

## **Committee Report**

**Item No: 8A**

**Reference: DC/23/05656**

**Case Officer: Jasmine Whyard**

**Ward:** Copdock & Washbrook.

**Ward Member/s:** Cllr Busby

## **RECOMMENDATION: REFUSE PLANNING PERMISSION**

### **Development of Description**

Full Planning Application - 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.

### **Location**

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

**Parish:** Bentley

**Site Area:** 48.30 hectares

**Applicant:** Green Switch Capital Ltd

**Agent:** Mr Tom Roseblade

**Previous Committee/ Resolution:** None

**Previous Member Site Visit:** None

**Call in request from Council Member:** None

### **Reason for reference to committee:**

- i. It has been deemed controversial by the Acting Director of Planning based on the number of representations received.

## **SUMMARY OF POLICIES**

### **Development Plan**

The following policies are considered the most relevant and important to the determination of this proposal. The policies are all contained within the adopted development plan, which for the purposes of determining this application is comprised of the: Babergh and Mid Suffolk Joint Local Plan (JLP) (2023) and Bentley Neighbourhood Plan (2022).

All policies are afforded full weight in the determination process as they are considered consistent with the policies of the NPPF in accordance with paragraph 225 of that document.

- **Babergh and Mid Suffolk Joint Local Plan (JLP) (2023)**

Policy SP03- The Sustainable Location of New Development  
Policy SP09- Enhancement and Management of the Environment  
Policy SP10- Climate Change  
Policy LP15- Environmental Protection and Conservation  
Policy LP16- Biodiversity and Geodiversity  
Policy LP17- Landscape  
Policy LP18- Area of Outstanding Natural Beauty  
Policy LP19- Historic Environment  
Policy LP23- Sustainable Construction and Design  
Policy LP24- Design and Residential Amenity  
Policy LP25- Energy Sources, Storage and Distribution  
Policy LP27- Flood Risk and Vulnerability  
Policy LP29- Safe, Sustainable and Active Transport

- **Bentley Neighbourhood Plan (BNP) (2022)**

Policy BEN 3- Development Design  
Policy BEN 4- Flooding and Sustainable Drainage  
Policy BEN 7- Protecting Bentley's Landscape Character  
Policy BEN 8- Protecting Habitats and Wildlife Corridors  
Policy BEN 10- Dark Skies and Street Lighting  
Policy BEN 11- Heritage Assets  
Policy BEN 12- Buildings of Local Significance

### **The National Planning Policy Framework**

The National Planning Policy Framework (NPPF) 2024 contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-taking purposes.

Particularly relevant chapters of the NPPF include:

Chapter 2: Achieving Sustainable Development  
Chapter 9: Promoting Sustainable Transport  
Chapter 11: Making Effective Use of Land  
Chapter 12: Achieving Well-Designed Places  
Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change  
Chapter 15: Conserving and Enhancing the Natural Environment  
Chapter 16: Conserving and Enhancing the Historic Environment

### **Other Considerations**

- The NPPF is supported and complemented by the national Planning Practice Guidance (PPG). The PPG provides advice on procedure and elaboration of existing NPPF policies and can also provide

statements of new national policy. It is an online reference as a living document and is a material consideration alongside the NPPF.

- Clean Power 2030 Action Plan: Government published this latest plan on the 13<sup>th</sup> December 2024 to provide a direction for the UK to move rapidly towards delivering clean renewable forms of power.
- Powering Up Britain including the Energy Security Plan: Government published this plan to ensure energy security and meet net zero commitments. The document reaffirms the Government's commitment to aim for 70GW of ground and roof mounted solar by 2035, stating that this is a fivefold increase on current installed solar capacity. To achieve this Government is seeking large scale solar deployment across the UK, and encourages solar development that delivers environmental benefits, with consideration for ongoing food production or environmental management.
- Energy Security Strategy 2022: Reinforces the net zero agenda and sets out a package of priorities, funding and policy objectives to move the country back to energy independence. This includes provision for onshore wind, solar and other technology including recognition of the need for network capacity and flexibility such as battery storage.
- Net Zero strategy 2021: A decarbonisation plan setting out the UK objective of achieving net-zero emissions by 2050. Part of the plan for "Building Back Better" after the covid pandemic.
- Energy white paper 2020: Builds on the Ten-point plan for a green industrial revolution, addressing the transformation of our energy system, promoting high-skilled jobs and clean, resilient economic growth as we deliver net-zero emissions by 2050.
- United Kingdom Food Security Report 2021: Sets out an analysis of statistical data relating to food security.

## **SUMMARY OF CONSULTATIONS**

Any updates to consultee responses in light of late information shall be reported to Members in their Tabled Papers or verbally at the meeting.

The following responses have been summarised. Members are directed to consider and take into account the original representations in full.

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

#### **Bentley Parish Council- comments received 06/09/2024**

Object on the basis of: 1) the financial benefits offered do not compensate the significant harm caused, 2) two independent landscape consultants concluded that the development would cause significant harm to the character and appearance of the valued landscape, 3) Place Services Landscaping and the applicant's consultant missed the Project Area for the Suffolk Coast and Heaths National Landscape, 4) no panel setbacks made from Church Road, 5) construction traffic will have to travel on Church Road, a designated quiet lane, 6) applicant's have underestimated heritage harm, 7) Conservation Area Appraisal carried out by Parish which confirms high status of heritage assets and landscape, 8) needs of walkers, cyclists and equestrians ignored during the construction period, 9) contrary to Bentley Neighbourhood Plan, 10) significant harm to listed and unlisted heritage assets, 11) significant impact on residential amenity through noise, glint and glare and visual impacts and 12) loss of large area of good quality productive arable land.

