

Agenda Item 7b

Committee Report

Item No: 7B

Reference: DC/23/05426

Case Officer: Jasmine Whyard

Ward: Gislingham. Palgrave.

Ward Member/s: Cllr Warboys and Cllr Weller

RECOMMENDATION: GRANT PLANNING PERMISSION

Development of Description

Cross Boundary Planning Application - Installation of a solar farm comprising: ground mounted fixed tilt bifacial solar panels; access tracks; string inverters; transformers; electrical connection compound; storage containers; underground cables and conduits; perimeter fence; temporary construction compound and associated infrastructure and planting scheme. (EIA Development)

Location

Land North of Lion Road, Palgrave- part in the parishes of Wortham and Diss

Parish: Palgrave and Wortham.

Site Area: 49.1 hectares

Applicant: Aura Power Developments Limited

Agent: Aura Power Developments Limited

Previous Committee/ Resolution: None

Previous Member Site Visit: None

Call in request from Council Member: None

Reason for reference to committee:

It is a 'renewable energy scheme' and is recommended for approval; in accordance with the Council's Scheme of Delegation the application must be determined by Planning Committee.

SUMMARY OF POLICIES

Development Plan

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

All policies are afforded full weight in the determination process as they are considered consistent with the policies of the NPPF in accordance with paragraph 232 of that document.

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

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

- **Diss and District Neighbourhood Plan (NP) (2023)**

- Policy 6- Design
- Policy 7- Surface Water Management
- Policy 8- Green Corridors and Biodiversity Enhancement

The National Planning Policy Framework

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

Particularly relevant chapters of the NPPF include:

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

Other Considerations

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

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

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

SUMMARY OF CONSULTATIONS

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

[Consultee Comments Online](#)

Town/ Parish Council Responses

Palgrave Parish Council- comments received 14/10/2024

Object on the basis of 1) prime agricultural land, 2) cumulative impacts, 3), infilling fields between Palgrave and Wortham, 4) dipropionate scale for the villages, 5) National Grid taller pylons proposed on site, 6) Realigning footpath 20 will be an undesirable walking route, 7) Millway Lane will be severely affected, 8) Mitigation required for existing wildlife, specifically via uninterrupted passages

Wortham and Burgate Parish Council- comments received 25/09/2024

Object in line with their previous consultation dated 28/02/2024 on the basis of 1) loss of rural landscape, harm to ecology and biodiversity, 2) negative visual impact which will detrimentally affect tourism and 3) loss of Grade 3a BMV land affecting the population and economically of those living and working here.

County Council Responses

Archaeology- comments received 13/12/2023

No objection subject to conditions on 1) submission of a written scheme of investigation, 2) submission of a post investigation, 3) submission of management plan for archaeological areas to be preserved in situ.

Development Contributions- comments received 20/12/2023

No objection but encourage the use of s106 to establish a community fund and local economic strategy.

Officer Note: This is discussed further within the Obligations section of this report, however it should be noted this is not something that can be secured via the planning process.

Fire & Rescue- comments received 06/02/2024

No objection but make comments regarding Suffolk Fire and Rescue's potential emergency response plan and make recommendations for the developer to consider relating to 1) automatic fire suppression systems, 2) complying with legislation, 3) designing the development to restrict fire spread, 4) appropriate water supplies, 5), fire safety management and 6) automatic fire detection

Flood & Water- comments received 28/12/2023

No objection subject to condition to ensure strategy for disposal of surface water is implemented in full.

Highways- comments received 25/03/2025

No objection subject to conditions on: 1) access, 2) visibility splays, 3) surface water discharge 4) construction management plan.

Public Rights of Way- comments received 24/05/2025

No objection subject to conditions on: 1) PROW Management Plan, 2) obtain formal approval from SCC to surface PROW, 3) obtain formal approval from SCC to fence along the PROW

Travel Plan- comments received 01/12/2023

No comment.

Internal Consultee Responses

Arboricultural Officer- comments received 07/12/2023

No objection subject to condition ensuring development is carried out in accordance with measures within the arboricultural report.

Ecology- comments received 17/03/2025

No objection subject to conditions on 1) compliance with ecological reports, 2) biodiversity enhancements, 3) landscape and ecological management plan and a legal agreement is secured in respect of skylarks.

Ecolytik- comments received 26/02/2024

No objection to the principle but encourage the applicant to consider the use of a battery energy storage system. In addition, wider cumulative impacts of the development and loss of agricultural land need to be considered.

Environmental Health - Air Quality- comments received 19/01/2024

No objection.

Environmental Health - Land Contamination- comments received 19/01/2024

No objection.

Environmental Health - Noise/Odour/Light/Smoke- comments received 12/12/2023

No objection subject to conditions on 1) confirmation that noise levels are complied with and 2) construction management plan.

Heritage- comments received 19/09/2024

Refer to previous comments dated 15/01/2024. Less than substantial harm would be caused to various designated and non-designated heritage assets. Recommend conditions on securing planting near to heritage assets and restricting the height of fencing.

