

OVERARCHING STATEMENT OF COMMON GROUND

BETWEEN

GREEN SWITCH CAPITAL LIMITED

&



BABERGH DISTRICT COUNCIL

SECTION 78 APPEAL BY GREEN SWITCH CAPITAL LIMITED

LAND AT GROVE FARM AND LAND EAST OF THE RAILWAY LINE,
BENTLEY, IP9 2BZ

PROPOSAL:

FULL PLANNING APPLICATION – CONSTRUCTION OF A SOLAR FARM (UP TO 40MW EXPORT CAPACITY) WITH ANCILLARY INFRASTRUCTURE AND CABLING, DNO SUBSTATION, CUSTOMER SUBSTATION AND CONSTRUCTION OF NEW AND ALTERED VEHICULAR ACCESES

Signed: 	Signed: 
Name: Jasmine Whyard	Name: Michael Ruddock
On behalf of: Babergh District Council (the Local Planning Authority)	On behalf of: Pegasus Group (on behalf of the Appellant)
Date: 19/12/2025	Date: 19/12/2025

Contents.

1. Introduction.....	1
2. The Appeal Site and Surroundings	2
3. The Appeal Proposals.....	4
4. Application Plans and Documents	9
5. The Reasons for Refusal.....	13
6. Planning History	15
7. Planning Policy	16
8. Matters Not in Dispute.....	21
9. Matters that are Not Agreed and remain In Dispute	31
10. Planning Conditions and Obligations.....	33

1. Introduction

- 1.1. This Statement of Common Ground (“SoCG”) has been prepared by Pegasus Group on behalf of Green Switch Capital Limited (“the Appellant”) in conjunction with Babergh District Council (“the LPA”).
- 1.2. It relates to a planning appeal made pursuant to Section 78 of the Town and Country Planning Act 1990, in respect of land proposed for a renewable energy development named ‘Grove Solar Farm’ at Grove Farm, (“the Appeal Site”).
- 1.3. The purpose of the SoCG is to identify the areas where the principal parties (the Appellant and the LPA) are in agreement and to narrow down the issues that remain in dispute. This will allow the Inquiry to focus on the most pertinent issues. We are anticipating that topic-specific SoCGs relating to heritage and landscape issues will be submitted closer to the Inquiry.
- 1.4. Following confirmation from the Inspectorate by letter dated 13th October 2025, Rule 6(6) Party status has been granted to ‘Bentley Parish Council & others’ (‘R6 Party’). The principal parties will work positively and constructively with the R6 Party going forwards.

2. The Appeal Site and Surroundings

- 2.1. The site comprises agricultural land totalling 46.8ha located to the north of the village of Bentley, within the administrative area of Babergh District.
- 2.2. The application site includes land required for:
- The proposed solar array, associated infrastructure and landscaping.
 - The Distribution Network Operator (DNO) substation, and the point of connection with the National Grid.
 - A grid connection between the solar array and the DNO substation.
 - The access tracks from the public highway to the solar farm and the DNO substation.
- 2.3. The planning application site consists of two distinct areas; the 'Main Site' and the 'Substation Site'. These are located on either side of the Great Eastern Main Line railway line. The Main Site comprises two arable fields, with access through Grove Farm from Station Road to the west. The fields are separated by a road (Church Lane), and are part of the same farm system, managed by a single landowner.
- 2.4. The Substation Site comprises the western edge of two arable fields to the eastern side of the railway line which is connected to the main site by a crossing of the railway line and is accessed via a track from the north. This site also links to a high voltage pylon which would be the Point of Connection for the proposed solar farm.

Designations

- 2.5. The application site is within the Project Area of the Suffolk Coast and Heaths AONB/National Landscape. The status of that designation is a matter of dispute between the parties.
- 2.6. The site does not contain any listed buildings; however, it lies fully within the Bentley Conservation Area which was designated on 23rd April 2025. The parties agree that this is a new material consideration for the determination of the appeal and the statutory duty under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant.
- 2.7. The nearest boundary of the Suffolk Coast and Heaths National Landscape is approximately 1km south of the site. There is no intervisibility between the National Landscape and the site.
- 2.8. There are no nature conservation designations in close proximity that could be affected by the proposed development. As set out above, Engry Wood is Ancient Woodland. Ancient Woodland is not a nature conservation designation but is defined as irreplaceable habitat.
- 2.9. The closest heritage designations (other than the site falling entirely within the Bentley Conservation Area) include the Grade II* listed Church of St Mary to the north of the Main

Site, and Grade II* listed buildings around Bentley Hall, together with the Grade I listed Bentley Hall Barn. There are two Grade II listed buildings at Maltings House to the east of the Substation Site.

- 2.10. There are two public rights of way which cross the site, one of which (FP 50) crosses the access track to the Main Site between Station Road and Grove Farm, and the other (FP 18) crosses the access track to the Substation Site. There are no public rights of way crossing the proposed solar development site, or the proposed DNO substation site. Church Lane, which separates the two fields of the Main Site is a locally designated Quiet Lane.
- 2.11. There are no Tree Preservation Orders (TPOs) covering the site.

3. The Appeal Proposals

- 3.1. The planning application that is now the subject of this appeal was validated by Babergh District Council on 5th December 2023 and allocated LPA reference DC/23/O5656. It sought Full Planning Permission for the following development:

“Construction of a solar farm (up to 40MW export capacity) with ancillary infrastructure and cabling, DNO substation, customer substation and construction of new and altered vehicular accesses.”

- 3.2. The above description of the development, which includes the reference to export capacity, differs in this respect from the description on the application form. This change was requested by the LPA and was agreed by the applicant post-submission.

