays should be designed for currently observed 85th percentile vehicle speeds and would then need to be deliverable within the public highway or land suitably controlled by the applicant for the access arrangement to be acceptable.

The applicant's traffic planning is confused, has many mistakes [corrected in blue below](#), which inevitably begs many more questions about the applicant's thoroughness and accuracy: 'Construction access to the Main Site would be via the existing access track from Station Road ([actually Capel Road](#)) (to the west, with a direct crossing of Church Lane ([actually Church Road](#)) to the eastern field of the Main Site. No traffic would be routed along Church Lane ([do they mean Church Road? Traffic will certainly be crossing Church Road and will have to move along it between the 2 sites](#)).

Construction access the Substation Site would be via a proposed access track from an unnamed road ([actually Church Road, a Quiet Lane](#)), with access in turn from the A137 ([access cannot be direct from the A137 but must come along Church Road](#))

The distance between the turn off from the A137 to the applicant site entrance near the railway bridge on Church Road is 0.634 miles.

This is a Quiet Lane and is single track with many tight bends as seen by the map of this area.

The average speed a car, unimpeded by other traffic, would average 18mph* across this distance.

The average speed of a lorry, unimpeded by other traffic, would average 14mph^ across this distance.

(*Source: Based on a real example of travelling down the 0.634 miles of road, outlined above, at a safe speed. ^Estimated speed of a 18m lorry relative to a car.)

Based on the above speeds, if traffic were stopped across this distance, the time needed to allow traffic to safely pass through this area would be:

For Cars: 2 minutes, 7 seconds;

for Lorries: 2 minutes, 43 seconds;

+ allowing at least a 20 second additional allowance (both ways) for slower than average vehicles

This equates to a MINIMUM time of 5 minutes 30 seconds for one cycle of single direction traffic to pass over this distance.

The use of Traffic lights would need to be set up on the A137 in order to regulate local traffic and site traffic through this single lane road. This would have an effect of blocking the A137 for miles in both directions as it is a key local trunk road with average waiting time outlined above.

With the assumption that the A137 traffic light option outlined above is unacceptable, then the remaining option would be to close Church Road for the duration of the works.

That would effectively block the road for the duration of the works and it is NOT acceptable to expect local residents, walkers, bicyclists and horse riders that regularly use this Quiet Lane to lose this important and much valued local amenity for the duration of the build.

Disturbance to the Mainline Railway

We have talked to the area crossings manager from Network Rail who had no knowledge of this planning application. NR have said that the applicant's plan to run cabling beneath the railway line to the DNO substation is unlikely to be feasible – given the level of strong foundation necessary for trains travelling at high speeds on the main line between London and Norwich. He specifically said that boring under the foundations of the main line to line to London would not be acceptable to NR.

Alternative Sites

Policy LP25 of the Babergh & Mid Suffolk Joint Local Plan adopted less than 2 months ago (after detailed examination by expert Inspectors) requires, where harm to the setting of a heritage asset is found to exist, as the applicants accept here, that an applicant must demonstrate that there are no alternative sites for a proposal available within the district.

