

Planning appeal under s.78 of the Town and Country Planning Act 1990

Land at Grove Farm and East of the Railway Line, Bentley, Suffolk, IP9 2BZ

Appeal by Green Switch Capital Ltd (PINS ref: APP/D3505/W/24/3370515, LPA ref:
DC/23/05656)

CLOSING SUBMISSIONS ON BEHALF OF BABERGH DISTRICT COUNCIL

INTRODUCTION

1. Is there a clear and convincing justification¹ for the serious and wide-ranging harms that would be caused to the significance of the range of nationally important assets by the appeal proposal? The evidence at this inquiry has demonstrated, unequivocally, that the answer to that question is no.
2. When seen in context, the serious harms caused to designated assets is patently not outweighed and the strong statutory presumptions against the grant of planning permission are not displaced by the public benefits of the scheme.
3. This much is true before any account is made of the harmful impact of the proposed works to various non-designated heritage assets and to the valued landscape of which the appeal site is a part. The special qualities identified in evidence would be diminished and there would be a series of adverse visual impacts to this valued area. All this is plain from the evidence heard over several weeks.
4. The somewhat unusual context for such an ill-conceived appeal proposal revealed during the inquiry only serves to underscore such a conclusion.
5. The recently adopted development plan policy LP25² – the key development plan policy relating to renewable and low carbon energy development - has been both ignored (through a failure to produce an alternative site assessment that accords with the requirements of such policy) and misunderstood (through a now acknowledged

¹ As required by National Policy NPPF paragraph 213; **CD/D1**

² **CD/E1**, pdf p. 91-92

misunderstanding of what is actually required to be demonstrated by the policy³) by the Appellant. Not only has the Appellant failed to ‘convincingly demonstrate’ that there are no alternative sites available, it turns out that it did not even appreciate the nature of the policy test it had to meet. This is extraordinary. But it is of a piece.

6. This Appeal was not a sensible one to make. The reasons for refusal were always well founded. The subsequent designation of the land within which the appeal site sits as a designated heritage asset was not only entirely justified but also should have served as a yet further signal to any clear-headed planning assessment that a proposal to place a large-scale solar farm there was inherently inappropriate. It remains unclear why the appeal was felt to be sensible.
7. The Appellant has during the inquiry finally abandoned⁴ a key proposition it had pursued as a basis for appealing - namely that the process and consideration underpinning the designation of the conservation area and the adoption of the CAAMP was questionable or in some way misconceived. It was wrong to produce a statement of case alleging anything of the sort and the wholesale withdrawal of such arguments now by the Appellant is a correct, albeit far too late, position for it to take.
8. It has also abandoned the contention pursued in the appeal statement of case that the ‘Additional Project Area’ within which the site is located carried no formal landscape policy weight and has through witnesses finally acknowledged that it had failed entirely to address policy LP18 (3) in relevant assessments both pre and post appeal.
9. All this speaks of an appeal that is singularly ill thought through. But matters as it turned out were worse still. The suggestion - as a centrepiece of its case – that the proposal had a connection date agreed for 2028⁵ or that it could be deployed before 2030⁶ were only last week to be added to the list of abandoned propositions which had previously purported to provide a foundation for the appeal as recently as the opening day of the inquiry.

³ Acknowledged for the first time in XX of Mr Burrell.