Proposed Development

- 3.3. The applicant seeks planning permission to construct and operate proposed photovoltaic solar array for a period of 40 years, after which the solar development will be decommissioned and the site returned solely to agricultural use, with the hedgerow and tree planting remaining. The solar farm is proposed to export up to 40MW of renewable energy to the National Grid during peak operation.
- 3.4. The solar farm itself will be located on the fields making up the Main Site and as such will be bisected by Church Lane. Access to the Main Site will utilise the existing access to Grove Farm from the west on Station Road and the access track will also cross Church Lane.
- 3.5. The eastern substation site will be separately accessed via an unnamed road (connected to the A137) to the north of the site and will be connected to the Main Site by a Horizontal Directional Drilling underneath the railway line. Network Rail issued a ‘holding objection’ in response to the application, but following further discussions, confirmed to the appellant by email dated 18th December 2025 that the holding objection had been lifted.
- 3.6. In addition, Network Rail have now confirmed in an email dated 19th November 2025 that as the Island level crossing has now been legally closed the development cannot affect the safety of the level crossing,

Solar Farm

- 3.7. The Main Site comprises the primary elements of the development which include the solar panels, inverters, transformers and the client substation, together with ancillary elements such as fencing, planting, access tracks and buildings.
- 3.8. The panels will be static, mounted on metal frames set approximately 2.5m–3.5m apart and with a maximum height of 3m. The lowest edge will be approximately 800mm off the ground to enable the area under panels to be grazed by sheep.

- 3.9. The panels will convert sunlight into direct current (DC) electricity. The individual modules will consist of dark blue, dark grey or black photovoltaic cells; as technologies are developing rapidly it is not possible to specify the precise panel type as this will depend on the technology available at the time of construction.
- 3.10. The PV modules are connected in strings with cabling secured to the rear of the panels, and at the end of each run the cables will be taken below ground and connected to string inverters at the ends of intermittent rows. These take the generated DC current and convert it into Alternating Current (AC) to enable the generated electricity to be exported into the National Grid via the DNO substation. The inverters will be approximately 1.14m wide x 0.87m high x 0.36m deep.
- 3.11. The development also requires the installation of 11 transformer stations which control and increase the voltage of electricity generated by the solar panels before it reaches the DNO substation and distribution network. The transformer stations comprise individual containers (approximately 6.06m long x 2.44m wide x 2.90m high) which are necessary to connect the solar farm to the client substation.
- 3.12. Two ancillary buildings are also proposed, a Control Building and a Spares Container. The Control Building will contain equipment necessary for monitoring the performance of the solar farm. It will not be permanently manned. The building will be finished in green with a footprint of approximately 13.5m² and a height of 2.9m. The Spares Container will store essential spare parts required for the timely maintenance of equipment and will have a footprint of 29.9m² and a height of 3.2m. The two buildings, along with the Customer Substation, will be located together on the southern boundary of the site within the field east of Church Lane.

Substations

- 3.13. Two substation compounds are proposed; the Customer Substation located within the Main Site adjacent to the Control Building and Spares Container, and the DNO Substation located within the Substation Site. The on-site generated renewable energy will feed into the Customer Substation which comprises a substation building, transformers, a disconnector and other cabling infrastructure.
- 3.14. The Customer Substation will be connected to the DNO substation via underground cabling which in turn then feeds the energy to the National Grid on the Substation Site at the Point of Connection. The DNO substation includes a substation building that houses essential operational controls.

Perimeter Fencing and CCTV

- 3.15. The solar farm will be enclosed by a 2.1m high deer/stock fence. Such fencing is widely used on solar facilities within the UK as it is more suited to rural environments than other types of security fencing such as palisade fences, restricts access to the public and contains the

livestock grazing around the panels. Pole mounted CCTV cameras will be set out around the site boundaries. CCTV poles will have a maximum height of 3m.

- 3.16. In addition to the deer/stock fencing, approximately 250m of steel palisade fencing is proposed in total around the perimeter of the two substation compounds to protect the grid infrastructure.

Cabling

- 3.17. On-site electrical cabling is required to connect the solar panels to the inverters, to the transformer stations, to the proposed DNO Substation and to the point of connection with the National Grid. These will be laid in trenches that will generally run parallel with the access tracks.

Access Tracks

- 3.18. Access to the Main Site will utilise an existing farm access track that leads from Station Road to Grove Farm. The track will require partial resurfacing. Access to the Substation Site will require a new access track extending to the unnamed road.
- 3.19. Internal access tracks within the Main Site are required to facilitate construction and allow for maintenance access

Landscape Proposals

- 3.20. The proposed development is accompanied by a Landscape Proposals plan ref. 3223-01-13. 'Rev A' amended plans have been submitted with the appeal but it is not yet known if they will be accepted for consideration by the Inspector. Existing vegetation is generally retained with vegetation removal being required at two of the points of access and at the Point of Connection.
- 3.21. The Landscape Proposals plan details the locations of the proposed planting, which includes woodland, hedge and tree planting together with species diverse grassland at various locations around the site. Buffers are provided between the development components and veteran trees within boundary hedgerows. Where the site adjoins the Ancient Woodland perimeter at Engry Wood the buffer is wider.
- 3.22. The Planning Statement provides a detailed summary of the proposed landscape elements within the site. A number of amendments are proposed to the scheme originally determined, primarily to the landscaping proposals, which are set out below.
- 3.23. The additional landscape elements proposed include the following landscape enhancements:
- Approximately 10.3ha of species-rich grassland
 - Approximately 33.7ha of grazed pasture

- Approximately 1.07ha of native species woodland planting
- Approximately 2,500m native species hedgerow planning
- 139no. individual hedgerow trees

Grid Connection

- 3.24. The Point of Connection will be a high voltage pylon located adjacent to the DNO substation. The Grid Connection will be delivered partly by trenching, and partly by Horizontal Directional Drilling.

Construction and Operation

- 3.25. The construction of the proposed development would take place over approximately 32 weeks. Construction vehicles will access the Main site via the track from Station Road. Construction vehicles will access the Substation site via a new track from the unnamed road connected to the A137. Construction traffic would be prohibited from using Church Lane. A Temporary Construction Compound will be formed containing parking and welfare areas for construction staff. This will be removed at the end of the construction and commissioning period.
- 3.26. Once the solar farm development has been completed, access to the site will be limited to routine maintenance operations and farm operations. The development will not be permanently staffed. Access will thus typically utilise standard commercial vans or farm 4x4 vehicles.