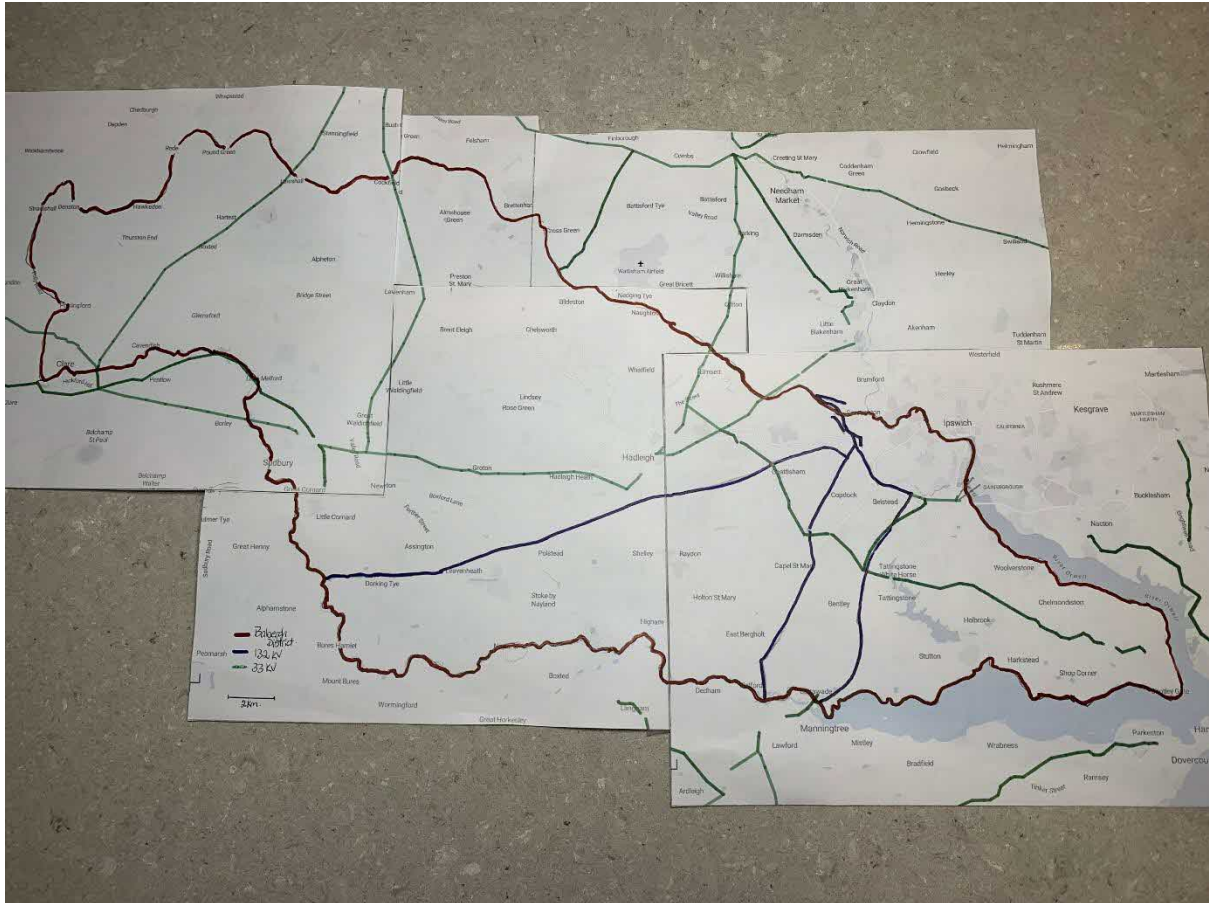
The applicants have submitted what they call an “Alternative Site Assessment” (“ASA”) which concludes not only that there are no alternative sites, but that this is “the best possible site” – presumably in Babergh. Rarely can such a bold proposition have been supported on such insubstantial foundations. It is clear that this report has been produced in a hurry in response to the recently adopted policy.

The applicants have unilaterally re-defined this test at para.2.1.5 and assert that they only need to consider alternatives that “could utilize the same point of connection” to the network. This is emphatically not what the policy says. It is patently wrong as a matter of law and Babergh must insist that this exercise is revisited and undertaken properly and in accordance with the wording of the policy, as recently adopted.

Quite apart from this structural legal defect, the ASA then adopts the narrowest possible criteria for its sieve exercise and will not stand up to scrutiny either as a matter of law or on its merits. In fact, the filters it uses are so primitive that it actually screens out the application site itself, which is Grade 2 BMV land on the MAFF database!

There are sensible sites for solar on the roofs of industrial and commercial buildings, previously developed land like old aerodromes, or alongside major roads, where the environment is already sadly degraded, but not, we would say, at the very heart of the ancient parish of Bentley, ringed by its ancient woodlands and remarkable assemblage of heritage assets.

We attach below a plan of all the 132KV and 33KV lines in Babergh. These must all be considered, as must land which is subject to MAFF Provisional ALC Grade 2, as it might transpire that the landowner can have it re-graded to a lower grade if it has potential for solar development. It would certainly be completely illogical to rule out as a “non-starter” agricultural land which has precisely the same designation as the application site.



Red – The district boundary
 Blue – 132kV lines
 Green – 33kV lines

CONCLUSION

This application should be refused for all the above reasons.

Map 1: Main Site – long view positions Church Farm lane to Church Road



View 1: from Church Farm driveway/end of garden – long views to Engry Wood and across the field in every direction from wide gap in the sparse hedgerow, not screened or enclosed.



