

Proof of Evidence on behalf of Bentley Parish Council and SGFS Stop Grove Farm Solar

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

1. Introduction

- 1.1 My name is Ian Poole, and I am Managing Director of Places4People Planning Consultancy. I am instructed by Bentley Parish Council and Stop Grove Farm Solar, who have been granted “Rule 6” status in respect of this appeal. I have an Honours Degree in Town Planning and am a Member of the Royal Town Planning Institute.
- 1.2 I have worked in the planning profession for over 50 years, 40 of which were in local authorities, most recently as Planning Growth and Regeneration Manager at West Suffolk Council. For the last ten years I have been the managing director of Places4People Planning Consultancy.
- 1.3 This Proof of Evidence has been prepared to reflect the likely main issues and other matters the Inspector has identified that will be discussed at the Inquiry, as noted in section 9 of the published Notes of Case Management Conference held on Tuesday 4 November 2025. In particular, it responds to items e to g of section 9 and the conflict of the proposal with the development plan, National Planning Policy Framework, National Planning Practice Guidance and relevant Ministerial Statements.
- 1.4 I have visited the site as part of my preparation for the appeal. My proof of evidence should be read in conjunction with the evidence prepared by Alison Farmer BA, MLD, MLI of Alison Farmer Associates, who provides evidence on Landscape and Heritage Issues and Mr Edward Martin, who provides evidence on the Historic Landscape.
- 1.5 The evidence submitted by the Rule 6 Party seeks to compliment, rather than repeat, the evidence put forward by Babergh District Council (the local Planning Authority) as to why this appeal should be dismissed.

2. The Appeal Proposal

2.1 I consider it appropriate at the outset to address the pure industrial scale of the proposed undertaking. As submitted, the proposal is:

“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 accesses.”

2.2 The description does not tell the full story of the sheer scale of the proposal. It will result in the introduction of industrial infrastructure into a tranquil and historic landscape surrounded by several kilometres of metal fencing, multiple inverter buildings and security cameras and served by approximately 2 kilometres of surfaced roads. The site is located wholly within a conservation area and within the settings of heritage assets. It is also in close proximity to ancient woodland, in itself a county wildlife site and to about 30 residential properties.

2.3 The proposal includes a point of connection to the east of the Ipswich to Manningtree railway line, which is said to require a second major substation. However, it would appear that there is uncertainty as to whether Network Rail will agree to allowing the connection cable to pass under the railway line. The Parish Council has made a Freedom of Information Request to Network Rail for information about any agreement and Appendix 1 provides a copy of their “Asset Protection Initial Enquiry” only made by the applicant on 7 November 2025. So, at the time of submitting the application, the applicants were not even satisfied that they could get a connection to the grid at the location described in the application. The land is effectively on “the wrong side” of the railway line, which requires further development, road building and interventions in the landscape.

3. Rule 6 Party's Case

3.1 As identified in the Statement of Case (Core Document C11) , the Rule 6 Party objects to the proposal on the following grounds.

1. Contrary to policies in the adopted Bentley Neighbourhood Plan, and also in the National Planning Policy Framework and Babergh and Mid Suffolk Joint Local Plan (part 1).
2. The proposal would cause significant harm to the historic core of the village and its designated and non-designated heritage assets.
3. The proposal would cause significant damage to a recognised valued landscape.
4. The proposal would have significant impact on residents' amenities by reason of noise, glint and glare and visual impact.
5. The proposal would have a significant impact on the extensive recreational use made of the network of public rights of way around and within the appeal site.
6. The proposal would result in the taking out of productive use of a large area of good quality, productive arable land.
7. The biodiversity benefits of the proposal are overstated
8. Given the harms listed above, there has been no convincing demonstration that there are no better alternatives available.

3.2 This Proof of Evidence addresses matters 1, 4, 5, 6 and 7. Matters 2 and 3 are addressed in detail in the Proof of Evidence of Alison Farmer and Edward Martin.

4 Ground 1 - Planning Policy

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the planning Acts be determined in accordance with the development plan unless material considerations indicate otherwise. Furthermore, the Planning (Listed Buildings and Conservation Areas) Act 1990 ('listed buildings Act') is also relevant to this appeal. Section 66(1) provides a statutory requirement that, in considering whether to grant planning permission for development which affects a listed building or its setting, the decision taker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses. Section 72(1) requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." The effect is that the objective of preserving the setting of a listed building or the character of a conservation area must be treated as a matter of 'considerable importance and weight' in the planning balance and providing for a 'strong presumption' against the granting of planning consent where harm is identified.

4.2 The Rule 6 Party contends, as I set out here, the proposal is in conflict with relevant policy to such a degree that the appeal should be dismissed.

National Planning Policy Framework (NPPF)

4.3 The NPPF, December 2024 (Core Document D1) sets out the Government's planning policies and are material to the consideration of this appeal. This is accompanied by Planning Practice Guidance (Core Document D2) , which is updated from time-to-time and, as demonstrated by the Court of Appeal decision in *Mead Realisations Ltd v Secretary of State for Housing, Communities and Local Government [2025] EWCA Civ 32* (January 2025)¹ complements national planning policy.

4.4 Paragraph 187 pf the Framework states that panning policies and decisions should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

4.5 In respect of valued landscape, I refer to the separate evidence submitted by Alison Farmer for the Rule 6 Party. It demonstrates that the proposal would not protect and enhance a valued landscape, rather that it would cause significant harm.

¹ <https://caselaw.nationalarchives.gov.uk/ewca/civ/2025/32?query=CA-2024-000466&court=ewca%2Fciv>

4.6 In terms of para 187 (b), the Glossary to the NPPF defines best and most versatile land as that in grades 1, 2 and 3a of the Agricultural Land Classification. I will demonstrate in a later section that the proposal does not recognise or reflect properly the importance of the best and most versatile land.

4.7 The supporting Planning Practice Guidance notes that “The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.” It further states that local planning authorities should consider:

- “encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.”

The Adopted Development Plan

4.8 The statutory Development Plan comprises the Babergh and Mid Suffolk Joint Local Plan – Part 1 (Core Document E1) ('JLP', 2023) and the Bentley Neighbourhood Development Plan (Core Document E1) (NDP, December 2022). I address the JLP in more detail below.

4.9 The planning decision provides a summary of planning policies which are relevant to refusing the application, namely:

SP03 - The sustainable location of new development

SP09 - Enhancement and Management of the Environment

SP10 - Climate Change

LP15 - Environmental Protection and Conservation

LP16 - Biodiversity & Geodiversity

LP17 - Landscape

LP18 - Area of Outstanding Natural Beauty

LP19 - The Historic Environment

LP23 - Sustainable Construction and Design

LP24 - Design and Residential Amenity

LP25 - Energy Sources, Storage and Distribution

LP27 - Flood risk and vulnerability

LP29 - Safe, Sustainable and Active Transport.

