

Planning Proof of Evidence.

Evidence of Paul Burrell.

In respect of Land at Grove Farm and land East of the Railway Line, Bentley, Suffolk.

Construction of a Solar Farm (up to 40MW export capacity) with ancillary infrastructure and cabling, DNO substation, customer substation and construction of new and altered accesses.

On behalf of Green Switch Capital Ltd

Date: December 2025 | Pegasus Ref: P25-0480

Appeal Ref: APP/D3505/W/25/3370515 | LPA Ref: DC/23/056656



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1. Personal Background

- 1.1. My name is Paul Burrell. I hold a BSC (Soc Sci) Hons in Geography and a Diploma in Urban Planning.
- 1.2. I am a Chartered Town Planner and have been a member for thirty-five years. I hold the position of an Executive Planning Director at the consultancy Pegasus Group. I am also the National Head of Planning at Pegasus.
- 1.3. I have considerable experience in advising on planning matters concerning low carbon and renewable energy projects, including solar schemes, onshore wind farms and energy from waste facilities. I have secured planning permission for various solar farm and battery storage projects across England and Wales, including acting as planning expert witness in the *Halloughton, Greatworth, Langford, Hillfield Lane, Scruton, Fobbing, Belvoir, Southlands* and *Woolpots* appeals, many of which I refer to later in my Evidence.
- 1.4. The evidence that I have prepared and provide for this Section 78 appeal is true and has been prepared and is given in accordance with the guidance of my professional institution. I can confirm that the opinions expressed are my true and professional opinions.



2. Introduction

2.1. My Planning Proof of Evidence has been prepared on behalf of Green Switch Capital Ltd ("The Appellant") and relates to a planning appeal submitted pursuant to Section 78 of the Town and Country Planning Act 1990, concerning land at Grove Farm and land east of the railway line, Bentley ("The Appeal Site").

2.2. The appeal follows the refusal by Babergh District Council (the relevant Local Planning Authority, "the LPA") of the application for full planning permission (BDC ref: DC/23/0656, "the Application") for a proposed development ("the Proposed Development") comprising the following:

"Construction of a Solar Farm (up to 40MW export capacity) with ancillary infrastructure and cabling, DNO substation, customer substation and construction of new and altered accesses."

2.3. The Application was refused at Planning Committee and a Decision Notice was duly issued by the LPA on 6th February 2025. The two reasons for refusal cited were:

"1. HERITAGE

The proposal would conflict with policies SPO9, LP19, LP25 and consequently SPO3 of the Babergh and Mid Suffolk Joint Local Plan (2023), policies BEN 11 and BEN 12 of the Bentley Neighbourhood Plan (2022) and paragraphs 212, 213, 215 and 216 of the NPPF (2024). The proposal would result in a low to medium level of less than substantial harm to a number of designated and non-designated heritage assets; the most notable and highly graded of which include the Grade I listed Bentley Hall Barn and Grade II* listed Bentley Hall, Bentley Hall Stables and Church of St Mary. Whilst significant weight is afforded to the public benefits of renewable clean energy, this benefit is not considered sufficient to outweigh the harm to a range of heritage assets, which are matters of considerable importance and great weight. The setting of these assets and thus their significance would be eroded and undermined by the proposed development as it would introduce an industrial incongruous character to the current traditional agricultural character and historical landscape of the area.

2. LANDSCAPE

The proposal would conflict with policies SPO9, LP17, LP18, LP25 and consequently SPO3 of the Babergh and Mid Suffolk Joint Local Plan (2023), policies BEN 3 and BEN 7 of the Bentley Neighbourhood Plan (2022) and paragraphs 187 and 189 of the NPPF (2024). The development would introduce an incongruous, industrialised character into a valued landscape, being within the setting and Additional Project Area of the Suffolk Coast and Heaths National Landscape. The development would erode a well preserved and largely unaltered agricultural area and would infill a tranquil transitional gap between settlement and a valuable historical landscape with an abrupt, alien and jarring form of development."



Overarching Statement of Common Ground with the LPA

- 2.4. An overarching Statement of Common Ground ("the SoCG") has been agreed with the LPA (*Core Document C.12*) and I therefore rely on the agreement to matters which are not currently disputed between the main parties.

Appellant's Proposed Amendments to the Application

- 2.5. At the time of lodging the Appeal, the Appellant proposed minor amendments to the proposed Site Layout. A description of the various amendments made is set out in the SoCG (*Core Document C.12, paragraph 3.31*), which includes a number of positive changes to the proposed site layout to include additional woodland belt planting.
- 2.6. The nature and implications of these amendments to the proposed scheme was discussed during the CMC, and subsequently the Appellant provided copies of the responses received to the stakeholder consultation on these amendments to both Parties and to the Inspector by email dated 21st November 2025 (*Core Document C.23*).
- 2.7. In my evidence, I will refer to the proposed development as amended by these proposed minor amendments as "**the Amended Scheme**", and the proposed development as refused by the LPA as "**the Refused Scheme**".

LPA's Proposed Amendments to the First Reason for Refusal

- 2.8. I note that in its Statement of Case, the LPA identified that it has updated its First Reason for Refusal on heritage grounds. In the overarching SoCG (*Core Document C.12, paragraph 5.4*), it is agreed that this updated reason for refusal will be responded to by the Parties in their evidence.

Scope of Evidence

- 2.9. My Planning Proof of Evidence addresses the Planning Policy matters raised in the Reasons for Refusal, as well as the overall planning balance.



3. The Appeal Site and its Surroundings

- 3.1. An agreed description of the Appeal Site and its surroundings is set out in the overarching Statement of Common Ground with the LPA (*Core Document C.12, Section 2*).



4. The Appeal Proposals

- 4.1. A detailed description of the Appeal Scheme and confirmation of the plans and documents on which the LPA's decision was made are contained in the overarching Statement of Common Ground with the LPA (*Core Document C.12, Sections 3 & 4*).



5. Planning History

- 5.1. An agreed description of the Planning History relevant to the Appeal Site is set out in the overarching Statement of Common Ground with the LPA (*Core Document C.12, Section 6*).

6. Planning Policy Framework

6.1. In this section of my evidence, I identify the planning policies and guidance that will be of most relevance to the determination of this Appeal.

The Development Plan

6.2. As agreed in the overarching SoCG (*Core Document C.12, paragraph 7.5*) with the LPA, the statutory Development Plan applying in respect of the Appeal Site comprises:

- Babergh and Mid Suffolk Joint Local Plan, adopted in 2023, and
- Bentley Neighbourhood Plan, made in 2022.

Babergh and Mid Suffolk Joint Local Plan (adopted November 2023)

6.3. The policies referred to by the LPA in the Reasons for Refusal comprise:

- Policy SPO9 – Enhancement & Management of the Environment
- Policy LP17 – Landscape
- Policy LP18 – Area of Outstanding Natural Beauty
- Policy LP19 – The Historic Environment
- Policy LP25 – Energy Sources, Storage & Distribution
- Policy SPO3 – The Sustainable Location of New Development

6.4. An additional policy was introduced by the LPA after determination of the Appeal Scheme in their Statement of Case in its updated Reasons for Refusal comprise:

- Policy LP24 – Design and Residential Amenity

6.5. I examine each of these Development Plan policies in Section 8 of my evidence.

6.6. In addition, I note that other relevant policies for determining this appeal are set out in the Statement of Common Ground with the LPA (*Core Document C.12, paragraph 7.10*) and I further note that the LPA confirm that the proposals accord with all these policies¹. (*Core Document C.12, paragraph 7.11*):

- Policy SP10 – Climate Change
- Policy LP15 – Environmental Protection and Conservation

¹ Save for where there may be attendant policy conflicts with policies SPO9, LP17, LP18, LP19 and LP25

- Policy LP16 – Biodiversity and Geodiversity
- Policy LP23 – Sustainable Construction and Design
- Policy LP27 – Flood Risk and Vulnerability
- Policy LP29 – Safe, Sustainable and Active Transport

Bentley Neighbourhood Plan 2018 – 2037 (made 2022)

6.7. The policies referred to by the LPA in the Reasons for Refusal comprise:

- Neighbourhood Plan Policy BEN 3 – Development Design
- Neighbourhood Plan Policy BEN 7 – Protecting Bentley’s Landscape Character
- Neighbourhood Plan Policy BEN11 – Heritage Assets
- Neighbourhood Plan Policy BEN12 – Buildings of Local Significance

6.8. I examine each of these Development Plan policies in Section 8 of my evidence.

6.9. In addition, it is agreed with the LPA in the Statement of Common Ground that other policies which are relevant to the Appeal Site also comprise (*Core Document C.12, paragraph 7.15*):

- Neighbourhood Plan Policy BEN4 – Flooding and Sustainable Drainage
- Neighbourhood Plan Policy BEN8 – Protecting Habitats and Wildlife Corridors
- Neighbourhood Plan Policy BEN10 – Dark Skies and Street Lighting

6.10. I note that the LPA confirm that the proposals accord with these three policies². (*Core Document C.12, paragraph 7.16*).

National Policy and Guidance

6.11. I refer specifically to the following material considerations in my evidence subsequently:

- National Planning Policy Framework (NPPF, December 2024 and updated February 2025) (*Core Document D.1*);
- Planning Practice Guidance (PPG) (*Core Document D.2*);
- Planning (Listed Buildings and Conservation Areas) Act 1990 (*Core Documents D27 and D28*);

² Save for where there may be attendant policy conflicts with policies BEN3, BEN7, BEN11 and BEN12.



- Overarching National Policy Statement for Energy (EN-1), January 2024 (*Core Document D.3*);
- National Policy Statement for Renewable Energy Infrastructure (EN-3), January 2024 (*Core Document D.5*);
- Climate Change Act 2008 (*Core Document D.7*);
- Climate Change Act (2050 target amendment) Order 2019 (*Core Document D.8*);
- UK Parliament declaration of an Environmental and Climate Change Emergency in May 2019 (*Core Document D.10*);
- Energy White Paper: Powering our Net Zero Future published in December 2020 (*Core Document D.11*);
- 'Achieving Net Zero' published by the National Audit Office in December 2020 (*Core Document D.29*);
- Net Zero Strategy: Build Back Greener, dated October 2021 (*Core Document D.12*);
- British Energy Security Strategy, dated April 2022 (*Core Document D.14*);
- 'Powering up Britain' suite of documentation, including the Energy Security Plan, dated March 2023 (*Core Document D.15*);
- Clean Power 2030, dated November 2024 (*Core Document D.19*);
- Clean Power 2030 Action Plan: A new Era of Clean Electricity, dated December 2024 (*Core Document D.20*);
- UK Food Security Report, dated December 2024 (*Core Document D.21*);
- Solar Roadmap, June 2025 (*Core Documents D.23-D.26*);
- National Grid ESO Future Energy Scenarios, dated November 2025 (*Core Document D.25*);
- The latest version of the 'Digest' of United Kingdom Energy Statistics, July 2025 (*Core Document D.30*).

Other Reports and Studies

- 6.12. There are a number of supplementary reports and studies referred to in the evidence relating to Heritage and Landscape matters as noted in the Core Documents schedule, which I have also had regard to.

7. Case for the Appellant

- 7.1. Article 35(1)(b) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 states that where planning permission is refused, the notice must state clearly and precisely the LPA's full reasons for the refusal, specifying all policies and proposals in the Development Plan which are relevant to the decision.

Reasons for Refusal

- 7.2. I consider that the LPA's Reasons for Refusal raises a number of interrelated points with regard to alleged harm to setting to a number of heritage assets and the landscape character and visual appearance of the area.

Main Issues

- 7.3. The Inspector in the CMC pre-conference note indicated that there are considered to be 8 main considerations in determining this Appeal. Taking each Main Issue in turn:

Issue 1 – Whether or not the proposed development would preserve the setting of the following listed buildings: Bentley Hall (grade II*), the associated Meeting Hall Stables (grade II*), Bentley Hall Barn (grade I); St Mary's Church (grade II*); Maltings House (Grade II

- 7.4. This issue is examined in the evidence of Ms Garcia. She concludes that there would be harm at the lower end of the less than substantial scale arising to the setting of St Mary's Church.

- 7.5. Ms Garcia also concludes that no harm would arise to Bentley Hall, Meeting Hall Stables, Bentley Hall Barn, or the Maltings House.

- 7.6. I return to consider the weight to be afforded to this harm, and whether the public benefits of the Proposed Development outweigh the harm to the significance of the above heritage assets in accordance with paragraph 215 of the NPPF, in Section 11 of my Evidence.

Issue 2 – Whether or not the proposed development would preserve or enhance the character or appearance of the Bentley Conservation Area

- 7.7. This issue is examined in the evidence of Ms Garcia. She concludes that there would be harm at the low end of the less than substantial scale arising to Bentley Conservation Area.

- 7.8. I return to consider the weight to be afforded to this harm, and whether the public benefits of the Proposed Development outweigh the harm to the significance of the above heritage asset in accordance with paragraph 215 of the NPPF, in Section 11 of my Evidence

Issue 3 – Whether there are material matters arising from the date of designation of the Conservation Area

- 7.9. Ms Garcia explains the process of designation of the Conservation Area in her evidence at her Appendix 2. She raises a number of issues with regard to the timing of the designation process, inconsistencies in the rationale for the definition of the Conservation Area boundary itself, and a lack of consistency with the Bentley Neighbourhood Plan. In my opinion, the

principal consideration is the role that the Appeal Site has with the regard to the significance of the Conservation Area as a whole, and the level of harm that arises as a result.

Issue 4 – Whether there are any non-designated heritage assets which would be affected by the proposed development and if so the extent of any harm should it arise, (the NDAs identified are Falstaff Manor, Grove Farm, Potash Cottages, Red Cottages, Church Farm House and Barn, Bentley House, Glebe Cottage)

- 7.10. This issue is examined in the evidence of Ms Garcia. She concludes that there would be 'low harm' arising to the following non-designated heritage assets: Falstaff Manor, Grove Farm, Potash Cottages, Red Cottages and Church Farm House and Barn.
- 7.11. Ms Garcia does not conclude that harm would arise to Bentley House or Glebe Cottage.
- 7.12. I return to consider the weight to be afforded to this harm in accordance with paragraph 216 of the NPPF, in Section 11 of my Evidence.

Issue 5 – The effect on the surrounding landscape and its status having regard to: the proximity of the National Landscape and the 'Additional Project Area' (as a valued landscape), and the effects on users of public rights of way crossing or in the vicinity of the site

- 7.13. This issue is examined in the evidence of Mr Mason, where I note he concludes that the evidence presented does not set the immediate landscape surrounding the Appeal Site apart from ordinary countryside, and that this should properly be categorised as a valued landscape for NPPF purposes.
- 7.14. With regard to the effect on users of public rights of way crossing or in the vicinity of the Appeal Site, Mr Mason considers a range of visual receptors in his evidence and the LVIA concludes that the effects are notable in the short term and within the immediate area, but that effects reduce over time as planting becomes established.