View 2: from Church Farm driveway (long views in all directions across the field, not screened or enclosed)



View 3: from Church Farm Lane long views at all times of year in all directions



View 4: from Church Farm lane long views in all directions at all times of year



View 5: from Church Farm lane – long views in all directions close to Little Bush, Glebe Cottage and Bentley House



View 6: From Church Road outside Little Bush close to St Mary's Church



View 7: From Uplands (private residence) across the Main Site to Falstaff Manor/ railway line and consumer substation site



Map 2: Main Site – long view positions Church Road and Potash Lane



View 8: on Church Road near to St Mary's Church towards Engry Wood. This stretch of road is not screened and the view is seen from every direction



View 9: from Church Road towards Engry Wood, Church Farm and Potash Lane, no screening and wide openings



View 9: from Church Road towards Engry Wood and Potash Lane, no screening and wide openings



View 10a – from Church Road towards the sites of both substations (NB the railway line is invisible from here)



View 10b– same position in the other direction across the main site field to Engry Wood and Church Farm



View 11: Church Road by Falstaff Cottages and Manor, view to Engry Wood and Church Farm



View 12: from corner of Church Road and Potash Lane towards the St Mary's Church



View 13: from Potash Lane across to Engry Wood and Church Farm



View 14: from Potash Lane long views in all directions towards Engry Wood, Church Farm, St Mary's Church and Church Road



View 14 continued: from an opening on Potash Lane to St Mary's Church and Engry Wood



View 15: from another opening on Potash Lane across to Engry Wood, Church Farm and St Mary's Church
Row 1 winter Row 2 summer



View 16: from another opening on Potash Lane towards St Mary's Church, Church Farm and Engry Wood, row 1 winter, row 2 summer



Map 3: Substation Site – a handful of long view positions Church Road and Footpath 18



View 1 - from Church Road where the new access point and road will be built looking to the Substation site (the trees by the pylon will be cleared)



View 2: from Maltings House/Footpath 18 towards i) the new access road site ii) substation site NB railway line is completely hidden from view



View 3: from footpath 18 i) wide view where road and substation will both be ii) towards substation site
iii) towards new access road

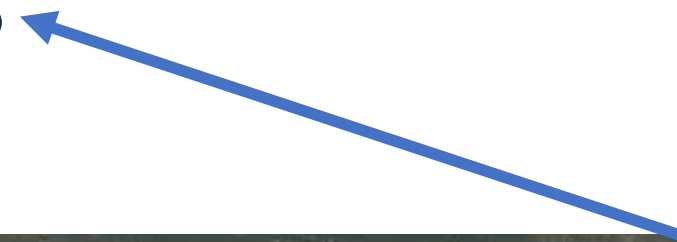


View 4: from footpath 18 i) towards Substation site ii) towards new access road site



MAP

7

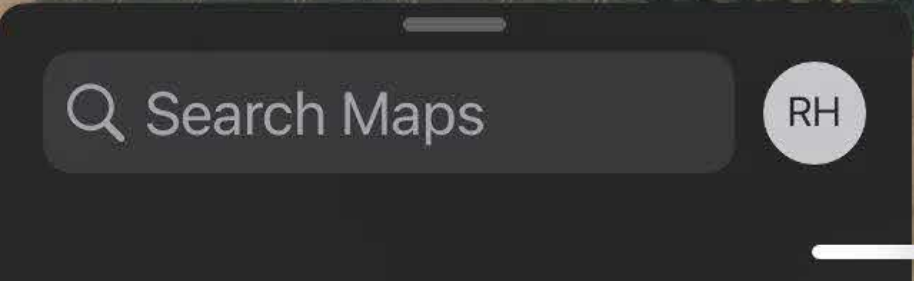


Key: ① Numbers used to reference subsequent slides



Photos taken in this section of Church Road (A Quiet Lane)

A137



1.

Distance between silver
cans = 2.5metres

(standard width of 10+ metre vehicles)



2.

Distance between
silver cans = 2.5
metres

(standard width of 10
metre + vehicles)



3.

Fig A: Distance between silver cans = 2.5metres (standard width of 10 metre + vehicles)

Fig B: Distance between silver cans = 1.2metres (leaving 30cm gap between Fig A silver can and Fig B roadside silver can).

Average car width 1.8m.

