

**PINS Reference: APP/D3505/W/25/3370515**

**Grove Solar Farm, Bentley, Suffolk**

**PROOF OF EVIDENCE**

**OF**

**ALISON FARMER**

**BA, MLD, CMLI**

**Landscape and Heritage Issues**

On behalf of

**Bentley Parish Council and Stop Grove Farm Solar**

December 2025

## Table of Contents

<b>1.0 Introduction .....</b>	<b>3</b>
Qualifications and Experience .....	3
Background and Scope of the Evidence.....	4
<b>2.0 Additional Project Area and Valued Landscape.....</b>	<b>7</b>
Policy Background on Valued Landscapes.....	7
Chronology of studies and geographical extent .....	8
Origins and Status of the Additional Project Area .....	11
The Bentley Area as a Valued Landscape.....	15
Conclusions.....	20
<b>3.0 The Heritage of the Receiving Landscape.....</b>	<b>22</b>
The link between landscape and heritage .....	22
Policy and Guidance Relating to Historic Environment .....	22
Bentley Conservation Area Appraisal and Management Plan ("CAAMP") .....	25
Manors and Manorial Land.....	27
Ancient Woodland – Engry Wood.....	29
Hedgerows and Veteran Trees.....	32
Historic Lanes .....	33
Landscape Change and Detracting Elements.....	41
Contribution of the Site and environs to the special qualities of the landscape and significance of the Conservation Area. .....	42
Conclusion .....	43
<b>4.0 The Proposed Development and Effects .....</b>	<b>44</b>
Proposed Development.....	44
Landscape Impacts .....	45
Value, Susceptibility and Sensitivity .....	45
Extent of Landscape Effects.....	46
Construction Phase .....	47
Operational Phase.....	49
Mitigation.....	52
Impact on the Character and Appearance of the Conservation Area .....	54
Reversibility.....	59
Conclusions.....	60
<b>5.0 Summary and Overall Conclusions .....</b>	<b>63</b>

## Appendices (bound separately)

**Appendix 1:** Figures 1-5

**Appendix 2:** Extract from Shotley Peninsular Landscape Character Assessment

**Appendix 3:** Extract from the Natural England Evaluation of D3

**Appendix 4:** Heritage Review by Leigh Alston

**Appendix 5:** Veteran Tree Survey

**Appendix 6:** Local Walking Routes

## 1.0 Introduction

### Qualifications and Experience

1. My name is Alison Farmer, and I am the Director of Alison Farmer Associates Limited. I hold a BA in Archaeology from the University of Reading and a Master's Degree in Landscape Design (with distinction) from the University of Manchester. I am a Chartered Member of the Landscape Institute (CMLI – Landscape Division).
2. I have worked in landscape architecture and environmental planning for over thirty years, drawing together an understanding of both the physical and historic dimensions of the landscape to inform analysis and decision-making. My student research on the setting of historic sites received a Landscape Institute Award in 1994, and my Conservation Management Plan for the Castle Howard Estate won an RTPI Award in 2009. Working closely with Cornwall Archaeology Unit, I helped develop the first Historic Landscape Characterisation in Cornwall, integrating an understanding of history into landscape character assessment.
3. I have extensive experience in protected landscapes and in landscape assessment for national designation. I led the consultant team in defining the South Downs National Park boundary and acted as expert witness for Natural England (formerly the Countryside Agency) at the reopened inquiry in 2008. I also advised Natural England during the extensions of the Lake District and Yorkshire Dales National Parks and have provided training to their staff on evaluation techniques on a number of occasions. I am currently advising Natural England on two national landscape designations: the Surrey Hills National Landscape boundary review and a proposed new National Landscape in the Yorkshire Wolds.
4. My expertise in landscape evaluation has informed my wider work in defining valued landscapes. I was a member of the Landscape Institute working group responsible for the LI Technical Guidance Note on '*Assessing landscape value outside national landscape designations*' (CD G3), contributing to the development of advice on relevant factors and the practical application of evaluation methods. I have undertaken numerous valued landscape assessments across England, and including in the East of England.

5. My knowledge of the Bentley area is well established through more than 12 years of work locally. This includes the development of the East of England Landscape Typology, the Shotley Peninsula and Hinterland Landscape Character Assessment (CD G6), the Bentley Neighbourhood Plan Landscape Appraisal (CD G7), and the Suffolk Coast and Heaths Valued Landscape Assessment (CD G9). I also supported Natural England during its review of the Suffolk Coast and Heaths National Landscape boundary (CDs G2 and G8).
6. A consistent thread through my work is the recognition of the historic dimension of the landscape and its contribution to local distinctiveness and sense of place. This approach underpins my conservation plans for heritage sites and landscapes, and my assessment of future change and development. It requires familiarity with key datasets and guidance relating to cultural heritage, landscape character, and landscape and visual impact assessment, as well as the ability to interpret how heritage is expressed within the present-day landscape.
7. The evidence I have prepared and set out in this proof is provided in accordance with Landscape Institute guidance and that of Historic England. I confirm that the views expressed are my true and professional opinions.

### **Background and Scope of the Evidence**

8. This proof of evidence will examine three main areas as follows:
  - Firstly, the valued qualities of the receiving landscape with reference to existing background studies and evidence.
  - Secondly, the Conservation Area and the contribution of landscape features and built heritage to the character and appearance of the Conservation Area and in particular in the area of the proposed solar farm. Although I consider the mosaic of both landscape and heritage assets which the Conservation Area has been designated to preserve and enhance, detailed assessment of individual built heritage assets falls outside the scope of this proof.
  - Thirdly, the nature of the proposed development and predicted effects including the effectiveness of mitigation planting in the context of the landscape's special qualities.

9. Evidence is presented which shows that the development would bring adverse change and unacceptable detriment to valued landscape qualities and to the character and appearance of the Conservation Area.
10. I have made reference to inter alia the following documents:

#### **Landscape**

- Shotley Peninsula and Hinterland, Landscape Character Assessment, AFA, April 2013 (CD G6)
- Suffolk Coast & Heaths Area of Outstanding Natural Beauty Boundary Variation Project, Natural Beauty Assessment, Natural England, September 2017 (CD G8)
- Bentley Neighbourhood Plan Landscape Appraisal, AFA, December 2019 (CD G7)
- Valued Landscape Assessment, Suffolk Coast & Heaths Additional Project Area, AFA, March 2020 (CD G9)
- Suffolk Coast & Heaths National Landscape Management Plan 2023-28 (CD E3)

#### **Heritage**

- Bentley Conservation Area Appraisal and Management Plan (CAAMP), Babergh District Council, Nov 2025 (CD F1)
- Survey of Selected Heritage Assets in Bentley, Suffolk, Leigh Alston, MA (Oxon), FSA (Appendix 4 of this proof)
- Suffolk Hedgerow Survey 1998-2012, Guy Ackers (CD G11)
- Tendring Protected Lanes Assessment Dec 2015 (CD G12)

#### **Application Documents**

- Planning, Design and Access Statement (CD A2)
- PDAS Appendix B – Landscape and Visual Impact Assessment (CD A4 & A5)
- PDAS Appendix D – Heritage Impact Assessment (CD A8)
- PDAS Appendix H – Transport Statement (CD A15)
- PDAS Appendix I – Arboricultural Impact Assessment (CD A16 & 17)

- Grove Farm Solar Response to Consultee Comments (CS A39)

11. I have also made reference to the relevant drawings (including amended appeal design – CD C5) and the series of photomontages prepared by the appellant (Appendix B, Supporting Figures – CD A6).
12. In preparing this proof I have drawn on my existing knowledge of the Site and wider area following previous landscape work over many years and have undertaken my own field assessment on the 18 November and 15 December 2025. Where I have disagreed with an approach adopted or conclusions reached in the Appellant's documents, I have set these out in my proof. At all times I have sought to avoid duplication, however where I have not mentioned something put forward by the appellant it should not be taken to mean I agree with it. I have discussed the case with the relevant witnesses (namely Michelle Bolger (landscape) and Laurie Hancock (heritage) for the Local Planning Authority, so as to limit overlap and repetition in evidence and to assist the efficient conduct of the inquiry. I have been careful to ensure that the opinions expressed in this proof are my own.
13. Whilst I consider impacts on the Conservation Area, I do not consider setting impacts on individual built heritage assets, which is covered in detail by the Local Planning Authority. Matters relating to national and local plan policy are covered by Ian Poole in his proof of evidence and are not considered in detail in this proof.

## 2.0 Additional Project Area and Valued Landscape

### Policy Background on Valued Landscapes

14. **The NPPF** (CD D1) sets out the national policy objectives with regard to landscape and visual issues. In particular it makes reference to valued landscape stating at paragraph 187 that:

*'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

15. **The current Joint Babergh and Mid Suffolk Local Plan** (CD E1) requires the conservation and enhancement of landscape character and local distinctiveness in Policy LP17 which states:

*'To conserve and enhance landscape character development must:*

- a. Integrate with the existing landscape character of the area and reinforce the local distinctiveness and identity of individual settlements;*
- b. Be sensitive to the landscape and visual amenity impacts (including on dark skies and tranquil areas) on the natural environment and built character; and*
- c. Consider the topographical cumulative impact on landscape sensitivity.*

16. Policy LP18 makes specific reference to Areas of Outstanding Natural Beauty (now National Landscapes) and the Additional Project Area associated with The Suffolk Coast and Heaths. Policy LP18 states:

*'3. Development within the AONB Project Areas should have regard to the relevant Valued Landscape Assessment.'*

17. The Valued Landscape Assessment for the Suffolk Coast & Heaths Additional Project Area (CD G9) identified special qualities relevant to the Appeal Site and is considered in more detail below.

18. **The Bentley Neighbourhood Plan** (CD E2)

Policy BEN 7 relates to protecting Bentley's landscape character and qualities. The Neighbourhood Plan makes reference to the identification of a valued landscape in the northern part of the Parish in the Landscape Appraisal (CDG7). Policy BEN 7 requires any resulting impact of proposed development on landscape character referenced in the Landscape Appraisal to be satisfactorily mitigated.

### **Chronology of studies and geographical extent**

19. In this section of my proof I set out the different assessments and the judgements which have been reached regarding this area since the 1990's up to the present day, and background information on the purpose of these studies and the qualities they identify.
20. Table 1 below provides a quick reference timeline of events and publications relevant to the Site and surrounding landscape in the context of the Suffolk Coast & Heaths National Landscape (formerly AONB) and Additional Project Area (APA), as well as the Dodnash Special Landscape Area and more recent valued landscape assessments. This shows the chronology of different studies as well as repeated consideration of the area and its qualities over many decades.
21. This information has also been shown spatially to aid reference and can be found in Appendix 1 of this proof. Figure 1 illustrates the extent of the solar farm site in the context of the Bentley Conservation Area, Dodnash Special Landscape Area, Additional Project Area, and Suffolk Coast & Heaths National Landscape. Figure 2 illustrates the same information focused on the Parish of Bentley.