Landscape- comments received 17/03/2025

Object on the basis that there would be significant adverse impacts arising to the landscape. However, if minded to approved recommends the following conditions: 1) landscape details, 2) advanced planting, 3) landscape and ecological management plan, 4) restoration and decommissioning plan

Public Realm- comments received 20/12/2023

No comment.

Waste- comments received - 19/12/2023

No comment.

Other Consultee Responses

Anglian Water- comments received 13/03/2025

No comment to make as no assets are affected. Would like to make the applicant aware that they should carry out an investigation of any unmapped public or private sewers and lateral drains.

East Suffolk Inland Drainage Board- comments received 04/01/2024

No comment.

Environment Agency- comments received 26/03/2025

No objection following receipt of a precautionary method statement which confirms that water voles would not be affected by the works and the timing of the works would not affect salmonid. Recommend conditions on: 1) no nighttime working, 2) restricting horizontal directional drilling and 2) submission of a hydrogeological impact assessment.

Officer Note: The EA also make comments on the BNG metric, specifically relating to watercourse units where the cabling route goes. The metric has been assessed by Place Services Ecology who raised no objection, however the points raised by the EA have nonetheless been raised with Place Services.

Historic England- comments received 12/12/2023

No objection but make recommendations on general heritage aspects for The Council's own Heritage Officers to consider.

Natural England- comments received 22/12/2023

No comment.

Suffolk Wildlife Trust- comments received 03/01/2024

Holding objection on the basis a Skylark Mitigation Strategy should be submitted. It is also believed further conservation and enhancement could be delivered on site more generally.

Officer Note: *A skylark mitigation strategy has been submitted and assessed by Place Services Ecology who are happy with the contents. It appears Suffolk Wildlife Trust have missed this detail when providing their re-consultation response, this is being checked with them.*

South Norfolk District Council- comments received 19/12/2023

No comment to make. Will determine the aspects of the scheme within South Norfolk.

SUMMARY OF REPRESENTATIONS

At the time of writing this report 39 letters/emails/online comments have been received. It is the officer opinion that this represents 16 objections and 23 support comments. An update shall be provided as necessary either via Tabled Papers or verbally at the meeting.

The number of times the same comment was made is noted in brackets, with the most raised comments at the top.

Objection comments summarised as follows:

- Landscape impact (14)
- Affects local ecology/ wildlife (12)
- Out of character with the area (11)
- Dominating/ overbearing (10)
- Consume prime agricultural land (10)
- Loss of open space (8)
- Scale (8)
- Next to previously consented solar scheme (8)
- Loss of outlook (8)
- Loss of food production (8)
- Overdevelopment of the site (6)
- Increase danger of flooding (6)
- Desecration of rural countryside (6)
- Conflict with District Plan (4)
- Damage experience of PROW and permissive path (4)
- Drainage (4)
- Harm to listed building (4)
- Sustainability (4)
- 50-metre-high Norwich to Tilbury pylons (4)
- Conflict with Neighbourhood Plan (3)
- Land between Palgrave and Wortham infilled (3)
- Conflict with NPPF (3)
- Increased traffic/ highway issues (3)
- Residential amenity (3)
- Harm to visual amenity (3)
- Trees (3)
- Design (3)
- Development too high (3)

- No screening will be adequate (3)
- Enormous amounts of concrete (3)
- Industrialisation of countryside (3)
- Increase in pollution (3)
- Displacement of skylarks (2)
- Affect property values (2)
- Minimal impact on climate change when China, India and Russia do not act (2)
- Fear of crime
- Application is lacking information
- Inadequate access
- Light pollution
- Land between Palgrave and Wortham fenced off
- No biodiversity net gain
- Material considerations must be adhered to
- Shrinking countryside
- Cost to property from flooding and deer
- Separation between previously approved solar farm and current proposal needed
- Harm to historic landscape
- Highly visible from topography
- Public right of way incorrectly plotted
- No improvements offered to culvert bridges
- Council should get independent reports carried out for ecology and flood risk
- No solar panels on new build houses
- The Council has demonstrated that it has no interest in supporting environment
- Villagers should have reduced council tax as there would be a deliberate reduction in desirability and reduced property values
- Look incompetent granting permission for something if it does not have a grid connection
- Despite objections the Grange Farm solar farm was granted
- Council will approve it regardless due to the cost of fighting an appeal
- Loss of personal view
- Another large windfarm
- Unnecessary amount of solar farms
- Impact on protected species
- Online portal for submitting comments is deliberately difficult to discourage objections
- Harm to special landscape area
- Should be defended at appeal
- End leisure
- Money-making exercise
- Directly across from a crinkle crankle wall

Supporting comments summarised as follows:

- Supply of greener energy (13)
- Helping future generations (4)
- Community benefit fund (4)
- Farmer diversification (3)
- Significant biodiversity net gain (3)