**Capel St Mary Parish Council- comments received 08/08/2024**

Object on the basis of 1) harm to heritage assets and landscape, 2) little access to proposed site, this access should remain agricultural as it is a small country road, 3) impact on nature and 4) Solar farm is close to the railway line and there are concerns about glare and fires close to the line.

**Tattingstone Parish Council- comments received 08/02/2024**

Object on the basis of 1) supports response made by Bentley Parish Council, 2) negative impact from construction traffic on the A137 and 3) chain link fencing will detrimentally affect wildlife

**National Consultee Responses****Environment Agency- comments received 26/07/2024**

Refer to original comments dated 10/07/2024

Original comments: No objection.

**Historic England- comments received 17/07/2024**

Object on the basis that the proposal would cause a level of less than substantial harm would occur to designated heritage assets. However, they note that the Council must weigh this against public benefit.

**National Gas Plant Protection- comments received 11/07/2024**

No National Gas transmission assets affected in this area.

**National Grid Plant Protection- comments received 11/07/2024**

No National Grid electricity transmissions affected in this area.

**National Landscape- comments received 31/07/2024**

Refer to original comments as per response dated 07/02/2024

Original comments: The site falls within the Additional Project Area of the Suffolk Coast and Heaths Area of Outstanding National Beauty. Object on the basis of 1) construction phase will undermine tranquillity of area, 2) character would be changed from rural to industrial, 3) introduce an incongruous type of development into the valued landscape, 4) harm would be in conflict with the NPPF

**Natural England- comments received 05/03/2024**

No objection.

**Network Rail- comments received 14/02/2024**

Object on the basis that proposed works would conflict with works approved for the closure of island public footpath level crossing. In addition, any undertrack crossing for cables will require a wayleave from Network Rail.

**Woodland Trust- comments received 02/08/2024**

No objection following amendments but seek clarification in respect of Tree 31 and whether this will be afforded '15 times' veteran tree buffer zone and whether the entry and exit points and associated infrastructure works will be located outside of this buffer zone.

**County Council Responses****Archaeology- comments received 11/07/2024**

Refer to original comments dated 20/12/2023

Original comments: No objection subject to conditions requiring a written scheme of investigation and post investigation.

#### **Development Contributions- comments received 25/07/2024**

Refer to original comments dated 13/12/2023

Original comments: Development must be considered against NPPF, SCC have agreed an Energy Infrastructure Policy supporting delivery of net-zero. Local economic benefits should be considered by applicant, specifically to develop a Local Economic Strategy.

#### **Fire & Rescue- comments received 31/07/2024**

Refer to original comments dated 04/01/2024

Original comments: No objection subject to design compliant with legislation using fire resistant materials, water supplies being made available, developing an emergency response plan and automatic fire detection equipment being installed.

#### **Floods and Water- comments received 15/07/2024**

Refer to original comments dated 11/12/2023

Original comments: No objection subject to condition requiring the implementation of the surface water drainage strategy

#### **Highways- comments received - 19/07/2024**

Refer to original comments dated 19/12/2023

Original comments: No objection subject to conditions on access scheme submitted, accesses being constructed and surfaced, new crossing arrangement submitted and built, gates etc shall be pushed back from highway, visibility splays, surface water discharge details, construction management plan and deliveries management plan.

#### **Public Rights of Way - comments received 12/12/2023**

No objection subject to appropriate measures are put in place during construction. Other considerations that must be taken into account include planting along public rights of way and glint and glare.

#### **Travel Plan- comments received - 07/12/2023**

No comment.

#### **Internal Consultee Responses**

#### **Arboricultural Officer- comments received 08/12/2023**

No objection subject to conditions requiring detailed Arboricultural Method Statement and Tree Protection plan.

#### **Ecolytik (Sustainability)- comments received 16/07/2024**

Refer to original comments dated 23/02/2024

Original comments: No objection, but recommend consideration be given to storing electricity on site to be discharged to the grid at high demand times. Note other impacts of the development including landscape, heritage and food production need to be considered.

#### **Environmental Health (Air Quality)- comments received 11/07/2024**

Refer to original comments dated 19/01/2024

Original comments: No objection.

**Environmental Health (Noise/Odour/Light/Smoke)- comments received 24/07/2024**

No objection subject to condition requiring an acoustic assessment and restricting noise.

**Ecology (Place Services)- comments received 31/07/2024**

No objection subject to securing ecological mitigation and enhancement measures.

**Heritage Team- comments received 06/09/2024**

Object on the basis that the development would cause a medium level of less than substantial harm to the significance of designated and non-designated heritage assets. The character of the site would change from rural to industrial.

**Landscape (Place Services)- comments received 15/07/2024**

Refer to original comments dated 11/01/2024, but in addition note that welded mesh fencing would be preferred over palisade fencing.

Original comments: No objection, it is considered that the site has capacity to assimilate proposed development subject to implementing key principles into the final detailed design.

OFFICER COMMENT – A further review of landscape impact was undertaken, please see further explanation in Paragraph 10.6.

**Public Realm- comments received 15/07/2024**

No comment.

**Other Consultee Responses**

**Suffolk Preservation Society- comments received 30/07/2024**

Object for the same reasons as per the original response dated 24/01/2024

Original comments: Object on the basis of 1) scale and character that will impact on the Valued Landscape, 2) cause heritage harm, 3) loss of best and most versatile agricultural land, 4) loss of amenity for those living and walking through the landscape and 5) contrary to national and local planning policy.