**Table 1: Timeline of relevant events and publications**

Date	Event or Publication
1969	<b>Suffolk Coast &amp; Heaths AONB designated.</b>
1993	<b>Suffolk Coast &amp; Heaths Landscape Character Assessment (LUC)</b> This included the wider Shotley Peninsula as an area connected to the AONB. The Peninsula landscape was considered to be an area of sandling similar to many inland parts of the AONB. The assessment made reference to the landscape between Bentley and the A12 stating it had ' <i>retained comparatively modest field sizes and blocks of woodland which resulted in a well-structured landscape in this area.</i> '

1994	<b>Suffolk Coast &amp; Heaths AONB Management Plan</b> included a defined Additional Project Area (APA) which covered land between the Orwell & Stour Estuaries and extended west as far as the A12. The Management Plan identified an extension of the AONB into this area as a management priority. This was a similar approach to that adopted for Dedham Vale and the Stour Valley Project Area.
1997	<b>Publication of the Suffolk Coast and Heaths Landscape, Countryside Commission, 1997.</b> This assessment celebrated the special qualities of the landscape, based on the earlier LUC assessment. This document included a map showing the AONB and APA, which was certainly a defined area by that time.
2006	<b>Babergh Local Plan Alteration No 2 (2006), Chapter 6, Countryside and the Rural Economy</b> This identified a Special Landscape Area at Dodnash. Para 6.22 notes that the extent of the SLAs within the district tend to relate to river valleys and have been drawn to follow physical features on the ground e.g. roads, hedgerows etc.
2008	<b>Suffolk Coast &amp; Heaths Management Plan</b> continued support for the APA
2013	<b>The Shotley Peninsula and Hinterland Landscape Character Assessment</b> described the qualities in the Bentley area as part of the Shotley Peninsula Plateau landscape character area. This assessment noted ' <i>On the western fringe of this landscape, at the boundary with the claylands, that there is a notable pattern of estate halls including Bentley Old Hall, Bentley Manor and Bentley Hall</i> ' and that ' <i>a network of single tracked lanes, connect the various settlements and reinforce the perception of the area being a rural backwater. Some ancient routes remain as tracks and footpaths particularly in the west.</i> '
2014	<b>Babergh Core Strategy and Policies (2011-2031)</b> included a statement that adopted and saved Local Plan Policy CR04 - Special Landscape Areas, remained extant.
2015	<b>Joint Babergh and Mid Suffolk District Council Landscape Guidance Supplementary Planning Document.</b> There is no mention of Special Landscape Areas in this document. Nevertheless, it does note that: " <i>The valley surrounded by Dodnash woods and Martins Glen has considerable scenic value with its variations in landform which is complemented by a mosaic of pasture, heath and woodlands, resulting in a particularly rich landscape.</i> "
Sept 2017	<b>Natural Beauty Assessment for Suffolk Coast and Heaths Boundary Variation Project</b> , Natural England. This evaluation identified the area around Bentley and the woodlands to the north as expressing a higher level of natural beauty (pages 70 to 74). However, the area was not included in the Candidate Area for designation due to its limited extent and geographical separation from other qualifying areas.
2018	<b>2018-2023 SC&amp;H AONB Management Plan</b> (page 12) made reference to The Shotley Peninsula Additional Project Area confirming that the AONB Partnership consider it to be a valued landscape as defined in the NPPF and that The Shotley Peninsula Landscape Character Assessment identified the links to the current AONB and the importance of co-ordinated land management.

2019	<p><b>Landscape Appraisal of Bentley Parish</b>, undertaken as part of the evidence base for the Bentley Neighbourhood Plan. This identified a valued landscape in the north of the Parish utilising GLVIA 3<sup>rd</sup> edition Box 5.1 criteria due to its intact historic patterns of settlement, ancient woodland, remnant parkland and rural lanes. It states '<i>Although the topography over much of this landscape is relatively flat, scenic quality is derived from the balanced and cohesive composition of mature trees, wooded skylines, arable fields, historic vernacular buildings and lack of modern development. The footpath network and winding rural lanes, coupled with gentle folds in landform, afford a range of sequential views across a rural backwater which impart strong perceptions of time depth. The ancient woodlands and hedgerows are valued habitats for significant populations of endangered Stag beetle and Dormouse. Many of the buildings are listed and form important groups. These qualities elevate the area above normal countryside.</i>'</p>
March 2020	<p><b>Valued Landscape Assessment – Suffolk Coast &amp; Heaths Additional Project Area</b>, utilising GLVIA 3<sup>rd</sup> edition Box 5.1 criteria. Evaluation Area 1 Wooded Plateau was noted for the following special qualities:</p> <ul style="list-style-type: none"> <li>• <b>Hall/church complexes</b> along with ancient woodland and rural lanes reflect patterns of the medieval landscape.</li> <li>• <b>Remnant areas of parkland and notable veteran trees throughout area</b> impart an established character.</li> <li>• <b>Sinuous lanes and patterns</b> created by wavey edges to ancient woodland, rural winding lanes and old park boundaries and enclosure patterns.</li> <li>• <b>Wooded skylines defined by ancient woodlands</b> and highly valued for biodiversity.</li> <li>• <b>Attractive open views across rural farmland</b> to individual or clusters of vernacular buildings.</li> </ul> <p>Areas where these special qualities are <u>particularly well expressed include around Bentley Hall and Church</u> and confirms recognition as a valued landscape.</p>
July 2020	<p><b>Boundary Extensions to the SC&amp;H AONB/National Landscape confirmed</b> by Secretary of State.</p>
2023	<p><b>Suffolk Coast &amp; Heaths National Landscape Management Plan published.</b> APA mapped on page 18 and discussed on page 19 stating '<i>these areas are valued landscape as defined by the NPPF and are an important part of the setting of the AONB</i>'.</p>
November 2023	<p><b>Adoption of Babergh and Mid Suffolk Joint Local Plan Policy LP17</b> relates to landscape and focuses on the conservation and enhancement of landscape character and local distinctiveness.</p> <p>Para 15.25 specifically references the project area which encompasses the Shotley Peninsula stating '<i>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 [2020], and where relevant seek to deliver enhancements where the special qualities have been impacted by changes in farming practices or previous development.</i>'</p> <p><b>Policy LP18</b> relates to AONB/National Landscape and makes specific reference to the Project Areas '<i>Development within the AONB Project Areas should have regard to the relevant Valued Landscape Assessment.</i>'</p>

2021	<b>Landscape Institute publishes Technical Guidance Note (TGN) on Assessing Landscape Value Outside of National Designations</b>
July 2024	<b>Valued Landscape Assessment undertaken by Michelle Bolger</b> for the area around the Appeal Site as part of the MBELC Review of the planning Application (CD B32).
August 2024	<b>Bentley Historic Core, Proposed Conservation Area Appraisal and Management Plan</b> Handforth Heritage
April 2025	<b>Bentley Conservation Area</b> designated by Babergh District Council
Nov 2025	<b>Bentley Conservation Area Appraisal and Management Plan adopted</b>

22. The above table demonstrates the number of studies and consistent recognition given to the Bentley area over three decades.

### **Origins and Status of the Additional Project Area**

23. The origins of the Additional Project Area (APA) are not entirely clear, but a review of associated and related documents can provide some indication of the intent behind it.

24. A similar 'project area' was first defined for the Dedham Vale AONB, predating that for the Suffolk Coast & Heaths (SC&H). In the case of the Dedham Vale Project Area (which covered the Stour Valley) it is clear the area was considered by the Countryside Commission and Local Authorities to be 'potential AONB', sharing many of the characteristics and qualities of the AONB itself<sup>1</sup> and worthy of management in a similar way as the AONB. It is reasonable to assume, given the close proximity of the two AONBs and wording in the 2008 SC&H Management Plan (see para 28 below), that a similar consideration was given to the Suffolk Coast & Heaths APA which covered the Shotley Peninsula up to the A12 and also land south of the Stour Estuary into Essex (refer Figure 1 in Appendix 1 of this proof).

25. The Natural Beauty Assessment undertaken by Natural England as part of the boundary review of the SC&H gave an account of the designation history and noted at paragraph 3.3.2 that:

---

<sup>1</sup> Dedham Vale AONB Designation History Series, Ray Woolmore, May 2010

*'A Technical Report produced on behalf of the Countryside Commission by LUC in 1993<sup>2</sup> in association with a separate Landscape Character Assessment of the existing AONB, covered "areas within the Suffolk Coast and Heaths Management Plan Area" including the Shotley Peninsula, part of the estuary and land on the south side of the estuary. These areas were thus clearly defined as being of interest locally by that date, though it is unclear when the additional area, included within the Management Plan in October 1994, was first conceived.'*

[emphasis added]

26. It goes on to state at para 3.3.3

*'The LUC Technical Report stated that the Shotley Peninsula was primarily an area of sandling similar to many inland parts of the AONB, but that all the heathland had been lost to agricultural improvement along with many field boundaries, copses, hedgerow trees and even hedges along roads, which resulted in open, unstructured landscapes of flat farmland which it considered monotonous. It also commented on the lack of ecological interest resulting from the agricultural changes and the lack of any literary or cultural references to the landscape of the area. It did however note that the plateau areas had been dissected by streams creating a series of quite narrow, steep-sided valleys which added interest to the otherwise flat landscape. It also noted that the area between Bentley and the A12 had "retained comparatively modest field sizes and blocks of woodland which resulted in a well-structured landscape in this area".'*

[emphasis added]

27. The above extract illustrates that the LUC Technical Report (1993) highlighted the landscape around Bentley as different from other parts of the wider plateau.
28. The **2008 Suffolk Coast & Heaths AONB Management Plan** made reference to the APA stating that the plan '*covers the whole of the Shotley Peninsula and an area on the south side of the Stour estuary that the Partnership wishes to see designated as an AONB. Although many AONB policies in Regional, Structure and Local Plans refer specifically to the statutory designated area, the*

---

<sup>2</sup> Suffolk Coast and Heaths Landscape Assessment, Technical Report, LUC, February 1993

additional land has many similar features and the Partnership is keen to see it managed to the same standard.'

[emphasis added]

29. In 2013 Alison Farmer Associates was appointed by the Stour and Orwell Society and Suffolk Coast & Heaths AONB (now National Landscape) to prepare a **landscape character assessment for the Shotley Peninsula** (CD G6), taking account of the close relationship between the designated estuaries and wider agricultural countryside. This described distinctive characteristics (refer Appendix 2 of this proof for relevant extract) of which the following are relevant to the Appeal Site and its environs:

- Dispersed estate farmsteads are the predominate settlement pattern reflecting former medieval halls and parks (e.g. Pannington Hall and Bond Hall) and remnant areas of parkland including Bentley Hall, Bentley Park, Bentley Manor and Belstead Hall
- Concentration of historic manor houses, churches and farms particularly in the west
- Old lanes remain in the landscape as farm tracks and footpaths e.g. Old Hall Lane and Bentley Lane
- Views to isolated properties are commonplace giving rise to a settled but predominately quiet back-water character

30. The **2018-2023 SC&H Management Plan** stated that:

*'The AONB team work in two areas outside the nationally designated AONB. This work is to provide an AONB type service to the two areas....'*

- a) *The southern shore of the Stour estuary. The AONB team work in an area that is subject to an AONB boundary review on the southern shore of the Stour Estuary.....'*
- b) *The Shotley peninsula. A small area of the peninsula is included in the boundary review .....but the AONB team provides a countryside management service to a larger part of the peninsula....'*

*It is considered by the AONB Partnership that these two areas are valued landscapes as defined by the National Planning Policy Framework, as revised in July 2018..... In the case of the Shotley peninsula this area has been subject to*

a Landscape Character Assessment<sup>3</sup> that identifies the links to the current AONB and the importance of co-ordinated land management.’

[emphasis added]

31. In 2020 Alison Farmer Associates was commissioned to undertake a **Valued Landscape Assessment** of the Suffolk Coast & Heaths Additional Project Area in order to provide an evidence base to the continued recognition of the APA. The scope of this study did not include a review of the boundary of the Additional Project Area, it did however identify areas where landscape qualities are particularly well expressed, following consideration of the Shotley Peninsula as a whole.
32. The areas identified included the Bentley Hall and Church area but also a number of other areas – some of which had past recognition as part of the Dodnash SLA. An example includes land south of Holdbrook Park which was considered during an inquiry into a proposed solar farm in 2014 (CD H19). The Inspector noted at para 35-36 of her report ‘*Moreover, from both its descriptive characteristics and my site visits, it is clear that the area is deeply rural and tranquil in nature.... Therefore, taking account of the scenic and perceptual qualities of the site and its surroundings, and given the area’s unspoilt, natural character and sense of remoteness, I find that the sensitivity of the site and its environs is more than medium and is approaching high.*’ She went on to state at para 45 that the proposed development would ‘*detract from the special landscape qualities of the Dodnash SLA*’.
33. In the Valued Landscape Assessment of the Additional Project Area (CD G9), the Bentley area fell within Evaluation Area 1 Western Wooded Plateau. This area included all of Bentley Parish and land to the north around Belstead. The qualities identified in this area include:
  - ‘*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 lines and patterns created by wavy edges to ancient woodland, rural winding lanes and old park boundaries and enclosure patterns.*

---

<sup>3</sup> Shotley Peninsula and Hinterland LCA, 2013

- Wooded skylines defined by ancient woodlands and highly valued for biodiversity.
- Attractive open views across rural farmland to individual or clusters of vernacular buildings.'