Fig A

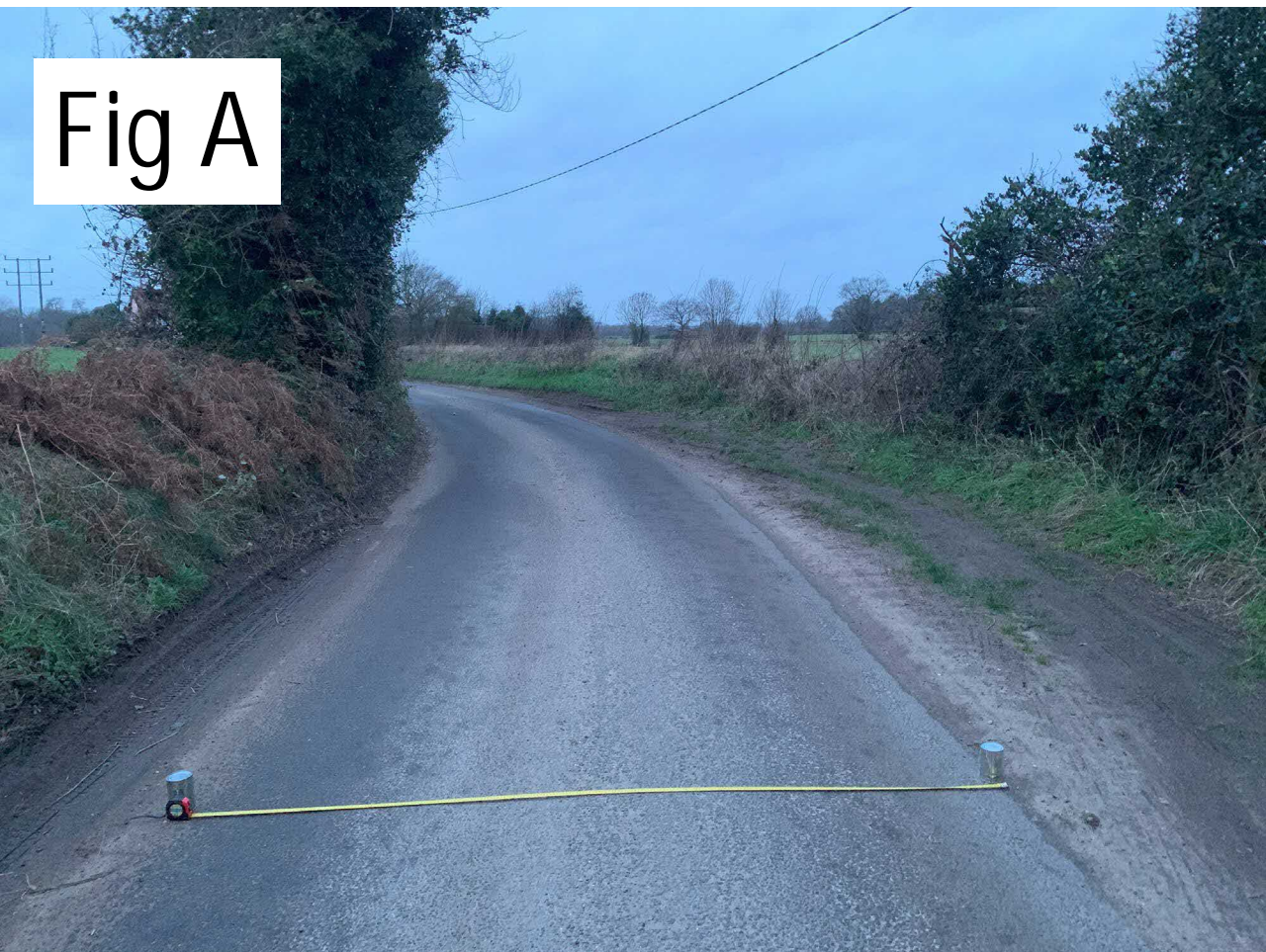


Fig B



It is NOT possible for a car to pass a lorry at this point in the road.

4. A car would have to reverse around a blind corner (picture 3.) and reverse back 90 meters to the next passing point here. This passing point (Fig B) is ALSO too narrow for a car to be passed by a lorry.