Decommissioning

- 3.27. After a 40-year period the proposal would be decommissioned with all electricity generating equipment and built structures associated with the development removed from the site and land returned to solely agricultural use.
- 3.28. The modular nature of the development is such that its components can readily be disassembled and removed without disturbance to their surroundings.
- 3.29. Trees, hedgerows and meadows planted as part of the landscape proposals will remain as permanent features.
- 3.30. A suitably worded planning condition would suffice to ensure the removal of the proposed development in a careful and timely manner at the end of the operational lifetime.

Proposed Amendments

- 3.31. The Appellant is proposing amendments to the proposed site layout following the determination of the planning application. The amended scheme is shown on drawings 3223-01-03a Rev A / 03b Rev A General Arrangement and 3223-01-13 Rev A Landscape Proposals which comprise the following proposed amendments:
- **Amendment A** – Increased offset between Church Lane and the fenceline for the solar development on both the east and west sides. The increased offset allows for additional woodland belt planting to be incorporated either side of Church Lane, increasing screening, landscape integration, and habitat connectivity.
 - **Amendment B** – Additional woodland belt planting to the north side of Falstaff Manor to reduce any potential intervisibility between the site and the Manor.
 - **Amendment C** – Additional woodland belt planting along the eastern edge of the eastern parcel to provide greater screening to this edge of the development, between the solar farm and the railway line.
 - **Amendment D** – A proposed transformer within the central part of the western parcel has been relocated further north slightly, for operational reasons.
 - **Amendment E** – Gaps introduced to hedgerows to facilitate access between fields for agricultural purposes.
- 3.32. In order to assist in identifying the proposed changes the Appellant has prepared a Clarification Note which includes plan extracts and identifies for the avoidance of any doubt the specific locations of the changes described. The procedure with regards to these amendments is set out within the Appellant's **Statement of Case**. The Council's position regarding the submission of those amended plans, as currently advised, is set out within its own Statement of Case.
- 3.33. The Biodiversity Net Gain Assessment has also been updated to reflect the amendments made.

4. Application Plans and Documents

- 4.1. The plans and supporting documents on which the appeal is to be determined are listed below. This includes the submitted amended plans that supersede the drawings submitted with the original application, should they be accepted by the Inspector:-

Application Plans

Drawing Title	Drawing Reference
1. Site Location Plan	3223-01-01
2. Statutory Plan (Sheet 1 of 2)	3223-01-02a
3. Statutory Plan (Sheet 2 of 2)	3223-01-02b
4. General Arrangement (Sheet 1 of 2)	3223-01-03a (Rev A)
5. General Arrangement (Sheet 2 of 2)	3223-01-03b (Rev A)
6. Solar PV Frame, Panels and String Inverters	3223-01-04
7. Transformer Station	3223-01-05
8. Control Building	3223-01-06
9. Spares Container	3223-01-07
10. Customer Substation Compound Elevation	3223-01-08a
11. DNO Substation Compound Elevation	3223-01-08b
12. Customer Substation Building	3223-01-09a
13. DNO Substation Building	3223-01-09b
14. Substation Compound Fencing	3223-01-10
15. Site Fencing, Access Track and CCTV	3223-01-11
16. Typical Cable Trench	3223-01-12
17. Landscaping Proposals	3223-01-13 (Rev A)

Other Supporting Documents

14. Planning, Design and Access Statement prepared by Axis (November 2023)
15. Applicant's Response Letter prepared by Axis (July 2024)
16. Alternative Sites Assessment prepared by Axis (October 2023)
17. Landscape and Visual Impact Assessment and Supporting Figures prepared by Axis (June 2023)
18. Heritage Impact Assessment prepared by AOC (July 2023)
19. Supplementary Heritage Assessment prepared by AOC (June 2024)
20. Ecological Assessment Report prepared by Avian Ecology (July 2025) and supporting Biodiversity Metric 4.0 dated 16.07.25.
21. Archaeological Geophysical Survey prepared by AOC (December 2023)
22. Flood Risk Assessment and Drainage Strategy prepared by Waterco (August 2023)
23. Transport Statement prepared by Axis (August 2023)
24. Noise Impact Assessment prepared by NVC (August 2023)
25. Noise and Vibration Technical Note prepared by NVC (June 2024)
26. Arboricultural Impact Assessment prepared by ADAS (November 2023)
27. Glint and Glare Assessment prepared by Pager Power (June 2023)
28. Agricultural Land Classification Report prepared by Soil Environmental Services Ltd (October 2022)
29. Bentley Neighbourhood Plan Development Design Checklist prepared by Axis (November 2023)

- 4.2. For reference, all of the planning application plans and supporting documents that were submitted as part of the planning application are listed below.

List of Application Documents – Original Application Submission 5th December 2023

Application Form

1. Signed and completed Application Form, including Ownership Certificates.

Application Drawings

2. Site Location Plan ref. 3223-01-01 prepared by Axis
3. Statutory Plan (Sheet 1 of 2) ref. 3223-01-02a prepared by Axis
4. Statutory Plan (Sheet 2 of 2) 3223-01-02b prepared by Axis
5. General Arrangement (Sheet 1 of 2) 3223-01-03a prepared by Axis
6. General Arrangement (Sheet 2 of 2) 3223-01-03b prepared by Axis
7. Solar PV Frame, Panels and String Inverters 3223-01-04 prepared by Axis
8. Transformer Station 3223-01-05 prepared by Axis
9. Control Building 3223-01-06 prepared by Axis
10. Spares Container 3223-01-07 prepared by Axis
11. Customer Substation Compound Elevation 3223-01-08a prepared by Axis
12. DNO Substation Compound Elevation 3223-01-08b prepared by Axis
13. Customer Substation Building 3223-01-09a prepared by Axis
14. DNO Substation Building 3223-01-09b prepared by Axis
15. Substation Compound Fencing 3223-01-10 prepared by Axis
16. Site Fencing, Access Track and CCTV 3223-01-11 prepared by Axis
17. Typical Cable Trench 3223-01-12 prepared by Axis
18. Landscape Proposals 3223-01-13 prepared by Axis