**Suffolk Wildlife Trust- comments received 03/01/2024**

No objection but note that the proposal could deliver more for nature conservation.

**Ipswich Ramblers- comments received 19/07/2024**

Object for the same reasons as per the original response dated 07/12/2023

Original comments: object on the basis of 1) affects ecology/wildlife, 2) dominating/ overbearing, 3) increased traffic/ highway impacts, 4) landscape impact, 5) loss of open space, 6) out of character with the area and 7) loss of agricultural land.

**SUMMARY OF REPRESENTATIONS**

At the time of writing this report 189 letters/emails/online comments have been received. It is the officer opinion that this represents 175 objections, 1 neutral comment and 13 support comments. An update shall be provided as necessary either via Tabled Papers or verbally at the meeting.

Objection comments summarised as follows:

- Landscape impact (183)
- Affects ecology/wildlife (169)
- Out of character (160)
- Traffic/highways (113)
- Noise (110)
- Loss of outlook (110)
- Loss of open space (106)
- Dominating/overbearing (100)
- Harm to Listed Building (91)
- Inadequate access (80)
- Conflict with Neighbourhood Plan (79)
- Scale (77)
- Lack of information (70)
- Residential amenity (56)
- Light pollution (54)
- Development too high (47)
- Inappropriate in a Conservation Area (47)
- Conflict with District plan (45)
- Overdevelopment (44)
- Trees (43)
- Building work (40)
- Health and safety (38)
- Conflict with NPPF (34)
- Overlooking (29)
- Design (29)
- Sustainability (27)
- Loss of privacy (25)
- Increase in pollution (24)
- Strain on existing community facilities (22)
- Boundary issues (15)
- Drainage (14)
- Inadequate public transport (14)
- Potentially contaminated land (12)
- Flooding (11)
- Fear of crime (9)
- Inadequate parking provision (9)
- Loss of farmland (8)
- Loss of light (4)
- Increase in anti-social behaviour (3)
- Footpaths (3)
- Government policies (1)

Neutral comment summarised as follows:

- Health and Safety (1)
- Landscape (1)
- Highways (1)

Supporting comments summarised as follows:

- Lack of overall harm (8)
- Climate change (7)
- Support of ecology / wildlife (6)
- Minimal wildlife impact (5)
- Sustainability (3)
- No harm to public right of way (2)
- Boundary treatment (1)
- Consultee Support (1)
- No visual harm (1)
- Supporting LP18 (1)

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

## RELEVANT PLANNING HISTORY

**REF:** DC/22/04255

Request for formal Screening Opinion under  
Regulation 6 (1) of The Town & Country Planning  
(Environmental Impact Assessment) Regulations  
2017- Erection of a <50MW solar array and  
associated infrastructure.

**DECISION:** FAN  
01.09.2022

## APPLICATION ASSESSMENT

### 1. Proposed Development

1.1. The proposed development comprises of:

- Solar photovoltaic panels with a 40MW export capacity
- Distribution Network Operator (DNO) substation
- Customer substation
- Control building
- String inverters
- Transformer stations
- Spares container
- Fencing
- Soft landscaping
- Internal access tracks

- New access
- Altered existing access

## **2. Site and Surroundings**

- 2.1. The site is located in the countryside, within the parish of Bentley and extends 48.30 hectares, over two agricultural fields (an eastern and western field).
- 2.2. The site is made up of 7.1% Grade 2 land, 55.7% Grade 3a land and 37.2% Grade 3b land. In total 62.8% of the land is therefore considered Best and Most Versatile agricultural land.
- 2.3. The site straddles between two roads, Potash Lane and Church Road. Church Road is designated a Quiet Lane.
- 2.4. To the northeast of the site is Engry Wood, an Ancient and Semi-Natural Woodland and County Wildlife Site. The site falls within a Site of Special Scientific Interest Risk Impact Zone, with solar projects over 0.5 hectares included as a potential risk.
- 2.5. The site falls within the Suffolk Coast and Heaths National Landscape Additional Project Area and is designated a Valued Landscape.
- 2.6. There are no Public Rights of Way running through the main part of the site, however there is a Public Right of Way (footpath) that terminates at the southern boundary of the main part of the site. There are other nearby Public Rights of Way (footpaths) and (bridleway) to the north, east and west respectively, which are separated from the main part of the site by intervening land. The footpaths running east and west do however cross the access tracks required to connect to the substation and for the main site.
- 2.7. There are several nearby heritage assets, both designated and non-designated. There are non-designated heritage assets south (Red Cottages, Potash Cottages and Falstaff Manor) and north (Uplands, Glebe Cottage, Bentley House and Little House). There are designated Grade II\* listed buildings north (St Mary's Church, Bentley Hall and Bentley Hall Meeting Hall Stables) and a Grade I listed building (Bentley Hall Barn) also north. There are also Grade II listed buildings to the east of the substation site (Maltings Farmhouse, Maltings House and Pump and Maltings Cottage Church).
- 2.8. The site primarily falls within Flood Zone 1, with a small area to the east within Flood Zones 2 and 3. The site is primarily at a very low risk of pluvial flooding, however there are some small areas that are at risk of pluvial flooding. The site is not vulnerable to groundwater or reservoir flooding and is not within a critical drainage area.

## **3. Principle of Development**

- 3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.

3.2. Policy SP03 directs development to the most sustainable locations and sets out the Council's spatial strategy, which restricts development in countryside locations except in specific circumstances. Permitted forms of countryside development include: a) sites that are allocated, b) development in accordance with an adopted Neighbourhood Plan, c) development compliant with paragraph 84 (NPPF 2024) or c) development compliant with another plan policy listed in Table 5 of policy SP03.