[emphasis added]

34. The above review highlights that the APA has been around for some considerable time. The driving force of the APA was to give recognition to landscape which shares landscape characteristics and qualities to the wider AONB, and to ensure it is managed to the same standard and in a coordinated fashion. The character assessment for the Shotley Peninsula and the Valued Landscape Assessment covered the APA and provided evidence in support of the valued characteristics of the area. The SC&H National Landscape continues to operate within the APA engaging in planning applications and undertaking landscape initiatives in order to conserve and enhance the qualities of the area and that of the National Landscape.

35. The status of the APA is further supported by Policy LP18 which makes specific reference to the Additional Project Area and the special qualities of the landscape identified in the 2020 Valued Landscape Assessment as noted in para 16 above.

### **The Bentley Area as a Valued Landscape**

36. The landscape in the vicinity of the Appeal Site has been evaluated many times and there is a strong consensus in terms of its valued qualities. This is reflected in:

- The definition of the Dodnash SLA;
- The review of the SC&H National Landscape boundaries by Natural England;
- The APA Valued Landscape Assessment;
- The Bentley Neighbourhood Plan Landscape Appraisal and most recently;
- The Valued Landscape assessment undertaken by Michelle Bolger.

### Dodnash SLA

37. Reference is made to Special Landscape Areas in Babergh Local Plans (including Dodnash SLA) between 1997 and 2014. Whilst evidence relating to the definition of the Dodnash SLA is not available, it is clear from looking at maps that it included areas incised by river valleys and areas where there is a greater concentration of woodland. The emergence and subsequent decline of local landscape designations reflects change in policy at a national level over time, and a move towards criteria-based planning policies relating to an understanding of landscape character. Importantly, the removal of a designation from a Local Plan does not mean that the qualities of the landscape have been lost.

### Boundary Review of the Suffolk Coast and Heaths AONB (CD G8)

38. The existence of the Suffolk Coast & Heaths Additional Project Area and the past definition of the Dodnash SLA, prompted Natural England to consider the area as part of the **Suffolk Coast and Heaths AONB Boundary Review Project in 2017**. This assessment reviewed the landscape against the factors which contribute to Natural Beauty as set out in the Natural England Guidance on Assessing Landscape for National Designation (CD G10).

39. Evaluation Area D3: Shotley Peninsula Plateau covered the more elevated land north of the Samford Valley and Alton Water and beyond the Stour Estuary.

40. An extract of the Evaluation Area can be found in Appendix 3 of this proof.

41. The assessment concluded that there were '*some areas of higher landscape quality*' within Evaluation Area D3 but that they were relatively small and were not contiguous with other areas of qualifying land. It went on to explicitly state that '*Landscape and scenic quality are highest in areas with some topographical variation and where this combines with areas of semi-natural woodland and views of vernacular buildings, particularly in the area around Bentley Park, Bentley Hall and Bentley Manor where historic landscape patterns remain relatively intact.*'

42. These areas were described as '*limited in extent*' and not '*closely associated with the neighbouring qualifying valley systems*' and for these reasons the area

was excluded from the proposed Candidate Area for designation. Although the majority of the Shotley Peninsula did not qualify for National Landscape designation, the evaluation clearly identified land of higher quality within it and specifically the historic landscape patterns in the area around Bentley Park, Bentley Hall and Bentley Manor.

#### **Landscape Appraisal of Bentley Parish for Neighbourhood Plan (CD G7)**

43. **The Landscape Appraisal of Bentley Parish** (2019) included a Valued Landscape Assessment which utilised the factors set out in GLVIA Box 5.1<sup>4</sup>. This concluded that '*the northern part of the Parish has a weight of evidence to support its recognition as a valued landscape.*'
44. The northern part of the parish is not defined on a plan, although reference to the extent of the Parish as shown on Figure 2 of this proof, enables the northern and southern parts to be distinguished – the Appeal Site falling in the northern part. The assessment explains that this northern part of the Parish qualifies as a valued landscape due to '*its intact historic patterns of settlement, ancient woodland, remnant parkland and rural lanes. Although the topography over much of this landscape is relatively flat, scenic quality is derived from the balanced and cohesive composition of mature trees, wooded skylines, arable fields, historic vernacular buildings and lack of modern development. The footpath network and winding rural lanes, coupled with gentle folds in landform, afford a range of sequential views across a rural backwater which impart strong perceptions of time depth*'.

#### **Valued Landscape Assessment of APA (CD G9)**

45. In 2020 the **Valued Landscape Assessment Suffolk Coast & Heaths Additional Project Area**, placed the landscape between Bentley and the A14 within Evaluation Area 1: Western Wooded Plateau. This assessment utilised the factors set out in Box 5.1 of the Guidance on Landscape and Visual Impact Assessment, which are broadly similar to the Natural Beauty factors used in the earlier Natural England evaluation. As with the Bentley Landscape Appraisal

---

<sup>4</sup> This assessment predated the Landscape Institute Guidance on landscape value outside of national designations (CD G3).

this valued landscape assessment predated the Landscape Institute Guidance on landscape value outside of national designations (CD G3). Nevertheless, the LI TGN states at para 2.4.2 that the factors in Table 1 of the Guidance '*broadly presents the same factors as Box 5.1 from GLVIA with the following changes:*

- '*Conservation interests*' is separated into natural heritage and cultural heritage factors
- The term '*landscape condition*' is used in place of '*landscape quality*'
- *Rarity and representativeness* are combined into a newly-named factor '*distinctiveness*' and
- A new factor, '*function*' is included which addresses the value attached to landscape which perform a clearly identifiable and valued function'

46. On this basis, the factors used in the Valued Landscape Assessment are the same as those detailed in Table 1 of the LI TGN, with the exception of the additional factor of 'function'.

47. The identified qualities for Evaluation Area 1 are already set out in para 33 above. The assessment recognised that the areas where these qualities are particularly well expressed are:

- Around Bentley Hall and Church [which includes the Appeal Site]
- Northern half of the area extending into Belstead Brook Valley

48. It goes on to conclude that '*much of the Shotley Peninsula has a weight of evidence to demonstrate it is a valued landscape in terms of para 170a of the NPPF...*' (now para 187a in NPPF 2024). It acknowledged that some areas have suffered loss of special qualities and that the evidence base provided from the assessment should be used to target resources and development and implement enhancement initiatives.

49. Importantly it goes on to state that '*the evidence base presented in this report can inform the AONB's response to planning applications, and more widely, be used by local authorities in reaching planning decisions and by developers and their consultants in identifying and designing appropriate developments which achieve a good degree of fit. The evidence in this report should also help to*

*ensure that, where change occurs, it delivers net environmental gain that demonstrably enhances the area's special qualities.*

[emphasis added]

### **Recent Valued Landscape Assessment of Receiving Landscape**

50. Michelle Bolger undertook an independent valued landscape assessment of the landscape surrounding the Site on behalf of Babergh District Council in August 2024 and in response to the Appellant's planning application (CD B32). This assessment was undertaken utilising the most recent Landscape Institute Technical Guidance Note on valued landscape (CD G3) and further detail has been added to it in Michelle Bolger's Proof of Evidence (CD C 17B). It concurs with the findings of the Bentley Neighbourhood Plan Landscape Appraisal (CD G7). Moreover, it states '*I consider that the valued 'northern part of the Parish<sup>5</sup>, extends to Potash Lane and includes the lane itself.*' My own more detailed review of the receiving landscape in Section 3.0 of this proof (below), adds further weight to Michelle Bolger's assessment, and to the fact that the valued landscape does include land north of Potash Lane.

### **Landscape Change and Incongruous Elements**

51. A number of the assessments mentioned above noted changes in the landscape affecting landscape quality/condition. In particular they acknowledge that parts of the landscape have experienced field boundary loss. Whilst they are a relevant consideration, the LI TGN (CD G3) on assessing valued landscapes states at para 2.4.5, bullet 4 that:

*'While condition/intactness of a landscape is one factor that can influence value, poor landscape management should not be a reason to deny a landscape a valued status if other factors indicate value.....'*

52. It goes on to state in bullet 5:

*'When assessing landscape value of a site as part of a planning application or appeal it is important to consider not only the site itself and its features/elements/characteristics/qualities, but also their relationship with, and*

---

<sup>5</sup> As set out in the Bentley Landscape Appraisal

*the role they play within, the site's context. Value is best appreciated at the scale at which a landscape is perceived – rarely is this on a field-by-field basis*

[emphasis added]

## Conclusions

53. The Bently area has been considered in assessments many times - these studies show a consistent recognition of the qualities in the area.
54. Moreover, these studies confirm that in the wider context of the Shotley Peninsula, the Bentley landscape stands out as an area where qualities are particularly well expressed and this is further reinforced by more detailed local assessments.
55. The Appeal Site falls within the northern part of Bentley Parish. I consider this area to be a valued landscape and the more recent assessment by Michelle Bolger confirms my view.
56. Although the majority of the Shotley Peninsula did not qualify for National Landscape designation in the Natural England boundary review, the evaluation clearly identified that '*landscape and scenic qualities are highest in area with some topographic variation and where this combines with areas of semi-natural woodland and views of vernacular buildings, particularly in the area around Bentley Park, Bentley Hall and Bentley Manor where historic landscape patterns remain relatively intact*'. This area was only excluded due to being '*limited in extent*' and not being '*closely associated with the neighbouring qualifying valley systems*'.
57. The APA is longstanding and embedded in the National Landscape Management Plan and continues to inform and shape the work of the National Landscape team on the ground.
58. The APA has a planning status in the Joint Babergh and Mid Suffolk Local Plan (2023) - Policy LP18 highlights the need to conserve and enhance landscape character and special qualities identified in the 2020 assessment.

59. It is notable that the LVIA (CD A4) does not contain a transparent assessment of landscape value. Nevertheless, the Appellant's response to comments raised on the planning application (CD A39) states that '*the site does not exhibit the characteristics of some of the special qualities of the valued landscape....the landscape west, north and east of the area more evidently displays the special qualities for which the AONB Project Area is recognised, and has a more direct relationship with the landscape setting of Bentley Hall....'*
60. The Appellant appears to be of the view that special qualities occur to the north, west and east of the Site but not the Site itself. Section 3.0 below considers this in more detail in relation to the receiving landscape.

### 3.0 The Heritage of the Receiving Landscape

#### The link between landscape and heritage

61. The assessments detailed in Section 2.0 above highlight that the landscape in the vicinity of the Appeal Site expresses qualities which are closely linked to its historical continuity. This section of my proof looks in more detail at the components of the receiving landscape in the context of the Conservation Area which was designated in November 2025 and within which the Appeal Site wholly lies. It sets out the qualities and characteristics of the individual features which make up the receiving landscape and how they interrelate. This is important to understand in relation to both landscape and heritage matters.
62. GLVIA (CD G1) states at para 5.9 that '*The history of the landscape, its historical character, the interaction between people and places through time, and the surviving features and their settings may be relevant to the LVIA baseline studies, as well as the cultural heritage topic.*'
63. GLVIA advocates collaboration between landscape and heritage professionals to allow the landscape baseline information to reflect a full understanding of the historic characters and features of today's landscape.
64. In this section of my proof, I have drawn from a large body of evidence provided by the local community testifying to the value placed in this landscape. This additional evidence does not change the statement of significance set out in the Bentley Conservation Area Appraisal & Management Plan (CD F1); it provides further substantiation of the historic significance of individual elements and their contribution to the character and appearance of the Conservation Area as a whole. This is a normal and appropriate part of applying a CAAMP to a specific proposal.