The appellant’s Planning, Design and Access Statement submitted with the application (3223-01-PDAS-01 November 2023) lists the following NDP policies that they consider to be of most relevance to the determination of the Application:

- Policy BEN 3 – Development Design
- Policy BEN 4 – Flooding and Sustainable Drainage
- Policy BEN 7 – Protecting Bentley’s Landscape Character
- Policy BEN 8 – Protecting Habitats and Wildlife Corridors
- Policy BEN 10 – Dark Skies and Street Lighting
- Policy BEN 11 – Heritage Assets
- Policy BEN 12 – Buildings of Local Significance

I agree that these policies are applicable to the consideration of the appeal.

Other Material Considerations

- 4.10 Two Written Ministerial Statements are of relevance to the appeal and are material considerations.
 - i. Written Ministerial Statement issued on 25 March 2015 ²
 - ii. Written Ministerial Statement issued on 15 May 2024 (Core Document D17)
- 4.11 National Policy Statements ('NPS') for energy infrastructure are capable of being material considerations for applications made under the Town and Country Planning Act 1990. In this case such NPS include:
 - EN-1 Overarching National Policy Statement for Energy (2023) (Core Document D4)
 - EN-3 National Policy Statement for Renewable Energy Infrastructure (December 2025) (Core Document D6)

Joint Local Plan – November 2023

- 4.12 The Babergh and Mid Suffolk Joint Local Plan was adopted in November 2023 (the JLP). It provides a suite of both strategic and development management policies. The District Council's Proof of Evidence addresses how, in their opinion, the proposal performs against the relevant policies. I consider this further as necessary.
- 4.13 Policy LP15 - Environmental Protection and Conservation

Part 2a of this policy states “Where development needs to take place on greenfield land, avoidance of the best and most versatile agricultural land should be prioritised.” The Framework clarifies in its glossary at Annex 2 that best and most versatile land equates to land falling within grades 1, 2, and 3a of the Agricultural Land Classification. The appellant provides contradictory evidence as to the agricultural classification of the land subject to the appeal. The Alternative Site Assessment (Core Document A3, October 2023) suggests, in Image 1, that most of the application site is either Grade 3a or 3b agricultural land. However, it is clear from Figure 3 of the same document that the appeal site is within an area of Grade 1 or 2 agricultural land that should have been excluded from the area of search. Paragraph

² <https://www.gov.uk/government/speeches/planning-update-march-2015>

4.3.1 of the Alternative Site Assessment states that an Agricultural Land Classification (ALC) survey has been undertaken for the site, which forms Appendix K of the applicant's Planning Design and Access Statement (Core Document A19).

4.14 It is noted that the Babergh DC Committee Report for the application refers to the proportions of agricultural land grades (Core Document A40). However, these are reproduced from paragraph 5.10.5 of the Planning Design and Access Statement (Core Document A2). It is unclear whether the local planning authority has validated the methodology used to determine the local assessment and its application, which sees some 37% of the site downgraded from Grade 2 to Grade 3b agricultural land.

4.15 Notwithstanding these uncertainties, Image 1 of the same Alternative Site Assessment and the ALC survey *still* demonstrates that 62.8% of the appeal site is classified as best and most versatile land. I do not accept the Appellant's repeated attempt to blur that clear evidential picture by referring to Grade 3 land together, ie Grade 3a and 3b. BMV comprises 1, 2 and 3a. "Grade 3" is not used as a Class to which bespoke policy advice is directed. The Written Ministerial Statement (WMS) of 25 March 2015 refers to the unjustified use of agricultural land and expects any proposal for a solar farm involving the best and most versatile agricultural land (BMV) to be justified by the most compelling evidence. This includes Grade 3a land. Planning Practice Guidance, which explains that, where a proposal involves greenfield land, consideration should be given to whether the proposed use of any agricultural land has been shown to be necessary, whether poorer quality land has been used in preference to higher quality land and to whether the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

4.16 This approach is also reflected in the Framework, which suggests that, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. I do not consider that there is "compelling evidence" to support the release of best and most versatile land in this location for the construction of a solar farm that will take the land out of arable production for 40 years.

4.17 In a refusal for a solar farm in Uttlesford District issued by the Secretary of State in May 2023 in accordance with Section 62A of the Town and Country Planning Act 1990, the Inspector stated:

"Whilst the currently arable land around the solar arrays and associated infrastructure could potentially be used for sheep grazing, it is likely that over the 40-year life of the proposed development there would be a significant reduction in agricultural production over the whole development area. This would not be an effective use of BMVAL, as reflected in the planning practice guidance which encourages the siting of large solar farms on previously developed and non-agricultural land." (See Appendix 2 paragraph 50)

4.18 I am informed by local residents that the appeal site at Bentley has been actively farmed for a wide range of cereal and root crops for as long as anyone can remember. The cropping has included:

- Potatoes
- Oil seed rape
- Barley
- Wheat
- Field turnips (for sheep grazing)
- Winter cereal

I understand that, in some years, the crops have been nominated for awards.

4.19 Given that some 62.8% of the proposed site is classified, by the applicant's own assessment, as best and most versatile land, and that in my opinion, there is no compelling evidence to support its release for a period of at least 40 years, the proposal fails Policy LP15.

4.20 Policy LP16 - Biodiversity & Geodiversity

Paragraph 3 of this policy states:

“Development which would have an adverse impact on species protected by legislation, or subsequent legislation, will not be permitted unless there is no alternative and the LPA is satisfied that suitable measures have been taken to:

- a. Reduce disturbance to a minimum;
- b. Maintain the population identified on site; and
- c. Provide adequate alternative habitats to sustain at least the current levels of population.”

A footnote to the policy identifies included legislation that is of relevance, including Section 41 of the Natural Environment and Rural Communities Act (2006).

4.21 The Ecological Assessment Report (Core Document A7) noted, in paragraph 3.5.4, that:

“Two ground-nesting Notable Species (skylark and yellow wagtail) were recorded breeding within the Site, both with one territory each.”

The yellow wagtail is actually listed in the Government's “list of habitats and species of principal importance in England”³ last updated in November 2022.

4.22 Given the presence of the yellow wagtail, the proposal is required to satisfy the requirements of paragraph 3 of Policy LP16. Conversely, the Planning, Design and Access Statement notes that, although “Notable Species” are likely to be adversely affected (para 5.3.23) “it is considered that the proposed development is likely to be beneficial to most breeding bird species.”

4.23 This conclusion is clearly something of a sweeping statement, as it is clear that suitable measures have not been taken to:

³ <https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england>

- a. Reduce disturbance to a minimum;
- b. Maintain the population identified on site; and
- c. Provide adequate alternative habitats to sustain at least the current levels of population.

The proposal is therefore contrary to Policy LP16 of the Joint Local Plan.