3.3. Table 5 sets out that development in the countryside which is in accordance with policy LP25 is acceptable in principle. Policy LP25 relates to energy sources, storage and distribution, including solar farms.

3.4. Policy LP25 states that renewable energy will be supported subject to:

- a) *The impact on (but not limited to) landscape, highway safety, ecology, heritage, residential amenity, drainage, airfield safeguarding and the local community having been fully taken into consideration and where appropriate, effectively mitigated;*
- b) *Where renewable or low carbon energy designs are to be incorporated within a development, an integrated approach being taken, using technology that is suitable for the location and designed to maximise operational efficiency without comprising amenity;*
- c) *The impact of on and off-site power generation infrastructure being acceptable, having regard to other policies in this Plan;*
- d) *The provision of mitigation, enhancement and compensation measures when necessary; and*
- e) *Approval of connection rights, and capacity in the UK power network, to be demonstrated as part of the planning application (where applicable).*

3.5. In addition, Points 2 and 3 of the policy state:

- 2) *The relevant LPA will normally use conditions attached to planning consents for energy development schemes to ensure the site is restored when energy generation ceases or becomes non-functioning for a period of six months.*
- 3) *Where 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.*

3.6. Noting the sensitive nature of the site in landscape and heritage terms, the proposal would result in significant heritage and landscape harms, as discussed further in the relevant sections of this report. The landscape and heritage harms cannot be effectively mitigated and the harm needs to be considered in the overall planning balance.

3.7. The solar farm would generate 43.3 GWh of renewable energy per annum which would save 8.963 tonnes of carbon dioxide approximately equates to an electricity need of 10,823 houses. The panels would be angled facing southwards.

3.8. The proposal will be assessed against other relevant policies of the plan in subsequent sections of this report.

- 3.9. Mitigation measures have been proposed and could be conditioned if permission were granted these are discussed in subsequent sections of this report. However, one such measure includes making more effective use of land, through sheep grazing, which goes some way to addressing concerns about the loss of land for agricultural use. Discussions have been had between the applicant, landowner and a local sheep farmer. A Grazing Management Plan could be conditioned if permission were granted to secure this additional use of land.
- 3.10. The applicant has a connection agreement with UKPN which has a connection date of no later than 2031. The connection is made on the basis that there is capacity available in an overhead high voltage power line which crosses the district. The grid connection is a high voltage pylon, connection would be made to this pylon through Horizontal Directional Drill beneath the railway line.
- 3.11. The proposed development is for a 40-year temporary permission, which would be conditioned if permission were granted. Whilst the land can be conditioned to be reinstated and returned to an agricultural use following the ceasing of operations, either at the 40-year mark or sooner, the impacts of the development are not obviated simply by its 'temporary' nature.
- 3.12. Noting the harm to the Project Area of the National Landscape and heritage assets, an alternative sites assessment is required by point 3 of policy LP25. The applicant had sought to undertake such assessment, however the detail of this was not considered sufficient to comply with the policy as it fails to properly assess harms from alternative locations. However, a recent solar appeal in Mid Suffolk District has addressed the limitations of such an alternative sites assessment exercise and whether it is of value to the overall process and aims of policy LP25, this appeal decision is an important material consideration.
- 3.13. Within the Badley appeal decision (Council reference DC/22/01530) APP/W3520/W/24/3345132, paragraph 41 of the Inspector's report states "If Part 3 of the policy requires an alternative site assessment, then the appellant has complied insofar as Appendix 17 of Mr Holliday's PoE was submitted to and discussed at the Inquiry. None of the possible alternative sites currently has a grid connection offer. Given the current queue for grid connections there would be likely to be a significant time delay before any of these sites could connect to the grid. That is an important consideration in assessing the availability of alternative sites for a solar farm scheme given the urgent need for new electricity infrastructure and solar being a key part of the Government's strategy for low-cost decarbonisation of the energy sector."
- 3.14. It is clear that the Inspector has deemed an alternative sites assessment to be an academic exercise at this stage. Given the urgent need for decarbonisation of the UK's energy and the long queues for grid connections, other potentially more suitable locations in constraint terms cannot be considered a true alternative without a grid connection first being in place. To this end the site proposed is the only site that offers a viable option along the line at this present time.
- 3.15. Notwithstanding the matter of an alternative sites assessment, the proposal still conflicts with policy LP25 by way of significant landscape and heritage harms which cannot be effectively mitigated.

- 3.16. The harms and conflict with policy LP25 must be weighed against the provisions of the NPPF, specifically paragraphs 161 and 168 which place significant weight on the benefits of renewable and low carbon energy. This significant weight is further supported by the most recent Government Plan to address climate change through clean electricity, Clean Power 2030 Action Plan.
- 3.17. Whilst this is an important material consideration, the NPPF and the Clean Power 2030 Action Plan do not change the status of the Development Plan as the starting point for decision making. The heritage and landscape harms, as discussed in detail later on in this report, are significant and there is conflict with a number of policies within the Plan. It is acknowledged that across Babergh and Mid Suffolk there are a high number of listed buildings and landscape designations, however a number of solar developments have been permitted in more suitable and less harmful locations to support the Government's move towards net zero.
- 3.18. Significant weight being given to the benefits of renewable energy does not offer an automatic approval system. The significant benefits of renewable energy must be balanced against the significant landscape and heritage harms in this instance, with a heritage asset's conservation being a matter of considerable importance and great weight. When combining these harms, it is clear that this is an inappropriate location for a solar farm, harming both the natural and historic environment.
- 3.19. The proposed development is contrary to policy LP25 by way of conflict with policies SP09, LP17, LP18 and LP19, in respect of landscape and heritage harms. Consequently, as the proposal is in conflict with policy LP25 it is not considered to be in accordance with one of the policies of the Joint Local Plan listed in Table 5, and therefore also conflicts with policy SP03. The site is not a sustainable location for this development. The principle of the development is therefore considered to be unacceptable.