Issue 6 – The effect on the living conditions of local residents having regard to noise, glint, glare and visual impact

- 7.15. I examine this consideration in Sections 8 and 10 of my evidence, in which I conclude that the Appeal Scheme would comply with the provisions of the Development Plan in respect of the relevant policies in these regards.
- 7.16. I also note that the LPA in the SoCG (*Core Document C.12 paragraphs 8.54-8.58*) accept that the development complies with the relevant development plan policies in these regards.

Issue 7 – The effect on Best and Most Versatile Land (BMV)

- 7.17. I also examine this consideration in Section 8 and 10 of my evidence. I draw upon a statement from Kernon Consulting and also a number of the recent solar farm appeal decisions to conclude that there would not be an unacceptable effect on BMV land resulting from the Appeal Scheme.

Issue 8 – Whether the public benefits (which will need identifying and weighting) arising from the proposed development would outweigh the harms identified in respect of the above matters either individually or cumulatively



7.18. I return to consider the overall planning balance in Section 11 of my evidence, drawing attention to other material considerations including the undisputed need to urgently address climate change and energy security.

8. Planning Policy Assessment

8.1. In this section I will consider compliance with the relevant policies contained in the Development Plan, and the NPPF, as referenced in the LPA's Reason for Refusal and as also cited by the LPA in their Statement of Case (*Core Document C.10*).

Babergh and Mid Suffolk Joint Local Plan, November 2023

8.2. I specifically consider the most relevant policies to the determination of this appeal, in respect of **Policy LP25** on Energy Sources, Storage & Distribution; **Policy SPO9** regarding the Enhancement and Management of the Environment; **Policy LP19** on The Historic Environment, **Policy LP24** on Design & Residential Amenity, and **Policy SPO3** on The Sustainable Location of New Development.

Policy LP25 – Energy Sources, Storage & Distribution

8.3. As a matter of principle, I note that **Policy LP25** is a permissive policy, which expressly acknowledges that renewable and low carbon schemes will be supported. I therefore consider that the Proposed Development draws support from the Policy in principle.

8.4. **Policy LP25** states that such in principle support is 'subject to' a number of criteria.

8.5. **Criterion 1 (a)** identifies that the impact on landscape, highways safety, ecology, heritage, residential amenity, drainage, airfield safeguarding and the local community should be '*fully taken into consideration and where appropriate, effectively mitigated*'.

8.6. In respect of all the above matters, the Appellant has been cognisant of each of these considerations and has fully taken them into account in designing the site layout, and where appropriate, in terms of developing effective mitigation measures. The supporting assessments³ which have been submitted as part of the planning application, and the mitigation measures which I set out under Criterion 1 (d) below, lead me to conclude that Part 1 (a) is satisfied in relation to these matters.

8.7. **Criterion 1 (b)**, in so far as it may apply to a scheme which is itself a wholly a renewable energy development, takes an integrated approach involving the solar arrays, inverters and sub-station, also in terms of ancillary infrastructure such as perimeter fencing. The solar pv technology proposed is suitable for the location. The layout of the solar arrays has been designed to maximise efficiency through their south-facing orientation and avoidance of overshadowing, whilst amenity is not comprised through use of appropriate offsets and set back distances, and incorporation of mitigation planting.

³ The Appellant has submitted supporting assessments in relation to: landscape (*LVIA, Core Document A3–A6*), highway safety (*Transport Statement, Core Document A.5*), heritage, (*Heritage Impact Assessment, Core Document A8*), residential amenity (Noise & Vibration Assessment (*Core Document A14*); and Glint & Glare Assessment (*Core Document A18*)), drainage (Flood Risk Assessment & Drainage Strategy, *Core Document A12 & A13*), and local community (the Planning Statement details public consultation with the community, *Core Document A2, Section 1.7*)

- 8.8. **Criterion 1 (c)** states that the impact of onsite and off-site power generation infrastructure should be acceptable, having regard to other policies in the Local Plan. I regard this to the case for the reasons I set out in addressing these other policies in the remainder of this Section of my evidence.
- 8.9. **Criterion 1 (d)** requires the provision of mitigation, enhancement and compensation measures where necessary. Through the iterative development of the site layout and its associated landscaping approach including creating new woodland areas, restoring smaller-scale intimate field patterns, creating buffer zones between fence-lines and field boundaries, improving biodiversity and habitat connectivity, I am of the opinion that the Appeal Scheme has provided mitigation, enhancement and compensation features as is appropriate and proportionate to the Appeal Scheme.
- 8.10. **Criterion 1 (e)** states that approval of connection rights, and capacity in the UK power network to be demonstrated as part of the planning application. This was the case given the existence of a formal grid connection offer at the time of the submission and determination of the planning application. Noting that the wider process of grid connection is currently under a process of review and reform by NESO, attached at **Appendix 1** is a **Statement on Grid Reform** by Qair, which confirms that the site has been placed in Gate 1 because of the refusal of planning permission; but that should the appeal be allowed, the evidence will be re-examined in Q2 2026 in order to allow the project to enter Gate 2. It is further stated that all the other relevant permissions and legal agreements are in place to be ready to connect.
- 8.11. **Criterion 2** states that conditions will normally be used to ensure the site is restored when energy generation ceases or becomes non-functioning for a period of six months. The imposition of such conditions would be acceptable to the Appellant and therefore this criterion can be satisfied.
- 8.12. **Criterion 3** establishes that (1) *'the applicant must be able to convincingly demonstrate that potential harm resultant from the development can be effectively mitigated'* and (2) *'that there are no alternative sites available within the District..'*
- 8.13. Taking the first sub-clause, for the reasons set out in the evidence of Ms Garcia on the degree of harm to heritage assets, and in the evidence of Mr Mason on the degree of harm in respect of landscape and visual effects, I am of the opinion that the potential harm on these two matters which are cited in the two reasons for refusal can be effectively mitigated. In coming to this view, I note the reasoning of Inspector Woolcock in considering this matter in allowing the 'Woodlands Farm' appeal decision (*Core Document H1, paragraph 40*), in which he opines that in considering the requirement for effective mitigation in Policy LP25:
- 8.14. *'... Mitigation here has its normal meaning of making less severe. So, it seems to me that compliance with this part of the policy could be achieved by effective measures that demonstrably lessened the severity of the impact. For the reasons set out in sections of this decision on the character and appearance of the area and heritage assets, I am satisfied that the proposed on-site landscaping and additional tree/hedgerow planting would comply with parts 1 and 3 of Policy LP25 concerning effective mitigation.'*
- 8.15. In terms of the second sub-clause that there are no alternative sites within the District, I make the following observations.
- 8.16. First, the requirement established in **Policy LP25** to undertake an alternative sites assessment in the prescribed circumstances conflicts with national policy. The NPPF is quite

clear and prescribes when the undertaking of sequential tests are required (for example, with regard to flood risk at paragraph 173, or town centre uses at paragraph 91). There is no such prescription in the NPPF for a sequential test for renewable energy or solar schemes, and were the NPPF to do so, it would have the undesirable effect of delaying the process of securing permission for and ultimately deploying much needed renewable energy generation. Indeed, for the reasons I discuss in Section 9 of my evidence, there is a need for as many solar schemes to come forward as possible to meet the compelling need, not to restrict the supply. In a more general sense, if a proposed development were to be acceptable, and a second site was also available for a proposed development which were also acceptable, that would not justify refusing permission for the first proposal simply because the second proposal was 'yet more acceptable'.

- 8.17. I note too a revised Overarching National Policy Statement for Energy EN-1, came into effect in January 2024, and also there is now a subsequent NPS published in November 2025 which will come into force in December 2025, both of which therefore have come into effect after Policy LP25 was adopted.
- 8.18. The conflict arises in respect of paragraph **4.3.24 of EN-1** which concerns the Secretary of State's decision making, which states:
- 8.19. *'The Secretary of State should not refuse an application for development on one site simply because fewer adverse impacts would result from developing similar infrastructure on another suitable site, and should have regard as appropriate to the possibility that all suitable sites for energy infrastructure of the type proposed may be needed for future proposals.'*
- 8.20. There is a clear inconsistency between what is required in **Policy LP25** and more recent national policy set out in EN-1.
- 8.21. Further, given the recent statements on the urgent national need for the rapid deployment of renewable energy generation (and solar pv generation in particular) that I explain in Section 9 of my evidence, and that the updated NPPF (December 2024, as further updated in February 2025) is unequivocal in paragraph 168 that LPAs should not require applicants to demonstrate the overall need for renewable or low carbon development, there is an emphasis on the urgent need for solar deployment to meet the Government's CP 2030 objectives. Requiring a districtwide assessment of alternatives for each and every site that may be judged to impact on nature conservation sites, or the AONBs, or to the settings of any heritage assets as Policy LP25 does, is not consistent with these more urgent renewable energy policy objectives and imperatives and this approach militates against the need to look at alternatives.
- 8.22. In my opinion, the above inconsistencies render **Policy LP25** out-of-date, and so significantly reduces the weight that should be afforded to Criterion 3 of **Policy LP25**.
- 8.23. Second, should the Inspector consider that **Policy LP25** is not of-of-date, the then the need to identify and secure a grid connection is of critical importance to progressing a renewable energy scheme. This is a cornerstone of an Alternative Site assessment ("an ASA"). As NPS EN-3 notes at paragraph 2.10.22:
- 8.24. *'Many solar farms are connected into the local distribution network. The capacity of the local grid network to accept the likely output from a solar farm is critical to the technical and commercial feasibility of a development proposal.'*



8.25. This is expanded upon further in paragraphs 2.10.24 and 2.10.25 where factors including distance from the solar farm to the existing network, and availability of network capacity are indicated to have significant effect on the commercial feasibility of a development proposal.

8.26. The Appellants have updated the submitted ASA following comments received from the Council and the Rule 6 Party as to extending its scope (*Core Document C24*). The Appellant considers it appropriate to rely upon the existing Point of Connection rather than to speculate as to whether grid capacity may be freed up across the whole of the district as part of the ongoing grid connection reform process. This process is the subject on ongoing delay and an ongoing lack of clarity as to detail and milestones, but were a new site to be brought forward this would involve:

- Identifying a new point of connection elsewhere in the District,
- securing a land option or options with landowners and a grid connection corridor,
- undertaking stakeholder consultation,
- preparing a new planning application including necessary survey work (for example ecology, agricultural land) and the suite of technical reports and assessments, and
- negotiating a successful permission

8.27. This process of site acquisition and promotion is likely to be a time-consuming process lasting several years and ultimately is by no means assured of a successful outcome. An appeal may be necessitated, adding further time to the consenting process, so as to be able to deliver a solar scheme prior to 2030. For the above reasons, I do not consider it appropriate to undertake a districtwide ASA.

8.28. Third, the updated ASA undertakes a thorough and proportionate assessment of sites within a 3km radius and considers 9 alternative sites, all of which have multiple constraints. None of these 9 sites are more suitable than the Appeal Site due to constraints.

8.29. Should the inspector conclude that **Policy LP25** is up-to-date, I consider that sufficient information has been provided that the provisions of **Policy LP25** have been satisfied.

Policy SPO3 – The Sustainable Location of New Development

8.30. This is a general policy which broadly reflects the policy stance taken in the NPPF. From reading the explanatory text, the policy appears to be founded on accommodating development in settlements where the need to travel can be reduced.

8.31. **Criterion 1** of Policy SPO3 relates to new housing development and so is not relevant to the Appeal Scheme.

8.32. **Criterion 2** states that outside of the settlement boundaries, development will normally only be permitted in accordance with one of the policies listed in Table 5, which includes **Policy LP25**.

8.33. As I consider that the Proposed Development accords with **Policy LP25**, the Appeal Scheme is in accordance with the requirements of **Policy SPO3**. I therefore consider that **Policy SPO3** is satisfied.

Policy SPO9 – Enhancement & Management of the Environment

- 8.34. **Criterion 1 of Policy SPO9** requires development to support and contribute to the conservation, enhancement and management of the natural and local environment and networks of green infrastructure. It includes aspects of landscape, biodiversity, geodiversity and the historic environment and historic landscapes. The Appeal Scheme proposes a number of measures to achieve this, through a range of measures and enhancements to the site's environment, including woodland planting and biodiversity enhancements as Mr Mason explains in his evidence. In respect of the historic environment, Ms Garcia also identifies that the landscaping proposals would assist in mitigating the effect of the Proposed Development from a heritage perspective.
- 8.35. **Criterion 2** addresses development within the identified Protected Habitats Sites Mitigation Zone and **Criterion 3** refers to mitigation measures in these regards, which are not relevant to the Appeal Site.
- 8.36. **Criterion 4** refers to protecting and enhancing biodiversity through biodiversity net gain and ensuring measures are resilient to climate change. The submitted Ecological Assessment Report (*Core Document A7*, and for *Amended Scheme C6*) demonstrates that for the Refused Scheme, there would be a substantial biodiversity net gain in excess of 100% for both habitat and hedgerow units, leading to long term positive effects.
- 8.37. **Criterion 5** relates to air quality monitoring in respect of Protected Habits Sites, which again is not relevant to this appeal.

Policy LP17 – Landscape

- 8.38. In respect of **Criterion 1**, development is required to '*conserve and enhance landscape character*'. I draw a distinction in the appropriate threshold between a test to '*protect and enhance*' which the NPPF (paragraph 187a) reserves for valued landscapes (and sites of biodiversity or geological value or soils); whilst NPPF also applies a '*conserve and enhance*' test at paragraph 189 in respect of those landscapes afforded a higher status of protection e.g. valued landscapes. I read '*protect*' and '*conserve*' as essentially meaning the same thing, which is to do no harm. The test to '*conserve and enhance*', as embedded in NPPF, applies only to higher status landscapes and in my opinion is therefore not appropriate to apply to all landscapes as **Policy LP19** seeks to do, where instead the relevant NPPF test is that '*the intrinsic beauty and character of the landscape*' should be '*recognised*' (paragraph 187b).
- 8.39. Mr Mason explains in his evidence how as a result of very effective scheme design, landscape and visual effects would be limited and localised. He considers that change brought about to the framework of elements that encloses and adjoins the Appeal Site (including boundary hedges, cultural heritage features, ancient woodland, sinuous lanes) would be minimal. He also reviews the benefits and positive legacy of the Proposed Development in landscape terms in terms of reinstating a field scale comparable to that which existing prior to the removal of hedgerows in the 1950s. For these reasons, I reach the conclusion that the Proposed Development would integrate with existing landscape character and through enhancement to landscape features, through its design is sensitive to landscape and visual amenity impacts and has considered the impact on landscape sensitivity.