4.24 Policy LP17 – Landscape

The policy requires the conservation and enhancement of landscape character and local distinctiveness. The separate Proof of Evidence by Alison Farmer for the Rule 6 Party concludes that the proposed development will have substantial negative impact on landscape character, special qualities and historic character of the locality.

4.25 Policy LP18 - Area of Outstanding Natural Beauty

The policy requires development within the AONB (now National Landscape) Project Area to have regard to the relevant Valued Landscape Assessment (2020) (Core Document G9). The separate Proof of Evidence by Alison Farmer for the Rule 6 Party concludes that the proposal would have clear adverse impacts.

4.26 Policy LP19 - The Historic Environment

Paragraph 5 of the policy notes that: “When considering applications where a level of harm is identified to heritage assets (including historic landscapes) the Councils will consider the extent of harm and significance of the asset in accordance with the relevant national policies. Harm to designated heritage assets (regardless of the level of harm) will require clear and convincing justification in line with the tests in the National Planning Policy Framework.” This policy requirement reflects the content of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990⁴.

- 4.27 Since the application was determined, Babergh District Council has designated the Bentley Conservation Area which includes the whole of the appeal site. In this instance, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”
- 4.28 Given the change in status of the appeal site, it would be expected that an updated heritage statement would be submitted in accordance with Policy LP19. However, regardless of this requirement, the separate Proof of Evidence by Alison Farmer for the Rule 6 Party concludes that the proposed development will have substantial negative impact on landscape character, special qualities and historic character of the locality. Mr Edward Martin’s evidence on the historic landscape provides further support for this proposition.

4.29 Policy LP24- Design and Residential Amenity

⁴ Planning (Listed Buildings and Conservation Areas) Act 1990

The policy provides a number of criteria against which development proposals will be considered. Of particular relevance to the appeal proposal are the requirements to, as relevant to the appeal proposal:

- a) Respond to the wider townscape/landscapes and safeguarding the historic assets/environment and natural and built features of merit;
- b) Be compatible/harmonious with its location and appropriate in terms of scale, mass, form, siting, design, materials, texture and colour in relation to the surrounding area;
- c) Protect and retain important natural features including trees or hedgerows during and post construction;
- i) Protect the health and amenity of occupiers and surrounding uses by avoiding development that is overlooking, overbearing, results in a loss of daylight, and/or unacceptable levels of light pollution, noise, vibration, odour, emissions and dust, including any other amenity issues.

4.30 In respect of a) it is demonstrated through the evidence provided by Alison Farmer that the proposal does not satisfy this policy requirement in that the heritage assets and landscape will be harmed.

4.31 In respect of b) again the evidence provided by Alison Farmer demonstrates that the scale and form of the development and its location is not compatible with being located within a conservation area and valued landscape.

4.32 In respect if c) the construction of the proposed development would result in the loss of hedgerow in order to achieve access into the site and between the western and eastern fields. Hedgerow removal is proposed along Potash Lane and on Church Road - both within the Conservation Area. The evidence provided by Alison Farmer identifies inconsistencies between the appellant's Arboricultural Assessment and their Landscape and Visual Impact Assessment in terms of the amount of hedgerow to be removed. Regardless, the proposal would be contrary to the need to "protect and retain important natural features....including hedgerows".

4.33 In respect of i) there are 24 residential properties within 150 metres of the site boundary. It is acknowledged that some have the benefit of established natural screening to limit the visibility of the proposal from inside their houses, but many of these properties are likely to suffer a loss of residential amenity through the construction and operation of the solar farm. Some of these residents will give their own evidence to the inquiry to explain in detail how this proposal will affect them, their enjoyment of their homes and their daily lives.

4.34 The Noise Assessment that accompanied the application as an appendix to the Planning Design and Access Statement (PDAS Appendix G – Noise and Vibration Assessment) stated that the inverters would "produce a noise level not exceeding 62dB LAeq15mins @ 1m (based on measured levels with maximum load)". However, the Acoustic Impact

Assessment⁵ accompanying a current planning application being considered by Babergh District Council at Boxted, (DC/23/05127) suggests that the inverters will create a sound power level of 93 dB(A).

4.35 Given this conflicting evidence, although I am not a noise expert, I am doubtful whether the Noise Assessment submitted is reliable to determine the potential impacts on the residential amenity of nearby residents. I have also spent time close to solar farms in the summer months, when power is being generated and the noise emanating from them is most clearly audible. It seems highly likely that the residents living closest to the site would experience these negative impacts.

4.36 The appellants seek to time limit the development to 40 years. I strongly disagree with the assertion that 40 years can be considered temporary development. It extends beyond a generation and I would consider it permanent and that is how it is likely to be perceived by those experiencing it. This conclusion was supported by the Secretary of State in dismissing an appeal (APP/W2845/W/23/3314266) for the construction of a temporary Solar Farm of up to 49.72MW at Milton Road, Gayton, Northamptonshire, reproduced at Appendix 3. The Inspector in this case stated:

“40 years is a considerable length of time during which peoples’ experience of the development within the rural landscape or its role as part of the recreational resource would be altered. For some people, were the proposal to gain permission, it would establish a landscape that may be all they know and whose effects may progress through to later generations. The proposal may not be a permanent change but would reflect a very long-term change, and over such a period of time, there can be no guarantees on the future need for such energy sources or the pressures that might lead to re-powering or extending its life. Consequently, I would recommend that little weight is given to the aspect of the potential reversibility of the proposal in landscape or visual terms.”

4.37 Policy LP25- Energy Sources, Storage and Distribution

Paragraph 3 of this policy is of particular importance to the consideration of this appeal. It states that, where proposals of this nature will impact on the setting of heritage assets including conservation areas, “the applicant must be able to convincingly demonstrate that potential harm resultant from development can be effectively mitigated and that there are no alternative sites available within the District or for community initiatives within the area which it is intended to serve.”

4.38 I address the appellant’s approach to Alternative Site Assessments later in this proof, although a new Assessment has just been produced, which I have not the opportunity to interrogate in detail.

⁵ https://planning.baberghmidsuffolk.gov.uk/online-applications/files/8EE9AB84E4FBC84A2473B16CC1B6B2BF/pdf/DC_23_05127-ACOUSTIC_IMPACT_ASSESSMENT-8411528.pdf

Bentley Neighbourhood Plan – December 2022

4.39 The Neighbourhood Plan forms part of the statutory development plan for the purposes of considering this appeal. Although it is a recent document, the Parish Council has taken a decision to review the Plan but this work is at an early stage and is awaiting guidance from the local planning authority in terms of proposed settlement hierarchy and housing requirements.

4.40 As noted in paragraph 4.9 above, I agree with the list of relevant policies that was identified in the appellant's Planning, Design and Access Statement submitted with the application.