Supporting Documents

19. Planning, Design and Access Statement prepared by Axis (November 2023)
20. Alternative Sites Assessment prepared by Axis (October 2023)

- 21. Landscape and Visual Impact Assessment and Supporting Figures prepared by Axis (June 2023)
- 22. Heritage Impact Assessment prepared by AOC (July 2023)
- 23. Ecological Assessment Report prepared by Avian Ecology (September 2023) and supporting Biodiversity Metric 4.0 dated
- 24. Archaeological Geophysical Survey prepared by AOC (December 2023)
- 25. Flood Risk Assessment and Drainage Strategy prepared by Waterco (August 2023)
- 26. Transport Statement prepared by Axis (August 2023)
- 27. Noise Impact Assessment prepared by NVC (August 2023)
- 28. Arboricultural Impact Assessment prepared by ADAS (November 2023)
- 29. Glint and Glare Assessment prepared by Pager Power (June 2023)
- 30. Agricultural Land Classification Report prepared by Soil Environmental Services Ltd (October 2022)
- 31. Bentley Neighbourhood Plan Development Design Checklist prepared by Axis (November 2023)

List of Application Documents – Post Submission – July 2024

- 32. Applicant's Response Letter prepared by Axis (July 2024)
- 33. Supplementary Heritage Assessment prepared by AOC (June 2024)
- 34. Noise and Vibration Technical Note prepared by NVC (June 2024)

List of additional document submitted with this appeal – August 2025

- 35. General Arrangement (Sheet 1 of 2) 3223-01-03a Rev A prepared by Axis
- 36. General Arrangement (Sheet 2 of 2) 3223-01-03b Rev A prepared by Axis
- 37. Landscape Proposals 3223-01-13 Rev A prepared by Axis
- 38. Landscape Proposals 3223-01-13 Rev A prepared by Axis – with area references
- 39. Ecological Assessment Report prepared by Avian Ecology (July 2025) and supporting Biodiversity Metric 4.0 dated 16.07.25.

5. The Reasons for Refusal

- 5.1. The application was determined following the Planning Committee on 5th February 2025 with the Officer's Report recommending refusal.
- 5.2. The Officer's report concluded that although the proposals would contribute to the Government's aims of hitting net zero and would positively contribute to the delivery of clean renewable energy, these benefits and the presence of a local grid connection were not sufficient to outweigh harm to heritage assets and a valued landscape.
- 5.3. The application was refused via a decision notice dated 6th February 2025 which contained two reasons for refusal as follows:

"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. "

- 5.4. The first reason for refusal has been amended by the LPA within their Statement of Case to reflect the recent designation of the Bentley Conservation Area and to clarify the extent of alleged harm posed to a number of identified heritage assets, both designated and non-designated. The Parties agree that they will respond to those matters raised in this expanded

reason for refusal in their evidence. That amended reason for refusal is set out again below for ease:

“The proposal would conflict with policies SPO9, LP19, LP24, 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 less than substantial harm (at the upper end of the scale) to the character and appearance of the recently designated Bentley Historic Core Conservation Area; less than substantial harm to the following listed buildings: Church of St Mary (Grade II) (middle range LTSH), Bentley Hall (Grade II*) (lower end LTSH), Meeting Hall Stables (Grade II*) (lower end LTSH), Bentley Hall Barn (Grade I) and Maltings House (Grade II) (lower/bottom end LTSH); and, harm to the following Non-Designated Heritage Assets: Falstaff Manor, Grove Farm, Red Cottages, Potash Cottages, and Church Farm House and Barn. Whilst significant weight is afforded to the public benefits of renewable clean energy, the public benefits of the development are not considered sufficient to outweigh the harm to a range of heritage assets, which are matters of considerable importance and great weight (where they relate to designated heritage assets). The setting of these assets and thus their significance would be eroded and undermined by the proposed development as it would introduce an incongruous industrial character to the current traditional agricultural character and historical landscape of the area. The Appellant has further failed to provide evidence to convincingly demonstrate that there are no reasonable alternatives available for the proposal in light of the designation of the Site within a Conservation Area.”*

6. Planning History

- 6.1. It is agreed that there is no relevant planning history relating to the site.

7. Planning Policy

7.1. This section identifies the planning policies and guidance that will be of most relevance to this appeal.

7.2. The policies referenced within the reasons for refusal include:

- Babergh and Mid Suffolk Joint Local Plan (2023)
 - SP03 – The Sustainable Location of New Development
 - SP09 – Enhancement and Management of the Environment
 - LP17 – Landscape
 - LP18 – Area of Outstanding Natural Beauty
 - LP19 – Historic Environment
 - LP24 – Design and Residential Amenity
 - LP25 – Energy Sources, Storage and Distribution
- Bentley Neighbourhood Plan (2022)
 - BEN3 – Development Design
 - BEN7 – Protecting Bentley’s Landscape Character
 - BEN11 – Heritage Assets
 - BEN12 – Buildings of Local Significance
- NPPF

7.3. The parties agree that the above development plan policies are up to date and should be afforded full weight in the determination of the appeal.

The Development Plan

7.4. Both parties agree that under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the Development Plan read as a whole, unless material considerations indicate otherwise.