- Wildflower planting (3)
- Benefit local wildlife (2)
- Support UK's energy security (2)
- Existing trees and hedgerows will be kept (2)
- Facing energy and ecological crisis
- More solar required
- Need to help the environment
- Better than houses being built
- Jobs created
- Farmland retained
- Reliable energy
- Reduce energy costs
- Agricultural use under panels for sheep
- Farm incomes stretched from the end of farm subsidies
- In line with national policy
- Little local disturbance
- Easily reversible
- Less intrusive than wind farm
- Reducing intensively farmed land

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

RELEVANT PLANNING HISTORY

REF: DC/22/05600	Request for formal Screening Opinion under Regulation 6 (1) of The Town & Country Planning (Environmental Impact Assessment) Regulations 2017- Proposed solar farm and associated infrastructure.	DECISION: EIA 13.12.2022
REF: DC/23/02362	Request for a Scoping Opinion under Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017- Proposed solar farm and associated infrastructure.	DECISION: EIA 29.06.2023

The above applications relate to the Environmental Impact Assessment process and informed the Environmental Statement accompanying this proposed development.

APPLICATION ASSESSMENT

1. Proposed Development

1.1. The proposed development comprises of:

- Solar photovoltaic panels with a 30MW export capacity

- Inverters
- Substation
- Operation and maintenance building
- Transformer stations x 10
- Spare part containers x5
- Temporary construction compound
- Upgraded existing access onto Lion Road
- Access gate
- Fencing

1.2. A temporary 35-year permission is sought.

2. Site and Surroundings

- 2.1. The site extends 49.1 hectares and falls within the parishes of Wortham and Palgrave within the countryside. The point of connection is Diss Substation located north of the site in South Norfolk. The infrastructure associated with the point of connection is covered by a planning application (South Norfolk reference 2023/3574) and is to be determined by South Norfolk District Council. This application is pending consideration and has not yet been determined.
- 2.2. The site is located between Marsh Lane, Lion Road and Millway Lane. There is a Public Right of Way (footpath) running north south in the centre of the site between Millway Lane and Lion Road.
- 2.3. Of the 49.1 hectares, 13 hectares will be over-sailed by the solar panels and a smaller proportion of land will either be penetrated by the frame legs or covered by ground mounts.
- 2.4. The site is made up of arable fields, hedgerows and ponds. The land comprises of a mixture of Grade 2 (7.25%), Grade 3a (79.71%) and Grade 3b land (13.04%). Grades 2 and 3b are considered Best and Most Versatile.
- 2.5. The site does not fall within any key view identified within the NP, nor is it within any designated landscape. The site is relatively flat to the south and gently undulating to the north. There are no trees on or adjacent to the site protected by Tree Preservation Order, however there are nonetheless several valuable trees on site and hedgerows. The site is near to two Sites of Special Scientific Interest, Wortham Ling to the north and Gypsy Camp Meadows to the southeast.
- 2.6. The site is not within a Conservation Area, however there is a nearby Conservation Areas in Palgrave to the east. The nearest listed buildings are located approximately 200 metres south at their nearest point to the development. The listed buildings comprise of Grade II Listed Park House, crinkle crankle wall, stable block and groom's house/ coach house. A number of additional listed buildings and non-designated heritage assets are scattered further from the site but are found in all directions.
- 2.7. The site falls within Flood Zone 1 and is therefore not at risk from fluvial (rivers and sea) flooding. There are also no known groundwater, reservoir, critical drainage or foul water flood risk issues. There are small pockets and slivers within the site and along the southern and eastern boundaries which are at risk of pluvial (surface water) flooding now and in the future.

- 2.8. Notably another solar farm (Grange Farm) has permission immediately abutting the site along the eastern boundary, which was granted under DC/22/02667. National Grid's Nationally Significant Infrastructure Project, Norwich to Tilbury line, has a proposed route that runs north south in land between this proposed solar farm and Grange Farm.

3. Environmental Impact Assessment

- 3.1. Following screening and scoping opinions on the proposal, an Environmental Statement (ES) was submitted with the application. The ES covers the following topics: rationale, site selection and design, existing conditions, the proposal, construction operation and decommissioning, landscape and visual impact, avoidance and mitigation and residual impacts.
- 3.2. The ES has been reviewed by an external and independent assessor who has found it to be satisfactory. Officers are content that Members have sufficient information before them to understand the likely environmental effects of the development.

4. Principle of Development

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2. Policy SP03 directs development to the most sustainable locations and sets out the Council's spatial strategy, which restricts development in countryside locations except in specific circumstances. Permitted forms of countryside development include: a) sites that are allocated, b) development in accordance with an adopted Neighbourhood Plan, c) development compliant with paragraph 84 (NPPF 2024) or c) development compliant with another plan policy listed in Table 5 of Policy SP03.
- 4.3. Table 5 sets out that development in the countryside which is in accordance with Policy LP25 is acceptable in principle. As such this proposal is broadly acceptable in principle, subject to compliance with the detailed requirements of LP25.