4.41 Policy BEN 3 – Development Design

The policy contains a number of criteria to be applied to all planning applications and which, when satisfactorily addressed, will enable a proposal to be supported. I address how the appeal proposal satisfies the relevant criteria

a) maintain and enhance the quiet and tranquil character of the village and its setting;

The evidence submitted by Alison Farmer notes, in paragraph 146, that the solar panels and ancillary development would result in reduced tranquillity due to the introduction of functional and urbanising elements.

b) do not materially harm the amenities nearby residents by reason of noise, smell, vibration, overshadowing, loss of light and outlook, other pollution (including light pollution), or volume or type of vehicular activity generated, and/or residential amenity unless adequate and appropriate mitigation can be implemented;

I have demonstrated above that residential amenity could be negatively impacted through noise. The outlook of residents from their homes will also be affected as it would change from open fields to fencing and solar panels. The Landscape and Visual Impact Assessment accompanying the application included visualisations that illustrated views now and how it would be screened in ten years' time. It does not explain how long the screen planting will take to establish. For the early years of the development the solar panels and associated infrastructure will have a significant industrialising impact on the historic landscape, as addressed in Alison Farmer's evidence. When the screening is fully established, the open views enjoyed by so many for so long, will be lost for ever.

c) produce designs that respect and address the character, scale, height and density of the locality;

It is clear from the evidence prepared by Alison Farmer that the proposal does not respect the character and scale of the locality of the area within which the site is located.

d) reflect the qualities and character of the setting of the village within a high quality rural landscape, as identified in the Bentley Landscape Appraisal;

The Bentley Landscape Appraisal that was prepared in support of the Neighbourhood Plan was prepared by Alison Farmer. Her Proof of Evidence concludes that the proposed development will have substantial negative impact on landscape character, special qualities and historic character of the locality.

4.42 I am therefore of the opinion that the proposal is contrary to these elements of Policy BEN 3.

4.43 Policy BEN 7 – Protecting Bentley’s Landscape Character

The policy provides a list of matters that will not be supported unless it can be satisfactorily demonstrated that the resultant impact can be satisfactorily mitigated and appropriately secured. As relevant to the appeal proposal, these matters are:

- The creation of abrupt edges to development with little vegetation along the settlement edge;
- Development on upper valley slopes that will be visually intrusive;
- Erosion of rural lane character through introduction of new development, signage, kerbs and new junctions;
- Fragmentation of lanes due to the introduction of new access routes which can physically interrupt hedges, grass verges and embankments;

The separate Proof of Evidence by Alison Farmer for the Rule 6 Party concludes that the proposed development will have substantial negative impact on landscape character of Bentley. The proposal is therefore contrary to Policy BEN 7.

4.44 Policy BEN 11 – Heritage Assets

Annex 2 of the Framework defines heritage assets as “A building, monument, site, place, area or landscape identified as having a degree of significance”. Policy BEN 11 states that “proposals **must** (my emphasis)...preserve or enhance the significance of designated heritage assets of the Village, their setting, and the wider built environment.” The site is wholly within a conservation area and, as demonstrated by Alison Farmer’s Proof of Evidence, the proposal will neither preserve or enhance the significance but, as she concludes, would cause substantial harm to the significance of the heritage asset.

4.45 Policy BEN 12 – Buildings of Local Significance

The Neighbourhood Plan defines “buildings of local significance” and requires that their retention and protection must be appropriately secured. The location of buildings of local significance in respect of the appeal site is illustrated in the Neighbourhood Plan, identifying that a number are in close proximity to the appeal site.

4.46 In designating the Conservation Area, the accompanying Conservation Area Appraisal designates all except “Uplands” (which is identified in Neighbourhood Plan Policy BEN 12 as

a Building of Local Significance) as non-designated heritage assets. As such, the significance of these buildings is confirmed. These buildings include: Bentley House, Glebe Cottage, Hope Cottage, Falstaff Manor, Potash Farm, Grove Farm and Church Farm. I understand from the Report of Leigh Alston and evidence of Mr Martin, that some of these buildings, including Bentley House and Falstaff Manor are two of the original manor houses from which the appeal site has been farmed since time immemorial. Ceasing farming and covering the land within the setting of non-designated heritage assets with solar development and blocks of screen planting would plainly not protect the significance of these buildings.

OTHER GROUNDS

4.47 I now turn to consider the individual grounds for opposition.

5 Ground 2 – Heritage Assets

- 5.1 The site is wholly within a designated Conservation Area. The Proof of evidence by Alison Farmer assesses the impact of the proposal on the character and appearance of the Conservation Area. She concludes that the proposal would cause substantial harm to the significance of the heritage asset.
- 5.2 Historic England submitted two comments on the planning application during 2024, both prior to the designation of the Conservation Area. Their initial comment, dated 31 January, expressed “concern at the potential impact and consider that there may be other sites in the immediate vicinity which could be developed without this impact.” Their later comment, in 17 July 2024, stated that the “harm would be in the middle or lower region of ‘less than substantial’ harm”. So far as I am aware, they have not considered the impact on the Conservation Area.
- 5.3 Given that Section 72(1) of the Listed Buildings and Conservation Areas Act (1990) requires that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area” providing for a ‘strong presumption’ against the granting of planning consent where harm is identified, it is clear that the proposal is contrary to the Act. It does not enhance the character and appearance of the conservation area but rather causes substantial harm to it. This is a consideration to which the Courts have held that “great weight” must be attached. As I discuss below , in my view, this consideration weighs heavily in the balance in favour of the appeal being dismissed.

6 Ground 3 – Valued Landscape

6.1 The separate Proof of Evidence by Alison Farmer on behalf of the Rule 6 Party notes that the receiving landscape forms part of a valued landscape. She concludes that:

“the proposed development will have substantial negative impact on landscape character, special qualities and historic character of the locality. The imposition of the proposed development would have a physical impact on the lanes and the open arable farmland and would have a perceptual impact, disrupting historic and cultural meaning in the landscape, undermining local aesthetic experience and narratives.”

6.2 JLP Policy LP18 requires that proposals “within the AONB Project Areas should have regard to the relevant Valued Landscape Assessment.” As Alison Farmer demonstrates, a Valued Landscape Assessment has been prepared for the AONB Project Area (CD C9) that includes the appeal site. She will also demonstrate that the proposed development will have substantial negative impact on landscape character, special qualities and historic character of the locality.

6.3 On the basis of this conclusion, the proposal is contrary to paragraph 187a of the NPPF in that the development would not protect and enhance a valued landscape. Further, it would be contrary to Policy LP18 of the JLP in that it fails to have regard to the Project Area Valued Landscape Assessment (2020).