8.40. **Criterion 2** requires that a LVA or LVIA be submitted where significant landscape or visual impacts are likely to occur. A LVIA has been submitted with the planning application (*Core Document A6*) and Mr Mason considers the LVIA has appropriately described the receiving landscape and assessed effects correctly, including in terms of value. As Mr Mason explains in his evidence, the Appeal Scheme has carefully considered embedded mitigation, and promotes opportunities for enhancement through new hedgerows, half of which would coincide with original field alignments and all of which would achieve the reinstatement of appropriately scaled fields.

8.41. I therefore consider that **Policy LP17** is satisfied.

Policy LP18 – Area of Outstanding Natural Beauty

8.42. **Criterion 1** relates to major development with AONBs and is therefore not relevant to the Appeal Scheme.

8.43. **Criterion 2** is a permissive policy which states that development within the setting of the AONBs will be supported provided 6 sub-criteria are met. I refer to Mr Mason's evidence in this regard in which he concludes that taking the evidence fairly and in the round, the Appeal Site does not lie in a valued landscape for the purposes of the NPPF; and that the Appeal Scheme would not materially erode the characteristics said to underpin local landscape quality and would deliver substantial, secured enhancement through hedgerow reinstatement and strengthened landscape structure.

8.44. I therefore consider that the provisions of Policy LP18 are satisfied.

Policy LP19 – The Historic Environment

8.45. **Criterion 1** of **Policy LP19** requires the submission of a heritage statement which describes the significance of heritage assets and any contribution made by their setting. A Heritage Impact Assessment was submitted with the planning application (*Core Document A8*), and this is supplemented by the evidence of Ms Garcia with regard to the subsequent designation of the Conservation Area. I consider that this requirement has therefore been complied with.

8.46. **Criterion 2** requires where an application potentially affects heritage assets of archaeological interest, a desk-based assessment and where necessary a field-based assessment. The planning application was supported by a Heritage Impact Assessment (*Core Document A8*) and also an Archaeological Geophysical Survey (*Core Documents A9–A11*). Planning conditions are being agreed between the parties in relation to archaeological investigations. I consider that this criterion has therefore been complied with.

8.47. In respect of **Criterion 3**, part (a) does not apply to the Appeal Scheme given it addresses the redevelopment of a heritage asset. Nor does criterion 3 part (c) which also relates to the environmental performance of heritage assets.

8.48. In respect of **Criterion 3** part (b), this is a positive presumption in favour of development proposals that contribute to local distinctiveness, respecting the form and scale of the heritage asset, through the use of appropriate design and materials. In considering that the Appeal Scheme is required to have a number of functional characteristics for operational reasons (for example, south facing solar pv panels), it has been designed through its layout and landscaping to respect the important aspects of the Conservation Area and the setting

of the nearby heritage assets, for the reasons Ms Garcia explains in her evidence. I note that the proposed planting respects and incorporates the existing pattern of fields and seeks to reinforce the historic patterns as Mr Mason explains in his evidence. I therefore consider that the scheme as proposed, and in particular the Amended Scheme, accords with Criterion 3 (b).

- 8.49. Criterion 3 (d) states that the positive contribution that the conservation of heritage assets can make to sustainable communities will be taken into account. For the reasons that Ms Garcia explains in her evidence, I consider that the Appeal Scheme minimises the impact on the heritage assets and introduces some elements that would enhance its contribution, such as through hedgerow planting.
- 8.50. **Criterion 4** reflects the legislative requirements of the Planning Listed Building & Conservation Areas Act 1990, and the contribution heritage assets make to the character of the area and sense of Place. Ms Garcia considers this matter this in her evidence.
- 8.51. **Criterion 5** states that where a level of harm is identified, the level of harm will be assessed in accordance with relevant national policies and where is identified, a clear and convincing justification will be required in line with tests in the NPPF. Having regard to the evidence of Ms Garcia on the nature of harm to the significance of Heritage Assets, via a change in 'setting', in this instance (which Ms Garcia considers to be less than substantial and at the lower end of the spectrum in respect of St Mary's Church, at the low end of the less than substantial spectrum for the Bentley Conservation Area; and low harm to the non-designated heritage assets of Falstaff Manor, Grove Fram, Potash Cottages, Red Cottages and Church Farm House and Barn), I conclude later in my Evidence that, having regard to the test in the NPPF at paragraphs 215 and 216, in my opinion the public benefits of the Proposed Development do outweigh the less than substantial harm to the identified designated Heritage Assets; and in respect of non-heritage assets, a balanced judgement of the benefits when weighed with the scale of harm lies in favour of the Appeal Scheme. I therefore conclude that Criterion 5 is satisfied.
- 8.52. **Criterion 6** states that regard should be had to all relevant Historic England Advice and Guidance. I refer to Ms Garcia's evidence in this regard, which demonstrates that this criterion is met.
- 8.53. **Criterion 7** states that planning conditions will be used to secure appropriate mitigation measures where development is considered otherwise acceptable. The Appeal Scheme includes measures to mitigate and enhance the Appeal Site with regard to the setting of heritage assets, and a schedule of suitable conditions is being agreed between the parties in this regard. This criterion will therefore be satisfied.

Policy LP24 – Design and Residential Amenity

- 8.54. **Policy LP24** sets out a number of criteria against which to assess all development proposals. When reading these in the context of explanatory text accompanying the policy, it is clear that many of the criteria are more directly relevant to residential development than an energy infrastructure project, but I comment on those most relevant to this solar farm scheme below.
- 8.55. Criterion 1 requires proposals, as appropriate to the scale and nature of the development, to (a), respond to and safeguard the existing character/context, and (b) create character and

interest. For the reasons that I have previously set out when addressing Policies LP17 on Landscape and LP19 on Heritage, I consider that these requirements have been met so far as is appropriate to the scale and nature of a solar farm development.

- 8.56. **Criterion 2 (a)** requires development proposals to respond to wider landscapes and safeguarding the historic assets/environment and natural and built features of merit. Again, for the reasons I have set out when considering Policies LP17 and 19, I consider that the Appeal Scheme has responded appropriately to these considerations.
- 8.57. **Criterion 2 (b)** requires development proposals to be compatible/harmonious with its location and appropriate in terms of a number of design considerations in relation to the surrounding area. As is recognised in EN-3, by their very nature, solar farms have a functional role and appearance, and whilst layout design and associated landscape assist in mitigation, it is accepted as inevitable that solar farms will have a distinct appearance and design. That they are distinct in their appearance and function as electrical infrastructure does not, in my opinion, mean that they are incompatible with this location or the Appeal Site, although I accept the Appeal Scheme would not necessarily be seen as 'harmonious'. However, given the national imperative for solar pv generation which I set out in Section 9 of my Evidence, I regard schemes such as the Appeal Site which will result in some landscape and heritage harm as being necessary for solar pv to be deployed at an unprecedented scale and pace, a matter I return to in the Planning Balance of my Evidence at Section 11.
- 8.58. I consider that **Criteria 2 (c) and (f)** are met with regard to protecting and retaining important natural features, and incorporating high levels of soft landscaping.
- 8.59. In respect of **Criterion 2 (i)**, I also consider that the health and amenity of surrounding uses is appropriately safeguarded, and that there would not be unacceptable levels of light pollution (there are no light sources proposed other than emergency lighting located above the doors of the substation buildings), noise or vibration (see *Core Document A14*, also SoCG *Core Document C12, paragraphs 8.54-8.58*). The other amenity considerations listed in this criterion are not relevant to a solar farm's operation, and can be controlled by suitably worded planning conditions controlling details of the construction and decommissioning stages.
- 8.60. I therefore consider that the requirements of **Policy LP24** are satisfied in the round.

Bentley Neighbourhood Plan

- 8.61. I specifically consider the most relevant policies to the determination of this appeal, in respect of **Policy BEN 3** on Development Design, **Policy BEN 7** regarding protecting Bentley's Landscape Character, **Policy BEN 11** on Heritage Assets and **Policy BEN 12** Buildings of Local Significance.

Policy BEN3 – Development Design

- 8.62. **Policy BEN 3** reflects many of the considerations already addressed under Local Plan **Policy LP24**, which I have considered earlier in the Section above.
- 8.63. The policy is structured such that planning applications must, as appropriate to the proposal, demonstrate how they meet the general design principles set out at paragraph 6.5 of the Neighbourhood Plan, and satisfy the requirements of the Development Design Checklist in

Appendix A. I note that at the time of submission the Planning Checklist was completed so far as appropriate for a solar farm scheme and it was included at Appendix L to the Planning Statement (*Core Document A2*). I therefore consider that this first limb of the policy has been complied with.

8.64. The second limb to Policy BEN 3 is that ' *In addition, proposals will be supported where ...*' and the policy then proceeds to cite 13 individual criteria. Of these criteria, those that are most relevant to a solar farm have already been addressed when considering **Policy LP24**. I note that even were it to be concluded that some of these criteria were not achieved, non-compliance with an individual criterion would not necessarily indicate conflict with the policy when read as a whole.

8.65. Overall, I therefore consider that the requirements of **Policy BEN3** have been met.

Policy BEN 7 – Protecting Bentley's Landscape Character

8.66. **Policy BEN 7** concerns protecting landscape character.

8.67. Again, **Policy BEN 7** reflects the requirements of Local Plan **Policy LP17**, which I have addressed earlier in my Evidence. I rely upon the evidence of Mr Mason in this regard.

8.68. Overall, I therefore consider that the requirements of **Policy BEN 7** have been met.

Policy BEN 11 – Heritage Assets

8.69. **Policy BEN 11** also reflects Local Plan **Policy LP19** and I rely upon the evidence of Ms Garcia in this regard.

8.70. I note that the second limb of **Policy BEN 11** is phrased to accord with the NPPF's requirements, whereby proposals will not be supported where the harm [to heritage assets] caused as a result of the impact of a proposed scheme is not justified by the public benefits that would be provided. Given the public benefits which this Appeal Scheme would realise which I set out in Section 11 of my evidence, I therefore consider that **Policy BEN 11** has been met.

Policy BEN 12 – Buildings of Local Significance

8.71. In considering **Policy BEN 12**, I rely on the evidence of Ms Garcia with regard to buildings of local significance.

8.72. **Policy BEN 12** in its second limb also reflects the approach of NPPF, and I weigh the balance of public benefits against any harm to non-designated heritage assets (which includes building of local significance), in Section 11 of my evidence.

8.73. I conclude that the requirements of **Policy BEN 12** have be met.



Development Plan Policy Conclusions

- 8.74. Having regard to the above considerations, it is my opinion that the Appeal Scheme complies with the Development Plan policies cited by the LPA in their Reasons for Refusal. Even if there were to be a conflict with part of a policy, or even one policy in the Development Plan, this conflict would not automatically lead to the conclusion that there is conflict with the development plan taken as a whole having regard to the principles set out in *R. (on the application of William Corbett) v The Cornwall Council* [2020] EWCA Civ 508 (Core Document 6.8).
- 8.75. I therefore consider the Proposed Development is in accordance with the Development Plan when read as a whole.

9. Other Material Considerations

- 9.1. Although I have reached the conclusion in Section 8 of my Evidence that the Proposed Development is in accordance with the Development Plan when read as a whole, and therefore that it should be approved without delay applying the advice of the NPPF (*Core Document D1, paragraph 11*), it is also necessary to consider whether material considerations indicate otherwise.

Energy Policy Considerations

- 9.2. This section of my Evidence provides a summary of the most relevant energy legislation, policy and guidance for this Appeal.
- 9.3. In this Section of my Evidence, for simplicity I refer to “the Government”. For the avoidance of doubt, the majority of the energy polices referred to below relate to the previous Government administration which was in power until the General Election held in July 2024. I note that there is nothing in the new Labour Government’s immediate policies or decisions that seek to depart from the previous Government’s view on the urgency to deliver Net Zero. If anything, the new Labour Government – as evidenced, through its changes to NPPF and the threshold for renewable energy NSIP projects – is strongly reaffirming the scale of the Net Zero challenge and the need to immediately address it.

UK Legislation and Policy

- 9.4. The 'Climate Change Act 2008' (*Core Document D7*) brought in the legislative basis for the United Kingdom (“UK”) to reduce net greenhouse gas emissions by at least 80% by 2050 from their 1990 levels.
- 9.5. The target included in the 'Climate Change Act 2008' was strengthened in June 2019 to be a 100% reduction relative to 1990 levels by 2050 (known as “net zero”) (*Core Document D8*).
- 9.6. The 'Clean Growth Strategy' (*Core Document D9*) was published by the Department for Business, Energy and Industrial Strategy (“BEIS”) in October 2017. In respect of the power sector, the Strategy anticipates that by 2050 emissions from this sector need to be close to zero. In the meantime, the Strategy indicates one possible pathway to the interim step of 2032 is for power emissions to fall by 80% compared to 2017 levels which could be achieved by, inter alia, growing low carbon sources such as renewables and nuclear to over 80% of electricity generation, and phasing out unabated coal power. The Strategy also confirms that the “Government want to see more people investing in solar without government support”. Attention is drawn in particular to pages 95 – 96 of the Strategy.
- 9.7. The clear and explicit need to introduce a step change in how the UK reacts to Climate Change has been recognised by UK Parliament who, on 1st May 2019, declared an Environmental and Climate Change Emergency (*Core Document D10*).
- 9.8. At the local level, Babergh District Council has declared a climate change emergency (*Core Document E4*).
- 9.9. The Government published the Energy White Paper: Powering our Net Zero Future in December 2020 (*Core Document D11*). In the foreword to the White Paper, the Minister stated:

“The UK has set a world-leading net zero target, the first major economy to do so, but simply setting the target is not enough – we need to achieve it. Failing to act will result in natural catastrophes and changing weather patterns, as well as significant economic damage, supply chain disruption and displacement of populations.”

9.10. And later in the foreword:

“The way we produce and use energy is therefore at the heart of this. Our success will rest on a decisive shift away from fossil fuels to using clean energy for heat and industrial processes, as much as for electricity generation.”

9.11. The White Paper recognises the progress made to increase deployment of renewables and sees the expansion of renewable technologies as a key contributor to achieving an affordable clean electricity system by 2050. The White Paper at page 45 states:

“Onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios.”

9.12. In April 2021, the UK Government committed to set in law by end of June 2021 the world’s most ambitious climate change target, cutting emissions by 78% by 2035 compared to 1990 levels.

9.13. The Government published its ‘**Net Zero Strategy: Build Back Greener**’ (Core Document D12) in October 2021 which establishes that the UK will be powered entirely by clean energy by 2035, subject to security of supply (Core Document D12, first bullet point, page 19).