Policy LP25 states that:

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

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

3. Where proposals for renewable and low carbon energy impact on nature conservation sites, the Areas of Outstanding Natural Beauty, or the setting of heritage assets (including conservation areas), the applicant must be able to convincingly demonstrate that potential harm resultant from development can be effectively mitigated and that there are no alternative sites available within the District or for community initiatives within the area which it is intended to serve. This includes providing underground power lines and cabling.

- 4.4. In respect of points 1 a), c) and d), the impacts on those listed matters and proposed mitigation measures will be discussed in further detail in the relevant sections of this report. Notably however there is residual heritage harm and significant adverse landscape impact after mitigation measures have been incorporated, which must be weighed in the overall planning balance.
- 4.5. Point 1 b) is not engaged in this instance as this is a standalone solar scheme.
- 4.6. In respect of point 1 e) the applicant must demonstrate connection rights and capacity within the UK power network as required by policy LP25. The applicant has provided a grid connection statement. This proposal has progressed from having an accepted grid connection in 2020, to having passed the 2nd stage process, where its impact on the transmission network was assessed and accepted in 2024. This proposal has a connection date of March 2028 and is therefore in a strong delivery position to help meet the aims of the Government's Clean Power Action Plan by the 2030 deadline. Furthermore, impending reforms to grid connection agreements require that an applicant has secured land rights and submitted a planning application, both of which have been done by the applicant in this instance.
- 4.7. The grid connection agreement is for 30MW which cannot be exceeded and is measured in direct current. The proposal does however include 'overplanting', which involves maximising the number of panels on site and overall installed capacity (alternating current) in order to ensure the 30MW export capacity is always being met, which mitigates against potential generating issues that could result from things affecting the panels, such as shade, moss, damage or decreased function of any panels. The installed capacity on this project would therefore be 60MW but its export capacity is limited by the connection agreement at 30MW. Reaching the full 30MW export capacity, using overplanting to maximise efficiency, would provide power for 18,996 homes, saving 11,125 tonnes of carbon each year. For the avoidance of doubt a condition is recommended to limit the export capacity at 49.9MW, this would allow some flexibility in export capacity if the connection agreement were to change in the future but ensures that the proposal is limited and does not end up with an export capacity that should have been assessed as a Nationally Significant Infrastructure Project.
- 4.8. Turning to point 3, noting the identified harm to heritage assets, an alternative sites assessment is required. The applicant undertook such assessment and importantly notes that National Grid will not permit a change in the point of connection once agreed and a new grid connection would be required. A new connection agreement in this area is likely to offer a connection date of 2036, 8 years later than the current connection agreement for this project. The alternative sites assessment took a 3km distance from the point of connection as this is as far as a viable cable route can be

made on this scheme, had regard to minimum land areas required to accommodate the development and physical and topographical constraints. 15 potential sites were identified and were discounted for a variety of reasons including increased proximity to heritage assets, length of cable route required, proximity to railway line, flood risk and lack of landowner interest. Whilst not all of them were discounted on heritage reasons, other constraints would clearly make those sites unviable. This approach is considered to be suitable and it has therefore been demonstrated that there are no alternative sites from the point of connection.

- 4.9. Notwithstanding the submitted alternative sites assessment, in any event the Badley appeal in Mid Suffolk (Council reference DC/22/01530) APP/W3520/W/24/3345132 offers some important commentary on grid connection agreements and how only sites with existing agreements can be considered viable options. Paragraph 41 of the Inspector's report states "If Part 3 of the policy requires an alternative site assessment, then the appellant has complied insofar as Appendix 17 of Mr Holliday's PoE was submitted to and discussed at the Inquiry. None of the possible alternative sites currently has a grid connection offer. Given the current queue for grid connections there would be likely to be a significant time delay before any of these sites could connect to the grid. That is an important consideration in assessing the availability of alternative sites for a solar farm scheme given the urgent need for new electricity infrastructure and solar being a key part of the Government's strategy for low-cost decarbonisation of the energy sector."
- 4.10. Notwithstanding the conclusions of the alternative site assessment, the proposal nonetheless conflicts with Policy LP25 by way of significant adverse landscape impacts and heritage harm, neither of which can be effectively mitigated given the site's location and operational constraints.
- 4.11. Policy LP25 does not explicitly mention impact on agricultural land, however it should be noted that the site primarily consists of Best and Most Versatile (BMV) agricultural land. Paragraph 187 of the NPPF recognises the economic value and other benefits of BMV land. The temporary loss of the productivity of this land in an agricultural sense is a matter to be weighed in the overall planning balance.
- 4.12. As there is conflict with Policy LP25, the proposal therefore also conflicts with Policy SP03 as the site is within the countryside and does not accord with the relevant Table 5 exception policy.
- 4.13. The overall harms and benefits of the scheme will be discussed further in subsequent sections of this report and will be considered in the overall planning balance.