#### Policy and Guidance Relating to Historic Environment

65. The NPPF (CD D1) sets out the national policy objectives with regard to the historic environment. Paragraph 214 of the NPPF states that:

*'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...'*

66. Paragraph 215 of the NPPF states that:

*'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

67. Paragraph 219 of the NPPF states that:

*'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.'*

68. Paragraph 220 of the NPPF states that:

*'Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 214 or less than substantial harm under paragraph 215, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.'*

[emphasis added]

69. The Glossary of the National Policy Framework defines the setting of a heritage asset as '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*' It also defines a conservation area as '*an area which has been*

*designated because of its special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.'*

70. **Planning Practice Guidance on the Historic Environment** (CD D2) states that '*Significance*' in terms of heritage-related planning policy is defined in the *Glossary of the National Planning Policy Framework* as "*the value of a heritage asset to this and future generations because of its heritage interest.*"

71. Planning Practice Guidance goes on to state that:

*'All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset's curtilage may not have the same extent.*

*The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.*

*The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.*

*When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.'*

72. **Historic England's publication 'Managing Significance in Decision-Taking in the Historic Environment** (Good Practice Advice Planning 2) (CD F2) states at paragraph 4 that:

*'The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest. A variety of terms are used in designation criteria (for example, .... special interest for listed buildings and conservation areas), but all of these refer to a heritage asset's significance.'*

73. It goes on to state at paragraph 5 that *'Heritage assets include designated heritage assets and non-designated assets identified by the local planning authority as having a significance justifying consideration in a planning decision (NPPF glossary, page 52).'*

74. Paragraph 27 states *'Substantial harm is a high test which may not arise in many cases. In those cases where harm or loss is considered likely to be substantial (NPPF, Paragraph 132 [now para 214] & PPG 01-7), then the LPA will need to consider the relevant NPPF tests. Further detail on the tests on levels of harm can be found at paragraphs 133-135 and 139 of the NPPF. Further guidance on heritage conservation as a public benefit in itself, optimum viable use, levels of harm and mitigating harm are given in the PPG section ID 18a, paragraphs 15 to 20.'*

75. I am not a lawyer, but I note that the High Court in the Holocaust Memorial case<sup>6</sup> endorsed the proposition that "substantial harm" can be expressed as a "serious degree of harm to the asset's significance". I return to this matter below.

### **Bentley Conservation Area Appraisal and Management Plan ("CAAMP")**

76. The most recent recognition of special qualities in this landscape is in the designation of the Bentley Conservation Area by Babergh District Council in April 2025. A CAAMP was published in Draft form for consultation in 2024 and adopted in November 2025.

---

<sup>6</sup> [2022] EWHC 829 (Admin) CD H14

77. The draft CAAMP was independently reviewed by Iceni for the Council who concluded that “*...this is an Area that contains a number of important historic buildings, focused on a particularly important cluster of Grade II\* and Grade I buildings around Bentley Hall and Church, but running out to other highly graded and historically interlinked buildings, like Bentley Old Hall, and the cluster of farmhouses and cottages to the west. As above, the interstitial unlisted buildings and landscapes have a clear historic link to the designated buildings within the Area, and would benefit from the provision of statutory protection, as part of the wider whole. The authors’ view is that the Area is of sufficient quality to justify statutory designation as a Conservation Area. It clearly possesses “special architectural or historic interest” and we are satisfied that it has a “character or appearance of which it is desirable to preserve or enhance”, as per Section 69(1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act.*”

78. The CAAMP was then updated and expanded following the period of consultation by Babergh District Council Officers, led by Vincent Pearce, Principal Planning Officer.

79. The published Bentley CAAMP (CD F1) describes that ‘*the special interest of the Bentley Conservation Area is predominately derived from its ancient manorial structure and its associated connection with the Tollemache family who consolidated four manors at Bentley in the 16<sup>th</sup> century, enlarging an estate which they had held since 1200.*’ (page 4).

80. Key features within the Conservation Area (i.e. those assets identified by the Local Planning Authority as having significance) are listed as:

- the **historic core, centred around the grade II\* listed church**
- **open fields and manorial land**
- **dispersed farmsteads**
- **ancient woodland**
- **high quantum of highly graded manor houses** and high-status houses, largely set in their historic settings
- **modest railway interventions** that have resulted in attractive publicly accessible routes, bridges and cottages
- the **ancient tracery of footpaths** that criss-cross the conservation area

[emphasis added]

81. Furthermore, the CAAMP notes that '*the basic lane structure found today is evident on the 1796 map*' (page 16).
82. Many of the features listed above have already been identified in previous value assessments noted in section 2.0 of this proof. Those features/elements that lie in the vicinity of the Appeal Site are considered in more detail below.

### **Manors and Manorial Land**

83. The historic ownership of the Site is set out in Edward Martin's evidence (CD C18C) and Laurie Hancock's evidence (CD C17C) and not repeated here. The landscape has been continuously farmed as part of the manors of Bentley Churchehouse and Bentley Fastolfes, a history strongly supported by extensive documentary sources, including an early estate survey carried out for Sir Lionel Tollemache in 1613. This evidence has allowed detailed map regression and analysis of historic field names via the 1838 tithe map, enabling clear identification of the manorial associations of individual land parcels and the longstanding agricultural character of the area - Edward Martin, a renowned authority on the history of Suffolk's landscape, confirms this to be the case.
84. Figures 4 and 5 (refer to Appendix 1 of this proof) present the results of this analysis—drawing on the 1613 Survey and the 1838 map—which link specific fields to the historic manors within Bentley and the Tollemache Estate which has its origins in Bentley in around 1200. Although the agricultural estate was largely dispersed by the late 18<sup>th</sup> century, the 15 Tollemache ancient woodlands at Bentley were retained by the family well until the second half of the 20<sup>th</sup> century, providing continuity of structure for the parish. The Appeal Site was part of the estate sold in 1760 to the Keene (later Ruck-Keene) family, who farmed it for nearly 140 years as a traditional agricultural estate, as well as providing two successive Vicars of Bentley for whom the Keene's manor house of Bentley Churchehouse (where they lived) was converted to the Vicarage (now known as Bentley House).
85. By WWII, members of the Tollemache family had reacquired much of the agricultural estate. Figures 4 and 5 indicate that most of the western part of the

Appeal Site and the eastern part formed the lands historically farmed by the Manor of Bentley Churchehouse (Bentley House). The southeastern fields of the western parcel (“Burrelde Field” in 1613) were historically associated with the Manor of Bentley Falstolpes or Falstaffs (Falstaff Manor).

86. As with other areas of the Shotley Peninsula, the evidence confirms that this is high-quality agricultural land that has been actively cultivated for centuries. In 1838, all the fields now proposed for development were recorded as “Ara”, ie in arable use, casting doubt on the LVIA’s assertion that the historic pattern of land use and enclosure related to “small-scale pasture” (para 4.5.53) for which no supporting evidence is supplied.
87. The place name evidence for the fields is also telling and in particular the reference to Thornhill and Wades Hill associated with land east of Church Road – I will return to this later in my proof at paragraph 147.
88. By 1613 both manors were in the ownership of the Tollemache family; by 1838 they were in the ownership of the Keene family. Both manor houses remain extant. Their relationship with the surrounding fields is still appreciable when moving through the area, despite the loss of internal enclosure boundaries.
89. The CAAMP (CD F1) provides a detailed account of the area’s built heritage, which includes a mix of listed and non-listed historic buildings – some of which were identified as Buildings of Significance in the Bentley Neighbourhood Plan. Since The CAAMP was completed, an independent assessment by building archaeologist and architectural historian Leigh Alston has identified several of the non-listed buildings as being of significant historic value and strong candidates for listing as Grade II (refer to Appendix 4 of this proof). He notes on page 3 that some buildings appear to have been omitted in error from the original listing survey in the 1970’s and that changes in listing guidelines mean that Victorian houses of significant architectural merit or historic interest are now routinely added to the list. The additional buildings noted as strong candidates for listing and relevant to the Appeal Site include:
  - Potash Farm
  - Potash Farm Barn
  - Bentley House (Bentley Churchehouse/vicarage)
  - Falstaff Manor

90. The built heritage, together with an understanding of land ownership and management, illustrate the historic structure of the landscape, the long-standing relationships between manor houses, their associated farmland, and the lanes that link them. Far from the Appeal Site being open arable fields unconnected to the historic interest of the area, they are an integral part of the Conservation Area and the original Tollemache estate, illustrating a direct relationship with Bentley (Church) House and Falstaff Manor.

### **Ancient Woodland – Engry Wood**

91. Engry Wood (previously known as Ingrey Wood) is an ancient woodland<sup>7</sup> which forms part of the receiving landscape. This wood is referenced in a charter dated 1427<sup>8</sup>, another charter under the Great Seal of Henry VIII dated 1543<sup>9</sup> and is depicted on historic maps associated with the Tollemache Estate including the 1630's survey (see below). It is also shown on Issac Johnson's 1802 Survey of the Tollemache Woodlands at Bentley for the then Head of the Tollemache family and a later detailed survey of 1843<sup>10</sup>. It is immediately striking that the extent, detailed profile and form of the wood has remained unaltered over many 100's of years. It is an area which retained its original profile and association with a much wider grouping of woodlands which are also remarkably unchanged.

92. The woodland comprises deciduous native species and has been actively managed, which has included the harvesting of trees, although it has been unaffected by conifer planting as evident in other local woodlands within the Conservation Area. Its boundary is defined by medieval banks and ditches, with ancient pollards and coppice stools surviving. The qualities of this woodland include its diverse ground flora which is most readily appreciated in spring when it is carpeted in bluebells, visible from surrounding routes. Its mature trees are evident within the wood as well as on its fringes. The crowns and the thicker gnarled trunks of mature trees are evident on its margins when viewed across the landscape (eg from Potash Lane). These edge qualities, coupled with its