#### **4. Highway Considerations**

- 4.1. Policies LP24, LP25 and LP29 of the JLP and paragraphs 105, 115, 116 and 117 of the NPPF seek to ensure development does not severely affect the highway or public rights of way network, including the safety of users, by securing safe and unobstructed access and egress, parking and visibility.
- 4.2. An access track would run through the site connecting onto Potash Lane and Church Road. A separate access track would run from an unnamed road, located between Church Road and the A137 northeast of the main site, and provide an access route to the DNO substation and point of connection via an existing pylon.
- 4.3. A Construction Management Plan and Transport Assessment was submitted. The construction period would last for around 32 weeks. Construction access would be via the existing access track from Station Road, Church Lane would be crossed from the western field of the main site to access the eastern field of the main site but would not be travelled along. Access to the DNO substation and point of connection would be via the A137 and an unnamed road to the west of the A137. The construction compound would be located within the confines of the site.

- 4.4. SCC Highways raised no objection to the development, but noted that a Temporary Traffic Regulation Order would be required to be secured outside of the planning system during the construction process. In addition, were permission to be granted, conditions would be required to cover the provision and standard of accesses, Construction Management Plan, PROW protection, crossing arrangement scheme, gates, visibility splays, surface water, HGV movements.
- 4.5. The proposal would comply with the JLP and NPPF in respect of highway and PROW impacts and is therefore acceptable from this perspective.

## **5. Flood Risk and Drainage**

- 5.1. Policies SP10 and LP27 of the JLP, policy BEN 4 of the BNP and paragraph 170 of the NPPF seek to secure sustainable drainage systems and steer development away from areas vulnerable to flooding and ensure development does not increase flood risk elsewhere now or in the future, taking account of all sources of flood risk.
- 5.2. A Flood Risk and Drainage Strategy was submitted and assessed by SCC Floods and Water. The surface water drainage strategy could be conditioned to be complied with were permission to be granted.
- 5.3. The proposed routing travelling from the eastern field of the main site is at risk of fluvial and pluvial flooding, however given the underground nature of this, there are only small areas of built development that are at risk of pluvial flooding, which are the grid connection compound and a northern area of the main site.
- 5.4. As part of the site is at risk of flooding, in line with paragraph 170 of the NPPF a sequential test should be undertaken or a Site-Specific Flood Risk Assessment should be submitted which demonstrates that no built development is in an area at risk. Whilst a Site-Specific Flood Risk Assessment has been submitted it does demonstrate that there are some limited areas of surface water flooding that would overlap with built development. The site would nonetheless pass the sequential test for the same reasons as the alternative sites assessment discussed in the principle section of this report. It cannot be demonstrated that there are reasonably available alternative sites that are at a lower risk of flooding given the difficulties with obtaining grid connection agreements in other locations.
- 5.5. As the site passes the sequential test, one must turn to the exception test, which is twofold. In addressing paragraph 178 of the NPPF, the development must a) provide wider sustainability benefits to the community that outweigh the flood risk; and b) be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 5.6. The development offers wider sustainability benefits given that it is for a renewable energy scheme and the Site-Specific Flood Risk Assessment has demonstrated that sufficient mitigation measures can deal with the very limited areas of flood risk. Levelling on the grid connection compound area of the site would ensure the development sits at 300mm above surrounding ground levels and the flood depths of 150mm which would ensure it is safe for its lifetime. The small area of displaced flood water would follow existing topography into areas which are already at risk of surface water flooding, the extent of at-risk areas would remain the same. All solar

arrays will be mounted in a way to allow for free flowing of any flood water or surface water across the site such that there is no increase or displacement of water. Nothing on the site that is vulnerable to flood damage is located in an area at risk of flooding.

- 5.7. The surface water drainage strategy outlines steps to ensure that the development of the site will not undermine current drainage on site and not result in flooding. The ground mounted solar array will enable surface water to drain into permeable areas beneath the panels, with 3.5 metre gaps between rows to enable rainwater to run into the ground rather than continuously over panels. The compounds will be sat on permeable surface (compacted stone). The access tracks will also be laid with a permeable material. Swales or filter drains will be installed at every 5<sup>th</sup> row of the panels to intercept overland flow, encourage infiltration and act as erosion control.
- 5.8. The proposal would be safe for its lifetime, would not increase flood risk elsewhere and would provide a viable and suitable surface water drainage strategy. The proposal would comply with policy LP27 of the JLP and paragraphs 170 and 178 of the NPPF.