9.14. Specifically in respect of the ‘Power’ sector, the Net Zero Strategy affirms that one of the Government’s key commitments is to accelerate the deployment of low cost renewable generation, such as wind and solar (Core Document D12, second bullet point, page 94). The Government identifies the Contracts for Difference (“CfD”) funding route is being reviewed, given that this is a support mechanism it can directly lead on, but I note that schemes such as the Appeal Scheme are self-funded and therefore do not rely on Government support through initiatives such as the CfD auctions.

9.15. Another of the key commitments is ‘to ensure the planning system can support the deployment of low carbon energy infrastructure’.

9.16. I share the opinion of the National Audit Office that the challenge presented here is “colossal”. On the one hand, the Government requires that by 2035 all our electricity will need to come from low carbon sources, subject to security of supply, bringing forward the government’s commitment to a fully decarbonised power system by 15 years from the previous target of 2050 which was envisaged in the Energy White Paper only 10 months previously. On the other hand, the Government is at the same time forecasting a 40–60% increase in demand over the same period (Core Document D12, paragraph 10, page 98).

9.17. To meet this challenge, the Government states that a low-cost, net zero consistent electricity system is most likely to be composed predominantly of wind and solar generation, whether

in 2035 or 2050 (*Core Document D12, paragraph 11, page 98*). It affirms that we need to continue to drive rapid deployment of renewables so we can reach substantially greater capacity beyond 2030 (*Core Document D12, paragraph 35, page 103*). The Government further indicates that a sustained increase in the deployment of land-based renewables (and specifically identifying solar) will be required in the 2020s and beyond (*Core Document D12, paragraph 36, page 103*).

- 9.18. Given the size of the challenge, the Government states *'we will need to consider how low carbon energy infrastructure can be deployed at an unprecedented scale and pace sympathetically alongside the interests of our communities and consistent with our obligations to a sustainable environment, both land-based and marine.'* (*Core Document D12, paragraph 32, page 102*). It is my opinion that, if consented, the Proposed Development will contribute to the deployment of low carbon energy infrastructure in the immediate future and therefore contributing to the scale and pace of deployment that is needed, whilst also being sympathetic to both the interests of the community and the sustainability of the environment in this location.
- 9.19. The Government also sets out that *"although we need to ensure we can deploy existing low carbon generation technologies at close to their maximum to reach Carbon Budget 6, we also need to de-risk the delivery challenge"* (*Core Document D12, paragraph 43, page 105*).
- 9.20. In response to the rising cost of energy and the crisis associated with the commencement of the Ukraine war, the Government updated its **British Energy Security Strategy** in April 2022 (*Core Document D14*). When discussing solar technology, the Strategy notes that the government expects a five-fold increase from the current 14GW of solar capacity in the UK by 2035. Specifically in respect of ground-mounted solar, the Strategy explains that consultation on amending planning rules will take place to strengthen policy in favour of development of non-protected land, while ensuring communities continue to have a say and environmental protections remain in place.
- 9.21. Subsequently, the Government published a suite of documentation under the **Powering Up Britain** in March 2023. This included updated draft NPS on Energy and Renewable Energy to which I refer below, but also an **Energy Security Plan** ("the ESP") (*Core Document D15B*). I note that the Government states that *'Low cost renewable generation will be the foundation of the electricity system and will play a key role in delivering amongst the cheapest wholesale electricity in Europe'* (page 34).
- 9.22. The ESP continues to examine the role of solar at pages 37/38, and it reaffirms the Government's commitment to aim for 70GW of ground and rooftop capacity by 2035. It again states that this amounts to a fivefold increase on current installed capacity. The ESP then concludes on this matter:
- 'We need to maximise deployment of both types of solar to achieve our overall target'***.
- 9.23. The Government was very clear that the deployment of ground mounted solar (as well as roof mounted solar) needs to be maximised if the fivefold increase in solar pv deployment is to be met.
- 9.24. After considering ways that rooftop solar can be encouraged, the ESP turns to ground mounted solar, which is noted as being readily deployable at scale (as is the case with the Proposed Development). It continues to say that the Government 'seeks' large scale solar

deployment across the UK, looking for development mainly on brownfield, industrial and low and medium grade agricultural land (noting that c37% of the Appeal Site being of Grade 3b classification). I consider that the Proposed Development would assist in achieving what the Government seeks in the ESP.

- 9.25. The ESP again restates that the Government considers that meeting energy security and climate changes goals is *'urgent'* and *'of critical importance to the country'*, and further that *'these goals 'can be achieved together with maintaining food security for the UK'*.
- 9.26. The ESP further encourages deployment of solar technology that deliver environmental benefits, with consideration for ongoing food production or environmental management. For reasons that I elaborate on in Section 11 of my Evidence, I conclude that the Proposed Development would assist in delivering both food production through sheep farming, and environmental benefits through delivering a significant increase in Biodiversity Net Gain.
- 9.27. I agree with the conclusion reached in the ESP that that *'the Government considers that there is a strong need for increased solar deployment.'* I also note the ESP's comment that the planning system allows all views to be taken into account when decision makers balance local impacts with national need. In the case of this Proposed Development, I consider that the limited extent of local impacts identified are outweighed by this 'strong' national need for solar development, for the reasons I explain in Section 11 of my Evidence.
- 9.28. In November 2023, the Government published a **Connections Action Plan** (*Core Document D16, page 9*) which acknowledged the serious problems of grid connection delays for renewable bergy projects:
- "Projects crucial to achieving net zero, currently seeking grid connections, are facing serious connection delays. Many are facing delays which cause them real difficulty; equally many new projects with connection agreements never connect. It is clear that the current connection process is not fit for purpose and requires fundamental reform"***
- 9.29. One of the final actions of the previous Government in May 2024 was to issue a Written Statement by the Secretary of State for Energy Security and Net Zero on 'Solar and Protecting our Food Security and Best and Most Versatile (BMV) Land' (*Core Document D17*). The Written Statement states that 'due weight' needs to be given to the proposed use of BMV land when considering whether planning consent should be granted for solar development. In this regard I consider that it does not amend national planning policy, nor the weight to be afforded to this material consideration. Indeed, I note that the Consultation Draft NPPF (*Core Document D31*) in Annex A, paragraph 10 indicates that this Ministerial Statement is no longer to be relied upon.

Current Government's energy policy evolution

Clean Energy Superpower Mission (July 2024)

- 9.30. In July 2024, a statement was by the Secretary of State for Energy Security and Net Zero on the Government's mission to become a clean energy superpower (*Core Document D32*).
- 9.31. This again sets out that solar is not jeopardising agricultural land nationally and explains that:



"credible external estimates suggest that ground-mounted solar used just 0.1% of our land in 2022. The biggest threat to nature and food security and to our rural communities is not solar panels or onshore wind: it is the climate crisis, which threatens our best farmland, food production and the livelihoods of farmers".

National Grid ESO Future Energy Scenarios (July 2025)

- 9.32. The most recent Future Energy Scenarios ("the FES") report was published by the National Energy System Operator (NESO) in July 2025. This notes that having laid the initial foundations for the transition to net zero, we are now in a period of acceleration, scaling up the markets for uptake of new low carbon technologies and delivering clean power.
- 9.33. The FES states that all pathways to net zero see substantial increases in renewable wind and solar generation, with these technologies providing more than 75% of annual generation by 2050 (*Core Document D18-B*).
- 9.34. Solar generation is recognised as a clean source of energy that will play an important role on meeting demand.

Clean Power 2030 (November 2024)

- 9.35. The National Energy Systems Operator (NESO), formerly the ESO, published its Clean Power 2030 report (*Core Document D19*) in November 2024 to provide advice in achieving clean power for Great Britain by 2030. The report reaffirms their clean power pathways which will see, inter alia, an increase in grid connected battery storage from 5GW to over 22GW and solar from 15GW to 47GW (*Core Document D19, page 8*).
- 9.36. It is noted that *"reaching clean power by 2030 would restore Great Britain's access to homegrown resources for electricity generation and support the wider push towards net zero by 2050"* (*Core Document D19, page 6*).
- 9.37. In the Executive Summary, the report states:

"Our clean power pathways see a four-to-fivefold increase in demand flexibility (excluding storage heaters), an increase in grid connected battery storage from 5 GW to over 22 GW, more pumped storage and major expansions in onshore wind (from 14 GW to 27 GW) and solar (from 15 GW to 47 GW) along with nuclear plant life extensions" (*Core Document D19, page 8*).
- 9.38. The report addresses the feasibility of clean power and states that:

"Key supply-side technologies (e.g. offshore wind, onshore wind, solar, batteries) will all need to deploy more on average each year to 2030 than they have ever done in a single year before. This will inevitably stretch supply chains and require accelerated decision making in planning, permitting and awarding of contracts. But there are enough projects in the pipelines to sustain the required rollout if they can progress to delivery" (*Core Document D19, page 9*).

9.39. The Proposed Development is one such project that can be deployed prior to 2030 with a grid connection offer, subject to securing planning permission to allow it to proceed⁴. I have addressed the matter of the grid connection reform process when

9.40. To enable clean power, the report recognises that the Government has taken initial steps to support their clean power ambition and continuing this progress to enable clean power by 2030 will require that things are done differently across a number of delivery chains including planning and consenting (*Core Document D19, page 10*). It states in this respect that:

"Significant volumes of projects need to pass through the planning system to start construction on rapid timescales, while maintaining community consent which is vital to the mission. Given that construction for many of the required projects needs to begin in the next 6-24 months to be in place by 2030, upcoming planning reforms will need to significantly streamline and speed up processes."

Clean Power 2030 Action Plan: A new era of clean electricity (December 2024)

9.41. The Government published its Action Plan for Clean Power by 2030 (*Core Document D20*) in December 2024 and states that its successful delivery will require rapid deployment of new clean energy capacity across the whole of the UK. This means generation from onshore and offshore wind and solar to reduce fossil-fuel dependency (*Core Document D20, pages 10-11*).

9.42. The Action Plan states that:

"Government will work with industry to unlock barriers and will take an innovative approach. Additionally, it is important that government looks at a clean power system beyond 2030, where demand is expected to increase" (*Core Document D20, page 130*).

9.43. The Action Plan states:

9.44. *"Successful delivery will require rapid deployment of new clean energy capacity across the whole of the UK, reflecting the shared renewable ambitions of the UK, Scottish and Welsh Governments... We have high ambition. That means 43-50 GW of offshore wind, 27-29 GW of onshore wind, and 45-47 GW of solar power, significantly reducing our fossil-fuel dependency. These will be complemented by flexible capacity, including 23-27 GW of battery capacity, 4-6 GW of long-duration energy storage, and development of flexibility technologies including gas carbon capture utilisation & storage, hydrogen, and substantial opportunity for consumer-led flexibility"* (*Core Document D20, page 10 and 11*).

9.45. The Appellant notes that with regard to Planning specifically, the Action Plan requires:

9.46. *"Accelerating clean infrastructure projects through the planning system is critical to achieving our goal and unleashing investment to support the Prime Minister's Growth Mission. Our capacity range will ensure that planners and statutory consultees at the national and local level have a clear sense of which projects to prioritise for consideration and, where*

⁴ I have addressed the implications of the grid reform process earlier in my evidence when discussing Policy LP25 and the ASA (see Section 8).

appropriate, fast-track through the process to enable decisions on consent to be taken sooner" (Core Document D20, page 36)

- 9.47. Under the Summary for the Planning & Consenting section in the Action Plan, there is the stark acknowledgment that:
- 9.48. *"Our current planning systems across Great Britain are not working at the pace required to meet our target for clean power by 2030.Lengthy paperwork and often-delayed processes for infrastructure projects hinder our energy security, our economic growth, and fails to deliver for the natural environment. The increased risks to projects associated with delays in planning decisions also increase costs across the system" (Core Document D20, page 50).*
- 9.49. It continues:
- 9.50. *"Our planning system needs to quickly change to enable government's missions to grow the economy and deliver clean power. Since July, the government has taken decisive steps towards making planning work better for clean power and economic growth. We must go further. Processes are not suitable nor are examining authorities well-equipped to deal with the increase in new clean power projects and wider infrastructure that we expect in the coming years to achieve government's missions. There is particular urgency to accelerate the planning process across Great Britain for energy infrastructure since we do not have long for many clean power projects to begin construction if they are to be operational for 2030, especially networks and offshore wind developments" (Core Document D20, page 50).*
- 9.51. With regard to locally consented energy projects (such as the Proposed Development), the challenge is laid out in the following terms:
- "For locally-consented energy infrastructure, decisive reform is also urgently needed to deliver clean power by 2030. In England, planning applications with local authorities under the Town and Country Planning Act can sometimes take up to 12 months to receive a decision, despite a four-month limit on energy infrastructure projects which require an Environmental Impact Assessment. Currently, the National Planning Policy Framework (NPPF) does not make clear that local planning authorities should consider the benefits associated with renewable energy generation, and proposals' contribution to meeting a net zero future when determining applications for these developments. The Planning Practice Guidance for renewable energy, which adds further detail to the policy contained within the NPPF, contains outdated guidance which requires updating to reflect new policies" (Core Document D20, page 54).*
- 9.52. In considering the above, I conclude the latest Action Plan published by the Government continues to strongly advise that there is a critical need for rapid deployment of solar power, which the Proposed Development is well-placed to provide given the existence of a previous grid connection offer with a connection date before 2030, subject to securing planning permission to allow it to proceed.
- 9.53. Building upon the Clean Power 2030 Action Plan, the department for Energy Security and Net Zero published the 'Clean Flexibility Roadmap: Mapping the path to a clean, flexible, consumer-focused electricity system' in July 2025 (Core Document D33).

UK Food Security Report 2024 (December 2024) and Land Use Consultation (January 2025)

- 9.54. The Department for Environment, Food and Rural Affairs (DEFRA) published the UK Food Security Report in December 2024 (*Core Document D21*).
- 9.55. A consultation on the Land Use Framework was published by DEFRA in January 2025 (*Core Document D22*). The analysis shows that across the UK 85% of the Utilised Agricultural Area is used for animal feed or animal production (Page 12) and the expectation is that 19% of England’s total agricultural land may need to change use of management by 2050 (Page 15).
- 9.56. Overall, the Government is committed to maintain food production and states that:

“Our assessment is that, based on historical trends of productivity improvement, and supported by new and emerging innovations, the impact of these land use changes on domestic food production will be offset by productivity improvements. We expect that recent trends of increased productivity from agricultural land will continue. Working in partnership, Government will put in place a policy environment to support those changes.

...

Delivering new infrastructure will also require changes to English land use. These are also relatively small overall; the land area taken by all key utilities across England in 2022, including solar and wind farms, power stations, water works, gas works, and refusal disposal places, covered just 0.2% of land. We can build homes and infrastructure we need while meeting our wider objectives such as food security and environmental targets to 2050. Though small in comparison to wider land uses, the cumulative footprint of infrastructure and housing delivery in the longer term justifies reducing trade-offs between land uses today. This includes continuing to reflect the agricultural potential of land in spatial planning” (Page 16)

- 9.57. The Government is also committed to making space for nature by conserving and managing 30% of the UK’s land by 2030 to support the delivery of biodiversity targets (Page 24).
- 9.58. The report also reaffirms that we “need to build new homes and clean energy, water infrastructure and transport infrastructure at scale and at pace” (Page 27).