7 Ground 4 – Residential Amenity

7.1 Paragraph 135 of the Framework states that planning decisions should “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”. This is reflected in Neighbourhood Plan Policy BEN 3 – Development Design, which states that proposals will be supported where they “do not materially harm the amenities nearby residents by reason of noise, smell, vibration, overshadowing, loss of light and outlook, other pollution (including light pollution), or volume or type of vehicular activity generated, and/or residential amenity unless adequate and appropriate mitigation can be implemented”.

7.2 Local Plan Policy LP25 supports renewable energy supporting proposals subject to: “The impact on (but not limited to) landscape, highway safety, ecology, heritage, residential amenity, drainage, airfield safeguarding and the local community having been fully taken into consideration and where appropriate, effectively mitigated.”

7.3 As noted previously in my evidence, the Noise Assessment that accompanied the application as an appendix to the Planning Design and Access Statement (PDAS Appendix G – Noise and Vibration Assessment) (Core Document A14) stated that the inverters would “produce a noise level not exceeding 62dB LAeq15mins @ 1m (based on measured levels with maximum load)”. However, the Acoustic Impact Assessment⁶ accompanying a current planning application being considered by Babergh District Council at Boxted, (DC/23/05127) suggests that the inverters will create a sound power level of 93 dB(A).

7.4 Planning Practice Guidance⁷ highlights that large-scale ground-mounted solar farms must consider the effect of glint and glare on neighbouring uses and aircraft safety.

7.5 The Glint and Glare Assessment submitted with the application concluded that the existing screening around the boundaries of the site would intercept reflections and no mitigation is required. Local residents have disputed this and identified material impacts. They will attend the inquiry to explain these.

7.6 It is clear, however, that the screening would not necessarily be effective during the winter months. The hedgerow on Potash Lane opposite Red Cottages is deciduous and I would expect that during the winter months in particular there would be a detrimental impact on the occupants of these dwellings by glint and glare from the solar array. I acknowledge that screen planting is proposed along the southern edge of the nearest array, but this will take time to establish and it is not clear that this would eliminate all the potential impacts.

⁶ https://planning.baberghmidsuffolk.gov.uk/online-applications/files/8EE9AB84E4FBC84A2473B16CC1B6B2BF/pdf/DC_23_05127-ACOUSTIC_IMPACT_ASSESSMENT-8411528.pdf

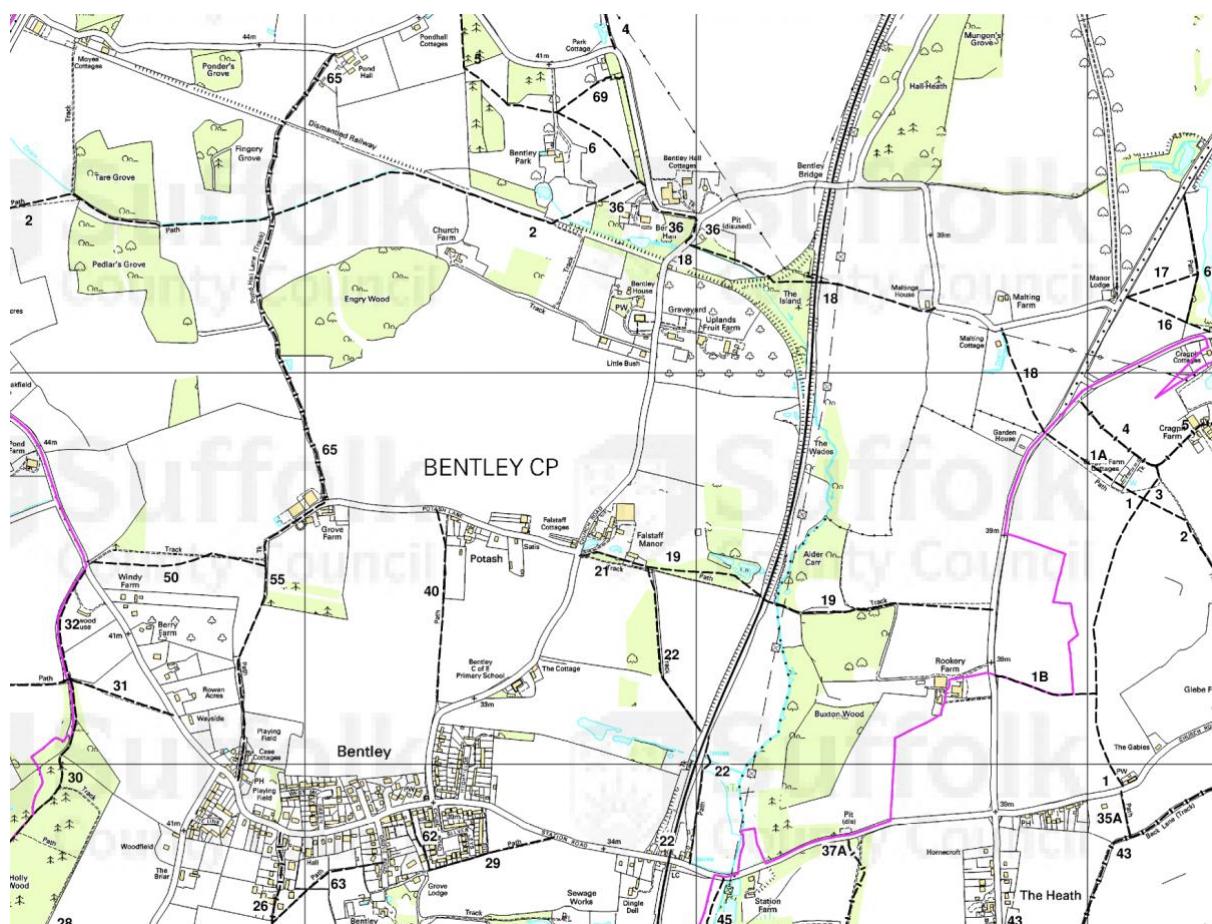
⁷ Paragraph: 013 Reference ID: 5-013-20150327

7.7 I am therefore of the opinion that insufficient consideration has been given to the impacts on residential amenity arising from noise, outlook and glint and glare and that the proposal is contrary to Local Plan Policy LP25 and Planning Practice Guidance. As I note above, local residents will also be giving their own evidence under this head.

8 Ground 5 – Public Rights of Way

8.1 There are two public rights of way which currently cross the Site: one (FP 50) crosses the access track to the Main Site between Station Road and Grove Farm, and one (FP 18) crosses the access track to the Substation Site. There are no public rights of way on the definitive map crossing the proposed solar development of the Main Site, or the proposed DNO Substation at the Substation Site.

8.2 The extract from the Suffolk County Council definitive map of public rights of way below illustrates the extent of the network in the vicinity of the appeal site. The public highways in the vicinity of the site are designated Quiet Lanes to reflect their extensive use by walkers, cyclists and riders.



