James Bailey PLANNING

REBUTTAL PROOF OF EVIDENCE of STEVEN STROUD

On behalf of Babergh District Council

Appeal Reference: APP/D3505/W/25/3370515

Appeal under Section 78 of the Town and Country Planning Act 1990 in respect of:

"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.'

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

Appeal by: Green Switch Capital Ltd

January 2026

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1. INTRODUCTION

1.1 This rebuttal proof of evidence ('Rebuttal') has been prepared in direct response to grid connection and other matters raised in the evidence of Mr Burrell, including his Appendix 1 (Statement on Grid Reform by Qair). I have also had regard to the evidence of Mr Poole on behalf of the R6 Party, including his Appendix 1 (Asset Protection Initial Enquiry).

1.2 In preparing this Rebuttal I have not addressed every point submitted in evidence by the Appellant, but this does not mean that I agree with any point by virtue of omission. I continue to rely upon the evidence of Mr Handcock and Ms Bolger.

1.3 This Rebuttal has been prepared on the same terms as my proof of evidence and it remains that the opinions expressed are my true and professional opinions, given in accordance with the guidance of my professional institution.

2. GRID CONNECTION, DELIVERY, AND CONNECTIONS REFORM

2.1 It is common ground that at the time of determination the Appellant held a UKPN connection agreement referring to connection no later than 1 March 2028 (albeit evidence of requisite milestones has been redacted, and the Appellant has refused to disclose). However, the Appellant's position has materially shifted during the appeal process: the Appellant's own Statement on Grid Reform now confirms that the Grove Farm project has been placed in Gate 1, with Gate 1 being defined as projects that 'have not been allocated a firm connection date'.

2.2 This matters because the entire premise of the earlier narrative was that the scheme sat within a credible, firm connection pathway to deliver in 2028 in accordance with CP30. On the Appellant's own evidence, it does not: it is in Gate 1 and therefore does not presently benefit from the allocation of a firm connection date. Any suggestion that the Inspector can safely assume 'deployment' pre-2030 is therefore speculative (Burrell Proof §9.39).

2.3 The Appellant seeks to overcome that point by asserting that Gate 1 status arose 'principally' due to the planning refusal, and that if the appeal succeeds the DNO will 're-review' in Q2 2026 with the project then able to enter Gate 2. That is, at best, an aspiration and not evidence of a confirmed connection date or outcome.

2.4 In any event, the Council has repeatedly sought clarity on the current status and terms of the UKPN offer, which evidently must now be considered in the context of Connections Reform. On the Appellant's own evidence there is no suggestion that if the appeal is allowed then development would be completed and commence operation in accordance with that previous offer; they recognise that they would need to enter through a future gateway from Q2 2026. In those circumstances, the Inspector should treat any claimed certainty as to a post-appeal Gate 2 outcome with caution.

2.5 Further, NESO's Existing Agreement Register (published 8th December 2025, Appendix B to my Proof) records the Appellant's Gate 2 application but indicates an existing connection date of October 2031 (entry 3225). That is a material inconsistency with the Appellant's stated position, and ought to be clarified.

2.6 These points go directly to the planning weight asserted by the Appellant. Mr Burrell states that the 'advanced stage of the grid connection process' attracts only moderate weight which is a reduction from the position in the signed Statement of Common Ground where significant weight was claimed (Burrell Proof §11.37 cf. SCG p. 29). That is, if treating this factor as a completely free-standing benefit as opposed to grid connection availability being part of the general basket of significant benefits associated with renewable energy generation. If greater weight should be given to schemes which can deliver energy more quickly, then projects that face the uncertainty, such as the appeal scheme, should be afforded significantly less weight.

2.7 Separately, there is an additional deliverability risk which potentially bears on timing. The R6 Party highlights uncertainty as to the practicalities of the necessary connection cable passing under the Norwich-London main railway line. Mr Poole records that the Appellant's 'Asset Protection Initial Enquiry' was only made on 7th November 2025, and therefore that at the time of submitting the application the Appellant was not certain it could deliver the grid connection at the location described (Poole Proof, §2.3). I understand that Network Rail have removed their holding objection to the development but that is a different issue: these late-emerging constraints underline that the Appellant's deliverability and timing narrative is not yet settled.

2.8 Taking these matters together, it would appear to me that the scheme is not presently "ready" for a confirmed connection outcome, and that the timing and deliverability of any future connection offer (including whether it would be pre-2030) remains uncertain.