## 6. Heritage

- 6.1. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest which it possesses.
- 6.2. The practical effect of this legal duty is that the decision-taker is presented with a strong presumption against a grant of permission where harm is identified, as the asset's conservation is a matter of considerable importance and weight.
- 6.3. Irrespective of the level of harm identified to the significance of a designated heritage asset (including from its setting), great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
- 6.4. Policies SP09 and LP19 of the JLP, policies BEN 11 and 12 of the BNP and paragraphs 212, 213 and 215 of the NPPF, are consistent with the above duty.
- 6.5. The site sits between designated and non-designated listed buildings to the north, east and south. The Council's Heritage Officer identifies a number of important aspects that contribute to the significance and setting of the designated heritage assets:

- Grade II\* Listed Church of St Mary is a parish church with a nave of 12<sup>th</sup> Century origin, a 14<sup>th</sup> Century west tower and south porch, and a chancel of approximately 14<sup>th</sup> Century date. Various restorations were carried out in the 19<sup>th</sup> Century. The church yard associated with the Church of St Mary is surrounded by dense planting, and the church tower can be seen as a landmark feature from the bounds of the site and within it.
- Grade II\* Listed Bentley Hall and the associated stables (separately listed), and Bentley Hall Barn, which was upgraded to Grade I Listed in 2022. Bentley Hall and its associated outbuildings are one of the best preserved and historically significant Tudor manorial complexes in Britain. The Hall was the medieval seat of the Tollemache family, which established their seat at Helmingham Hall in the 16<sup>th</sup> Century where the family remains.

The earliest part of Bentley Hall dates to the early 15<sup>th</sup> Century, but most of the building dates to the late 16<sup>th</sup> Century when it was refurbished as a dower house. The stables, originally a brewhouse, are early 16<sup>th</sup> Century, and the barn dates to the late 16<sup>th</sup> Century. The landscape setting of the Bentley Hall group is known to be closely related to the historic seigneurial landscape of the Hall, with a grand avenue approach to the Hall from the north, flanked by the large barn which would have been replicated on the western side of the road. This avenue is now Old Hall Lane. The group is highly significant, and the landscape setting makes a positive contribution to their significance. The landscape north of the site is also identified as parkland associated with Bentley Park on historic, 19<sup>th</sup> Century, OS maps.

- Several rights of way move through the landscapes of Bentley Park and Bentley Hall. The rights of way network carries through to the road and across the current railway line to Maltings House to the east, and a loose group of Grade II listed buildings including Maltings Farm and Maltings Cottage. It is therefore highly likely that the application site(s) will be widely experienced in the context of the historic landscape settings of the listed assets whilst using the public right of way network.

- 6.6. The location of several non-designated heritage assets near to designated heritage assets only serves within this agricultural landscape only serves to bolster the historical significance of the area. As discussed later in the Landscape section of this report, there is an intrinsic link between the historical significance of the area and its landscape features. The assets are experienced via a range of historical routes along both the highway and rights of way networks.
- 6.7. The Council's Heritage Officer and Historic England identified that the development would result in a low-to-medium level of less than substantial harm to the significance and setting of designated and non-designated heritage assets, which would arise from the dramatic change in the site's character and landscape following a change from an agricultural setting to an industrial one.
- 6.8. In line with policy LP19 and paragraph 215 of the NPPF, public benefits must be identified within the proposed development that outweigh the harm, recognising that this is a matter of considerable importance and great weight.
- 6.9. The harm arising would be to a range of designated and non-designated heritage assets and would be directly linked to the change in the historical landscape. Importantly, a number of assets affected are of the highest grading, Grade I and Grade II\*.
- 6.10. It is acknowledged that there are public benefits of the scheme through clean renewable energy which are given significant weight as benefits within the NPPF and through Government plans. The impact on designated heritage assets is however also a matter of considerable importance and great weight.
- 6.11. Given the highly graded assets involved, the number of assets harmed across the area, and their intrinsic link with the historical landscape, which is also harmed and is discussed further in the landscape section of this report, the harms are considered to be of a scale and nature that are not outweighed by the public benefits attached to the delivery of clean and renewable energy. This is owing to the highly sensitive nature of this location, when less sensitive locations exist. The

setting and significance of these assets should not be eroded and harm should not be accepted solely because a grid connection exists in the locality and a willing landowner has been found to offer this particular site.

- 6.12. The site lies in an area of archaeological potential with a high potential for below-ground heritage assets of archaeological importance being found. SCC Archaeology raised no objection subject to conditions relating to investigative works and management to ensure areas are preserved in situ. The applicant has confirmed that in areas of archaeological sensitivity surface mounted panel frames will be used to preserve archaeological assets in-situ.
- 6.13. Officers are aware that there is a proposal and consultation underway for a Conservation Area in Bentley. The outcome of this consultation is not yet known. Given that the application is here for determination now, members are advised to give little weight to that proposal at this time, such that it plays no determinative role in this application.
- 6.14. The proposal would result in a level of less than substantial harm to a range of designated and non-designated heritage assets, including highly graded assets. The public benefits of the scheme are not considered to outweigh this harm. The proposal therefore conflict with policies SP09, LP19 and LP25 of the JLP and paragraphs 212, 213, 215 and 216 of the NPPF.

## **7. Design and Layout**

- 7.1. Policies SP09, SP10, LP23, LP25 and LP24 of the JLP, policy BEN 3 of the BNP and paragraphs 131, 135 and 139 of the NPPF work *inter alia* to ensure development is appropriate and sympathetic within its surroundings and is environmentally sustainable, paying particular attention to the design, layout and construction of development.
- 7.2. The panels would be raised 0.8 metres from the ground and organised in rows with 2.5- 3.5 metre gaps between. The panels would be no higher than 3 metres and ram driven into the ground using GPS piling machines up to depth of 1.2 metres.
- 7.3. Cabling to serve the panels would be sufficiently secured and elevated to ensure sheep grazing can occur beneath without undermining the panels. At the end of each row the cabling will go underground and connect into string inverters which will convert direct current to alternating current to transfer the electricity to the grid. The string inverters would then connect into transformers.
- 7.4. 11 transformer stations would be located on site. The transformer stations would cover a total area of 163 square metres with a maximum height of 3.2 metres. The transformers control and increase the voltage of electricity generated by the solar panels, feeding into a customer substation before reaching the DNO substation and feeding into the grid at the point of connection. The customer substation is located to the southeastern part of the eastern field and the DNO is located closer to the point of connection to the northeast of the main site. The customer substation would cover an area of 34.4 square metres, with a height of 3.8 metres. The DNO substation would cover an area of 23.87 square metres and have a maximum height of 3.9 metres.