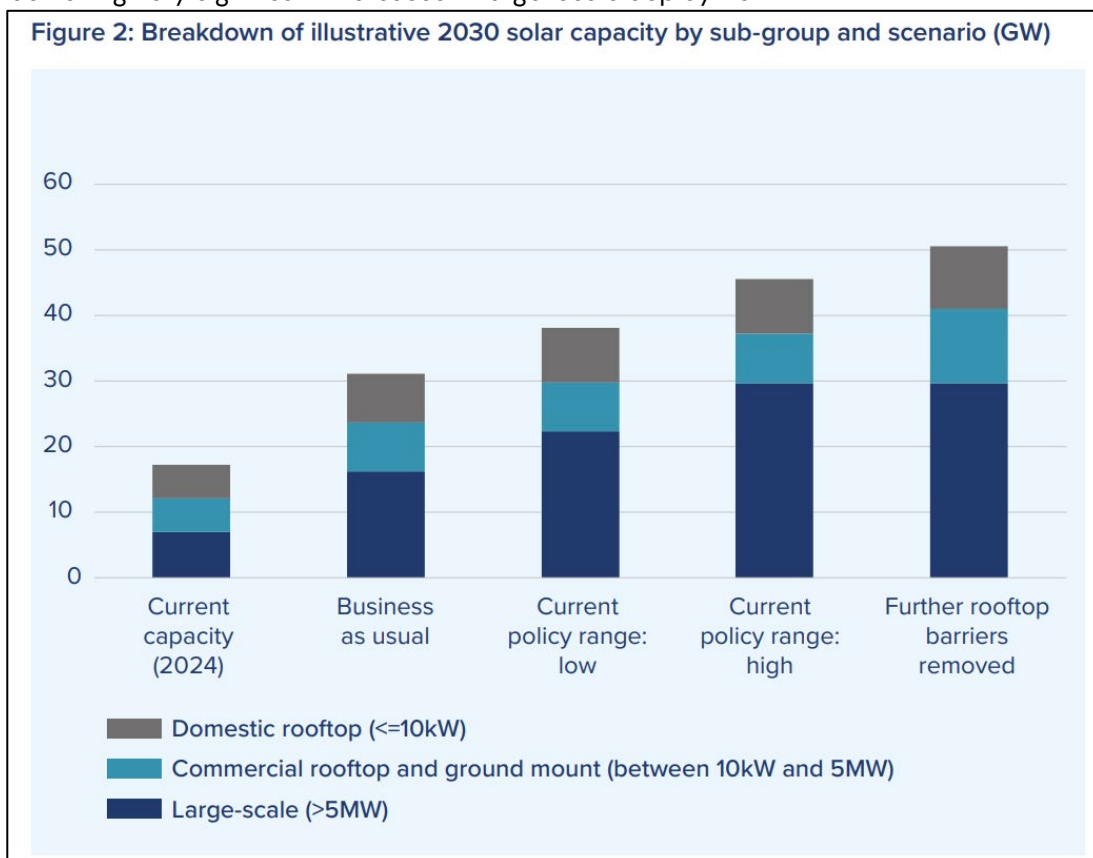
UK Solar Roadmap, June 2025

- 9.59. The UK Solar Roadmap (*Core Document D23*) was issued in June 2025 and outlines a strategy to accelerate solar deployment from 18GW to 45–47GW by 2030, with potential to exceed this target. It emphasizes the role of solar in reducing energy costs, enhancing energy security, and tackling climate change while creating up to 35,000 jobs.
- 9.60. Over 60 actions are identified to address key challenges include reforming the planning systems, boosting rooftop solar adoption, addressing grid connection challenges, supporting innovative technologies, and ensuring ethical supply chains. The Roadmap also highlights the importance of skills development, community engagement, and collaboration across government, industry, and local stakeholders to achieve clean power goals.
- 9.61. The UK Solar Roadmap sets out a range of illustrative plausible scenarios to highlight the potential of solar deployment relative to the 45–47GW ambition set out in the Clean Power

Action Plan. These scenarios cover all types of solar, including large-scale ground-mounted, commercial and domestic rooftop for the period up to 2035. These scenarios demonstrate that reaching the Clean Power 2030 range is achievable, but will require significant action.

9.62. When considering deployment scenarios, the Roadmap estimates that up to 0.4% of total UK land would be required to deliver solar under the deployment assumptions to achieve 45-47GW by 2030 (*Core Document D23, page 7*).

9.63. Figure 2 within the UK Solar Roadmap (*Core Document D23, page 18*) provides a breakdown of illustrative 2030 solar capacity by sub-group and scenario (GW). This demonstrates that whilst additional solar capacity could be provided through domestic and commercial rooftop installations, particularly if certain policy barriers are removed, the main growth in solar capacity will need to be from large scale solar development. Figure 2 from Roadmap is reproduced below. I note that the proportion required from 'Large-scale solar schemes' is shown in the dark-blue colour and this shows how the uplift from the 'business as usual' scenario to achieving either the 'low policy range' or the 'high policy range' rests with achieving very significant increases in large-scale deployment⁵:



⁵ The 'Current Capacity 2024' figure indicates current large-scale solar deployment of c 5GW, with the low policy range target of c 22GW by 2030 and the high policy range target of c 30GW by 2030. Applying a straight-line trajectory over the remaining 5-6 year period to 2030 would indicate an annual deployment rate for large-scale solar pv schemes of 2.8GW-3.4GW each year to be able to achieve the low policy range target; and an annual rate of 4.1GW -5GW each year to be able to meet the high policy range. That is the equivalent of at least 70 projects of the size of the Appeal Scheme being deployed

Progress

- 9.64. The Digest of United Kingdom Energy Statistics (*Core Document D30*) is an accurate source of energy information providing figures on the UK's overall energy performance, production and consumption. The Digest is published annually with the latest July 2025 Digest noting that the share of UK electricity generation from renewable technologies reached a new record high of 50.4 per cent in 2024, up from 46.5 per cent in 2023. Generation from fossil fuels fell to a record low of 31.8%, with coal generation ceasing in September 2024, although generation from gas remained the principal form of UK generation at 30.4%. Given the challenges arising from the forecasted increased demand for electricity, it is concerning that the UK's overall energy production fell by 6% to a new record low level in 2024.
- 9.65. In the key headlines to the 'Renewable Sources of Energy' chapter (*Core Document D30, Chapter 6*), it is noted that renewable capacity increased by 7.3% (4.1 GW). Half of the new capacity was in solar PV (2GW) and the rest was mainly from onshore and offshore wind.
- 9.66. Given the significant requirement for an increased pace in deployment of solar pv I noted earlier in my evidence when reviewing the Solar Energy Roadmap 2025 (see *footnote 5 of my Evidence*), this increase evidenced in solar capacity of 2GW last year falls way short of what is required on a straight line trajectory even to meet even the lowest end of the low policy scenario (of at least 2.8GW pa).

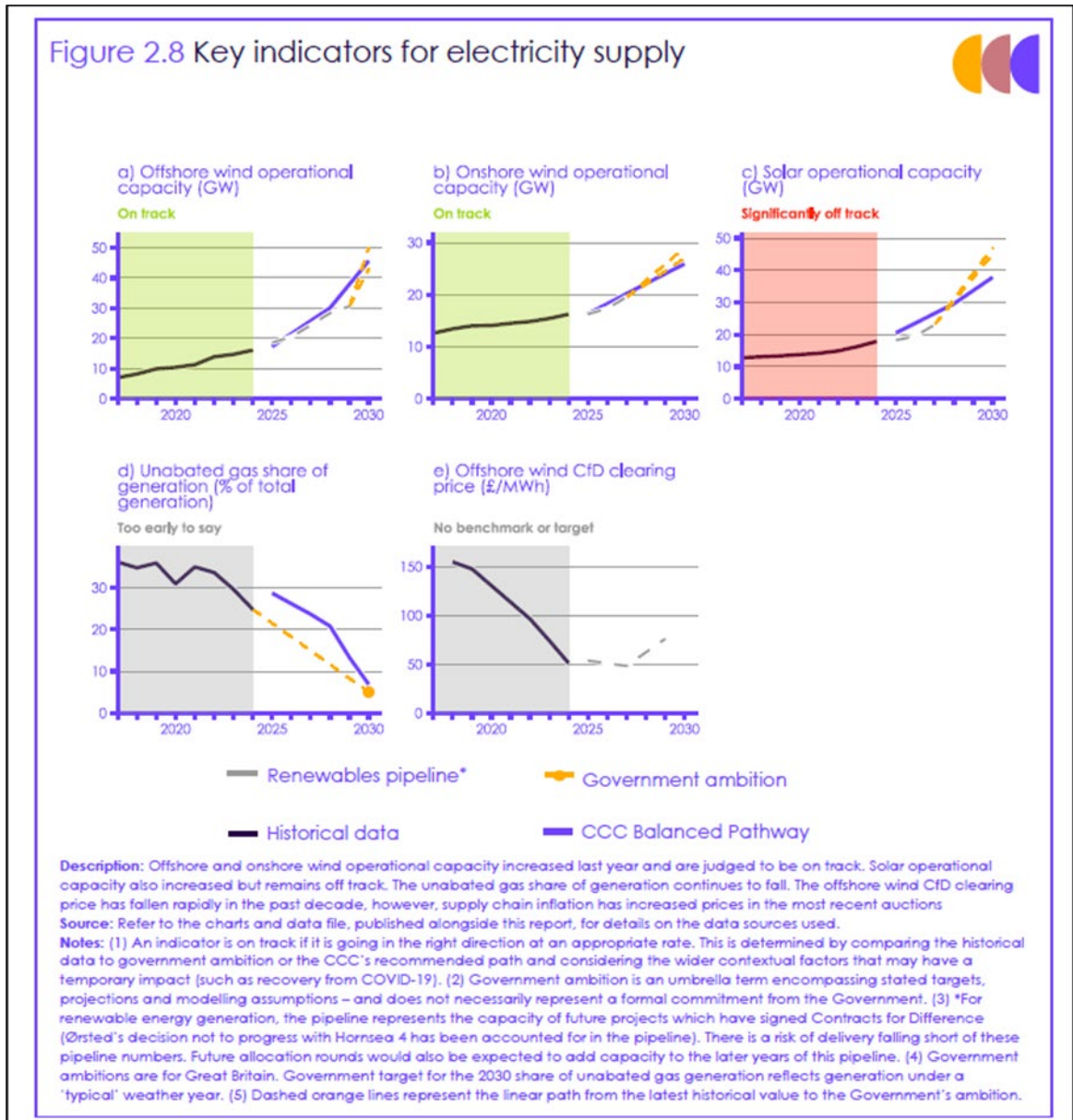
Climate Change Committee Report

- 9.67. In June 2025, the Climate Change Committee (CCC) prepared a report for Parliament, setting out the progress in reducing emissions (*Core Document D34*).
- 9.68. This report notes that operational capacity of renewables will need to more than double by 2030 to achieve the ambitions set out in the Clean Power 2030 Action Plan, which will require a four-fold increase in solar compared to the average rate seen since the start of this decade. (*Core Document D34, page 15*).
- 9.69. The report also sets out that the:
"roll-out of solar is significantly off track and will need to improve to deliver its contribution to a decarbonised electricity system." (emphasis added) (*Core Document D60, page 60*).
- 9.70. The report further states:
"Solar: solar operational capacity has been increasing but deployment will need to accelerate significantly beyond the currently contracted pathway in order to meet the Government's target range for 2030 (Figure 2.8c).
Currently around 18 GW of solar capacity is installed, with a further 5 GW contracted to bring total capacity to 23 GW in 2027.

each year just to achieve the lower target, or 110 such projects to meet the higher target which is 2 such projects, per week, every week for the next 5–6 years.

Meeting the lower end of the Government's capacity range - 45 GW - will require this ambition to be matched with supportive policy developments that enable a considerable increase in roll-out rates, to 4.5 GW installed each year on average. This is over quadruple the amount added over the past three years but is similar to the highest annual installations seen to date, with 4.1 GW installed in 2015." (emphasis added)

9.71. Figure 2.8 of the report is provided below. Graph c states that solar operational capacity is significantly off track.



Summary

9.72. The above matters emphasise the immediate and pressing need for deployment of renewable energy generation in the UK, to assist with meeting the challenging legally binding

obligations to reach "net zero" by 2050. It is clear that the continued deployment of Solar PV, and renewable energy technologies more generally, are and have been consistently recognised by the Government as a key part of the UK's transition to achieving a low carbon economy and tackling Climate Change.

- 9.73. Having regard to the above, the application proposals make an appreciable contribution to meeting the amended Climate Change 2008 targets. It is clear that in order for the UK to meet the ambitious target of reducing greenhouse gas emissions by 100% or "net zero" compared to 1990 levels by 2050, a presumption in favour of increasing the number and output of low carbon energy sources, such as solar farms, is entirely appropriate and necessary.
- 9.74. The UK's 'Climate emergency' declaration and Babergh District Council's declaration provide further context for this Appeal (*Core Document D10 and E4*). The Proposed Development would support and deliver upon the intentions of these declarations.
- 9.75. The application of the Government's energy policy framework is a highly significant material consideration to this Appeal and is further considered in the balance of material considerations at Section 11 of my Evidence.

National Policy Statements on Energy & Renewable Energy

National Planning Policy Framework ("NPPF") February 2025

- 9.76. The National Planning Policy Framework (NPPF) (*Core Document D1*) was updated in December 2024 and again in February 2025, and sets out the Government's planning policies for England and how these are expected to achieve sustainable development. Attention is drawn to the following key paragraphs in relation to the determination of this Appeal.
- 9.77. First, Paragraph 8 sets out the three overarching objectives for the planning system to achieve sustainable development, which comprise an economic, social, and an environmental objective. The environmental objective refers to, amongst other considerations, improving biodiversity; mitigating and adapting to climate change; and moving to a low carbon economy. The Proposed Development would assist in delivering these various objectives for example through the generation of renewable energy, addressing climate emergencies at a local and nation level, ensuring security of supply, delivering biodiversity net gain, and providing economic benefits.
- 9.78. Second, Paragraph 11 advises that plans and decisions should apply a presumption in favour of sustainable development. It goes on to say that for decision-making this means approving development proposals that accord with an up-to-date development plan without delay.
- 9.79. Third, Paragraph 161 states that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts. It also states that it should, inter alia, support renewable and low carbon energy and associated infrastructure.
- 9.80. Fourth, Paragraph 163 states that the need to mitigate and adapt to climate change should be considered in assessing planning applications, taking into account the full range of potential climate change impacts.