7.5. At the time of preparing this SoCG, the statutory Development Plan covering the appeal site comprised:

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

Babergh and Mid Suffolk Joint Local Plan

- 7.6. The main Development Plan Document of relevance is the Joint Local Plan (JLP) which provides the strategic planning policy framework for Babergh District Council.
- 7.7. It is agreed that the Policies Map shows the appeal site as being located outside an adopted settlement boundary. It is also agreed that the site is within the Bentley Conservation Area as designated in April 2025.
- 7.8. The Policies Map also shows that the site is not subject to any landscape, ecological or other heritage designations shown that directly affect the site.
- 7.9. It is agreed that the following JLP policies will be of most relevance to the determination of this appeal:
- Policy SPO3 – The Sustainable Location of New Development
 - Policy SPO9 – Enhancement and Management of the Environment
 - Policy LP17 – Landscape
 - Policy LP18 – Area of Outstanding Natural Beauty
 - Policy LP19 – Historic Environment
 - Policy LP25 – Energy Sources, Storage and Distribution
- 7.10. It is agreed that the following JLP policies are also relevant to the determination of this appeal:
- Policy SP10 – Climate Change
 - Policy LP15 – Environmental Protection and Conservation
 - Policy LP16 – Biodiversity and Geodiversity
 - Policy LP23 – Sustainable Construction and Design
 - Policy LP24 – Design and Residential Amenity
 - Policy LP27 – Flood Risk and Vulnerability
 - Policy LP29 – Safe, Sustainable and Active Transport
- 7.11. It is agreed that the full reasons for refusal allege conflicts with Policies SPO3, SPO9, LP17, LP18, LP19, LP24, and LP25 and that will be a matter for evidence. However, it is agreed that the proposals accord with all of the other relevant policies of the JLP including Policies SP10, LP15, LP16, LP23, LP27 and LP29 save where those policies refer to issues (and attendant relevant policy conflicts) which are the substance of identified policy conflicts with Policies SPO9, LP17, LP18, LP19 and LP25.

Bentley Neighbourhood Plan

- 7.12. It is agreed that the site is located within the Neighbourhood Plan Area for the Bentley Neighbourhood Plan (BNP), which was 'made' in 2022.
- 7.13. It is agreed that the Policies Map within the made plan shows the site to be located outside of the settlement boundary of Bentley. It is also outside of the Area of Outstanding Natural Beauty and not in an area for services and facilities, sport and recreation facilities or local green space. It does not contain any 'Buildings of Local Significance' within its boundary.
- 7.14. It is agreed that the following JLP policies will be of relevance to the determination of this appeal:
- BEN3 – Development Design
 - BEN7 – Protecting Bentley's Landscape Character
 - BEN11 – Heritage Assets
 - BEN12 – Buildings of Local Significance
- 7.15. It is agreed that the following JLP policies are also relevant to the determination of this appeal:
- BEN4 – Flooding and Sustainable Drainage
 - BEN8 – Protecting Habitats and Wildlife Corridors
 - BEN10 – Dark Skies and Street Lighting
- 7.16. It is agreed that the full reasons for refusal allege conflicts with Policies BEN3, BEN7, BEN11 and BEN12 and that will be a matter for evidence. However, it is agreed that the proposals accord with all of the other relevant policies of the BNP including Policies BEN4, BEN8 and BEN10, LP29 save where those policies refer to issues (and attendant relevant policy conflicts) which are the substance of identified policy conflicts with Policies BEN3, BEN7, BEN11 and BEN12.

National Policy and Guidance

National Planning Policy Framework (last updated 2025)

- 7.17. The NPPF will be a material consideration in the determination of the appeal. Both parties will make reference to the NPPF in support of their case.

National Planning Practice Guidance (March 2014, as amended)

- 7.18. The PPG is agreed to be a material consideration in the determination of the appeal.

Overarching National Policy Statement for Energy (EN-1) (January 2024) and Renewable Energy Infrastructure (EN-3) (January 2024).

- 7.19. An updated Overarching National Policy Statement for Energy (EN-1) was published in November 2023 and is designated in January 2024. This is also agreed to be a material consideration in the determination of the appeal.
- 7.20. EN-3 should be read in conjunction with EN-1. It sets out the national policy for renewable energy projects, highlighting that with demand for electricity possibly doubling by 2050, this could "require a fourfold increase in low carbon electricity generation, with most of this likely to come from renewables" (paragraph 1.1.2).
- 7.21. EN-3 emphasises the Government's commitment to sustained growth in solar capacity to ensure that the UK is 'on a pathway' that allows it to meet net zero emissions (paragraph 2.10.9). The document affirms at paragraph 2.10.10 that:
- 'Solar also has an important role in delivering the government's goals for greater energy independence. The British Energy Security Strategy states that government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW). It sets out that government is supportive of solar that is "co-located with other functions (for example, agriculture, onshore wind generation or storage) to maximise the efficiency of land use".'***
- 7.22. The parties agree that whilst EN-1 and EN-3 are capable of being material considerations, they directly apply to the determination of NSIP and not applications made under the TCPA 1990.

International and National climate change context

- 7.23. It is agreed that the following climate change legislation and policy statements are relevant to the determination of the appeal:
- Climate Change Act 2008;
 - Climate Change Act (2050 target amendment) Order 2019;
 - Clean Growth Strategy published by the Department for Business, Energy and Industrial Strategy ("BEIS") in October 2017;
 - UK Parliament's declaration of an Environmental and Climate Change Emergency in May 2019;
 - Energy White Paper: Powering our Net Zero Future published in December 2020;
 - 'Net Zero Strategy: Build Back Greener' published by the UK Government in October 2021;
 - UK Climate Change Risk Assessment January 2022;

- British Energy Security Strategy April 2022;
- Powering Up Britain suite of documentation March 2023;
- Connections Action Plan November 2023;
- Written Ministerial statement May 2024
- National Grid ESO Future Energy Scenarios July 2024
- Clean Power 2030 November 2024
- Clean Power 2030 Action Plan: A new era of clean electricity December 2024
- UK Food Security Report 2024 (December 2024) and Land Use Consultation (January 2025)
- Solar Roadmap – United Kingdom Powered by Solar, June 2025

7.24. It is also agreed that references to progress being made to meeting carbon reduction targets within the following are also relevant:

- 'Achieving Net Zero' published by the National Audit Office in December 2020;
- The latest version of the 'Digest of United Kingdom Energy Statistics', which is currently the July 2024 version;
- The Climate Change Committee's 2025 Report to Parliament 'Progress in reducing emissions June 2025

8. Matters Not in Dispute

- 8.1. This section sets out the matters that are not in dispute between the Appellant and the LPA.

Format of Planning Application and Supporting Material

- 8.2. It is agreed that the format of the planning application forms, plans and the supporting documents fulfilled the requirements of the various regulations and validation checklists, applicable at the time of submission.