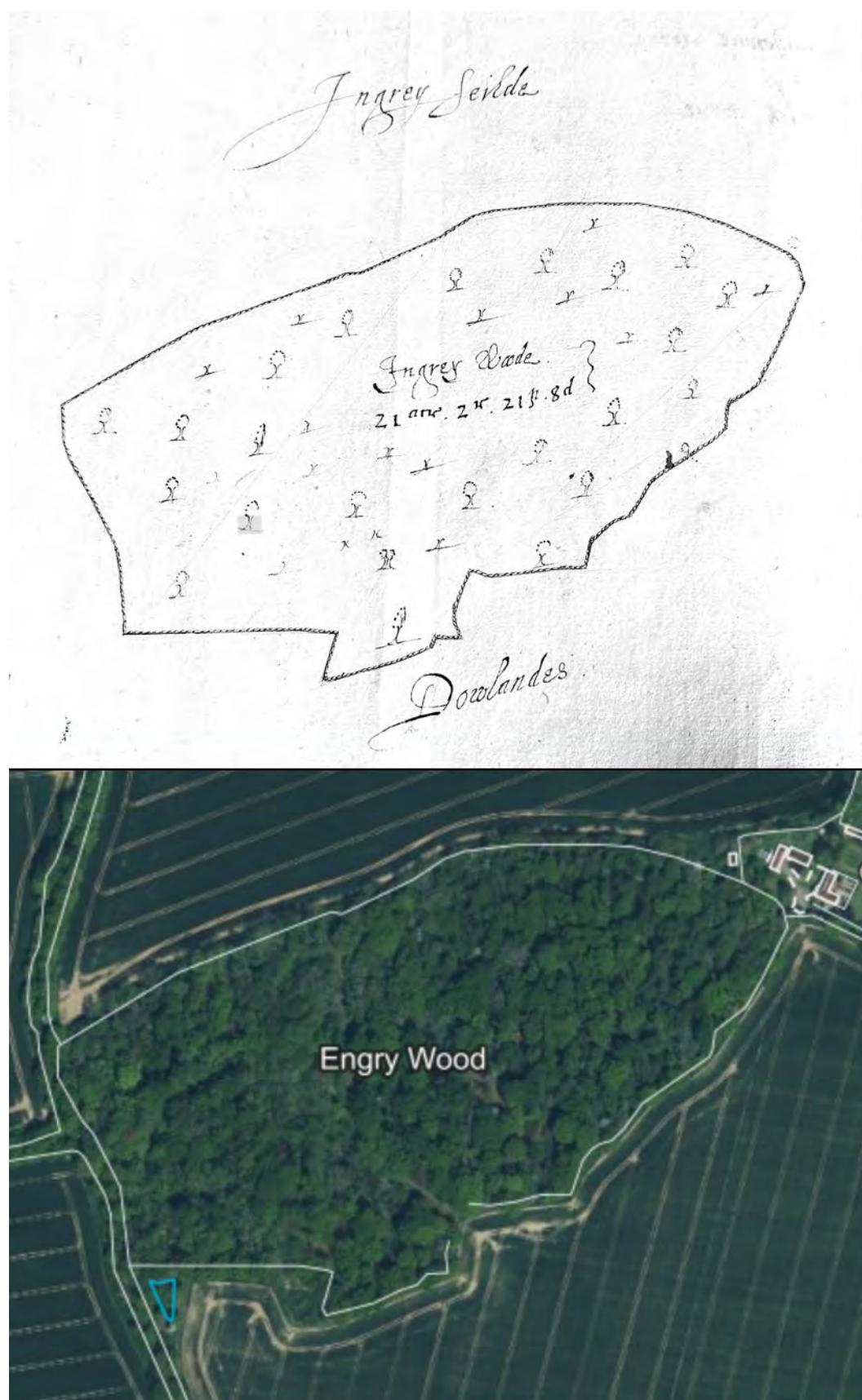
<sup>7</sup> Suffolk County Council's Heritage Environment Record (ref. BTY 019) and is included in the Nature Conservancy Council's Suffolk Inventory of Ancient Woodland dated June 1992.

<sup>8</sup> Dodnash Priory Charters, Ed Harper-Bill, p.151

<sup>9</sup> CAAMP Nov 2025, p.15 or thereabouts

<sup>10</sup> Also in the CAAMP

sinuous lines are distinctive and distinguish it from wider areas of skyline woodland which are more recent in date.



Plan of Ingry Wood in 1630's with present day aerial photograph and OS white outline



Extract from Issac Johnson's 1802 Survey of the Tollemache Woodlands at Bentley showing the distinctive horseshoe grouping, still evident today.



Bluebells in Engry Wood in Spring (image provided by Bentley residents)



Distinctive wooded skyline of Engry Wood viewed from the south, illustrating indented edge, mature trees on the fringes and significant canopy which distinguish it from younger woodland

93. The setting of the woodland is the manorial arable farmland in which its sits, its association to other woodlands and its connection via a network of historic lanes from which it can be seen.
94. Woodlands within the Conservation Area are noted in the CAAMP for their contribution to the tranquillity of the area (page 63). Engry Wood makes a particular contribution to the valued qualities of the area and to the character and appearance of the Conservation Area.

### **Hedgerows and Veteran Trees**

95. It is openly acknowledged that the internal field divisions which were apparent on the early OS Maps have been removed. Nevertheless, it would appear from the 1945 RAF Aerial photograph produced by Edward Martin (CD C18C) that these were not substantial divisions, with few trees or substantial hedges – in contrast to the hedgerows and trees proposed as part of the solar development.

96. In 2012 the Suffolk Hedgerow Survey was published (CD G11) - an assessment of publicly accessible hedgerows and veteran trees across Suffolk between 1998-2012. In its Foreword it states that '*Rich in conservation value, ancient hedgerows support the greatest diversity of plants and animals. Species-rich hedgerows, defined as those averaging 5 or more native woody species per 30 metre length are generally recognised to have been in existence before the Enclosure Acts of 1720-1840.*'

97. The survey included the Parish of Bentley and a total of 419 hedgerows were surveyed. Of these, 155 had 8 or more species, 138 had 5,6, or 7 species and 126 had 4 species or less.

98. In terms of veteran trees, the survey records at paragraph 183 that '*the high counts were found in Bentley (73)*'...and that '*The highest number of different veteran species in one parish was in Bentley.*'

99. The local community of Bentley has recently updated this survey and mapped veteran trees within the Conservation Area. They have adopted a conservative approach to identification, mapping only those trees with a girth greater than 3.2m. Veteran tree distribution can be seen on Figures 6 -8 in Appendix 5 of this proof along with a full schedule of trees and photographs. This illustrates that Bentley continues to support a high concentration of mature trees and that this concentration and variety is noteworthy in the context of Suffolk. In the vicinity of the Site, the distribution of these trees focuses along the historic routes and ancient woodlands. The trees add to the area's established character when traveling along lanes and in views across open arable land. These trees make an important contribution to the special qualities of the landscape and character and appearance of the Conservation Area.

## Historic Lanes

100. Three lanes within the Conservation Area are Quiet Lanes as illustrated on Figure 5 of the CAAMP.

101. The Landscape Appraisal for Bentley Neighbourhood Plan (CD G7) identified the need for a Protected Lane assessment using the criteria deployed in Essex,

in order to identify those historic lanes which are particularly valued. The rationale behind the definition and recognition of Protected Lanes in Essex is set out in guidance for each of the districts. The Protected Lanes Assessments (December 2015) for Tendring District Council (CD G12) states that:

*'The greater part of the road network in the Essex countryside derives from at least as far back as the medieval period. Much of it undoubtedly existed in Saxon times and it is likely that many roads and lanes were formed long before that. These lanes are part of what was once an immense mileage of minor roads and track-ways connecting villages, hamlets and scattered farms and cottages. Many were used for agricultural purposes, linking settlements to arable fields, grazing on pasture, heaths and greens; and other resources such as woodland and coastal marsh. Generally these roads were not deliberately designed and constructed; written records of the establishment of roads during the medieval period are rare (Rackham, 1986, 264). Instead they would have started life as track-ways without a bearing surface, although often with defined boundaries including hedgerows, ditches and banks.'*

102. It goes on to explain why they are important features of the landscape stating:

*'Today, historic lanes are an important feature in our landscape: they continue to have an articulating role, providing insights into past communities and their activities through direct experience of a lanes historic fabric; contain the archaeological potential to yield evidence about these past human activities and to provide insights into the development of a landscape and the relationship of features within it over time; have considerable ecological value as habitats for plants and animals, serving as corridors for movement and dispersal for some species and acting as vital connections between other habitats; and allow people to enrich their daily lives by accessing cherished historic landmarks and landscapes, encouraging recreation within the countryside, thereby promoting well-being.'*

103. The Parish of Bentley lies c. 3km north of Tendring District. It is not unreasonable to consider the continuation of historic lanes beyond administrative boundaries. The lanes within the vicinity of the Site and affected by the proposed development have therefore been described below, with reference to the factors used to assess protected lane status including diversity (form and features), historic integrity (erosion damage, improvements), group

value (association with historic landscape and heritage assets), archaeological potential (association with ditches, banks, greens etc) and aesthetics (views, scenic or unusual qualities).

### **Pond Hall Lane (Kenten Streete or Waye)**

104. Pond Hall Lane is a fossilised rural track, preserved in the landscape as a greenway and never absorbed into the modern road network. As a result, it retains a high degree of historical integrity, evident in its narrow width and richly vegetated margins, where mature overhanging trees and old coppice stools rise from the banks and ditches that frame the route. Its gentle, sinuous course—combined with the tunnel-like canopy of foliage and the gnarled trunks of ancient trees—creates a sense of enchantment and deep time depth that strongly contributes to the character of the area.

105. The lane forms part of a wider network of historic routes, linking areas of ancient woodland. Although vegetation encloses much of the path, users remain aware of the surrounding farmland, gaining occasional long-distance views through gaps in the greenery (e.g viewpoint 8 in the CAAMP, page 40 and viewpoints 5 and 6 of the LVIA). At its southern end, where the track meets Potash Lane, it aligns with the barn at Grove Farm, reinforcing its historic context and significance.



Coppice stools and associated bank and ditch flanking Pond Hall Lane



View towards barn at Grove Farm at the southern end of Pond Hall Lane



Pond Hall Lane imparts a strong sense of historical integrity

### Potash Lane (the Hundred Waye)

106. Potash Lane is a historic route which forms part of the modern road network, though it remains a no-through road serving a handful of rural dwellings and Grove Farm. Whilst it is not always depicted on historic maps it is nonetheless possible to ascertain its location from the field abutments in the survey of 1613 in which it is frequently referenced as 'the Hundred Waye'. It is likely this was part of the route leading to the nearby Hundred Court at Copthorne (a hamlet of Capel St Mary)<sup>11</sup> and again demonstrates considerable antiquity. Edward Martin provides further detail on the Hundred Way, the Hundred Court and its historic function (CD C18C).

107. Today the lane is single-track (c.2.5m) with soft grass verges, and in places is flanked by a ditch and low banks with hedgerow and mature trees. In the central part of the lane, rural cottages and dwellings have interrupted the integrity of the lane through the introduction of access driveways, a length of leylandii hedging and short section of close board fencing, but the western and eastern ends of the lane are more intact. Gaps in the hedgerow—often where field access is required—afford longer-distance views across open farmland to the textured, indented canopy of mature trees along the margins of Engry Wood, as well as to the mature trees along Church Farm Lane.

108. Where a former public right of way once crossed the fields to the north, the lane opens to a view of the tower of Bentley Church (Viewpoint 4 in the LVIA) to the northeast and Church Farm to the north. This vista clearly articulates the relationship between these historic elements, enhancing the reader's understanding of the area's evolution and contributing to its local distinctiveness.

109. Scattered rural cottages along the lane further enrich its character, although in places, access points and property curtilage (including fencing and domestic treatments) intrude slightly on the rural character. However, these effects are localised and do not diminish the overall sinuous, rural quality of this historic route.

---

<sup>11</sup> Conservation Area Appraisal (page 8) and Leigh Alson's Survey of Selected Heritage Assets – refer to Appendix 4 of this proof



Views along Potash Lane reflecting mature hedgeow trees, sinuous geometry and views into surrounding open fields

### **Church Road**

110. Church Road is an historic route within the modern road network, linking the main 20<sup>th</sup> century settlement of Bentley in the south with the earlier heart of the village, which contains an outstanding collection of manor houses, barns, and the parish church. The lane is distinctly narrow and

sinuous, edged by soft grass verges, mature grown out hedgerows, and the occasional veteran tree whose branches overhang the route.

111. North of the junction with Potash Lane, only two pairs of cottages punctuate the otherwise unsettled corridor. Although telegraph poles and wires appear intermittently, they are brief interruptions in an otherwise tranquil rural scene, where traffic remains light and the sense of quiet is strongly preserved.

112. The lane's winding geometry allows shifting vistas into the surrounding open fields, while gaps in hedgerows (viewpoints 1, 2 and 3 of the LVIA) and filtered views through mature hedges provide glimpsed views —particularly in winter—across the open farmland to the distinctive horizon formed by the ancient woodland of Engry Wood and to the east across the tributary valley to elevated land beyond.



Sinuous geometry of Church Road and soft verges with views into surrounding open fields



Mature trees dotted along Church Road as seen from Potash Lane.

113. Church Road continues to the north of the Church, bending round to the east to cross the railway and then takes a circuitous route through open farmland to join the A137. It is noted that the LVIA refers to this section of the road as an unnamed route. The geometry of this route can also be traced on early historic documents, as can the three rural 'maltings' properties which are dotted along its route and which are still evident today. This section of the route remains a narrow single carriageway, with soft verges and is flanked by intermittent hedgerows.