5. Highway Considerations

- 5.1. Policies LP24 and LP29 of the JLP and paragraphs 115, 116 and 117 of the NPPF seek to ensure development does not severely affect the highway network, including the safety of users, by securing safe and unobstructed access and egress, connectivity, parking and visibility.
- 5.2. The permanent site and construction access will be via an existing access onto the western side of Lion Road, with construction traffic routed from the east of the A143 onto Lion Road. This access will connect into internal access tracks going across the site and leading to the substation. Permanent parking provision for maintenance purposes will be provided within the substation on site. The construction compound is likely to be to the southern part of the site nearest to the A143, however this will be confirmed via the Construction Management Plan which is conditioned.

- 5.3. SCC Highways raised no objection to the proposal subject to conditions which form part of the overall recommendation.
- 5.4. SCC Public Rights of Way Team raised no objection in respect of the PROW running though the site subject to conditions, including provisions to protect the Public Right of Way during construction, which forms part of the overall recommendation.
- 5.5. The proposal is considered acceptable from a highway perspective during both the construction and operational phases of the development.

6. Flood Risk and Drainage

- 6.1. Policies SP10 and LP27 of the JLP and paragraph 170 of the NPPF seek to secure sustainable drainage systems and steer development away from areas vulnerable to flooding and ensure development does not increase flood risk elsewhere now or in the future, taking account of all sources of flood risk.
- 6.2. In respect of paragraphs 173, 174 and 175 a sequential risk-based approach must be applied to any development at risk now or in the future from any form of flooding. Paragraph 175 is clear that the sequential test does not need to be engaged where a Site-Specific Flood Risk Assessment demonstrates that the built development, including access, is not at risk of flooding.
- 6.3. The submitted Site-Specific Flood Risk Assessment shows that panels along the eastern side of the site could be at risk from pluvial flooding. However, all panels are raised a minimum of 0.7 metres from the ground which is a higher level than the depth of any flooding such that flood water would freely flow underneath and not compromise the panels. The access and other ancillary forms of infrastructure on site are located outside of at-risk areas. The development is therefore considered to be safe for its lifetime and would not displace flood water elsewhere.
- 6.4. The Environment Agency updated their mapping systems earlier this year, however having reviewed the submitted Flood Risk Assessment against the updated mapping there is no significant change in pluvial flood risk now or in the future (accounting for new climate change data available), nor is there any increased risk of flooding from any other source.
- 6.5. SCC Floods and Water reviewed the submitted Surface Water Drainage Strategy and are satisfied that the strategy sufficiently addresses and accommodates surface water runoff from the scheme. Given the gaps between and underneath the panels and new planting, the surface water runoff and infiltration will offer a comparable situation to greenfield rates and in some instances improve the situation of existing arable fields. There would be no increase surface water runoff from the development.
- 6.6. The proposal is therefore considered acceptable in respect of flood risk and drainage.

7. Heritage

- 7.1. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest which it possesses.
- 7.2. The practical effect of those legal duties is that the decision-taker is presented with a strong presumption against a grant of permission where harm is identified, as the asset's conservation is a matter of considerable importance and weight.
- 7.3. Irrespective of the level of harm identified to the significance of a designated heritage asset (including from its setting), great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
- 7.4. Policies SP09 and LP19 of the JLP and paragraphs 213 and 214 of the NPPF, are consistent with the above duties.
- 7.5. The Council's Heritage Team identified the following harm to a number of assets:
- Low to medium level of less than substantial harm to Park House and crinkle crinkle walled garden (Grade II listed)- proposal is a detrimental addition to their historic rural agricultural setting
 - Low level of less than substantial harm to The Rookery, The Stables and Coach House (Grade II listed)- proposal is a detrimental addition to their historic rural agricultural setting
 - Low level of less than substantial harm to St John's Cottages (non-designated heritage assets)- proposal is a detrimental addition to their historic rural agricultural setting
 - Very low level of less than substantial harm to Stone Cottages, Thatched Cottage and Wolsey House (non-designated heritage assets)- proposal is a detrimental addition to their historic rural agricultural setting
- 7.6. A low to medium level of less than substantial harm has been identified to various Grade II listed designated heritage assets. Notwithstanding that there is conflict with Policy LP25 as this harm has not been effectively mitigated, in line with Policy LP19 and paragraph 215 of the NPPF, public benefits must be identified within the proposed development that outweigh the harm, recognising that this is a matter of considerable importance and great weight.
- 7.7. In respect of the very low to low level of less than substantial harm identified to various non-designated heritage assets, paragraph 216 of the NPPF is engaged which states that a *"balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"*.
- 7.8. Noting that national and local climate emergencies have been declared, alongside the strong Government direction towards achieving net zero and securing clean renewable power, the harm identified to Grade II listed buildings and non-designated heritage assets (rather than highly Grade I and Grade II* listed assets) is considered to be sufficiently outweighed by the significant public benefits arising from generating power for 18,996 homes.
- 7.9. Whilst the proposal would result in a long term sustained impact on a number of heritage assets, the scheme is not permanent as a 35-year temporary permission. The temporary nature of the scheme is further supported by conditions requiring reinstatement of the land. Whilst the temporary

nature of the proposal does not outweigh nor justify any harm, it nonetheless provides useful context and does enable a future where this harm can be reversed.