Environmental Impact Assessment

- 8.3. It is agreed that the proposal is not EIA development.

Development Plan Designations

- 8.4. It is agreed that the site now lies within the Bentley Conservation Area.
- 8.5. It is agreed that the appeal site is outside the boundary of the National Landscape.
- 8.6. It is agreed that there are no ecological designations directly affecting the site.
- 8.7. It is agreed that the site is not designated as Local Green Space or any kind of Local Gap or Strategic Gap.

Need for Renewable and Low Carbon Energy

- 8.8. It is agreed that the NPPF does not require applicants to demonstrate the overall need for renewable or low carbon energy and gives significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future. It is agreed that the Committee Report states that the NPPF places significant weight on the benefits of renewable and low carbon energy.
- 8.9. It is agreed that the solar farm would generate 43.3 GWh of renewable energy per annum which would save 8,963 tonnes of carbon dioxide and approximately equates to the electricity need for 10,823 homes.
- 8.10. It is agreed that there is a demonstrable need for solar renewable energy development.

Principle of the Development

- 8.11. It is agreed that Policy LP25 supports the principle of renewable energy development in countryside locations, subject to compliance with criteria in the policy and accordance with the relevant development plan policies properly construed and applied as a whole.
- 8.12. It is agreed that Policy LP25 requires (at point 3) requires the Appellant to: *"to convincingly demonstrate that potential harm resultant from development can be effectively mitigated*

and that there are no alternative sites available within the District or for community initiatives within the area which it is intended to serve. This includes providing underground power lines and cabling.”

- 8.13. The parties disagree as to how that limb of the policy is to be applied (see ‘Matters that are not agreed...’, below).
- 8.14. It is agreed that in the continued absence of a new Alternative Sites Assessment (‘ASA’) the Appellant would rely upon the 2023 ASA (prepared by Axis October 2023) purportedly to satisfy LP25.
- 8.15. The appellant however maintains the view that, notwithstanding the requirements of Policy LP25, the requirement for an Alternative Sites Assessment (and as such Policy LP25 as a whole) is not consistent with national policy. In the Appellant’s view this is not a new position, but one that was not advanced within the Appellant’s Statement of Case as the original reason refusal made no reference to alternative sites. The updated reason for refusal now does, and the appellant’s position has now become relevant for the appeal.
- 8.16. The Council notes that the Appellant’s Statement of Case did not make any reference to policy LP25 at all, which is a policy listed in the original and updated reasons for refusal. The Appellant considers there was no need to discuss any further part of Policy LP25 within the Statement of Case other than that related to the original reasons for refusal concerning heritage and landscape.

Site Selection and Grid Connection

- 8.17. It is agreed that the Energy Secretary considered the grid connection system in place at the time of the application as ‘broken’ and that the presently operative grid connection system is designed to ‘prioritise quicker connections.’ (<https://www.ofgem.gov.uk/press-release/clean-power-2030-one-step-closer-proposed-new-fast-track-grid-connections-system-unveiled>)
- 8.18. It is agreed that at the time the application was determined, the applicant had a connection agreement with UKPN with a connection date of no later than 2028 through a nearby high voltage electricity pylon. Following approval by Ofgem in April 2025, grid connection reforms are being implemented.
- 8.19. It is further agreed that there is no national policy or legal requirement for an alternative sites assessment, although in the circumstances, an alternative sites assessment is a mandatory requirement of policy LP25 as above. The weight to be given to Policy LP25 is not agreed.
- 8.20. The Council considers that the designation of the Conservation Area and the harm that will be caused to it necessitates a re-assessment of the alternative site assessment evidence relied on by the Appellant so as to take this highly material issue into account and that the Inspector and parties should be provided with an up to date assessment by the Appellant

with sufficient time for other parties to comment on it before the inquiry. The Appellant will submit an updated Alternative Sites Assessment, and the parties will seek to agree the scope.

Design and Layout

- 8.21. It is agreed that the design and layout of the solar farm is typical of a development of this nature. It is considered that, as set out in the Committee Report, the design and layout of the development is compliant with local and national planning policy, save for the unacceptable harms identified and reflected in the reasons for refusal.

Landscape and Visual

- 8.22. It is agreed that the LVA was broadly undertaken in accordance with Guidelines for Landscape and Visual Impact Assessment (3rd Ed) (GLVIA3).
- 8.23. It is agreed that the Landscape Consultant from Place Services, instructed by BDC to review the application, in their consultation response dated 11th January 2024 (CD B19), concluded that the site has the capacity to assimilate the proposed development subject to recommendations and conditions.
- 8.24. It is agreed that within a 2017 study by Natural England to determine whether and where an extension to the Natural Landscape ought to be created, the Site was within the scope of that study but not included in the extension. .
- 8.25. It is agreed that neither the LVA, nor the Landscape Consultant from Place Services (CD B19), identified that:
- The site is within the Suffolk Coast and Heaths National Landscape Additional Project Area;
 - As a consequence, Local Plan Policy LP18 – Area of Outstanding Natural Beauty part 3 was relevant;
- 8.26. Policy LP18 Part 3 required a consideration of the Suffolk Coast and Heaths Additional Project Area Valued Landscape Assessment. It is agreed that there is very limited (if any) intervisibility between the Site and the National Landscape.
- 8.27. It is agreed that the Site has been subject to some modern agricultural change (loss of historic field pattern).
- 8.28. It is agreed that the area within which the Site is located has been included in a study to determine a recent extension to the National Landscape that the area was not included in the extension.
- 8.29. It is agreed that minimum 6m buffers are proposed between existing boundary vegetation and the solar fencing, increasing to 15m along the boundaries with Engry Wood.

- 8.30. It is agreed that the amendments now proposed will increase the offset between Church Lane and the solar fencing on both the east and west sides to between approximately 10m and 40m.
- 8.31. It is agreed that the proposal includes the following landscape elements within the site, on the site boundaries and surrounding the DNO substation.
- Approximately 10.3ha of species-rich grassland
 - Approximately 33.7ha of grazed pasture
 - Approximately 1.07ha of native species woodland planting
 - Approximately 2,500m native species hedgerow planning
 - 139no. individual hedgerow trees
- 8.32. It is agreed that the proposed amendments have increased the woodland planting along Church Lane, on the north side of Falstaff Manor and along the eastern boundary.