#### **Lane to Church Farm (the Waye to Ingreyewoode)**

114. This lane is of considerable antiquity and remains as an unmetalled route. In the 1613 survey, it is recorded as 'the waye to Ingreywoode', historically continuing beyond Church Farm (which likely dates from the 1840s) to wrap around the northern and western edge of the woodland to join with Pond Hall Lane. It is flanked by impressive oaks on its boundary banks which reinforce its evocative medieval green lane origins.



Lane to Church Farm (the Waye to Ingreyewoode)

115. The setting of the lanes is the manorial arable farmland in which they sit, and the associated woodlands and historic buildings they connect.

116. All of the lanes surrounding the proposed Appeal Site impart a strong sense of history. Given the historic value of these lanes and the contribution they make to the structure of the landscape and opportunities for appreciation and understanding, they are highly susceptible to change. These lanes also make an important contribution to the character and appearance of the Conservation Areas and their proximity to each other and the network they create between other historic features is unusual within the Conservation Area as a whole.

### **Landscape Change and Detracting Elements**

117. It is fully recognised that the Appeal Site and its environs have evolved over time, as demonstrated by historic mapping and documentary evidence. Laurie Hancock identifies a number of changes in his proof, noting that these are minor (CD C17C). The designation of the Conservation Area is not due to a lack of change but rather the continuing historic legibility of the landscape and its associated historic elements, a matter noted by Edward Martin (CD C18C).

118. The CAAMP (CD F1) identifies a limited number of elements which detract from the character and appearance of the Conservation Area. These include the use of close board fencing, large scale barns at Falstaff Manor and Grove Farm, the presence of pylons and the railway to the east. The CAAMP also notes the loss of field boundaries, but concludes that '*the openness, and green, rural nature of the area still survives. This is particularly apparent to the north and south. The only elements of the area's setting that is considered to detract from it, is to the west along the A12 and east along the A137 with its high quantum of cars. Notwithstanding this, views of the roads are relatively limited throughout the area so only views in close proximity to them have any immediate negative impact.*'.

119. Overall, the CAAMP concludes that 'negative contributors' are few and that the '*Conservation Area is overwhelmingly dominated by positive features, both in its built form and in terms of its landscape*' (page 51).

**Contribution of the Site and environs to the special qualities of the landscape and significance of the Conservation Area.**

120. The Site and receiving landscape comprise an exceptional assemblage of related features which are interwoven in their history. Individually and collectively, they make a significant contribution to the special qualities of the landscape as noted in the Bentley Landscape Appraisal (CD G7) which stated that:

*'Although the topography over much of this landscape is relatively flat, scenic quality is derived from the balanced and cohesive composition of mature trees, wooded skylines, arable fields, historic vernacular buildings and lack of modern development. The footpath network and winding rural lanes, coupled with gentle folds in landform, afford a range of sequential views across a rural backwater which impart strong perceptions of time depth. The ancient woodlands and hedgerows are valued habitats for significant populations of endangered Stag beetle and Dormouse. Many of the buildings are listed and form important groups. These qualities elevate the area above normal countryside.'*

121. Looking at the qualities of the receiving landscape/Site in the context of the Conservation Area as a whole, it is apparent that the interrelationships between

ancient woodland, historic routes, extant manor houses and their associated manorial land as well as views of the Church result in a unique combination, not apparent anywhere else within the Conservation Area. These features and their relationships are understood because of the open space that enables them to be articulated. Collectively the open spaces (arable fields) and historic elements make an important contribution to the significance of the Conservation Area as a whole. Their collective historic interest provides a material record of the area's manorial history and provides meaning to local communities who continue to experience and enjoy this landscape. I agree with the evidence of Laurie Hancock (para 5.44 CD C17C) who concludes the Site makes a '*strong contribution....as a core piece of manorial land*'.

## **Conclusion**

122. The proposed development falls wholly within the Conservation Area boundary.
123. The significance of the Conservation Area is clearly articulated in the CAAMP as linked to the Tollemache estate, including the manorial land.
124. The evidence set out above demonstrates the rich variety of landscape elements of historic value which make up the Appeal Site and its environs.
125. It demonstrates that the important interrelationships between these features and elements make a material contribution to the significance of the Conservation Area.

## 4.0 The Proposed Development and Effects

### Proposed Development

126. The proposed development constitutes commercial scale development which includes the following components:

- HGV movements during 32-week construction period
- Construction compounds (location not yet known)
- C. 47 hectares of solar array
- 2km length of 3.5m wide access tracks
- C. 4km of security fencing (c. 2.1m high) and gates, CCTV cameras on 3m poles and lighting
- 11 Transformers (6.06m x 2.44m x 2.90m high and two with sound attenuation)
- DNO substation

127. Mitigation planting would include:

- 2532m of native species hedgerow
- 10.7 ha species diverse meadow
- 139 native species hedgerow trees
- 2600 square metres of new woodland

128. In reviewing the LVIA and Heritage Impact Assessment I note that the following have not been referred to:

- The Additional Project Area or the Valued Landscape Assessment (CD G9)
- The Shotley Peninsula and Hinterland LCA (CD G6)
- The Natural Beauty Assessment undertaken by Natural England (CD G8)
- Analysis of the historic landscape and the interrelationships between historic elements including ancient woodland, historic lanes or manorial lands. The CAAMP now fills this gap in understanding.

129. Nor did the LVIA undertake an assessment of landscape value and failed to acknowledge the APA or relevant policy in the Babergh Local Plan. This

matters because it calls into question the judgements reached in the LVIA (CD A4) and Heritage Impact Assessment (CS A8) which have not been based on a clear understanding of the qualities of the landscape and set out in Sections 2.0 and 3.0 of this proof. Whilst the Supplementary Heritage Assessment (Appendix A CD A39) goes some way to addressing the gap in understanding the historic landscape, it does not sufficiently explore the features and interrelationships noted above.

## **Landscape Impacts**

### **Value, Susceptibility and Sensitivity**

130. The sensitivity of a landscape is derived from an understanding of its value (as set out above in Section 2.0 of this proof) and susceptibility. The susceptibility of a landscape is defined in GLVIA as '*The ability of a defined landscape or visual receptor to accommodate the specific proposed development without undue negative consequences*'.

131. Para 2.1.4 of the Appellant's LVIA methodology (CD A4) includes consideration of the following factors to understand susceptibility of landscape to commercial-scale solar farm development namely scale, pattern/complexity, development/human influence, connection with adjacent areas, visual interruption. It concludes individual susceptibility ratings for the three landscape types (as defined in the Suffolk Landscape Typology) impacted by the proposed development as follows:

**Ancient Estate Farmland LCT** (majority of site) = medium-high susceptibility / medium-high sensitivity

**Ancient Estate Clayland LCT** (western fringes) = medium susceptibility / medium sensitivity

**Rolling Valley Farmland LCT** (eastern fringes) = high susceptibility/high sensitivity

132. In reality, the differentiation between Ancient Estate Farmland and Ancient Estate Clayland (as shown on Figure 7 of the LVIA) is not evident on the Site. In particular, I consider the fields east and west of Church Road both have a landscape pattern which has a degree of complexity due to evident time depth,

and the eastern field has topographic variation. This leads me to conclude that the susceptibility of the Site, either side of Church Road, is medium to high. Coupled with a high value, this gives rise to a medium-high sensitivity, overall.

133. The assessments considered in Section 2.0 of this proof and the CAAMP highlight the collective inherent value of this landscape and its component parts. A lack of understanding of these qualities and interrelationships has, in my view, led to an underestimation of the nature of effects. Moreover, I believe it has led to the development of mitigation, which while well intended, is misinformed, and gives rise to its own adverse landscape effects.

134. I explore these issues in more detail below.

### **Extent of Landscape Effects**

135. This section of my proof considers landscape effects. Whilst landscape and visual effects are two separate assessments, as set out in GLVIA, I have made reference to the viewpoints and photomontages prepared by the appellant to assist with understanding the nature of landscape effects.

136. The area most significantly affected by the proposed development will include the Site and the immediately adjoining landscape. I agree with the LVIA that landscape effects would be localised (and for this reason this proof does not include a detailed review of visual effects from each viewpoint). However, just because landscape effects may be localised does not automatically mean they are acceptable.

137. The PDAS (CD A2) summarises at paragraph 5.2.9 that '*the proposed development would have a **short-term landscape effects ranging from major/moderate adverse to moderate adverse***'.

138. It goes on at para 5.2.10 to state '*in the medium and long term the proposed planting would provide a greater level of **landscape integration and visual screening** such that the Proposed Development would sit within an established landscape framework and would be of **very limited visibility**...The **landscape effects would reduce to moderate/minor adverse and minor adverse***'.

139. At paragraph 5.2.11 it concludes that '*At the point of decommissioning the landscape would be restored, albeit with permanent beneficial change resulting from the proposed landscaping*'.

140. I explain in the analysis below why I disagree with these findings.

## Construction Phase

141. The construction of the proposed development would result in the loss of hedgerow in order to achieve access into the Site (Potash Lane) and between the western and eastern fields across Church Road. There are inconsistencies in the supporting documentation in relation to the extent of hedgerow removal which is required. The Arboricultural Assessment shows on figure ADAS\_1052211\_Axis PED\_Grove Farm\_AIAP Sheet 7 that just 3.2m of hedgerow will be removed on Potash Lane, whereas the LVIA notes 6m to be removed (paragraph 6.3.7). From my own site assessment, it is assumed that the hedgerow comprising T67, T70 and T71 on Potash Lane will also be impacted, given the sweep of the new access track into the Site. The section of Potash Lane affected by the new access currently retains its rural character being just 2.5m in width with soft grass verges and flanked by a shallow ditch and bank supporting hedgerow and hedgerow trees.



Looking west along Potash Lane at the proposed access which will be off to the right of the image. T67, 70 and 71 form the hedgerow on the right of the image.

142. Similarly for Church Road the Arboricultural Assessment shows on Sheet 6 that just 3.5m of hedgerow will be removed on the western side of the lane where there is currently no break in the hedge. The LVIA notes 5m to be removed (paragraph 6.3.7).
143. The new access tracks will result in the creation of uncharacteristically wide field entrances and uncharacteristic utilitarian tracks (which would be 3.5m wide, straight in character and undefined by hedgerows). I do not agree with the LVIA at para 6.4.4 that the proposed access point to Potash Lane and Church Road would be small in footprint and would be in keeping with the scale and appearance of existing access points along the local lanes. These access points will remain for the duration of the development (40 years). There is no provision to gap up the access points once the scheme is decommissioned, and no clear commitment that the access tracks will be wholly removed. These changes would impose uncharacteristic elements into a landscape where sinuous historic routes and the patterns they create are defining characteristics. It is notable that there are no visualisations in the LVIA at the site access from Potash Lane nor looking west from the access onto Church Road where the solar panels will be in close proximity.
144. The construction of the proposed development will require access by HGV vehicles along the historic lane network. In particular, the HGV movements will need to pass along Potash Lane between Grove Farm and the site entrance. Similarly, the construction of the substation will require HGV vehicles to pass along the section of Church Road between the railway and the A137. HGVs are 2.54m in width with a cab height of 3.41m as indicated on Drawing no 3223-01-D04 in the Transport Assessment. This drawing also illustrates a HGV on Potash Lane taking up the full width of the metalled surface. HGV movements are likely to impact the soft verges of the historic lanes and overhanging trees - crown raising of some trees may be required in order to facilitate access of tall vehicles and loads. Furthermore, construction traffic is also likely to require closure and or diversion of pedestrian access along Potash Lane leading to the wider public right of way network. In a similar vein, the construction of the proposed substation will require traffic to pass along Church Road between the railway and A137. This route is also narrow with grass verges and areas of

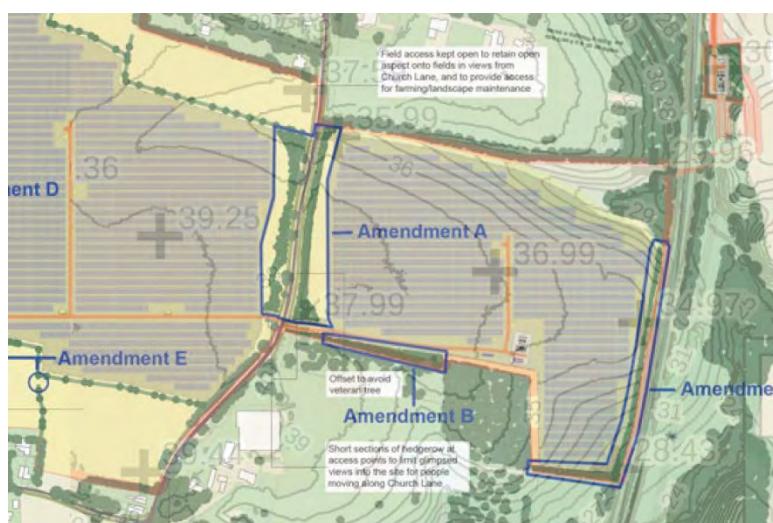
overhanging vegetation where crown raising will likely be required. These are further physical effects on landscape fabric, and whilst potentially more temporary in nature, they are not mentioned in the LVIA.