Extract from the Suffolk County Council Map of Definitive Rights of Way for Bentley

8.3 It is clear that the construction of the proposal will have an impact on FP50, which runs from Station Road at the access to the construction access, to Potash Farm. To all intents and purposes, the route actually follows the access track rather than going across the field as defined on the map.

8.4 The connection to the grid on the eastern side of the railway will also impact on FP18 which crosses the proposed access route to the site of the proposed substation.

8.5 These are all very well used rights of way, from which views across and around the site are greatly valued by local people and many visitors throughout the seasons. They have featured on local walking maps for at least 40 years.

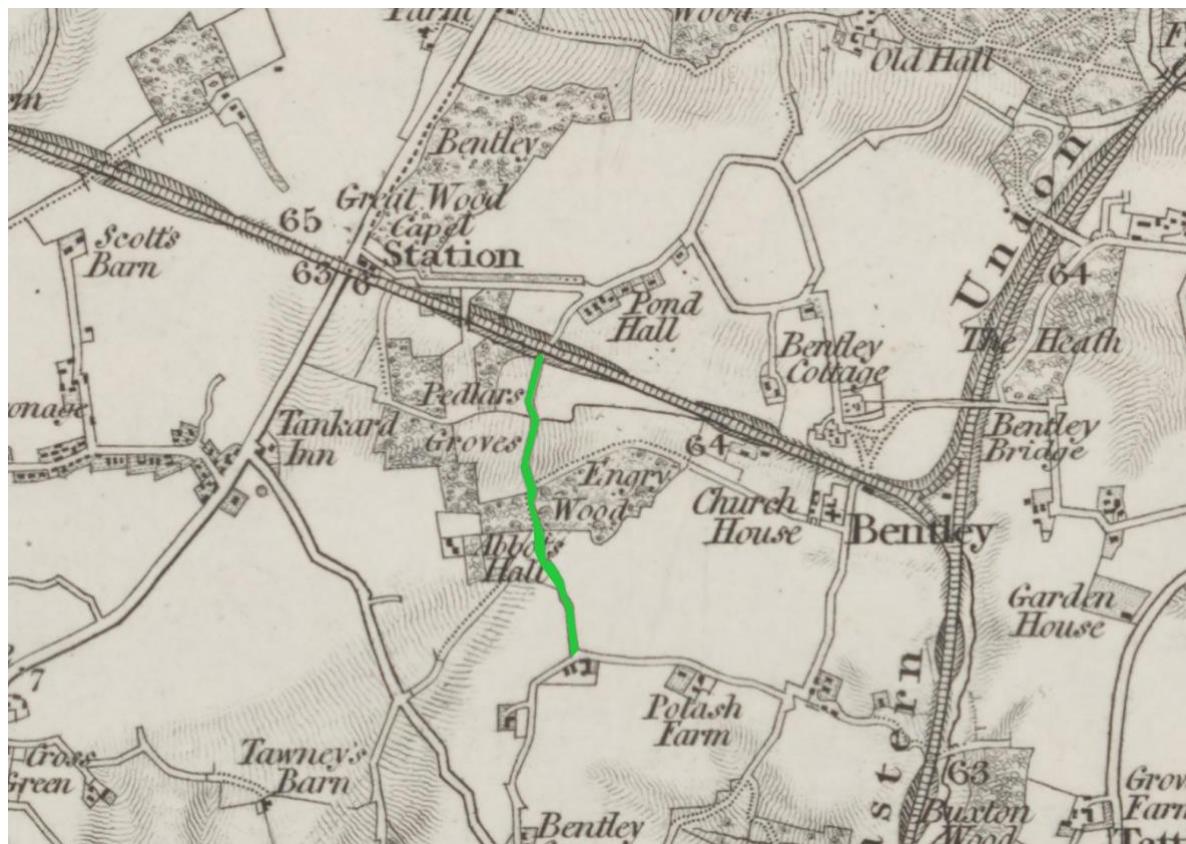
8.6 Suffolk County Council submitted a Public Rights of Way and Solar Farms - Position Statement (Core Document B6) in response to being consulted on the application. Paragraph 9 of the Position Statement states:

“Where site access tracks will intersect with PROW, particularly during construction, the safety of people using the PROW must be ensured. Management measures must be put in place to control construction traffic, e.g. employing banksmen, temporary closures with a convenient alternative route provided etc. All measures must be agreed with the Rights of Way & Access Team. All efforts must be made to avoid damaging the surface of the PROW, and any damage caused must be rectified at the earliest opportunity so that the surface is commensurate with the use of the PROW (e.g. for a footpath it must be suitable for pedestrians to use it safely, for a bridleway it must be appropriate and safe for pedestrians, horse riders and cyclists etc.)”

8.7 Both the Design and Access Statement and the Transport Statement (Core Document A15) are wholly silent as to how the use of PROW will be maintained and safeguarded during the construction phase of the project.

8.8 In numerous third-party comments submitted on the planning application, local people (and many from further afield) refer to the many popular walks around the village where the enjoyment currently afforded will be detrimentally impacted. Alison Farmer appends the “Six Walks from the Case” booklet to her evidence, which has been in circulation for 40 years.

8.9 Bridleway 65 (Pond Hall Lane) is clearly an historic route, as illustrated in green on the extract below. Its significance is described in Alison Farmer’s Proof of Evidence as a “fossilised rural track, preserved in the landscape as a greenway and never absorbed into the modern road network”. Significant views are to be had from it looking east towards Engry Wood and Church Road. Its length is also designated as a County Wildlife Site, cited by the Suffolk Wildlife Trust as “Engry Wood Dormouse Hedge”. The proposed solar farm would detrimentally impact on the enjoyment of this route.



The historic route of Bridleway 65 (Pond Hall Lane) illustrated in green – based on Ordnance Survey Map 1859

8.10 Paragraph 105 of the Framework requires decisions to protect and enhance public rights of way and access. It is clear that insufficient consideration has been given to the impact on the use and enjoyment of the public rights of way within or in the vicinity of the site, including the access. The protection and enhancement of the public rights of way identified above would not be assured through this proposal and, given the potential impact on users and the lack of proposed measures to overcome these, the proposal is contrary to paragraph 105 and should not be supported.

9 Ground 6 – Best and Most Versatile Land

9.1 Written Ministerial Statement dated 25 March 2015 states “Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. Protecting the global environment is not an excuse to trash the local environment.”

9.2 In respect of the WMS of 15 May 2024, titled “Solar and protecting our Food Security and Best and Most Versatile (BMV) Land” it confirms that due weight needs to be given to the proposed use of BMV land when in considering solar developments. It confirms that ‘the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus on developers to show that the use of higher quality land is necessary.’