- 7.5. A control building is proposed for monitoring the performance of the solar farm, would cover an area of 13.5 square metres and have a height of 3.2 metres. The control building is proposed to the southeastern part of the eastern field.
- 7.6. A spares container is proposed to the southeast of the eastern field. This container will be of a typical shipping container appearance with a height of 2.8 metres covering 29.9 square metres and will be used to store spare parts for maintenance purposes.
- 7.7. The panels would be enclosed by 2-metre-high deer/stock fencing. Small areas of timber close boarded fencing are proposed around some transformers along the southern boundary of the site. The substation compounds would be enclosed by palisade fencing. Pole mounted CCTV with a maximum height of 3 metres are also proposed for security.
- 7.8. Lighting would be limited to the control building and substations, which would be motion activated.
- 7.9. The proposed design and layout of the solar farm is typical of a development of this nature. The design and layout of the development in and of itself would be compliant with the relevant policies of the JLP and NPPF.

## **8. Residential Amenity**

- 8.1. Policies LP15, LP24 and LP25 of the JLP, policy BEN 3 of the BNP and paragraphs 105, 135, 187 and 198 of the NPPF seek to ensure development does not detrimentally affect the residential amenity of neighbouring residents in order to achieve and maintain well-designed places and the health and wellbeing of communities.
- 8.2. A Glint and Glare Assessment was submitted which has assessed the potential solar reflections at different times and points of the year towards roads, the railway line and dwellings using geometric calculations. It is concluded that the existing screening around the boundaries of the site would intercept reflections and no mitigation is required.
- 8.3. A Noise and Vibration Assessment and subsequent technical note was submitted to specifically assess the impacts from the string inverters, transformers and overall low frequency noise. The Council's Environmental Health Team raised no objection as the solar farm equipment will not give rise to any significant adverse impact on nearby noise sensitive properties. Were permission to be granted a condition would be required to confirm that the noise levels are as predicted or additional mitigation should be provided.
- 8.4. The Council's Environmental Health Team have raised no objection to the proposal in respect of land contamination or air quality matters.
- 8.5. As per the Highways section of this report, construction information has been submitted and was accompanied by a transport assessment. It is anticipated that a large proportion of disturbance to local residents will be confined to the construction period. Given the scale and nature of this type of development local disturbance to residents is inevitable, however these impacts will be confined to during the construction period and can be appropriately mitigated via conditions.

8.6. In conclusion, the proposal is, therefore, considered acceptable from a residential amenity perspective.

## 9. Landscape

9.1. Policies SP09, LP17, LP18 and LP25 of the JLP, policies BEN 3 and BEN 7 of the BNP and paragraphs 136, 187, 189 of the NPPF seek to conserve and enhance the natural environment, specifically the landscape and its key characteristics, both within the confines of the site and within the wider locality.

9.2. Buffers are proposed between existing boundary vegetation and the solar fencing of a minimum of 6 metres along most sides, extending to 15 metres along the boundaries with Engry Wood. In addition, meadow areas, comprised of species diverse grassland, are offered as a buffer to the north and south between housing and the solar panels.

9.3. Native species hedgerows are proposed to be planted within the site, surrounding the DNO substation and along the access track adjoining the access points to soften the development.

9.4. Concerns have been raised in respect of potential harm to the roots of T31, which is an ancient tree, as shown on the Arboricultural Impact Assessment. Whilst the Council's Arboricultural Officer raised no objection, were permission to be granted a condition requiring a full arboricultural method statement could be imposed to ensure this tree is not lost as a result of disturbance during construction.

9.5. The site falls within the Suffolk Coast and Heaths National Landscape setting and is within the Additional Project Area, which is a valued landscape in accordance with paragraphs 187 and 189 of the NPPF. Under policy LP18, development within the project areas should have regard to the relevant Valued Landscape Assessment. The project areas were drawn up not to identify areas of valued landscape but to identify valued aspects of the landscape within those areas.

9.6. Place Services Landscaping (PSL) raised no objection to the overall principle of the development, however, did note a number of specific issues that needed addressing within the design and landscaping on the site which have not been addressed. Importantly however, PSL primarily considered site-specific landscape impacts and did not consider the implications of the site's development in respect of its location in a valued landscape. The Council therefore commissioned an independent landscape consultant to review the information submitted and specifically to assess the impact on the valued landscape. The conclusions of that review were that the proposal would cause significant harm to the valued landscape.

9.7. The National Landscape Team also raised an objection arising from harm to the valued landscape owing to the introduction of an incongruous, industrialised character where agricultural use has remained unaltered over many centuries.

9.8. The site falls within an area of the Additional Project Area which provides a valuable contribution to the landscape. In landscape assessments undertaken on the Additional Project Area, the following valued aspects of the area that the site falls within have been identified:

- An area with a higher level of natural beauty is “*the area around Bentley Park, Bentley Hall and Bentley Manor where historic landscape patterns remain relatively intact*” - Natural Beauty Assessment (2017)
- “*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. Sinuous 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*”- Valued Landscape Assessment Suffolk Coast and Heaths Additional Project Area (2020)

9.9. There was a post 1950s loss of historical field boundaries within the site which the applicant proposes to reinstate via the landscaping scheme. However, when the field boundaries were originally lost no incongruous features were introduced, resulting in a wholly agricultural character being retained. This solar farm would entirely erode the remaining agricultural character by introducing an alien industrial character.