Heritage and Archaeology

- 8.33. The parties agree that there is a strong but rebuttable presumption against a grant of planning permission in this case (as *Barnwell Manor*) where both parties identify material harm to relevant designated heritage assets including the Bentley Conservation Area. The duties under sections 66 and 72 of the Listed Buildings Act are engaged and considerable importance and weight should be given to those harms in any planning balance.
- 8.34. The parties agree that whilst harm to a designated asset must be given considerable importance and weight, that weight is not uniform. As per the Forge Field judgment ((The Forge Field Society v Sevenoaks District Council [2014] EWHC 1895 (Admin))), this consideration of considerable importance and weight does not mean that the weight a local authority should give to harm which it considers to be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. Further, as in the Palmer judgment (Palmer v Herefordshire Council [2016] EWCA Civ 1061), and as affirmed by the Court of Appeal in *City & Country Bramshill Limited v Secretary of State for Housing, Communities and Local Government* [2021] 1 W.L.R. 5761, it is agreed that where there is considerable weight identified, the weight the decision-maker must give to the duties of S66 or S72 is not uniform and will depend on factors such as the extent of the harm and the heritage value of the asset in question.
- 8.35. It is agreed that there would be no physical harm to the fabric of any listed building or non-designated building.
- 8.36. It is agreed that the Grade II* Listed Church of St Mary is sensitive to the development.

- 8.37. It is agreed that the development will result in less than substantial harm to this heritage asset. It is agreed that the less than substantial harm, appropriately weighted, should be weighed against the public benefits of the proposals in accordance with paragraph 215 of NPPF.
- 8.38. It is agreed that the following non-designated assets will experience harm from the Appeal Scheme:
- Falstaff Manor;
 - Grove Farm;
 - Potash Cottages; and
 - Red Cottages.
- 8.39. It is agreed that the effect of the proposals on the significance of non-designated heritage assets should be taken into account in the determination of the appeal, and a balanced judgement will be required having regard to the scale of harm and the significance of the asset in accordance with paragraph 216 of NPPF.
- 8.40. It is agreed that the site now lies within the Bentley Conservation Area, which was designated in April 2025 – after the planning application was determined. The parties disagree on the level of harm that would result to this asset: the Appellant considers that a low level of harm would result, whereas the Council considers that this harm would be at the upper end of the scale.
- 8.41. Historic England did not object to the application. They retained concerns over the effect of the Scheme upon the significance of the Grade II* Church of St. Mary, agreeing that the Scheme would result in less than substantial harm. . Historic England did not identify any other asset as experiencing harm in their consultation response (31st January 2024 and subsequently in an email of 14th July 2024). The responses made by Historic England pre-date the designation of the Bentley Conservation Area.
- 8.42. The Conservation Officer agreed in their consultation response of 9th August 2024 that the level of harm to the assets they considered to be experiencing harm from the Scheme would be less than substantial. Those comments also predated the designation of the Bentley Conservation Area.
- 8.43. It is agreed that there are no current associations with the land within the Site and Bentley Hall or the Tollemache estate. It is agreed that the Scheme would not cause any physical impacts to identified areas of Ancient Woodland.
- 8.44. The appeal scheme would retain existing field patterns, boundaries and hedgerows.
- 8.45. It is agreed that the Site has seen significant internal boundary loss during the 20th century.

- 8.46. It is agreed that any harm identified to heritage assets arising from changes to setting will be limited within the scope of this consent to 40 years, until the decommissioning of the Scheme. As such, the harm would be limited to 40 years in duration.
- 8.47. It is agreed that any harm identified to the Bentley Conservation Area through the construction and operation of the Scheme within the boundary will be limited within the scope of this consent to 40 years, until the decommissioning of the Scheme. As such, the harm would be limited to 40 years in duration.
- 8.48. It is agreed that matters relating to archaeology do not form part of the Heritage RfR and are not a consideration of this Appeal.

Traffic and Access

- 8.49. It is agreed that access via Station Road both during the construction period and for ongoing maintenance is appropriate, and that acceptable visibility is provided. It is agreed that the traffic generating potential of the proposal during the operational phase is minimal.
- 8.50. It is agreed that the peak traffic generating period of the construction phase will not result in any material impact to the free flow of traffic or highway safety on the surrounding highway network. It is also agreed that this traffic generating period is temporary in nature.
- 8.51. It is agreed that the Committee Report confirms that Suffolk County Council Highways raised no objection to the proposed development.
- 8.52. It is agreed that matters such as access, Construction Management Plan, PROW protection, crossing arrangements on Church Lane, gates, visibility splays and HGV movements can be secured via condition.
- 8.53. The development would therefore comply with Policies LP24, LP25 and LP29 of the JLP and the NPPF in this regard.

Residential Amenity

- 8.54. It is agreed that the Glint and Glare Assessment demonstrates that the existing screening around the boundaries of the site would intercept reflections, and no mitigation is required.
- 8.55. It is agreed that the Noise and Vibration Assessment and subsequent technical note demonstrates that the development will not give rise to any adverse impacts on nearby noise sensitive properties.
- 8.56. It is agreed that the LPA have no concerns in respect of land contamination or air quality matters.
- 8.57. It is agreed that most disturbance to residents will be during the construction period, which is inevitable for developments of this scale. It is agreed that impact can be mitigated via conditions.

- 8.58. It is agreed that the development complies with Policies LP15, LP24 and LP25 of the JLP, Policy BEN3 of the BNP and the NPPF in this regard.

Flood Risk and Drainage

- 8.59. It is agreed that all developable areas of the site are within Flood Zone 1.
- 8.60. It is agreed that the Flood Risk Assessment has demonstrated that sufficient mitigation measures can deal with the very limited areas of flood risk. It is agreed that the surface water drainage strategy ensures that the development of the site will not undermine current drainage on site and not result in flooding.
- 8.61. It is agreed that, as set out in the Committee Report, the proposal will be safe for its lifetime, would not increase flood risk elsewhere and would provide a viable and suitable surface water drainage strategy. The proposal would therefore comply with Policy LP27 of the JLP and the NPPF in this regard.