- 7.10. The statutory duties within the Listed Buildings Act impose a strong presumption against granting planning permission where harm is identified and harm of any quantum, is a matter of considerable importance and weight. In line with paragraph 215 of the NPPF, less than substantial harm at any level must be weighed against public benefits. For the reasons set out above officers are satisfied in this instance that sufficient and significant public benefits would arise to outweigh the harm identified for the purposes of paragraph 215, whether that harm be taken collectively or on an asset-by-asset basis. Such harm, however, nevertheless falls to be considered again in the overall planning balance.
- 7.11. In addition to the balance required under the NPPF and Policy LP19, due regard must also be had to Policy LP25 (3), which requires effective mitigation of any heritage harm identified and is separate from the public benefits test discussed above. In this respect, the harms have been mitigated as far as they can be, however this does not amount to 'effective mitigation' as residual harm remains. This is again considered and weighed in the overall planning balance.

8. Design and Layout

- 8.1. Policies SP09, SP10, LP23 and LP24 of the JLP and paragraphs 131, 135 and 139 of the NPPF work inter alia to ensure development is appropriate and sympathetic within its surroundings and is environmentally sustainable, paying particular attention to the design, layout and construction of development.
- 8.2. The solar panels are south facing to maximise solar gain and would have a maximum height of 3 metres with a minimum clearance off of the ground of 0.7 metres height. A minimum of 2.2 metre spacing will be delivered between the panel rows. Solar racks will either be comprised of 26 panels or 13 panels depending on the area within the site. The racks will be positioned to follow existing field shapes removing the need for any vegetation removal.
- 8.3. Inverters are mounted on the back of the solar panel frames and the transformer units and spares container are similar in appearance and will adopt the form of steel shipping containers or Glass Reinforced Plastic. Details of the external finish of all containers and cabinets (transformer units, spare parts container and substation compound containers) will be conditioned.
- 8.4. As a renewable energy scheme, the proposal inherently meets the aims of Policy LP23, however no details of sustainability during the construction phase have been submitted, such that this is recommended as a condition.
- 8.5. The proposed design and layout are reflective of the scheme's functionality. It would adopt the appearance of a typical solar farm. The overall design and layout are therefore considered acceptable accounting for the nature of the proposal.

9. Residential Amenity

- 9.1. Policy LP24 of the JLP and paragraph 135 of the NPPF seek to ensure development does not detrimentally affect the residential amenity of neighbouring residents in order to achieve and maintain well-designed places and the health and wellbeing of communities.
- 9.2. A Noise Assessment was carried out and models noise in isolation from this scheme and cumulatively with the Grange Farm solar project adjacent to the site east. In either event there would be no detrimental impact arising from noise and the levels sit below recommended government guidelines. This assessment was reviewed by the Council's Environmental Health Team who raised no objection to the scheme subject to conditions which form part of this recommendation.
- 9.3. A Glint and Glare Assessment was submitted and assessed potential impacts on road, rail, aviation and dwellings. Once proposed mitigation measures, in the form of screening were factored into the assessment, there are predicted to be no impacts and no effects arising from glint and glare from the panels. The required screening is shown on the proposed plans and will be conditioned to be carried out in advance.
- 9.4. The Public Rights of Way Team raised no objection to the proposal as it would allow unimpeded access through the site. It is however acknowledged that there would be a change in the overall experience for users of the Public Right of Way arising from the changing environment, whilst this is not considered to be significant enough to warrant refusal given that the area remains unobstructed and the development affects a portion of the wider PROW network within the area, this harm falls to be weighed again in the overall planning balance.
- 9.5. The proposal is on balance considered to be acceptable from the perspective of residential amenity.

10. Landscape

- 10.1. Policies SP09 and LP17 of the JLP and paragraphs 136 and 187 of the NPPF seek to conserve and enhance the natural environment, specifically the landscape and its key characteristics, both within the confines of the site and within the wider locality.
- 10.2. The proposed landscaping scheme is comprised of new tree and hedgerow planting around the boundaries of the site and a meadow mix of grass and wildflowers planted beneath the panels.
- 10.3. The Council's Arboricultural Officer raised no objection to the proposal subject to ensuring construction is carried out in accordance with the submitted Arboricultural Report which is reflected in the recommendation.
- 10.4. Place Services Landscape raised an in-principle objection to the proposal citing that there would be significant adverse impacts on the landscape both in isolation and in cumulation with Grange Farm adjacent. These conclusions were also drawn in the applicant's Landscape and Visual Impact Assessment. Notwithstanding the harm identified, Place Services Landscaping recommended several conditions to secure maximum benefit and mitigation from the site. These conditions form part of the overall recommendation.