9.10. The proposed reinstatement does not align with historical boundaries nor the traditional agricultural land use. The historic field pattern would not be restored, instead a new field pattern which responds to the solar farm use would result. The proposed reinstatement of field boundaries would be inaccurate, would not mitigate adverse impacts nor benefit the valued aspects of this landscape, instead the valued aspects would be eroded and overshadowed by the prominent industrial character that would be introduced.

9.11. It is clear that the site provides a particularly strong landscape contribution to the Additional Project Area. It is also clear that there is an intrinsic link between the heritage and landscape value of the area which can be experienced along both the highway and rights of way networks.

9.12. The site contains features of value, such as the narrow sinuous Church Road, and it provides a supportive, underdeveloped transition between the most historically intact landscape areas around the Church/Hall complex and the more developed areas in the south of Bentley Parish. The site has an important role to play in its landscape context.

9.13. The development cannot be accommodated in this landscape without significant harm arising to the character and appearance of a valued landscape. The development would introduce a noticeable detractor which would significantly disrupt the transition from the area of intact historic landscape to the wider, less intact landscape. The solar farm would interrupt the current gentle transition in an abrupt and jarring manner. In addition, the character of Church Road, one of the historic, sinuous rural lanes, would be harmed. The development is of an alien industrial nature in a tranquil rural agricultural location.

9.14. The proposal would significantly harm the landscape, undermining the site and area’s contribution as a valued landscape within the setting of the Suffolk Coast and Heaths National Landscape. The proposal would conflict with policies SP09, LP17, LP18 and LP25 of the JLP and paragraphs 187 and 189 of the NPPF.

## **10. Biodiversity**

- 10.1. Policies SP09, LP16 and LP25 of the JLP, policies BEN 8 and BEN 10 of the BNP and paragraphs 187 and 193 of the NPPF require development to protect and enhance designated sites, habitats and species.
- 10.2. An Ecological Assessment, Breeding Bird Survey Report and Wintering Bird Survey Ecology Report were submitted and assessed by Place Services Ecology who raised no objection. Were permission to be granted, conditions would be required securing a Construction Environmental Management Plan.
- 10.3. Biodiversity enhancements are required to support species, this would need to be secured via condition were permission granted.
- 10.4. In addition, policy LP16 specifically requires that development must identify and pursue opportunities providing the equivalent of a minimum of 10% biodiversity net gain (BNG).
- 10.5. The application was submitted prior to the introduction of mandatory BNG as set out within the Environment Act 2021. The application is however determined under the Council's Joint Local Plan, such that policy LP16 still requires 10% BNG to be delivered to support habitat, which is separately from biodiversity enhancement measures. The applicant has submitted a BNG Metric which demonstrates that new hedgerows and neutral grassland areas will be planted to provide measurable net gains. If permission were granted, a condition would be required securing BNG on site.
- 10.6. The proposal is acceptable from a biodiversity perspective in line with the policies of the JLP and paragraphs of the NPPF.

## **11. Obligations**

- 11.1. The applicant has committed to contributing £10,000 per annum during the operational years towards a community benefit fund.
- 11.2. Financial mitigation of development can only be secured where it is necessary to make the impacts of the scheme acceptable so as to enable the grant of permission. The mechanism for securing such financial mitigation is by way of legal obligation. Such obligations must however meet certain tests set out in the NPPG and Community Infrastructure Levy Regulations.
- 11.3. Based on the nature of the application and policy basis, there is not considered to be any policy basis for any financial compensation or other scheme to be offered/ put in place for the community or other party as it would not meet the tests set out within the section 123 of the Community Infrastructure Levy Regulations 2010.
- 11.4. Whilst the applicant has therefore committed to delivering this fund, it is not a material consideration in the determination of this application.

## CONCLUSION

### **12. Planning Balance and Conclusion**

- 12.1. Decision taking begins with the development plan and it is of vital importance that planning decisions are plan-led. The NPPF, an important material consideration, reiterates this fundamental point.
- 12.2. The proposal would contribute to the Government's aims of hitting net zero and would positively contribute to the delivery of clean renewable energy. However, these benefits have to be weighed against the significant heritage and landscape harms that would arise. These harms are intrinsically linked to the important contributions that the site and its surroundings make to the historical landscape. The development would undermine, erode and alter the traditional agricultural character through the introduction of an incongruous and abrupt industrialised character.
- 12.3. The presence of a grid connection in the locality is not sufficient justification to warrant the harm that would be caused to a number of heritage assets, including those of the highest grading, and the harm to a valued landscape, within the setting and Additional Project Area of the Suffolk Coast and Heaths National Landscape.
- 12.4. In conclusion the proposal would conflict with Development Plan, specifically with policies SP03, SP09, LP17, LP18, LP19 and LP25 of the Babergh and Mid Suffolk Joint Local Plan and policies BEN 3, BEN 7, BEN 11 and BEN 12 of the Bentley Neighbourhood Plan. In addition, the proposal would also conflict with paragraphs 187, 189, 212, 213, 215 and 216 of the NPPF.
- 12.5. The development is contrary to the Development Plan and there are no material considerations which indicate that a decision should be taken other than in accordance with the plan.

## RECOMMENDATION

That Members resolve to **REFUSE** planning permission for the following reasons (subject to final wording):

- 1) 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) 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.

In the event that an appeal against the refusal of planning permission is received, delegate authority to the Chief Planning Officer to defend that appeal for the reasons set out above, being amended and/or varied as may be required.