Biodiversity

- 8.62. It is agreed that the site does not form any statutory site for nature conservation. It is agreed that the ecology surveys provided provide sufficient ecological information to determine the application, providing certainty for the LPA of the likely impacts on designated sites, protected and priority species and habitats.
- 8.63. It is agreed that the mitigation and enhancement measures identified in the submitted ecological documents should be secured by condition.
- 8.64. It is agreed that the Biodiversity Metric demonstrates that the proposals will deliver a Biodiversity Net Gain in habitat and hedgerow units.
- 8.65. It is agreed that that Committee Report states that the proposal is acceptable from a biodiversity perspective and is in accordance with Policies SP09, LP16, LP25 of the JLP, Policies BEN8 and BEN10 of the NNP and the NPPF in this regard.

Arboriculture

- 8.66. It is agreed that two trees require removal for the purposes of the installation of the overhead pylon cable, but the removal of these trees cannot be avoided in the event the development is permitted. All other of the 121 individual trees and 32 groups of trees will remain.
- 8.67. It is agreed that the offset of development from Engry Wood and the use of the buffer zone as a re-wilding area would ensure no adverse impacts to the Ancient Woodland.
- 8.68. It is agreed that the Council's Arboricultural Officer raised no objections to the development, and that conditions can be imposed to secure that all retained trees and features are adequately protected during construction.

Agricultural Land

- 8.69. It is agreed that the site is made up of 7.1% Grade 2 agricultural land, 55.7% Grade 3a agricultural land and 37.2% Grade 3b agricultural land. It is therefore agreed that the site predominantly comprises the Best and Most Versatile Agricultural (BMV) Land.
- 8.70. It is agreed that the applicants have sought to limit the impact on the highest-grade land by limiting development of Grade 2 land as far as possible.
- 8.71. It is agreed that the site could be used for sheep grazing between the solar arrays to maintain a level of agricultural productivity and that a grazing management plan could be secured by condition. It is agreed that such a use could occur without planning permission in any event.
- 8.72. It is also agreed that the land could be returned to productive agricultural use at the end of the operational lifetime of the development.

Temporary Consent

- 8.73. It is agreed that a 40-year temporary consent is sought for the operation of the solar farm.
- 8.74. Both parties agree that a condition would be imposed to ensure that a Decommissioning Statement will be approved to demonstrate how the equipment will be removed from the site and the land restored to its former condition.

Obligations

- 8.75. It is agreed that the applicant has committed to contributing £10,000 per annum during the operational years of the solar farm to a community benefit fund. It is also agreed that this is not a material consideration in the determination of this appeal.

Benefits of the Proposed Development

- 8.76. The weight the main parties consider should be attributed to the benefits and harms of the proposed development is set out within the following table.
- 8.77. The following gradations of weight have been used by the parties in the overall planning balance (from greatest to weakest): **Substantial; Significant; Moderate; Limited.**

Benefit	Weight attribute by the Appellant	Weight attributed by the LPA
Generation of renewable energy policy support for the UK's transition to a low carbon economy, addressing the climate emergency.	Substantial	Significant *The Council considers that all four of these stated benefits fall within 'benefits associated with renewable and low carbon energy generation' and that they should collectively carry significant weight as per NPPF 168(a).
Contribution to the energy security of the UK	Substantial	N/A
Contribution to assisting the achievement of set emission targets.	Substantial	N/A
Grid connection availability	Significant	N/A
Significant biodiversity net gain, together with ecological and green infrastructure enhancements.	Substantial	Moderate
Economic benefits	Moderate	Moderate
Improvements to soil resource and agricultural land quality.	Limited	Limited
Aiding farm diversification	Limited	Limited
Removing farm traffic away from village	Limited	Limited

Creation of a lasting, positive landscape legacy	Limited	No weight
Harm	Weight attribute by the Appellant	Weight attributed by the LPA
Effect on the setting of designated heritage assets	Moderate	Substantial
Effect on landscape and visual amenity	Limited	Significant

9. Matters that are Not Agreed and remain In Dispute

9.1. The issues that remain in dispute between the Appellant and the LPA can be narrowed down to the following:

1. The extent of harm to the significance of designated and non-designated heritage assets, and how this is weighted in the planning balance.
2. Whether harm would arise to the significance of the Grade I Bentley Hall and associated Grade II* Meeting House Stables, the Grade I Bentley Hall Barn
3. The degree of harm posed to the Bentley Conservation Area.
4. The extent of landscape harm is not agreed and nor is it agreed that the findings of the LVA provide an accurate assessment of the likely landscape and visual effects.
5. Whether the site is within the setting of the Suffolk Coast and Heaths National Landscape
6. The status of the 'Suffolk Coasts and Heaths NL Additional Project Area', is not agreed.
7. It is not agreed whether the appeal site is within a Valued Landscape for the purposes of NPPF Paragraph 187 (a)
8. It is not agreed whether the presence of ancient woodland on the site boundary is a material consideration.
9. The landscape benefits arising from the proposed development are not agreed .
10. It is not agreed that Policy LP24 is of 'most relevance' to the determination of this appeal.
11. In relation to Policy LP25(3) the Appellant's view is that 'convincingly demonstrate' only applies to the first part of Point 3 regarding potential harm, and not alternative sites. The Council's view is that the Appellant must both convincingly demonstrate that potential harm resultant from development can be effectively mitigated and that there are no alternative sites available within the District.
12. Whether Policy LP25 is consistent with national policy, and the weight to be given to Policy LP25.

13. Whether the public benefits arising from the proposed development outweighs any harm identified in Issues 1 or 2 above.

10. Planning Conditions and Obligations

- 10.1. An agreed set of conditions will be provided to the Inspector before the start of the Public Inquiry.
- 10.2. No S106 Undertaking or other legal agreement is necessary.