145. In terms of impacts on perceptions, para 5.2.8 of the LVIA notes a temporary slight reduction in tranquillity along lanes as a result of construction traffic but also general construction on site affecting surrounding areas. Para 6.2.4 also notes lighting would impact perceptions of tranquillity during working hours.

## Operational Phase

146. Planning Policy Guidance in relation to renewable and low carbon energy states that '*local topography is an important factor in assessing whether....large scale solar farms could have a damaging effect on landscape...*'

147. The LVIA states that the construction of the in-field solar arrays does not require any substantial changes to the existing landform as the arrays are able to follow the contours (para 5.2.6). However, the eastern field comprises rising land/hill defining the slopes of the valley to the east. The proposed arrangement of panels in this landscape run contrary to the contours as shown in the overlay of site layout and topography below. This will be particularly apparent from the property and grounds of Uplands where the arrangement of solar panels will appear discordant with the underlying landform. It is noted that no mitigation planting is proposed on the northern boundary of the eastern field, as proposed elsewhere in the scheme, such as along the railway.



Contour data from LIDAR plan with overlay of amended solar array layout



View from boundary at Uplands looking east into the northeast part of the eastern field where solar arrays will run contrary to the contours.

148. During operation, the presence of the solar farm and its ancillary development would be partially visible from public rights of way and historic lanes adjoining the Site and would undermine perceptions of the rural backwater qualities of this landscape. The noise effects of the transformers, whilst below unacceptable levels would nonetheless create an audible low background hum which would be uncharacteristic.

149. The imposition of the solar arrays and access tracks, fencing etc would introduce elements which are utilitarian in character and which are hard and angular by nature. The receiving landscape is one where sinuous organic lines and patterns are dominant and where there is a lack of modern development. The proposed development would be discordant with the existing pattern.

150. I agree with the LVIA that the most significant characterising effects will occur immediately adjacent to the Site. From the historic routes which flank the development site, there would be views to the solar panels and associated fencing and transformers which, by virtue of their rectilinear form, height, location and number would appear at odds with the historic landscape elements that define the area. Viewpoints 1, 2, 3 and 4 within the LVIA illustrate the nature of the proposed development on historic routes. It should be noted that the photomontages do not show transformers in the western field or associated

acoustic screens or CCTV cameras mounted on 3m high poles around the perimeter fencing. They do show how views across open fields to historic routes and the organic edge of Engry Wood would be interrupted. They also demonstrate how mitigation planting would foreshorten views, interrupt historical associations and alter the grain of the landscape. The extent of the solar panels would be great and when moving around and experiencing the landscape. I consider that perceptions of the landscape would alter and that the solar farm would determine how this part of Bentley Parish would be perceived and described. The solar panels and ancillary development would be an additive element of significant scale and would result in the following changes:

- reduced tranquillity due to the introduction of functional and urbanising elements
- increased enclosure due to proposed mitigation planting and curtailment of views and sense of expansiveness
- diminished presence of subtle landscape features/patterns which contribute to sense of place as a result of the solar panels, fencing and proposed planting
- reduction in the relaxing and restorative qualities of this landscape, creating an environment which is considerably more urban.

151. This matters because the historic routes surrounding the Site form part of a local network of recreational routes which are publicised in '*Six Country Walks from the Case is Altered Public House, Bentley Suffolk*' (Appendix 6 of this proof). Three of the six walks include routes which pass along Potash Lane. Because horse riding and walking are relatively slow activities, they enable aspects of the landscape and in particular tranquillity, scenic qualities and subtle landscape features to be perceived and enjoyed. Whilst walking along Pond Hall Lane, Potash Lane and Church Road, it is possible to see through the hedgerows which line these historic routes and to read both the open fields adjacent and the wooded horizons, especially in winter. These routes are not narrow tunnels where the user has no concept of what lies beyond. As a result, the introduction of rows of solar panels, associated infrastructure and mitigation planting will have a very real impact on the experience from these recreational routes.

152. The proposed development would have a physical effect on the open arable farmland which will be converted to solar arrays and adjacent fields of small-scale pasture. Following decommissioning, only the solar array fields will be returned to arable land use. The small-scale pasture fields would be a permanent and an uncharacteristic change and the compartmentalisation into smaller fields supporting pasture would not in my view be more in keeping with the historic landscape pattern as stated in the LVIA para 6.4.3.

153. Overall, I consider the proposed development would have a medium magnitude of change on the Site and immediately adjacent area. Given the sensitivity of the receiving landscape, I consider the effects would be moderate/major adverse. In the longer term the reasons for landscape effects would change as a result of mitigation, however they would remain adverse and I explore this further below.

## Mitigation

154. The Guidelines for Landscape and Visual Impact Assessment GLVIA (2013) state that '*secondary mitigation measures are those that are considered in relation to the assessment of the landscape and visual effects of a scheme as a means of addressing adverse effects identified*' (para 4.23). It goes on to state that '*mitigation measures can sometimes themselves have adverse effects on landscape or visual amenity, and their planning and design needs careful consideration. They should be designed to fit with the existing character of the landscape where this is a desirable landscape objective, respecting and building upon local distinctiveness*' (para 4.29).

155. In this instance I consider that it is desirable to retain the more open aspect of the Site as this contributes to the qualities of the area, visually linking historic lanes, built heritage and ancient woodland – all valued components of the landscape as noted in para 33 above.

156. The GLVIA also states that mitigation '*should..... respond, where possible, to landscape objectives that may have been set in development or management plans or strategies for the area*' (as is the case in the Suffolk Landscape Character Assessment, Shotley Peninsular and Hinterland Landscape Character Assessment, Valued Landscape Assessment). The desire in the

Suffolk LCA Guidelines (CD G5) to reinforce the historic pattern of regular boundaries seeks, in my view, to avoid activity (such as removal of hedgerows or additional planting) that will adversely affect the existing pattern/grain of the landscape. The Shotley Peninsular and Hinterland LCA (CD G6) notes reinforcement of historic field boundaries through appropriate management of existing hedgerows not necessarily new planting. In summary, the proposed mitigation planting would not maintain openness or enhance characteristic views of the edge of ancient woodland or landmark buildings seen across arable fields. The rural character of adjacent lanes, which depend on an appreciation of the open fields and wooded skylines beyond, would not be maintained or enhanced.

157. More specifically, the proposed mitigation planting comprising new hedgerows, linear woodland and an area of natural regeneration adjacent to Engry Wood, would have a characterising effect. Figure 3 in Appendix 1 of this proof illustrates the extent to which the proposed mitigation alters the historic grain of the landscape. In particular it demonstrates that:

- Only some of the proposed hedgerows follow the line of historic hedgerows indicated on historic maps, and the introduction of new smaller field units are not '*more in keeping with the historic landscape pattern*' as claimed in the LVIA para 6.4.3
- The additional new hedgerows would not reintroduce a field structure sympathetic to the historic pattern as claimed in the Appellant's Statement of Case para 8.17 - a significant length of new hedgerow introduces an east-west grain to the landscape
- Linear woodland along Church Road, Potash Lane and a part of the lane 'the Waye to Ingrey Wood' is not characteristic, and would sever views across the landscape
- The creation of an area of natural woodland regeneration/re-wilding on the southern edge of Engry Wood would alter the form and profile of the woodland which has remained unaltered since 1600 and in all likelihood much earlier.

158. Even if the mitigation planting was considered to be appropriate in landscape character terms, it would not mitigate the effects of the proposed development in the short to medium term as it would take at least 10 years and possibly

longer depending on conditions, to be sufficiently established to achieve screening. It would also comprise standard planting mixes which are unlikely to emulate the established hedgerows typical of the area, or at least not for a considerable length of time.

## Heritage Impacts

### Impact on the Character and Appearance of the Conservation Area

159. PPG Historic Environment (CD D2) is clear that what matters in assessing whether a proposal might cause harm to a heritage asset, is the impact on the significance of the heritage asset. The special interest of the Conservation Area is clearly stated at the start of the CAAMP (page 4) as '*its ancient manorial structure and its associated connection with the Tollemache family*'. Page 78 also highlights the importance of farming in terms of '*the important contribution it makes in the Bentley Conservation Area to its historic significance. Ploughed fields between areas of ancient woodland all associated with medieval manors and their surviving Manor Houses and Hall Houses are part of the wider manorial fabric that underpins the historical fabric of the land hereabouts. That heritage is worthy of protecting and enhancing.*'

160. The proposed development does not lie within the setting of the Conservation Area, but wholly within it. The focus of decision making must therefore be on the impact on the significance of the Conservation Area. The PPG Historic Environment states that '*an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. ....*'

[emphasis added]

161. It goes on specifically to discuss impacts on conservation areas stating '*An unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building. If the building is important or integral to the character or appearance of the conservation area then its proposed demolition is more likely to amount to substantial harm to the conservation area..... The same principles apply in respect of other elements which make a positive contribution to the significance of the conservation area, such as open spaces.*'

162. In this case it is not the loss of a building but 'other elements' of the Conservation Area which contribute to its significance. The CAAMP is unusually clear in how it defines the area's significance and key features (page 4 of the CAAMP - CD F1). In my view, it is not just about individual buildings (although they matter too), but about:

- **Ancient manorial structure**
- **Open manorial land**
- **Spatial relationships** between historic lanes, open fields, dispersed farmsteads, ancient woodland, high-status houses in historic settings
- **Continuity of landscape grain** dating back to at least the 16th century (and in parts earlier)

[emphasis added]

163. This matters because the harm to structure and relationships is more serious in this case than the harm to individual components (although as noted above, there is physical harm to some of the individual elements such as historic lanes).

164. Historic England Guidance on Managing Significance in Decision-Taking in the Historic Environment (CD F2) states in relation to design and local distinctiveness (para 53) that:

*'In terms of the historic environment, some or all of the following factors may influence what will make the scale, height, massing, alignment, materials and proposed use of new development successful in its context:*

- *The history of the place*
- *The relationship of the proposal to its specific site*
- *The significance of nearby assets and the contribution of their setting, recognising that this is a dynamic concept*
- *The general character and distinctiveness of the area in its widest sense, including the general character of local buildings, spaces, public realm and the landscape, the grain of the surroundings, which includes, for example the street pattern and plot size*
- *The size and density of the proposal related to that of the existing and neighbouring uses*

- *Landmarks and other built or landscape features which are key to a sense of place*
- *The diversity or uniformity in style, construction, materials, colour, detailing, decoration and period of existing buildings and spaces*
- *The topography*
- *Views into, through and from the site and its surroundings*
- *Landscape design*
- *The current and historic uses in the area and the urban grain*
- *The quality of the materials.'*

165. The scale of the proposed development associated with the Appeal Site is not incidental, peripheral or localised but extends across a considerable area (7.9% of the Conservation Area), occupying open manorial arable farmland which is identified as a key feature of the Conservation Area and which enables legibility of a range of other heritage elements - as noted in the important views contained with the CAAMP (CD F1). It would introduce industrial infrastructure (solar arrays, ancillary development and substation). It would be long term and a semi-permanent change. The mitigation would alter historic patterns and reshape the form of ancient woodland, physically impacting rural lanes and resulting in the loss of intervisibility and permeability between lanes, woodland and built heritage. In my professional opinion, this is not just a 'change in the view' but a restructuring of the historic spatial landscape.