9.81. Fifth, Paragraph 168 explains that applicants are not required to demonstrate the overall need for renewable or low carbon energy developments, and to give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future. It also recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The Proposed Development would make a significant contribution towards meeting a net zero future by providing the infrastructure required to help cut greenhouse gas emissions. The Solar Roadmap (*Core Document D23*) subsequently published in June 2025 explains that:

"The revised NPPF directs decision makers to give significant weight to the benefits associated with renewable and low carbon energy generation, and proposals' contribution to meeting a net zero future. In doing so, this aims to increase the likelihood of local planning authorities granting permission to renewable energy schemes including solar, thereby contributing to reaching the Government's Clean Power targets by 2030." (emphasis added)

9.82. The wording of Paragraph 168 should be read in the light of the evidence on climate change, the UK's Net Zero target, and the Government's clear policy to substantially increase renewable energy, including associated infrastructure such as battery storage. For the reasons elaborated on in Section 11 of this Statement, the Appellant considers that that impacts of the Proposed Development are acceptable with the imposition of suitable planning conditions.

Consultation Draft NPPF December 2025

Introduction

9.83. The current National Planning Policy Framework against which development is assessed is that as published in December 2024. The Government released a revised National Planning Policy Framework (*Core Document D31*) on 16th December 2025 with a consultation running until March 2026. Whilst it is not yet formally adopted, it is considered that this is a clear direction of travel from the Government and attracts limited weight in the determination of this appeal.

9.84. This document sets out the key proposed changes of relevance to the proposed development.

Presumption in Favour of Sustainable Development

9.85. In the current NPPF, the presumption in favour of sustainable development is referenced at Paragraph 11d. This outlines the means to determine development solely dependent on whether or not there is an up-to-date development plan and whether the proposed development is in accordance with relevant local policies.

9.86. The proposed revision outlines the approach to the presumption in favour of sustainable development based on the location of the development site. The revised wording proposed is outlined at **Policy S3** and states:

1. Decisions on development proposal should apply a presumption in favour of sustainable development. This means:

A. Policy S4 in the Framework should be applied when considering development proposals within settlements;

B. *Outside settlements, policy S5 should be applied; and*

C. *In all locations, development proposals that accord with an up-to-date development plan and also the decision-making policies in this Framework should be approved without delay.*

9.87. As the proposed development is located outside of a settlement, S3b is applicable and therefore attention is averted to **Policy S5** 'Principle of development outside settlements'. This policy states:

A) Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework:

A. Development proposals which are for: agriculture, horticulture and forestry; outdoor sport and recreation; allotments; cemeteries and burial grounds; mineral extraction; engineering operations and infrastructure (including for transport, energy and water); roadside facilities in accordance with policy T5; and national defence and security. (our emphasis)

9.88. My reading of new NPPF **Policy S5** is that it effectively establishes a presumption in favour of energy infrastructure projects located outside settlements. Further, that the benefits would need to be substantially outweighed by any adverse effects if permission were to be refused.

Renewable and Clean Energy

9.89. The existing NPPF outlines at paragraph 161 that:

"The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure."

9.90. This is echoed in the revisions of the consultation draft NPPF.

When determining policies for the renewable energy development the consultation draft of the NPPF **Policy W3** 'Renewable and low carbon energy development and electricity network infrastructure' states:

1. In considering proposals for renewable and low-carbon energy development and electricity network infrastructure, substantial weight should be given to:

A. The benefits of such development for improving energy security, supporting economic development and moving to a net zero future;

B. In the case of applications for the re-powering and life-extension of existing sites, the additional benefit of utilising an established site for this purpose; and

- C. *The contribution that small-scale and community-led renewable and low carbon energy projects can make to reducing emissions, along with their associated economic and social benefits.*

9.91. Whilst this echoes the outlined in the current NPPF, the increase in the weight applied to renewable energy proposals to '**substantial**' shows a clear direction of travel by the Government towards a low carbon future. Many decision takers already recognise that emphasis by attributing 'substantial' weight to the benefits of such schemes. I do not consider that NPPF paragraph 168 seeks to place a cap on the weight to be given to such benefits.

9.92. The proposed revisions to the NPPF also reaffirms that there should be no requirement on applicants to demonstrate the need for renewable or low carbon energy development as per the current wording in Paragraph 168a).

Natural Environment

9.93. It is clear in both the current and the consultation draft NPPF that schemes are expected to 'positively contribute' to the natural environment. The current requirements at Paragraph 187 have however been amended under **Policy N2** 'Improving the natural environment' in the consultation draft to include the following elements:

- A) *Consider the environment qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced (including through requirements for biodiversity net gain where these apply)*
- B) *Use areas of poorer quality agricultural land in preference to that of higher quality, where significant development of agricultural land is demonstrated to be necessary (taking into consideration land which is classified as best and most versatile agricultural land, and its grade);*
- C) *Take suitable opportunities to connect to and strengthen ecological networks that extend beyond the site, drawing on the measures proposed by Local Nature Recovery Strategies, National Forest Strategies and Community Forest Plans, where present, and other relevant assessments;*
- D) *Conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees and hedgerows) wherever possible; and use appropriate landscaping to help create a well-designed place and integrate the development into its surroundings;*
- E) *Use green infrastructure provided as part of the scheme and nature-based solutions to secure multiple benefits: such as for biodiversity; surface water and pollution management (including maintaining flow rates and water quality); climate change mitigation and adaptation, and recreation;*
- F) *Minimise impacts on biodiversity and include features for species which support priority or threatened species such as swifts, bats and hedgehogs. Development proposals should incorporate integrated nest boxes (commonly known as swift bricks) into their construction unless there are compelling technical reasons which prevent their use, or would make them ineffective; and*

- G) *Make sure that green infrastructure and other features to support nature are located and designed to minimise risk of future failure, and that appropriate measures are in place for any necessary long-term management.*

9.94. For the reasons set out in the Appellant's appeal documentation, I consider that the Appeal Scheme complies with all of these aims. It is also noteworthy that that 'valued' landscapes have been removed altogether and the decision maker is now asked how we can conserve and enhance features of the receiving area that has value.

Heritage

9.95. When considering the impacts of a development on heritage assets there have been a number of changes in the consultation draft of the NPPF.

9.96. When considering the assessment of effects on heritage assets, **Policy HE5** states at Part 2 that:

2. *Assessments of the potential effects of development proposals on heritage assets and their setting should identify whether proposals would be likely to:*
 - A. *Have a positive effect, which is where a heritage asset would be enhanced, or its significance better revealed; or*
 - B. *Have no effect on the significance of the asset; or*
 - C. *Result in harm to the significance of the heritage asset, either from work affecting the asset itself or from development within its setting. The degree of harm should be identified: substantial harm would occur where the development proposal would seriously affect a key element of the asset's significance; or*
 - D. *Cause the total loss of the significance of the heritage asset.*
3. *In making this assessment it is the effect on an asset's significance rather than the scale of the development which should be considered.*
4. *Decision makers should be satisfied that this assessment accurately reflects the effects on heritage assets caused by the proposals.*

9.97. When considering the potential impact on heritage assets, the consultation draft seeks to remove reference made to 'less than substantial harm' as currently written under Paragraph 215. Instead under **Policy HE6**, Part 1 harm is defined as either '*positive effect, harm, substantial, or total loss of significance*'.

9.98. In line with the current wording of the NPPF, reliance the balancing of harm against demonstrable public benefits is carried through into the wording of the consultation draft. Part 3 of **Policy HE6** outlines that:

3. *Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Important public benefits can include securing the long-term re-use of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed.*

- 9.99. Similarly, when considering the conservation of a heritage asset the message that weight should be applied is continued in the consultation draft NPPF; in the consultation draft document this is referred to as 'substantial weight'. I do not consider this is different to the current "great weight" that is afforded to that conservation, but represents a rationalisation of terminology throughout the document.
- 9.100. Part 2 of **Policy HE7** regarding non-designated heritage assets also reflects the approach currently established in paragraph 216:
2. *Where a development proposal would cause harm to, or total loss of, the significance of a non-designated heritage asset, it should only be supported where the harm or loss is outweighed by the benefits of the proposal, having regard to the scale of the harm or loss and the significance of the non-designated heritage asset.*

Conclusions on Consultation Draft NPPF

- 9.101. As discussed above, I consider that the consultation draft NPPF attracts limited weight in the determination of the appeal. However, it is considered that the Appeal Scheme gains further support from the provisions made in the consultation draft NPPF which are even more supportive of renewable energy development.

National Planning Practice Guidance ("NPPG") (First Published March 2014)

- 9.102. The Government's web-based NPPG went live in March 2014 (*Core Document D2*) and contains guidance on the planning system and has been subject to updating periodically. The web-based guidance should be read alongside the NPPF and is a material consideration in the consideration of planning applications.
- 9.103. Renewable and Low Carbon Energy forms one of the chapters in the NPPG. Paragraph 013 (ID: 5-013-20150327) is entitled "*What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms?*". I have taken these into account as relevant in my Evidence as the specific consideration arises.
- 9.104. I am of the opinion that the above considerations are satisfactorily addressed for the reasons set out elsewhere in my Evidence as noted above.
- 9.105. However, I also note that this Guidance dates back to 2015 and therefore predates the more recent policy changes as set out in the NPPF, the Net Zero Strategy requirement to achieve Net Zero by 2050, and the more recent energy policy statements encouraging the deployment of solar pv, as noted in the Clean Power 2030 documents (*Core Documents D19 and D20*) and the latest updated National Policy Statements as summarised below published in November 2025. This goes to the weight that can be afforded to that earlier guidance.

Overarching National Policy Statement for Energy (EN-1) (December 2025)

- 9.106. The latest version of EN-1 (*Core Document D4*) was revised and presented to the Houses of Parliament in November 2025 to set out national policy for energy infrastructure in the UK and is due to come into force in December 2025. Its primary purpose is to be applied to decisions for Nationally Significant Infrastructure Projects, which the Proposed Development the subject of this Appeal is not, although it is of a scale which is approaching the NSIP

threshold⁶. It is also confirmed this document can be a material consideration in the determination of planning applications (*Core Document D4 paragraph 1.2.1*), and the extent to which the policies in the NPS are material, and to what extent, will be judged on a case-by-case basis and will depend upon the extent to which the matters are already covered by applicable planning policy (*Core Document D4, paragraph 1.2.2*).

- 9.107. When examining the need for significant amounts of new large-scale energy infrastructure to meet its energy objectives and why the government considers the need for such in infrastructure is urgent in Section 3 of EN-1, it notes that *'it is not the role of the planning system to deliver specific amounts or limit any form of infrastructure covered by the NPS'*. (*Core Document D4 paragraph 3.2.4*).
- 9.108. As to the types of new generating capacity needed, EN-1 states that *'Wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar'* (*Core Document D4, paragraph 3.3.23*).
- 9.109. I also draw attention to the general framework established in EN-1 with regard to the statements that the government has demonstrated that there is a need for the types of infrastructure identified (which includes solar pv development) which is urgent (*Core Document D4, paragraphs 3.3.58 and 3.3.60*); and that the government has concluded that there is a *'critical national priority'* for the provision of nationally significant low carbon infrastructure (*Core Document D4, paragraph 3.3.62*).
- 9.110. Finally, I draw attention to the implications of this urgent need for the delivery of this *'Critical National Priority'* ("CNP") infrastructure when EN-1 advises that other residual impacts should be outweighed by the need to meet energy objectives:

"Subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with national security, economic, commercial, and net zero benefits, means that it is likely the need case will outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy, in all but the most exceptional circumstances. Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible." (*Core Document D4, paragraph 3.3.63*).

- 9.111. I note that the Inspector in the recent *Honiley Road* decision (*Core Document H36*) recommended that *'... EN-1 in its totality was a material consideration in this case'*, that the *'remarkable'* shift and clear policy steer that is gave in relation to Green Belt and solar

⁶ I note that the threshold for NSIP solar schemes is set to increase to be over 100MW after 31st December 2025. The stated reason for this change in the Solar Roadmap (*Core Document D23, page 57*) is that *'this will mean more solar projects will be decided at a local level, allowing more mid-size projects to move through the local planning system, potentially resulting in faster decisions and at a lower cost.'* Earlier in the Roadmap, the Government explained that the revised NPPF (December 2024 version) *'aims to increase the likelihood of local planning authorities granting planning permission to renewable energy schemes including solar, thereby contributing to reaching the Government's Clean Power targets to 2030'*.

development was pertinent in that case and that it should be afforded moderate weight in favour of the proposal (*Core Document H36, paragraph 198*). I note too that the Secretary of State, whilst allowing the appeal, identified that the proposal did not fall within the scope of the Planning Act 2008 as Critical National Priority infrastructure, and that she did not attribute weight to EN-1 in this decision (*Core Document H36, paragraph 31*). However, I note that the proposal at Honiley Road was only 23.1 MW of generation, and it was therefore half of that required to be an NSIP scheme, unlike the Appeal Scheme.

- 9.112. When considering the general need for, and weight afforded to, renewable energy and while each scheme must be considered on its merits, it is also sensible to have regard to the national picture. It is clear from the suite of Secretary of State and Inspector decisions before the Inquiry that many sensitive sites and sites in protected areas have been granted permission on the basis of the urgency of the need for solar development and the imperative of using grid opportunities where they arise. This includes *Halloughton, Belvoir and Kelham* in respect of heritage interests (*Core Documents H21, H9 and H35*), *Fobbing* in respect of Green Belt (*Core Document H37*) and *Telford* in respect of valued landscapes (*Core Document H39*).

National Policy Statement for Renewable Energy Infrastructure (EN-3) (December 2025)

- 9.113. EN-3 (*Core Document D6*) was also revised and presented to the Houses of Parliament in November 2025 and will come into force in December 2025.
- 9.114. Under the specific heading of Solar Photovoltaic Generation at Section 2.10, EN-3 confirms that *'Solar energy is at the heart of our Clean Power 20230 mission. The government is committed to working with industry to radically increase our existing solar capacity by 2030 to boost growth across the country, create thousands of high-skill, future-proofed jobs and tackle the climate crisis'* (*Core Document D6, paragraph 2.10.2*).
- 9.115. EN-3 further explains that solar farms are one of the most established renewable electricity technologies in the UK, the cheapest form of electricity generation, can be built quickly and with consistent reductions in the cost of materials and improvements in efficiency, are now in some cases viable to deploy subsidy-free (*Core Document D6, paragraphs 2.10.5–2.10.6*).
- 9.116. It then explains a number of key considerations involved in the siting of a solar farm, and also technical considerations for the Secretary of State to consider. I have taken these considerations into account as relevant in my Evidence as the specific consideration arises, but would draw attention to the section of 'Project lifetime and decommissioning', where EN-3 advises that *'the time limited nature of the solar farm, where a time limit is sought as a condition of consent, is likely to be an important consideration for the Secretary of State'* (*Core Document D6, paragraph 2.10.142*). I further note that the Appeal Scheme is proposed to be limited for an operational period of up to 40 years from the date of the first export of electricity, and therefore this project lifetime consideration should be given significant weight in the decision.