- 10.5. Amendments were made to widen the footpath corridor through the site to help mitigate impacts on the Public Right of Way. Whilst these were welcome changes, Place Services Landscape confirmed that this would not reduce the overall significant adverse impacts which remain.
- 10.6. There would be conflict with Policies SP09 and LP17 as there would be significant adverse landscape effects both in isolation and cumulatively with the adjacent solar project (Grange Farm). Place Services Landscape have confirmed that this harm has been mitigated as far as possible, however significant adverse impacts remain. This harm will be weighed in the overall planning balance at section 14 of this report.

11. Biodiversity

- 11.1. Policies SP09 and LP16 of the JLP and paragraphs 187 and 193 of the NPPF require development to protect and enhance designated sites, habitats and species.
- 11.2. Onsite enhancement and offsite mitigation measures is proposed for skylarks. A Precautionary Working Method Statement was submitted in respect of potential impacts on Great crested newts, skylarks, water vole and salmonid. Place Services raised no objection to the application having reviewed all available information subject to conditions which are included in the overall recommendation. Suffolk Wildlife Trust currently have a holding objection on the basis of Skylarks however they are yet to respond to the additional information received and assessed by Place Services Ecology, who deemed the information to be acceptable. Should an updated response from Suffolk Wildlife Trust be received an update will be provided to Members via Tabled Papers.
- 11.3. In addition, Policy LP16 specifically requires that development must identify and pursue opportunities providing the equivalent of a minimum of 10% biodiversity net gain. A baseline biodiversity net gain metric has been submitted and deemed acceptable by Place Services Ecology which demonstrates a net gain of 20%. As the application was validated prior to mandatory biodiversity net gain being implemented, a planning condition, rather than the mandatory condition, is imposed to secure biodiversity net gain.
- 11.4. There are two nearby Sites of Special Scientific Interest (Wortham Ling and Gypsy Wood) and the site falls within a SSSI Risk Impact Zone. The proposal is however not identified as a type of development that poses a specific risk to the relevant SSSIs. Natural England had no comment to make.
- 11.5. The Environment Agency raised no ecological objection following further information in respect of water voles and salmonid.
- 11.6. The proposal is therefore considered acceptable from an ecological perspective.

12. Land Contamination and Air Quality

- 12.1. Policies SP09, SP10, LP15 and LP16 of the JLP and paragraph 187 of the NPPF seek to ensure development does not adversely affect, nor is affected by, pollution, waste and mineral deposits.
- 12.2. The Council's Environmental Health Team raised no objection in respect of land contamination and air quality.

12.3. The proposal is therefore acceptable from a land contamination and air quality perspective.

13. Obligations

13.1. The applicant has committed to providing a community benefit fund equating to £12,000 per annum for the lifetime of the development.

13.2. Financial mitigation of development can only be secured where it is necessary to make the impacts of the scheme acceptable so as to enable the grant of permission. The mechanism for securing such financial mitigation is by way of legal obligation. Such obligations must however meet certain tests set out in the NPPG and Community Infrastructure Levy Regulations.

13.3. Based on the nature of the application and policy basis, there is no policy basis for any financial compensation or other scheme to be offered/ put in place for the community or other party as it would not meet the tests set out within the section 123 of the Community Infrastructure Levy Regulations 2010.

13.4. Whilst the applicant has therefore committed to delivering this fund, it is not a material consideration in the determination of this application.

CONCLUSION

14. Planning Balance and Conclusion

14.1. Decision taking begins with the development plan and it is of vital importance that planning decisions are plan-led. The NPPF, an important material consideration, reiterates this fundamental point.

14.2. The broad principle of renewable energy is supported by Policy LP25, however the overall acceptability turns on whether the scheme complies with the specific requirements of Policy LP25. Notably there is heritage harm and significant adverse landscape impact, which even once mitigated remain harmful.

14.3. The site primarily consists of Best and Most Versatile (BMV) agricultural land and the temporary loss of the productivity of this land in an agricultural sense is a matter that weighs negatively against the proposal, however this particular harm does not conflict with the Development Plan, noting that LP25 does not take Best and Most Versatile Land into account. Furthermore, the land would be used productively for renewable energy in line with Government policy which is afforded greater weight.

14.4. The proposal would conflict with Policies LP25, SP09 and LP17 as significant adverse landscape impacts would arise both in isolation and cumulatively. It is however important to note that the site is not within any designated landscape, such that the weight afforded to this conflict is lesser than if the landscape were designated.

14.5. When assessing the level of less than substantial heritage harm to Grade II listed assets and non-designated heritage assets in relation to Policy LP19 and the provisions of the NPPF, these matters

are of considerable importance and are afforded great weight. The provisions of both Policy LP19 and the NPPF do however also require a public benefit exercise to be undertaken where harm is identified to designated heritage assets and a balanced judgement is required where harm is identified to non-designated heritage assets.