166. I have considered whether the Conservation Area would have been designated had the proposed development already been in place. The reasons for its designation and defined extent are founded on the historic coherence of the Tollemache Estate. The Appeal Site forms an essential part of that coherence through its historic and functional relationship with two of the manors and the ancient woodland. I consider that had the proposed development existed it would have seriously undermined the legibility, integrity, and significance of the landscape making it less likely the designation would have been pursued or confirmed. This illustrates the high level of erosion to the significance of the Conservation Area which would arise from this development.

167. Furthermore, imposition of the proposed development in this area would be contrary to the management guidelines set out in the CAAMP, and in particular those set out on page 68 in relation to landscape:

*'The historic landscape within the Bentley Conservation Area makes such an important contribution to the historic significance of the conservation area that it will be protected for its historic value and for what it explains about its strong manorial heritage. This includes the manorial and estates farmland and agricultural activity, parkland, the majestic ancient woodlands and the spidery pattern of paths, tracks and lanes that stretch like gossamer threads across the conservation area.'*

*Unsympathetic development within the conservation area and its historic landscape will be resisted where this fails to preserve and enhance its character and appearance.*

*Whilst the Bentley Conservation Area presently includes railway lines and pylons, the Council will be likely to resist any further intrusion of largescale man-made structures into and adjacent to the conservation area. Where the Council is able to exercise control, the Council will seek to encourage farmers to construct necessary farm buildings that are sympathetic with the appearance and character of the conservation area whilst also providing functional spaces for agricultural activity.'*

168. This demonstrates that the Local Planning Authority does not wish to see cumulative effects of infrastructure on this landscape. The proposed development would result in just this and would extend further intrusion of largescale man-made structures across a considerable area from east of the railway all the way to Station Road close to the A12.

169. I have considered whether the change arising from the proposed development is merely an erosion of the Conservation Area, leaving a substantial part of the Conservation Area unaffected. However, I have concluded that the part of the Conservation Area impacted by the development expresses some of the most tangible interrelationships between features to be found within the Conservation Area as a whole. I also note that the CAAMP highlights that the character and appearance of this Conservation Area '*is remarkably intact since the medieval*

*period, with only small changes being found in the enlargement of agricultural fields as a result of the Enclosure movement. There has been very little 20th century urbanisation'.*

170. Overall, I consider the effects of the proposed development:

- are not limited to one view, one building or one field
- directly affect some key features (open arable fields, lanes and Engry Wood) identified in the CAAMP
- change the grain and structure of the landscape
- undermine the very reason the area was designated.

171. Precedent elsewhere has demonstrated that substantial harm can occur without demolition or total loss. An example includes an appeal decision for a solar farm in Amber Valley Borough Council (CD H20) where the inspector concluded that '*The eastern part of the solar farm beyond the South Wingfield parish boundary would lie entirely within the western part of the area designated as Alfreton Park in the HER. I accept that the larger part of the park still remains as one cohesive design and that this is readily perceptible and enjoyed by visitors. The panels and associated containers and inverters would prevent any appreciation of the original extent of the park and its evolution over time, as well as completely obstruct many of the views out between woodland towards countryside around Shirland, South Wingfield and Crich. The intended mitigation planting would do no more than hide the panels and installations from immediate view whilst further removing any ability to perceive the historical extent of the park, unlike the existing hedges and fencing which is low and permeable in nature.*

*Deer, fencing, access tracks and cameras will add to the entirely incongruous impact of the solar farm which overall will largely vitiate the cultural identity of the park and its association with Alfreton Hall. The park should be assessed as a heritage asset of medium significance and the erasure of a large proportion of the open part of the park amounts to a substantial level of harm to this non-designated asset.'*

172. In the case of the Appeal Site, the proposed development would not conserve the character and appearance of the Conservation Area. The manorial

landscape at Bentley can be understood as a book whose significance lies in the continuity and clarity of its chapters. The fields, and woods and lanes which define them, are not simply physical space but the setting in which the narrative of the manorial system is read and understood.

173. The proposed development does not equate to the temporary removal of pages that could later be replaced. Rather, it is analogous to inserting an incongruous chapter written in a different genre, disrupting the flow and logic of the original text and making alterations to preceding chapters. Even if the new chapter were later removed, the narrative would not revert to its former coherent structure, emphasis and interpretation - what remains would have been permanently altered. The harm arises from the imposition of an alien form within a legible historic system, leaving a lasting imprint on how that system is understood.
174. In my professional view, this harm is **substantial** in NPPF terms because it undermines the significance of the heritage asset as a coherent manorial landscape in a way that is neither fully mitigable nor genuinely reversible, and which compromises its long-term conservation.

## Reversibility

175. I entirely accept that the planning permission sought in this case is for 40 years and that the scheme is theoretically capable of being reversed. I have assessed the impact of the scheme bearing this duration of impact in mind. It is a point which applies to all the impacts of the scheme described in my proof. 40 years is as long as many modern buildings, which are regarded as “permanent”, can be expected to stand. The development is not “temporary” in the ordinary meaning of that word as being a short time, even in the context of the historic environment. Although the Planning Design and Access Statement (CD A2) states in para 5.2.11 that the landscape would be restored, ‘*albeit with the permanent beneficial change resulting from the proposed landscaping*’, the character of the Site and area will have been changed.
176. Furthermore, if developed, the new solar park landscape would become the landscape baseline for any future and possibly permanent development which might be proposed over the 40 year period. The very presence of the

development, even for 40 years, would inevitably affect future decision-making in the area. Reversibility needs to be seen in the context of what it means or may mean in practice rather than as a theoretical concept.

## Conclusions

177. I consider that both the east and west fields have a medium-high sensitivity for the reasons set out in this proof.

178. The magnitude of change resulting from the proposed development on landscape character has been explored in the preceding paragraphs including physical and perceptual changes and also effect on special qualities as defined in the valued landscape assessments. The proposed mitigation planting would also result in change to character and undermine the current composition and qualities of the area.

179. For these reasons I consider the effect of the proposed development to be moderate to major adverse. The effects of the proposed development during operation and following decommissioning will not result in beneficial change but will remain adverse. They would result in a permanent loss of special qualities which give this area its distinctive character and value. In terms of its valued landscape status, the proposal would not protect and enhance the valued landscape contrary to para 187(a) of the NPPF, Local Plan Policy LP18 and Bentley Neighbourhood Plan (CD E2) Policy BENB7.

180. In terms of heritage impact, I have asked the question 'would the proposed development seriously undermine the Conservation Area's significance?'. I note the Appellant's Statement of Case (CD C8) concludes the effect of the proposed development on the Conservation Area would amount to '*less than substantial harm at the low end of the scale*' (para 8.8). I also note that the Statement of Case for the Local Planning Authority (CD 10) concludes that '*the harm would be less than substantial but at the higher end of the scale.*'

181. As I note above, the recent High Court judgment [2022] EWHC 829 (Admin) (CD H14) states at paragraph 47 that:

*'The question whether there will be substantial harm to a heritage asset is a matter of fact and planning judgment and will depend on the circumstances. The NPPF does not direct the decision maker to adopt any specific approach to identifying harm or gauging its extent beyond a finding of substantial or less than substantial harm. There is no one approach to the question'.*

182. It goes on to state at paragraph 52 that '*a decision maker would properly both interpret and apply the concept of substantial harm in the NPPF, if s/he assessed whether the impact of the proposed development was sufficiently serious in its effect that the significance of the designated heritage asset, including the ability to appreciate that asset in its setting, was (if not vitiated altogether) at least very much reduced.'*

183. I have considered the significance of the Conservation Area and the nature of the proposed development and reached my own conclusion regarding the degree of harm. Both the LPA and I agree that the proposed development would result in serious impacts and that the harm would be at the highest end of the spectrum. Where we differ is a matter of professional judgement as to whether those impacts remain just below the substantial harm threshold or cross it. My assessment is driven by the nature of the significance affected — namely the association with the Tollemache Estate, ancient manorial structure and historic landscape relationships — and the scale and nature of the proposed development which would result in long-term loss of their legibility. I accept that not all of the Conservation Area would be affected by the proposed development. However, the southern part of the estate has some of the most accessible and direct relationships between historic features anywhere in the Conservation Area. It therefore performs a particularly important role in conveying the significance of the Conservation Area.

184. The proposed development would affect a part of the Conservation Area where connections between manors and manorial land remain evident and where historic features still reflect the medieval structure of the landscape. These relationships and patterns are strongly expressed in the Site and its immediate environs and are rare, as confirmed by Edward Martin (CD C18C), who also notes the remarkable survival of archival documents which illustrate the history of this landscape. The proposed development would not preserve or enhance

the character and appearance of the southern part of the Conservation Area and would therefore very much reduce the significance of the whole.

## 5.0 Summary and Overall Conclusions

185. The receiving landscape forms part of a valued landscape. Its character and qualities make it highly sensitive to solar development of the scale proposed. The scale of solar panels and associated ancillary structures, would have a profound influence on the subtle historic characteristics of the area. Added to this is the harm caused by the mitigation planting which will alter the distinctive landscape patterns and associations and increase a sense of enclosure, foreshortening and blocking views to valued features. The proposed development would not in my view be consistent with the valued qualities of the landscape.

186. The above has led me to conclude that the proposed development will have substantial negative impact on landscape character, special qualities and historic character of the locality. The imposition of the proposed development would have a physical impact on the lanes and the open arable farmland and would have a perceptual impact, disrupting historic and cultural meaning in the landscape, undermining local aesthetic experience and narratives.

187. This would not further the opportunities for conservation and enhancement set out in the Valued Landscape Assessment (page 18) and would be contrary to Policy LP18 Area of Outstanding Natural Beauty which states that development within the AONB Project Areas should have regard to the relevant Valued Landscape Assessment (2020). This document identifies the following special qualities of the Wooded Plateau, all of which would be adversely affected:

- ***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 wavy 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.

188. Furthermore, the Proposed Development would result in substantial harm to the Conservation Area. The CAAMP makes clear that Bentley's significance derives predominantly from its ancient manorial structure, open estate farmland, historic spatial relationships, and the legibility of those relationships within the landscape. In my assessment, the proposed development would affect those elements directly and at a landscape scale, through the long-term occupation of open manorial land, the disruption of historic connections between lanes, woodland and farmsteads, the alteration of historic route character, and the reshaping of long-established woodland edges and landscape grain.

189. On this basis the proposed solar farm would be contrary to Policy LP19(4) which states that '*the Councils will have regard (or special regard consistent with the Councils' statutory duties) where appropriate to the historic environment and take account of the contribution any designated or non-designated heritage assets make to the character of the area and its sense of place. All designated and non-designated heritage assets must be preserved, enhanced or conserved in accordance with statutory tests and their significance, including consideration of any contribution made to that significance by their setting.*'

190. The proposed mitigation planting or temporary nature of the development would not make it acceptable in landscape and heritage terms but would contribute to the adverse impact on valued qualities.

191. While I recognise that reasonable heritage professionals can differ on the point at which serious harm becomes "substantial" for the purposes of national policy, my judgement is that the cumulative, long-term and structural nature of these impacts would so erode the Conservation Area's ability to express the reasons for its designation that the threshold of substantial harm is crossed. This conclusion is not based on the scale of the development in isolation, but on the nature of the significance affected and the permanence of the change to the historic landscape.

192. Even if a different conclusion is reached – ie that the harm was less than substantial - it would in my view remain at the highest end, attracting great weight in the planning balance and requiring clear and convincing justification for what, I understand, would be the first solar farm entirely within a conservation area.