Appeal Decisions

- 9.117. There is now a considerable body of evidence of appeal decisions issued over the last several years where the increasing government energy policy imperative to accelerate the delivery



of renewable or low carbon energy schemes have been a key material consideration and policy driver.

- 9.118. I comment on the appeals included in the Core Documents list as appropriate when examining the weight which Inspectors have afforded to various material considerations in the planning balance section set out in Section 11 of my Evidence.

10. Other Main Issues and Matters Raised

10.1. With regard to other matters that have been noted by the Inspector as Main Issues, I address Issues 6 and 7 below.

Issue 6 – the effect on the living conditions of local residents having regard to noise, glint, glare and visual impact

Noise

10.2. With regard to **noise**, a Noise and Vibration Assessment (*Core Document A14*) was submitted which assessed potential noise resulting from the Appeal Scheme.

10.3. I note that the Officers Report (*Core Document A40, paragraph 8.3*) concluded that:

'The Council's Environmental Health Team raised no objection as the solar farm equipment will not give rise to any significant adverse impact on nearby noise sensitive properties. Were permission to be granted a condition would be required to confirm that the noise levels are as predicted or additional mitigation should be provided.'

10.4. The SoCG with the Council re-confirms that the Council do not raise objection on grounds of noise (*Core Document C12, paragraph 8.55*)

10.5. The R6 Party in their Statement of Case (*Core Document C11, paragraph 3.14*) raise objection on the grounds of 'noise during construction'. I consider that this matter can be appropriately controlled by means of ensuring that a detailed Construction and Environmental Management Plan can be submitted and approved by the LPA prior to construction commencing, controlling such matters as limiting the hours of construction activity, construction traffic routing amongst a number of other such construction-activity related matters.

Glint and Glare

10.6. With regard to **glint and glare**, a Glint & Glare Assessment (*Core Document A18*) was submitted which assessed potential glint & glare resulting from the Appeal Scheme.

10.7. I note that the Officers Report (*Core Document A40, paragraph 8.2*) concluded that:

'It is concluded that the existing screening around the boundaries of the site would intercept reflections and no mitigation is required.'

10.8. The SoCG with the Council re-confirms that the Council do not raise objection on grounds of glint & glare (*Core Document C12, paragraph 8.54*)

10.9. The R6 Party in their Statement of Case raise objection on the grounds of glint and glare but do not specify precisely what their concerns are in their Statement of Case at paragraph 3.14. I consider that the submitted Glint & Glare report appropriately addresses this matter.

Visual Impact

10.10. With regard to **visual impact**, Mr Mason has examined the visual impact of the Appeal Scheme and considers that the Appeal Scheme includes appropriately embeds mitigation.

10.11. I note that the R6P state in their Statement of Case (*Core Document C11, paragraph 3.14*) that the Appeal Scheme would not mitigate 'loss of outlook'. However, I consider that the appropriate approach would be to adopt what is often referred to as 'the Lavender test, whereby no individual has the right to a particular view but there does come a point where, by reason of the proximity, size and scale of a given development, residential property or properties would be rendered so unattractive as a place in which to live that planning permission should justifiably be refused. The test relates to the position which would pertain with the proposed development in situ, irrespective of the position beforehand. In other words, the test is not whether, in relative terms, a property would become a substantially less attractive place to live, the test is whether viewed objectively and in the public interest, a property would become an unattractive place in which to live. In this regard, Inspector Lavender within the Carland Cross Appeal Decision (APP/D0840/A/O921030260) summarised within paragraph 23:

"The planning system is designed to protect public rather than private interests, but both interests coincide here where, for example, a visual intrusion is of such a magnitude as to render a property an unattractive place to live. This is because it is not in the public interest to create such living conditions where they did not exist before. This I do not consider that simply being able to see a turbine or turbines from a particular window or part of a garden of a house is sufficient reason to find the visual impact unacceptable (even though a particular occupier might find it objectionable). However, when turbines are present in such number, size and proximity that they represent an unpleasantly overwhelming and unavoidable presence in main views from a house or garden, there is every likelihood that the property concerned would come to be widely regarded as unattractive (rather than simply less attractive, but not necessarily uninhabitable) place in which to live."

10.12. There needs to be a degree of harm over and above an identified substantial adverse effect on a private interest to take a case into the category of refusal in the public interest. Change in the outlook from a property is not sufficient; indeed, even a fundamental change in outlook is not necessarily unacceptable. I note the findings of Mr Mason in his evidence, in which he relies on the LVIA and that effects for residents along the northern side of Potash Lane, and at Church Farm and Maltings House, would experience major to moderate effects initially but these would reduce to minor adverse in the long term, consistent with the mitigation strategy.

10.13. I further note that the LPA consider that the relevant Local Plan and Neighbourhood Plan policies are complied with as regards residential amenity (*Core Document C12, paragraph 8.58*).

10.14. I therefore consider that the visual impact of the scheme would be satisfactory and in accordance with the relevant Local Plan and Neighbourhood Plan policies.

Issue 7 – the effect on Best and Most Versatile Agricultural Land (BMV)

10.15. The R6P in their Statement of Case (*Core Document C11, paragraph 3.16*) acknowledge that the Appeal Scheme would not result in the permanent loss of the land, but they assert that

it would take land out of food production for 40 years which they consider to be a significant period of time for the loss of BMV land.

- 10.16. I attach a Statement from Mr Kernon of Kernon Consulting as **Appendix 2** to my Evidence which provides a summary of land use and food production considerations in which he concludes that the concern raised about the effect on food production is not a concern that can be supported by evidence, and should not weigh against the proposal.
- 10.17. The matter of the temporary use of BMV land for solar farms and the effect on agricultural productivity has been the subject of a number of solar farm appeals in recent years. I summarise Inspector's conclusions below.
- 10.18. In July 2025, at *Chimmens*, (Core Document H23) the Inspector concluded that for a site which comprised c97% BMV, '... *there is no convincing evidence that this loss of productivity, either solely or cumulatively with other solar farms, would have significant implications for food security*' (Paragraph 46). Indeed, in summing up the matter, the Inspector went further and concluded at paragraph 48 that whilst the proposed development '... *would have some effect on agricultural productivity in the locality, albeit with negligible impact on food resilience and security implications*'. The overall conclusion reached was that the proposal would result in an adverse effect of minor significance insofar as it would impact on agriculture, but found no policy conflict in this regard.
- 10.19. At *Scruton* in June 2023 (Core Document H24, paragraph 25), the Inspector concluded that '*the proposal would not result in either the temporary or permanent loss of BMV land as the land would continue to be used for some agricultural purposes whilst also being used to produce solar energy. Nor would the proposal be detrimental to soil quality, so a return to arable production at a later date would still be possible.*'
- 10.20. At *Kelham* in December 2025, for a site that consisted of 92% BMV land, the Inspector concluded that although grazing sheep would not use the land to its maximum potential for food production for the period of the development, the planning regime does not control the use of agricultural land and even without the development it would have been possible for the land to be used for non-food crops, for grazing or even be left fallow. The Inspector concluded that there was no conflict with national policy in this regard (Core Document H35, paragraphs 93, 99, 100)
- 10.21. Most recently also in December 2025, at the *Fillongley* appeal which comprised c96% BMV land, in allowing the appeal, the Inspector concluded that she did not consider that the proposal would lead to a significant nor permanent loss of agricultural land, and found no conflict with national policy (Core Document H12, paragraph 151).
- 10.22. In weighing this matter, I note that the above Appeal Sites involved a greater proportion of BMV land than is the case in respect of this Appeal Scheme which is c.63% BMV land.
- 10.23. It is also the case that the restoring of the soil resource for a 40 year period would result in benefits for the quality of the soil, and this is a consideration which weighs in favour of the Appeal Scheme⁷ and to which I return in weighing the overall planning balance in Section 11.

⁷ See also *Chimmens* paragraph 47; *Scruton* paragraph 21.



Ecology and BNG

- 10.24. Although not a 'main issue', I note the R6P in their Statement of Case also raised issues concerning biodiversity benefits and effects on existing ecological interests (Core Document C11, paragraph 3.17).
- 10.25. An Ecological Assessment Report was submitted with the planning application (*Core Document A7*), and I further note that the LPA agreed in the SoCG (*Core Document C12, paragraph 8.65*) that the Committee Report states that the proposal is acceptable from a biodiversity perspective and is in accordance with Policies SPO9, LP16, LP25 of the Local Plan, and BEN8 and BEN10 on the neighbourhood Plan and the NPPF in this regard.

11. The Overall Planning Balance, Summary and Conclusions

- 11.1. In this section I explain how I believe the decision maker should approach the determination of this Appeal, before going on to identify any material considerations that need to be weighed in the overall planning balance.

The Decision-Making Framework

- 11.2. The starting point for the determination of a planning application or appeal is the Development Plan. The planning system is “plan led” and planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 11.3. I consider the determination which would be in accordance with the Development Plan would be to allow the appeal because the Proposed Development accords, where relevant, with the Development Plan when read as a whole.

Overall Planning Balance Considerations

- 11.4. Taken overall, as I consider that the Proposed Development is broadly in accordance with the Development Plan, this would normally indicate that planning permission should be approved without delay (NPPF, Paragraph 11). There are no material considerations that indicate permission should be refused.
- 11.5. However, should the Inspector conclude that the Development Plan indicates that the appeal should be dismissed, then, applying S38(6), there is a need to consider whether material considerations indicate otherwise.

Material Considerations and Weight

- 11.6. In considering the weight that should be afforded to each consideration in the overall planning balance, I apply the following scale ranging from high to low:
- Substantial
 - Significant
 - Moderate
 - Limited
- 11.7. Such weight may be ‘positive’ as a benefit, ‘adverse’ as a harm, or of ‘neutral’ effect.
- 11.8. I set out in evidence below an assessment of each of these material considerations followed by a conclusion on whether the benefits outweigh any adverse impacts identified when taken as a whole.

Material Considerations which are Benefits

1. Increasing Renewable Energy Generation

- 11.9. The Appeal Scheme would supply up to 40MW to the National Grid during peak operation, providing the equivalent annual electrical needs of over 9,786 homes in Babergh district, which is the equivalent of 28% of existing houses. Given the very powerful and consistent support in national planning and energy policy for increasing renewable energy generation (as described in Section 9 of my Evidence earlier), it is not surprising that this public benefit is repeatedly given substantial weight at appeal. I note that substantial weight was afforded in all of the following solar farm cases:
- 11.10. In December 2025, at *Fillongley*, the Inspector concluded that "the contribution to the urgent need to generate renewable and clean energy in support of national imperatives to address climate change should attract substantial weight" (*Core Document H12, paragraph 182*).
- 11.11. In June 2025, at *New Hall Lane*, the Inspector allowed a 22.2MW solar farm affording "substantial weight" to the contribution made to renewable energy generation and meeting local and national climate change targets (*Core Document H25, paragraph 126*).
- 11.12. In July 2025, an Inspector allowed an appeal for the 49.9MW *Chimmens* Solar Farm, affording "substantial weight" to the benefit of renewable energy generation and the national support for this (*Core Document H23, paragraph 56*).
- 11.13. In July 2025, at *Wandon End*, the Inspector allowed a 49.9MW solar farm, "substantial weight" to the rapid contribution to renewable energy generation and addressing climate change (*Core Document H26, paragraph 80*).
- 11.14. In March 2025, at *Burcot*, the Inspector allowed a 49.9MW solar considered that the proposal's potential for a rapid contribution to renewable energy generation and addressing climate change, as well as improving energy security and resilience, are benefits that must be given "substantial weight" (*Core Document H27, paragraph 63*).
- 11.15. At *Southlands Farm*, the Inspector in allowing a 24.6MW solar farm in November 2024 afforded "substantial weight" to the generation of renewable energy (*Core Document H28, paragraph 98*).
- 11.16. At *Great Wheatley Farm*, *Rayleigh*, the Inspector in allowing the appeal for 30MW solar farm in March 2024 afforded "substantial weight" to the renewable energy benefit of the development (*Core Document H31, paragraph 47*).
- 11.17. In reviewing these appeal decisions, there is very clearly a consistent approach from the Secretary of State and appointed Inspectors in determining solar farm appeals over the last 18 months that either 'significant' or 'substantial' weight should be given to this benefit.
- 11.18. A national climate emergency was declared by the UK Parliament in May 2019 (*Core Document D10*). Babergh also declared a Climate Emergency in July 2019 (*Core Document E4*). Through the generation of renewable energy, I consider that the Appeal Scheme will contribute towards addressing these declarations of climate emergencies. By providing a positive, deliverable action on these statements of intent, I consider that the declaration of climate emergencies at both the national and local level is a further material consideration which lends positive weight in the planning balance. I note that in *Fillongley* (*Core Document*

H12, paragraph 182), the Inspector afforded this consideration additional significant positive weight.

- 11.19. Taking all the above into account, I am of the opinion that, due to imperative to deliver renewable energy schemes which can assist in decarbonising the UK's electricity supply, that the benefit of a 40MW solar farm's renewable energy generation should be afforded **substantial** weight in determining this appeal.

2. Energy Security

- 11.20. The Appeal Scheme will provide a source of renewable energy comprising secure, distributed and diversified energy generation which fully accords with the Government policy on energy security. In Section 7 of my evidence, a summary of the latest Government energy policy is provided, notably the British Energy Security Strategy published in 2022, the Energy Security Plan published in March 2023, and Clean Power 2030 report and Action Plan published in November and December 2024 respectively.

- 11.21. The Clean Power 2030 Action Plan (*Core Document D20*, page 23) states:

"In an era of heightened geopolitical risk, switching fossil fuelled generation for homegrown clean energy from renewables and other clean technologies offers us security that fossil fuels simply cannot provide."

- 11.22. At *Cutlers Green Lane*, the Inspector in allowing an appeal for a 40 MW solar farm in December 2023 afforded "substantial weight" to the contribution the development would make to a low carbon economy and the provision of low cost and secure energy (*Core Document H29 paragraph 141*). Similarly in the cases of *Hall Lane*, *Kemberton* and *Great Wheatley Farm* the renewable energy benefit of the proposal in terms of its contribution towards energy security and resilience was afforded "substantial weight" (*Core Document H30, paragraph 65* and *Core Document H31, paragraph 47* respectively).