Fig A

Distance between silver cans = 2.5metres
(2.5m standard width of 10 metre + vehicles)

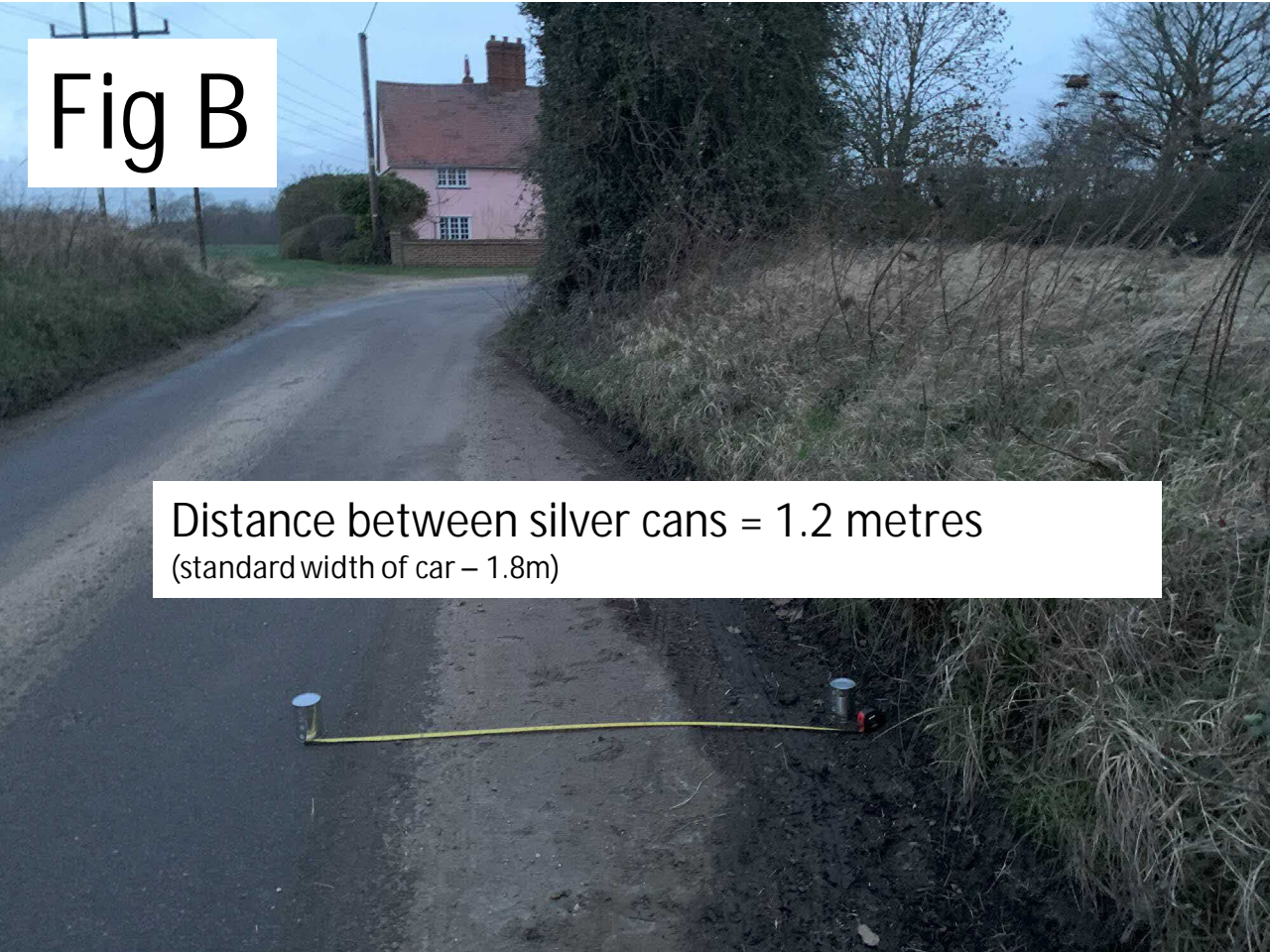


Fig B

Distance between silver cans = 1.2 metres
(standard width of car – 1.8m)

It is NOT possible for a car to pass a lorry at this point in the road.

5.