2.9 Furthermore, at **Appendix A** to this Rebuttal, I have included a December update from NESO, which was published on the day that the new delivery pipeline was confirmed (the pipeline within which the appeal scheme is not a part of).

2.10 Firstly, I note that in respect of the Gate 2 solar pipeline, there is a 'Phase 1' (prioritised to be delivered by 2030), and a 'Phase 2' (prioritised to be delivered by 2035). Phase 1 comprises 29.9GW; Phase 2 comprises 29.1GW.

2.11 I note that under the column for Gate 1 ('not prioritised') there is a reserve of 35.9GW of solar. Being in Gate 1 on the Appellant's evidence, the appeal scheme is therefore not a priority and is within that 35.9GW reserve. Supporting text to the table also states the following:

> *'Projects that enter the delivery pipeline will be offered Gate 2 connections agreements in two tranches, either to support delivery of electricity generation by 2030 (Phase 1) or by 2035 (Phase 2).*
>
> *Projects that are not required by either 2030 or 2035 will be offered Gate 1 connections agreements and will need to meet contractual obligations as well as set criteria to be considered in future to join the project pipeline (Gate 2).'*

2.12 This text, direct from the Government operator, indicates that the appeal scheme, now being afforded Gate 1 status, is unlikely to be required by either 2030 or 2035. That is understandable, considering that the Government's Clean Power 2030 Action Plan identifies an ambition of 45-47GW of solar by 2030 (**CD-D20**), and official statistics show that UK solar deployment had already reached circa 21GW by November 2025 (leaving, in broad terms, c. 24-26GW to be delivered by 2030, now met by Phase 1 of Gate 2 as above.)[1].

2.13 In light of the above, the Appellant cannot plausibly suggest that refusal of this particular scheme would frustrate the delivery of national objectives.

[1] See (**Appendix B**): Commentary page *cf.* Table 1, 'Solar photovoltaics deployment' (DESNZ, Dec 2025).

3. OTHER MATTERS

Policy LP18

3.1 In section 8 of his proof, Mr Burrell explains how, in his opinion each criterion is satisfied for each of the policies agreed to be relevant to the determination of this appeal.

3.2 From para. 8.42 Mr Burrell explains why he considers that policy LP18 has been complied with in respect of criteria 1 and 2. On that basis he considers that the appeal/amended scheme complies with LP18.

3.3 However, Mr Burrell completely misses the third limb of the policy that states:

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

3.4 I can see no reason why such an important part of the policy has been ignored; which appears to be an omission that has infected the Appellant's approach right from the beginning; I note that Mr Mason (Landscape) also omits consideration of this clear policy requirement.

3.5 If the Appellant considers that the appeal site is not a Valued Landscape, that does not exclude the requirement to have regard to the relevant Valued Landscape Assessment that applies to the Project Area (within which the appeal site is located). It is as if they did not turn the page from 76 to 77 of the Joint Local Plan (**CD-E1**).

The Benefits of the Renewable Energy

3.6 From paragraph 11.9 of his proof, Mr Burrell explains why he gives substantial weight to what he considers to be various discrete elements of benefit to renewable

energy. He uses various appeal decisions to support that assertion although I note that he decides not to reference the Woodlands Farm decision (**CD-H1**).

3.7 In Woodlands Farm, Inspector Woolcock collectively gave significant weight to the benefits of renewable energy (49.9MW export capacity in that case) despite the parties agreeing substantial weight (paras. 30 and 35)[2]. I also note that he gave moderate weight to the benefits of BNG where there was an agreed 192% increase in biodiversity (para. 32).

3.8 Ultimately, the Inspector will reach her own conclusions regarding the weight to be afforded to renewable energy generation: either weighing them collectively as the Inspector in the Woodlands Farm case, and the Secretary of State decision in Bottesford (**CD-H9**); or, breaking it into various component parts as Mr Burrell has done (but recognising, as he does, that the availability of connection must now be afforded less weight). Either way, I do not think it matters.

3.9 I am also content to agree to substantial weight, again, to save Inquiry time given this is a judgment the Inspector will need to make on the evidence before her. In my opinion, even if doing so, the harms of the development in such a sensitive landscape and heritage context would clearly and decisively outweigh the benefits anyway.

[2] In that case the parties had originally agreed significant weight in accordance with the NPPF but at proof exchange the appellant's witness unexpectedly upgraded this to substantial weight contrary to the statement of common ground. To save inquiry time, I accepted that substantial weight could be given.

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