- 11.23. This continues to be reaffirmed by Inspectors more recently, where at *Southlands Farm* the contribution the development would make to ensuring low cost and secure energy was afforded "substantial weight" (*Core Document H28, paragraph 98*) and similarly at *Holly Lane* "substantial weight" was given to the national imperative for secure and affordable energy (*Core Document H38, paragraph 57, first bullet*).

- 11.24. At *New Hall Lane* and *Wandon End* the Inspector afforded "substantial weight" to improving energy security and was clear that this is a distinct benefit in addition to renewable energy generation, with both attracting substantial weight (*Core Document H25, paragraph 126* and *Core Document H26, paragraph 80*).

- 11.25. Most recently at *Fillongley* (*Core Document H12, paragraph 182*), the Inspector concluded that 'a contribution to increasing energy security attracts additional substantial positive weight in favour' (*underlining is my emphasis*).

- 11.26. Given the above recent policy statements and appeal decisions, I consider that delivering energy security is both 'urgent' and of 'critical importance' to the country and as such should be afforded **substantial** weight in the planning balance.



3. Contribution to meeting Local Emission Needs

- 11.27. The Planning Statement (*Core Document A2*, paragraphs 4.3.1 – 4.3.12) explains that the electricity use for Babergh District was 353.2GWh of electricity in 2021, and that Babergh only generated 19.1 GWh of electricity in that same year, or 5.4% of the District's need.
- 11.28. Whilst I acknowledge that that there is no specific requirement for each Local Authority to reach its own net zero regarding its own renewable energy generation and usage, I consider in terms of addressing the declared climate emergencies at both the national and local level, it is important that the load on the national transmission network is mitigated by power being generated close to where the need arises.
- 11.29. The Planning Statement calculates that the Proposed Development would contribute about 43.3GWh of renewable energy per annum, meeting c 12% of Babergh's needs. The Planning Statement also explains that Babergh District would need the equivalent of approximately 7 solar farm schemes of the same scale as the Proposed Development to meet the remainder of its renewable energy deficit.
- 11.30. I consider that given the shortfall in generation within Babergh District to meet even current electricity needs, the opportunity that the Appeal Scheme would make to securing local electricity generation should be afforded **substantial** weight.

4. Grid Connection

- 11.31. It is well established that grid-connections are a scarce resource in the UK and represents a major barrier to the transition to net zero. The ESS explains that connections times have been a very significant issue, with over 250GW of generation in the transmission queue (*Core Document D15-B*, page 50). To put the scale of that connection queue into context, that is over 3 times the schemes currently connected into the grid of 80GW.
- 11.32. More recently, National Grid and Ofgem are in the process of updating the Grid Connection process due to the significant number of 'zombie projects' that are sitting in the connections queue which are taking up capacity and pushing grid connection dates out into 2030 and beyond.
- 11.33. The other Parties in their Statements of Case express concern at NESO grid reform process and the weight that can be currently placed on the existing grid connection offer for the Appeal Scheme.
- 11.34. The grid reform process affects all Transmission or large distribution (>1MW) connected generation and storage projects in the UK. It is designed to move from a "first come, first served" model to a "first ready, first connected" approach and in doing so, clear the queue of stalled ("zombie") projects. This means existing projects, even those with signed connection offers, are required to be reassessed against new criteria, to specify which stage, or gate, they sit in.
- 11.35. An agreed connection offer is therefore significant as the Appellant would not have to renegotiate the grid offer if planning permission were to be granted. Grid applications are currently closed, so at present there are no feasible alternatives in terms of securing grid connections. The availability of a grid connection offer for the solar farm is therefore a significant benefit and similarly the ability to make an early contribution to the generation of low carbon energy is another significant consideration.

11.36. I attach a Grid Connection statement provided by Quair at **Appendix 1** to my evidence, which sets out the current position that the ability if there, subject to receipt of planning permission, to apply for Gate 2 in Q2 2026 as other permissions and agreements are already in place.

11.37. I therefore consider that the advanced stage of the grid connection process is a material consideration of **moderate** weight in this appeal.

5. Biodiversity, Ecological, and Green Infrastructure Enhancements

11.38. The proposed enhancements to landscape structure will improve green infrastructure, and contribute to the wider network beyond, whilst incorporating features to address habitat and wildlife creation and secure net gains in green infrastructure. These measures would serve to create a coherent landscape framework across the Appeal Site which would deliver a number of long-term environmental benefits.

11.39. Taken overall, the Refused Scheme will deliver a Biodiversity Net Gain of +106.54 % in habitat units and +102.65 % in linear units (see the Ecological Assessment Report, (*Core Document A.21*). The Amended Scheme would deliver a Biodiversity Net Gain of +101.25 % in habitat units and +102.65 % in linear units (*Core Document C7*).

11.40. With regard to the weight recently attached at other solar pv appeals with similar BNG net gains, I note that following:

- *Crays Hall* a BNG of 94% in area habitats and 53% linear habitats attracted 'substantial weight' (*Core Document H32, paragraph 25*);
- *Bramley*, the Inspector gave 'significant weight' to a biodiversity net gain of 100% (*Core Document H33, paragraph 78*);
- *Copse Lodge, Greatworth* a net gain of 71% in habitat units and 33% in hedgerow units was attributed 'significant weight' (*Core Document H34, paragraph 7.33*);
- *Cutlers Green* a net gain of 153% in area habitat and 20% in hedgerow units was given 'significant weight' (*Core Document H29, paragraph 144*);
- *Great Wheatley Farm* a net gain of 141% for primary habitats and 165% for linear habitats was given 'significant weight' (*Core Document H31, paragraph 48*);
- *Honiley Road* a BNG of 135.9% was afforded 'substantial weight' by the Secretary of State (*Core Document H36, paragraph 25*);
- *Southlands Farm*, the Inspector gave 'significant weight' to a biodiversity net gain of 137.96% for habitat units and 85.1% for hedgerow units (*Core Document H28, paragraph 105*).
- *Bottesford*, the Secretary of State concluded that a net gain of 144.64% in habitat units and 32.13% in hedgerow units would be an important benefit of the development which carries 'significant weight' (*Core Document H9, paragraph 23*).

11.41. Given these precedents of biodiversity net gain for solar farms, I consider that this very significant increase in BNG should also be afforded at least **significant** weight in the planning balance.

6. Economic Benefits

- 11.42. The Appeal Scheme also represents a significant financial investment, with benefits to the local economy during the construction period including from the temporary jobs created (both direct jobs on-site and indirect/induced roles in the wider economy).
- 11.43. I attach a Statement in respect of **Economic Impacts at Appendix 3**. This explains that that it is estimated that the scheme would generate up to £6.1m of Gross value added (GVA) during the construction period, and a further £7.8m GVA over the 40 year operational lifespan.
- 11.44. Annual business rate contributions in the region of £45,300 pa will also benefit the local economy through income to the local area over the 40 year life of the project. **Appendix 3** contains a calculation of how the business rates are currently calculated, which would be worth c.£1.0m at today's values.
- 11.45. At Bramley, I note that the Inspector afforded 'significant' weight to economic benefits associated with that solar farm scheme (*Core Document H33, paragraph 79*), whereas at Copse Lodge the Inspector gave 'moderate' weight to the temporary construction jobs and longer term business rate benefits (*Core Document H34, paragraph 124*).
- 11.46. I also attach **moderate** weight to this consideration as a benefit of the Appeal Scheme.

7. Improvements to Soil Resource

- 11.47. The conversion of land from its current use for arable crops to grassland which is uncultivated for a period in excess of 12 years will increase soil organic matter and hence soil organic carbon will assist in protecting and improving the soil structure and resource.
- 11.48. At *Crays Hill*, I note that the Inspector accepted that the longer term benefits to soil structure added weight to the environmental benefits of the project overall (*Core Document H32, paragraph 25*). While at *Copse Lodge*, the Inspector accepted that the construction and decommissioning of the solar farm is capable of taking place without significant disturbance to soils and the likely outcome would be soil improvement with the short and relatively light-touch construction required and the long period when the land would be left with limited or no artificial inputs – i.e. worked by machinery and use of fertilizers. The land quality would remain at existing levels or even experience some improvement (*Core Document H34, paragraphs 126 and 127*).
- 11.49. I attach **limited** weight to this consideration as a benefit of the Appeal Scheme.

8. Farm Diversification

- 11.50. The NPPF at paragraph 84 acknowledges that the diversification of agricultural businesses should be enabled.
- 11.51. Due to the relatively low income received from agricultural activities, many farming enterprises seek to diversify their income to secure an economically sustainable profit. Income from renewable energy is an important form of farm diversification
- 11.52. The National Farmers Union see renewable energy as an important step towards making British agriculture carbon neutral within two decades, an important consideration as farming is responsible for around one tenth of UK greenhouse gas emissions (*Core Document D35*).

11.53. In respect of this Appeal, the income from the Proposed Development will provide an important source of diversified income as is explained in the statement from Mr Baker attached at **Appendix 4** to my Evidence.

11.54. I attach **limited** weight to this consideration as a benefit of the Appeal Scheme.

9. Agricultural traffic reduction

11.55. Although this was noted in the Statement of Case and the SoCG as a potential limited benefit of the Appeal Scheme, I do not consider this to be a material benefit upon which I or the Appellant wish to rely upon, but rather should be regarded as a Neutral consideration.

10. Positive landscape legacy post decommissioning

11.56. As Mr Mason explains in his evidence, a number of landscape features would continue to prevail beyond the decommissioning on the Appeal Scheme after 40 years of operation, including additional hedgerows and hedgerow trees planted, and the creation of a smaller-scale landscape pattern in keeping with the historic landscape characterisation. This would be a benefit providing a lasting positive legacy.

11.57. I attach **limited** weight to this consideration as a benefit of the Appeal Scheme.

Material Considerations which are Harms

1. Effect on Landscape

11.58. In respect of Landscape and Visual matters, Mr Mason explains in his Evidence the nature of the conclusions of the submitted Landscape and Visual Impact Assessment and the changes made to the Appeal Scheme through the careful consideration of the Planning Application.

11.59. The Appeal Scheme has a proposed operational lifespan of 40 years, and that at the end of this period the Appeal Scheme would be decommissioned, the equipment removed from the Appeal Site, and the restored site would then continue in agricultural use. The Appeal Scheme is therefore considered to be a temporary development.

11.60. Whilst I acknowledge that the duration of 40 years is a significant period of time, it is nevertheless not permanent and will be completely reversible when the planning permission expires. This is in notable contrast to many other forms of development, such as housing or commercial buildings, where such development would be a form of built development that would endure in perpetuity.

11.61. Having regard to all the foregoing, and given Mr Mason's evidence on the nature and extent of landscape and visual effects in which he concludes that the landscape and visual effects would be limited and localised and would reduce over time as planting matures; and that the Appeal Scheme is well considered and has been brought forward with carefully designed embedded mitigation, including the reinstatement of a more appropriate field scale comparable to that which existed prior to the widespread hedgerow removal of the mid-20th Century, I consider that these matters should be afforded **limited adverse** weight.

2. Effect on Heritage Significance

- 11.62. In respect of Built Heritage matters, Ms Garcia explains the effect of the Appeal Scheme on the heritage significance of heritage assets located in the surrounding area, via a change in 'setting'. Ms Garcia concludes that there is less than substantial harm at the lower end of that spectrum in respect of the designated heritage assets of St Mary's Church and the low end in respect of the Bentley Conservation Area; and in respect of the non-designated heritage assets of Falstaff Manor, Grove farm, Potash Cottages, Red Cottages and Church Farm House and Barn, there would be low harm.
- 11.63. With regard to the weight that should be afforded to the 'less than substantial harm' to the significance of designated heritage assets, I have had regard to NPPF paragraph 212 that great weight should be given to the assets' conservation (the more important the asset, the greater the weight should be). I have also had full regard to the legislative requirements of the Planning (Listed Building and Conservation Areas) Act 1990 and to Case Law that considerable importance and weight should be given to harm to the significance of a Listed Building, including through setting and to a Conservation Area. Given the low level of harm identified by Ms Garcia, which she considers to be at the lower/low end of the spectrum of less than substantial harm, I consider that the weight in the planning balance afforded to effect on designated and non-designated heritage assets should be **moderate adverse**.
- 11.64. I further consider that the identified levels of 'less than substantial harm' to the heritage assets, via a change in 'setting' identified by Ms Garcia should be weighed against the public benefits of the Appeal Scheme as required by NPPF paragraph 215. I consider that this test is satisfied having regard to the substantial benefits which would arise from the Appeal Scheme as summarised earlier in this Section of my Evidence.
- 11.65. With regard to non-designated heritage assets, I have had regard to NPPF paragraph 216 in terms of a 'balanced judgement' having regard to the scale of any harm or loss, and the significance of the asset. Given Ms Garcia's evidence that the identified levels of harm to the identified assets is low and to their heritage significance, I also consider that this test is satisfied having balanced the substantial benefits which would arise from the Appeal Scheme as summarised earlier in this Section of my Evidence.
- Material Considerations which are Neutral**
- 11.66. I consider that other material considerations should be afforded neutral weight in the overall planning balance, and that the Appeal Scheme is acceptable in all other matters.

Planning Balance Summary Table

Material Considerations which are Benefits	Weight (Positive)
Generation of 40MW of renewable energy and subsequent reduction in carbon emissions	Substantial Positive Weight
Contribution to Energy Security	Substantial Positive Weight
Meeting Local Electricity Needs	Substantial Positive Weight
Grid Connection	Moderate Positive Weight
Biodiversity Net Gain and Enhancements	Substantial Positive Weight
Economic Benefits	Moderate Positive Weight
Soil Resource	Limited Positive Weight
Farm Diversification	Limited Positive Weight
Green Infrastructure and Landscape Legacy	Limited Positive Weight
Material Considerations which are Neutral	Weight (Neutral)
Highways and Transport	Neutral Weight
Noise	
Glint and Glare	
Residential Amenity	
Material Considerations which are Adverse	Weight (Adverse)
Effect on Landscape Character and Visual Amenity	Limited Adverse Weight
Impact on Heritage Assets	Moderate Adverse Weight



Overall Conclusion

- 11.67. I consider that the Proposed Development is in general accordance with the Development Plan when read as a whole and, even if the Inspector were to conclude that there would be some conflict with relevant policies:
- i. That would not necessarily lead to a conflict with the Development Plan taken as a whole; and
 - ii. If it did, there are significant identified benefits that constitute material considerations indicating that the proposed Development should be allowed notwithstanding that conflict.
- 11.68. In view of the foregoing, the Inspector is respectfully requested to uphold this Appeal and to grant planning permission.



12. Planning Conditions

- 12.1. I am of the opinion that appropriate control over the form of the Proposed Development can be achieved through the imposition of planning conditions.
- 12.2. A set of conditions on a without prejudice basis is in the process of being agreed with BDC.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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