Distance between
silver cans = 2.5
metres

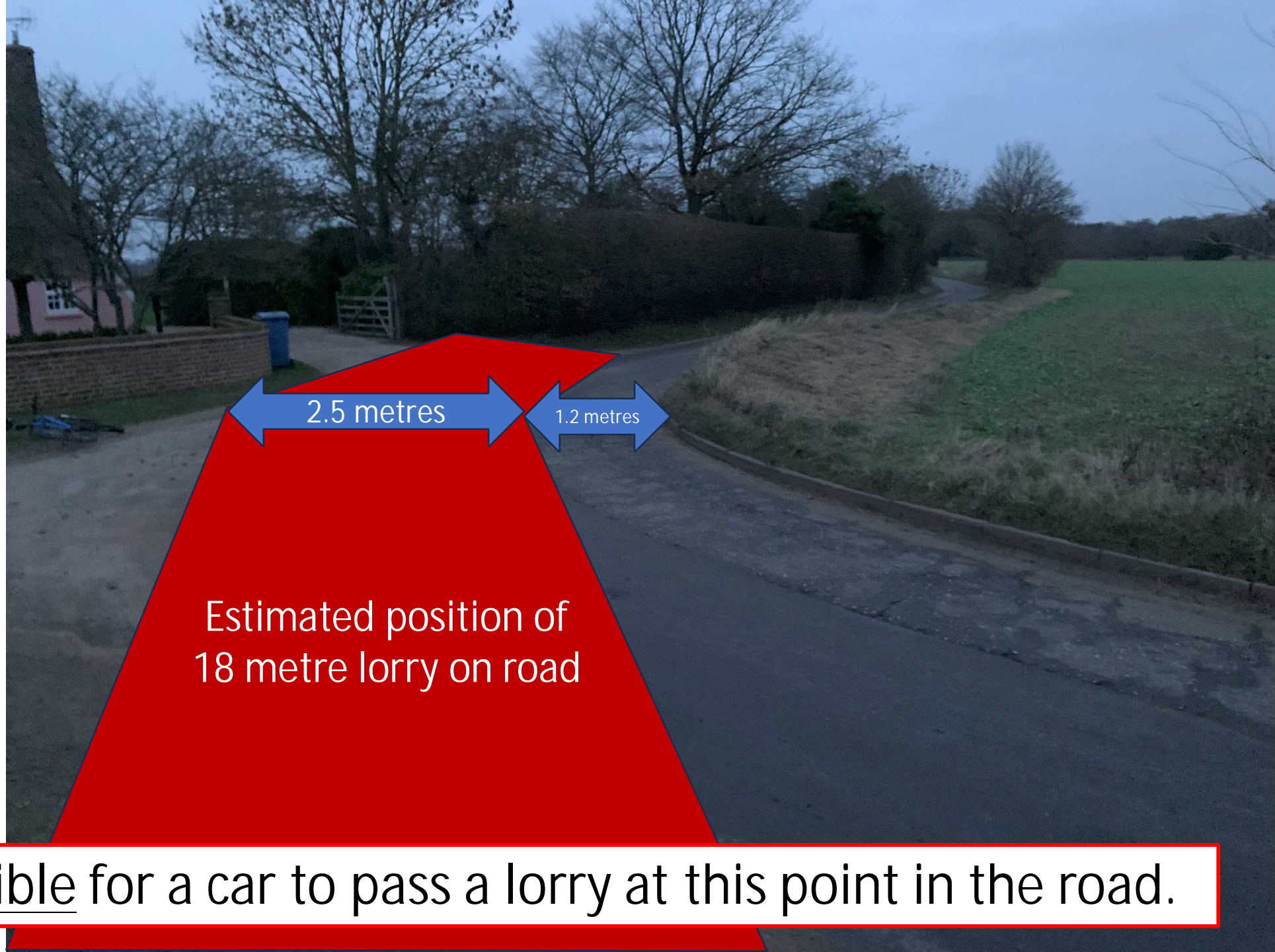
(standard width of 10
metre + vehicles)



6.