9.3 Clearly the use of best and most versatile land which is also within a conservation area and within the setting of designated and non-designated heritage assets and adjoining ancient woodland is perhaps what the Minister had in mind in stating how important it is not to “trash the environment”. I refer to Appeal Decision APP/E2205/W/24/3352427 reproduced as Appendix 4, where in dismissing the appeal the Inspector stated:

“while Government policy generally, and the LP and NP locally, are supportive of renewable energy projects, there is no carte blanche.”

9.4 I refer also to planning appeal reference APP/W0530/W/22/3300777 (Land to the South East of Burton End, West Wickham, CB21 4SD) reproduced as Appendix 5, for the installation of a solar farm and associated infrastructure including access. In dismissing the appeal, the Inspector noted that:

“the policy support given for renewable energy projects in the Framework is caveated by the need for the impacts to be acceptable, or capable of being made so. Notwithstanding the temporary nature of the appeal scheme, I have found that there would be significant harm to the character and appearance of the area, and I am not persuaded for the reasons I have set out that these impacts would be capable of being made acceptable. In my view, over the lifetime of the development, the harm to the character and appearance including the landscape outweighs all the benefits that I have identified.”

9.5 There are a number of additional appeal decisions which confirm that the need for renewable energy does not automatically override environmental protections. These include the following:

Appeal Ref: APP/M1005/W/22/3299953 (reproduced as Appendix 6) - Decision date 5 December 2022 where the Inspector concluded that:

“The need for renewable or low carbon energy does not automatically override environmental protections. I have taken into account all the other matters raised including the proximity of a suitable grid connection, but in the overall balance, the harm caused to

landscape character and visual amenity is decisive. The adverse impacts cannot be addressed satisfactorily on a site of this size and character, and the suggested planting mitigation measures would be seriously out of keeping and would largely worsen, rather than mitigate for the landscape and visual impact.”

Appeal Ref: APP/D0840/W/22/3293079 (reproduced as Appendix 7) – Decision date 5 January 2023 where the Inspector concluded that:

“However, national and local planning policies and guidance also require careful consideration of the landscape and visual impacts of solar farms within the countryside. Even under current circumstances, increasing energy supplies from renewable sources does not override all other considerations”.

9.6 This is further reinforced by the new National Policy Statement for Renewable Energy Infrastructure (EN-3) published in December 2025. Paragraph 2.10.21 states:

“Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of “Best and Most Versatile” agricultural land where possible. ‘Best and Most Versatile agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification.”

9.7 It is clear that the appeal proposal does not result in the effective use of land given that 62.8% of the site is best and most versatile land. It is therefore contrary to paragraph 187 of the Framework. This contributes strongly to the basket of considerations which together point to the conclusion that the appeal should be dismissed.

10 Ground 7 – Biodiversity Benefits

- 10.1 It is clear that the ground conditions of the site will change out of all recognition as a result of the proposal. This will result in the displacement of nesting sites for ground nesting birds, including the Skylark and Yellow Wagtail which are on the Breeding Birds Red List as species at high risk of extinction. As well as supporting important populations of ground nesting birds, the appeal site is surrounded by areas with notable biodiversity: such as Engry Wood County Wildlife Site, other nearby “Tollemache” ancient woodlands (also CWS) and Bentley Park. Bridleway 65 is also designated as a County Wildlife Site - Engry Wood Dormouse Hedge.
- 10.2 The Bentley hedgerows are studded with veteran trees – the highest number of any parish in Suffolk. The proof of evidence by Alison Farmer refers to their numbers and value.
- 10.3 This is not a site in an area of low or negligible biodiversity, in an arable desert, where the harmful industrialising impacts of large scale solar and power transmission development may be justified in part by a boost to biodiversity brought about by new rough grassland and imported blocks of screen planting. This is a site in a location of high environmental quality, already celebrated and treasured for its biodiversity. Accordingly, any alleged biodiversity benefits of the appeal scheme in this case need to be weighed in the planning balance with great care.
- 10.4 As noted above in the consideration of Local Plan Policy LP16, two red list birds have been found to be present on site. The Planning, Design and Access Statement adds, in paragraph 5.3.23, that:

“Both species are ground nesting species requiring open ground and have the potential to be adversely affected by the more enclosed conditions created through the placement of solar arrays.”

Despite this stated impact, I can see nothing in the application’s supporting material to identify what mitigation measures are proposed.
- 10.5 As such, the proposal does not address the requirements of the policy in that suitable measures have not been taken to:
 - a. Reduce disturbance to a minimum;
 - b. Maintain the population identified on site; and
 - c. Provide adequate alternative habitats to sustain at least the current levels of population.”

11 Ground 8 – Alternative Sites

11.1 Policy LP25 of the Local Plan is clear that, where proposals for renewable and low carbon energy impact on the setting of heritage assets (including conservation areas), the applicant must be able to convincingly demonstrate that potential harm resultant from development can be effectively mitigated and that there are no alternative sites available within the District. I would add that, in my view, this is one of those cases, where the availability of alternatives would be a relevant consideration in any event (even absent the policy), given the unarguably harmful impacts of the proposed development, such as the effect of placing 116 acres of solar development in a conservation area.

11.2 Following the designation of the Conservation Area, the appellant has prepared an update to the Alternative Sites Assessment (December 2025), which has very recently become available. I am aware that the local planning authority has sought to agree a methodology for the Assessment with the appellant with little success.

11.3 In paragraph 2.1 of the update the appellant suggests that “the requirement established in Policy LP25 to undertake an alternative sites assessment is not consistent with national policy.” I would contend that the absence of a specific policy requirement in national policy does not overrule the content of a policy in an up-to-date local plan. Here the policy is triggered by the acknowledgment by the Appellant of harmful impacts to designated heritage assets. Of course, that has become even more powerful a reason since the designation of the Bentley Conservation Area.

11.4 Clearly the Inspectors examining the Joint Local Plan would have been mindful of the content of national policy, in the form of the NPPF, when considering whether Policy LP25 was sound. As such, the policy is clear and requires an applicant to demonstrate that there are no alternative sites available within the District.

11.5 Turning to the content of the new Assessment, it is stated that, in paragraph 3.17, “the applicant received a grid offer on the nearby 132kV line, not any other 132kV or 33kV lines within Babergh.” This is somewhat surprising given the extend of National Grid infrastructure across the Babergh district and the process, as I understand it, is that the developer applies to UK Power Networks to connect rather than ask “where can I connect”? This is confirmed by the statement in paragraph 3.20 that states:

“Where a new location is proposed outside of the premises boundary of the original grid application, regardless of a change of Point of Connection, this is “Disallowable” and a project will lose its position in the connection queue. A new application for a grid connection would be required in these circumstances.”

11.6 To have the security of a potential connection is one thing but it cannot negate the requirements of the Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the proper consideration of alternative sites required by Policy LP25. This is especially the case given the ‘offer’ was based an application to connect at a specific point. The fact that

the proposed site now falls within a conservation area and that 62.8% of the site is best and most versatile land deems it necessary to comply with the policy and demonstrate that there are that “there are no alternative sites available within the District.”