- 14.6. Turning to the public benefits, the proposal would generate power for 18,996 homes and would assist in meeting the Government's Clean Power 2030 Action Plan and net zero by 2050 targets. These benefits are considered sufficient to outweigh the low to medium level of less than substantial harm to five Grade II listed buildings, the proposal would therefore not conflict with Policy LP19. These public benefits are afforded significant weight and also weigh heavily against the conflicts with the Development Plan.
- 14.7. Although the broad principle is acceptable under Policy LP25, the proposal would conflict as a result of the same landscape harms as identified above, as well as heritage harm, neither of which have been effectively mitigated as required by Policy LP25. However, these harms have been as mitigated as much as they feasibly can be. Conflict with Policy LP25 consequently leads to conflict with Policy SP03 as the development does not accord with a Table 5 policy exception.
- 14.8. The conflict with Policies SP03, SP09, LP17 and LP25, the level of harm and weight afforded to those harms must however be weighed against the provisions of the NPPF and other material considerations.
- 14.9. Turning to material considerations, paragraphs 161 and 168 of the NPPF place significant weight on the benefits of renewable and low carbon energy. Paragraph 161 states that *"the planning system should support the transition to net zero by 2050... and support renewable and low carbon energy and associated infrastructure"*. Paragraph 168 states that Local Planning Authorities should *"not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future"*.
- 14.10. The significant weight contained within the NPPF is further supported by the Government's recent Clean Power 2030 Action Plan (CP2030). CP2030's target means that *'by 2030, Great Britain will generate enough clean power to meet our total annual electricity demand, backed up by unabated gas supply to be used only when essential'*. The significant weight afforded to this Government target, means to address climate change and improve energy security is consistent with the appeal decisions issued across the country in respect of solar schemes. This includes the decision in Badley where the Inspector stated: *"Given the benefits of the appeal scheme to the reduction of carbon emissions and towards energy security considerations, I consider that renewable energy generation from the proposed solar farm attracts significant weight in the planning balance."* It should also be noted that the 'benefits' in the Badley context was enough power for 13,500 residents, a smaller quantum than offered by this scheme. Whilst there was no landscape harm identified in that case, overall the harms were comparable to this proposal as greater heritage harm was identified to several more highly graded heritage assets.
- 14.11. The proposed development would be contrary to the Development Plan as a whole (specifically policies SP03, SP09, LP17 and LP25), however these conflicts are given a reduced weight in the overall balance and material considerations in the form of previous appeal decisions set out the significant weight that is to be given to the benefits that accrue from this proposal. Significant public

benefits through generating clean renewable energy for 18,996 homes and improving energy security indicates that in this instance a decision should be taken that departs from the Development Plan. The benefit of this energy generation outweighs the residual impacts on landscape and heritage and the overall conflict with the Development Plan.

14.12. The recommendation is therefore to grant planning permission.

RECOMMENDATION

That Members resolve to **GRANT** planning permission subject to the following obligations, conditions and informatives and any others as may be deemed necessary by the Chief Planning Officer:

Obligation

- Delivery of offsite skylark mitigation

Conditions:

- Time limit for commencement
- Compliance with approved plans
- 49.9MW export capacity
- No development shall commence until planning permission is received from South Norfolk
- 35-year expiry of permission
- Compliance with Surface Water Drainage Strategy
- Submission of Written Scheme of Investigation
- Submission of Post Investigation
- Submission of Archaeological Management Plan
- Submission of details demonstrating sustainable construction
- Restriction on horizontal directional drilling
- Submission of a Hydrogeological Impact Assessment.
- Submission of Construction Management Plan
- Access to be improved prior to any other construction
- Submission of details to prevent surface water discharge on highway
- Visibility splays to be in place prior to construction use of the access
- Submission of Public Right of Way Construction Management Plan
- New fencing to be agreed along PROW
- Surface material to be agreed along PROW
- Submission of evidence demonstrating compliance with Noise Assessment
- Submission of external finish of containers and cabinets
- Fencing to be no taller than 2 metres in height
- Submission of advanced planting details
- Submission of access track surfacing materials
- Submission of Soil Management Plan
- Submission of Restoration and Decommissioning Plan
- Compliance with Arboricultural Report
- Submission of proposed landscaping scheme which shall include tree planting to the boundaries closest to harmed heritage assets
- Submission of Biodiversity Gain Plan

- Compliance with ecological recommendations
- Submission of Landscape and Ecological Management Plan
- Submission of Biodiversity Enhancement Plan
- No nighttime working

Informatives:

- SCC Floods and Water recommended informatives
- SCC Public Rights of Way recommended informatives on seeking their approval
- SCC Highways recommended informatives

In the event that the details reserved by a condition are satisfactorily supplied prior to issuing the decision, the relevant condition will be amended accordingly.