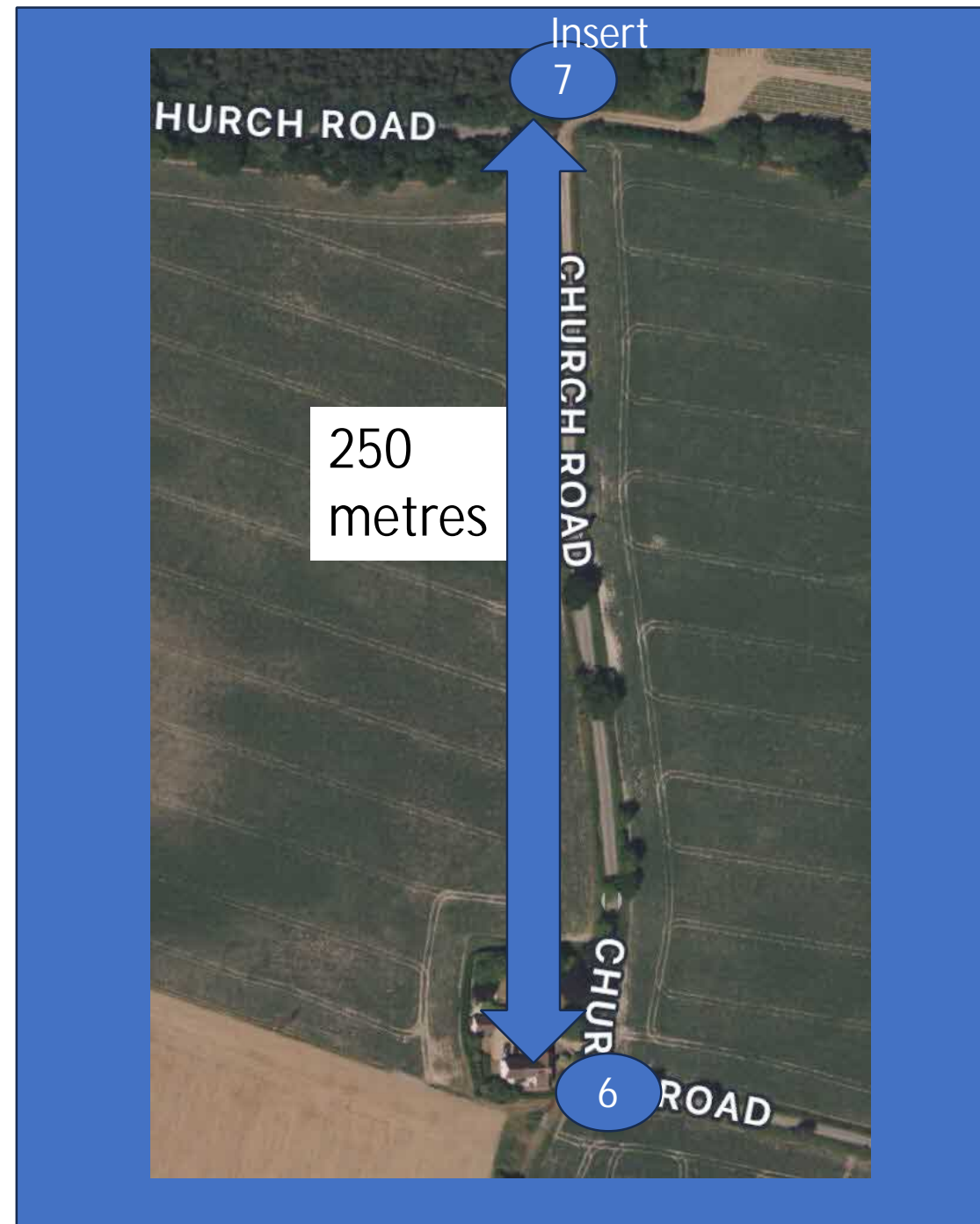
There is not enough room for a car and a lorry to pass at this right-angle bend point in the road.

The next passing place large enough for a car to reverse and a lorry to pass is at Point 7 (see MAP) (250 metres down the road).



It is NOT possible for a car to pass a lorry at this point in the road.

As there is not enough room for a car to pass at the corner (6) a car would have to reverse 250 metres to point 7.



One has to assume the applicant will therefore apply to close the road to allow lorries to travel to the site entrance.

For the reasons below this is NOT an acceptable alternative.

The distance between the turn off from the A137 to the applicant site entrance near the railway bridge on Church Road is 0.634 miles.

This is a Quiet Lane and is single track with many tight bends as seen by the map of this area.

The average speed a car, unimpeded by other traffic, would average 18mph across this distance.

The average speed of a lorry, unimpeded by other traffic, would average 14mph across this distance.

If traffic were stopped across this distance, the time needed to allow traffic to safely pass through this area would be: For Cars: 2 minutes, 7 seconds; for Lorries: 2 minutes, 43 seconds; + allowing at least a 20 second additional allowance (both ways) for slower than average vehicles

= a MINIMUM time of 5 minutes 30 seconds for one cycle of single direction traffic to pass over this distance.

Traffic lights would therefore need to be set up on the A137 in order to regulate local traffic and site traffic through this single lane road. This would have an effect of blocking the A137 for miles in both directions as it is a key local trunk road.

That would effectively block the road for the duration of the works and is COMPLETELY UNACCEPTABLE AS WELL AS TAKING AWAY THE PRINCIPAL AMENITY OF A QUIET LANE.