- 11.7 The Revised Assessment concludes, unsurprisingly given the interests in pursuing the planning consent, that the appeal site is the only acceptable location. It seems to me that the exercise remains flawed and starts out on an improper basis.
- 11.8 Even the artificially narrow list of sites considered appears to include options which are less harmful than the appeal proposal, including Sites C1 and C2, which are plainly less constrained with better access and fewer harmful effects.

12 Conclusion

12.1 It is clear from the combined evidence put forward by the Rule 6 Party, having regard in particular to the development plan, that this proposal is contrary to national and local planning policy. I summarise these deficiencies as:

12.2 **Joint Local Plan Policy LP15**

Given that some 62.8% of the proposed site (nearly two thirds of the site) is classified, by the applicant's own assessment, as best and most versatile land, and that in my opinion, there is no compelling evidence to support its release for a period of at least 40 years and the proposal is not in accordance with Policy LP15.

12.3 **Joint Local Plan Policy LP16**

The proposal is contrary to Policy LP16 of the Joint Local Plan due to the fact that two ground-nesting "Notable Species" (skylark and yellow wagtail) were recorded breeding within the Site. The yellow wagtail is actually listed in the Government's "list of habitats and species of principal importance in England and suitable measures to reduce disturbance, maintain the population and provide alternative habitats have not been put forward.

12.4 **Joint Local Plan Policy LP17**

The evidence submitted by Alison Farmer has identified that there would be substantial harm to the historic landscape which would be contrary to Policy LP17

12.5 **Joint Local Plan Policy LP18**

The proposal would have clear and adverse impact on a valued landscape and is contrary to Policy LP18

12.6 The proposed development will have substantial negative impact on landscape character, special qualities and historic character of the locality, contrary to the objective of **Policy LP19**

12.7 The proposal fails criteria in **Policy LP24** in that it would not safeguard the historic assets/ environment and natural and built features of merit, the scale and form of the development and its location is not compatible with being located within a conservation area and valued landscape, it would not protect and retain important natural features, including hedgerows and the impact from noise arising from the development is likely to result in a detrimental impact on the amenity of nearby residents.

12.8 The proposal fails **Policy LP25** in that the applicant has not convincingly demonstrated that potential harm resultant from development can be effectively mitigated and that there are no alternative sites available within the District within the area which it is intended to serve.

12.9 **NP Policy BEN 3**

The proposal is contrary to the policy in that it would result in reduced tranquillity due to the introduction of functional and urbanising elements. Furthermore, it would materially harm

the amenities of nearby residents through, in particular, loss of outlook It does not respect the character and scale of the locality of the area, will have substantial negative impact on the landscape character, special qualities and historic character of the locality.

12.10 NP Policy BEN 7

The proposal is contrary to Policy BEN 7 in that it will have substantial negative impact on landscape character of Bentley.

12.11 Policy BEN 11

The proposal is contrary to Policy BEN 11 in that the proposal will neither preserve or enhance the significance of designated heritage assets, but would cause substantial harm to the significance of the heritage asset.

12.12 Policy BEN 12

Through covering the land within the setting of non-designated heritage assets with solar development and blocks of screen planting would not protect the significance of these heritage assets and would be contrary to Policy BEN 12.

12.13 Specific Matters

Heritage

Great weight should be applied to the fact that the proposal causes substantial harm to the character and appearance of the conservation area such that it would not accord with Section 72 (1) of the Listed Buildings and Conservation Areas Act (1990)

12.14 Valued Landscape

The proposal is contrary to paragraph 187a of the NPPF and Policy LP18 of the Joint Local Plan in that the development does not have regard to, nor protect and enhance a valued landscape.

12.15 Residential Amenity

In addition to the noise impacts raised above, I have concerns whether, in initial years and during winter months, the glint and glare from panels can be effectively screened from properties (and walkers and riders) in Potash Lane.

12.16 Public Rights of Way

Insufficient consideration has been given to the impact on the use and enjoyment of the public rights of way within or in the vicinity of the site, including the access. The proposal is contrary to paragraph 105 of the Framework and should not be supported.

12.17 Best and Most Versatile Land

The appeal proposal does not result in the effective use of land given that 62.8% (nearly two thirds) of the site is best and most versatile land. It is therefore contrary to paragraph 187 of the Framework. Other Inspectors have concluded that the use of land for solar panels for 40

years is not a temporary use but one which, for some people “would establish a landscape that may be all they know and whose effects may progress through to later generations.” As with that decision, I urge the Inspector to give little weight to the aspect of the potential reversibility of the proposal in landscape or visual terms.

12.18 Biodiversity

The proposal will result in the displacement of nesting sites for ground nesting birds, including the Skylark and Yellow Wagtail which are on the Breeding Birds Red List as species at high risk of extinction. No measures for the mitigation of the impact of the proposal on these species have been put forward. Enry Wood and Bridleway 65 are County Wildlife Sites and the hedgerows are studded with veteran trees.

It has not been demonstrated that satisfactory protection and mitigation measures would be put in place. At the same time, whilst the Appellant’s make a great deal of the grass between the 100,000 or so solar panels and their new planting, this site is categorically not in an area with a major biodiversity deficit. Its existing grasslands, wonderful ancient woodlands and hedgerows full of veteran trees already support a diverse flora and fauna. There is no need to impose a development which is industrial in both character and scale onto this landscape in order to gain some biodiversity units via all the hedging and planting required to hide it and the grass required to fill the spaces between and underneath the panels and inverters.

12.19 Alternative Sites

It is clear that the appellants are reluctant to prepare a revised assessment of alternative sites, and yet Policy LP25 of the Joint Local Plan is clear that one is required.

The Revised Assessment concludes, unsurprisingly given the interests in pursuing the planning consent, that the appeal site is the only acceptable location. It seems to me that the exercise remains flawed and requires further explanation.

Even the artificially narrow list of sites considered appears to include options which are less harmful than the appeal proposal, including Sites C1 and C2, which are plainly less constrained with better access and fewer harmful effects.

Overall Conclusion

12.20 It is clear from the significant range of matters raised in this statement that the proposal is, first and foremost, contrary to many policies in the adopted Development Plan as well as the National Planning Policy Framework and other identified material matters. Notwithstanding the government’s desired objectives to increase the generation of electricity from renewable sources, it is clear that this is not “at all cost”. The 2015 Ministerial Statement, which remains in place, reinforces this in stating “Protecting the global environment is not an excuse to trash the local environment.”

12.21 There is, in my opinion no compelling alternative evidence or material considerations that justify a departure from the development plan to support the proposal. This is clearly a case where “trashing” or seriously damaging an exceptional and valued local environment to meet renewable energy targets is not justified.

12.22 I am therefore of the opinion that the appeal should be dismissed.