⁴ Mr Burrell and Ms Garcia in XX

⁵ ID1, para 35

⁶ Burrell PoE, CD/C16A1, §9.38

10. We make these points to demonstrate from the outset that the core arguments said to underpin this appeal as pursued by the Appellant have not been supported by the evidence and in fact in many regards have been abandoned.
11. Those that remain have been shown in the submission of the Council to be wrong. It is of no surprise to anyone frankly who is involved in planning and renewable energy proposals – which this Council is at pains to support when in accordance with policy – that pursuing this proposal in this location was an inappropriate thing to do.
12. We also note from the outset that the public opposition to this proposal - so assiduously pursued with carefully prepared evidence via the rule 6 submissions and also through numerous individual representations and courteous attendance at this inquiry - has materially assisted in providing an in-depth and layered knowledge of the heritage, landscape and community context further illustrating that the appeal should be dismissed.
13. We structure our submissions⁷ as follows:
 - a. **Relevant factual background**
 - i. Overview of history of Bentley
 - ii. Designation of the Conservation Area
 - b. **Main issue 1: Heritage**
 - i. Preliminary points of clarification and associated matters
 - ii. Sub issue 1b: The Conservation Area
 - iii. Sub issue 1a: Designated heritage assets
 - A. St. Mary’s Church
 - B. Bentley Hall, Bentley Hall Barn and Meeting Hall Stables
 - C. Maltings House
 - iv. Sub issue 1c: Non designated heritage assets

⁷ The submissions adopt the topic headings from paragraph 9 of the Inspector’s CMC Note but take ‘issue b’ (effect on the CA) first for ease of reference.

c. Main issue 2: Landscape

- i. Preliminary points
- ii. Character assessments and value
 - A. Natural Beauty Assessment
 - B. The Valued Landscape Assessment
 - C. Neighbourhood Plan Landscape Appraisal
- iii. Independent assessments
- iv. Mitigation
- v. Landscape-led.
- vi. Effects

d. Main issue 3: Planning

- i. Grid Connection Offer
- ii. Alternative Sites Assessment
- iii. Benefits
- iv. Heritage balance
- v. Local and national policy
 - A. On heritage
 - B. On landscape
- vi. Balance

e. Conclusion

RELEVANT FACTUAL BACKGROUND

Overview of history of Bentley

14. The Domesday Book (1086) records Bentley as an area comprised of at least four manors.⁸ By the medieval period, those four manors and attached lands were owned and operated by the following landholdings: the Tollemache family (north), the Fastolfs (east), the Priory of the Holy Trinity (west and south), and Dodnash Priory. A structure of agricultural fields and associated manorial buildings and ancient woodland remains legible in Bentley today, with the area displaying remarkable time depth and a “*complex manorial history*”⁹ Much of this is well evidenced through the lens of the Tollemache family, which provides a telling insight into the growth, unification and operation of the manorial landholdings in Bentley.

15. By the mid-13th century, the Tollemache family were seated at Bentley Old Hall. Towards the end of the medieval period, the family moved their principal seat south within the Parish, constructing Bentley Hall near St. Mary’s Church. When the family constructed Helmingham Hall in the late 15th century a careful study of the history reveals that Ms Garcia was wrong (as, with respect, she was about so much of her heritage assessment) to suggest the landholdings around Bentley ceased to be of particular significance to the Tollemache family. The family holdings in Bentley remained held by the principal heir.

16. Indeed, around this time, the manorial lands owned by the Tollemache family increased in scale¹⁰ and “*by the mid sixteenth century most of Bentley was in possession of the Tollemache family.*”¹¹ The Tollemaches then commissioned one of the largest barns ever built in the UK (at Bentley Hall Barn), which formed part of a central complex of manorial buildings (including Bentley Hall, discussed below) attached to local agricultural land. The Hall remains one of the finest remaining Tudor barns in the country.

⁸ Hancock PoE, **CD17/C1**, §3.2

⁹ Martin PoE, **CD/C18C**, p. 2

¹⁰ Against that backdrop, it is difficult to suggest that the establishment of Helmingham Hall diminished the role of Bentley in Tollemache life: there were clear and successful attempts to expand and consolidate the Tollemache landholdings in the area well after Helmingham Hall became the family’s principal seat.

¹¹ Martin PoE, **CD/C18C**, p. 3

17. Eminent expert in the History of Suffolk, Mr. Martin, described this as evidence of “*the Tollemaches taking on everything in Bentley*” at the time, “*moving their hall from old hall to the new site to put themselves near the church.*”¹² He continued, “*In the 1550s the Tollemaches re-established themselves with a new hall by the church and built the barn that goes with it.*”¹³
18. A sale of much the Tollemache agricultural estate followed in the 1660s, however the family retained “*their extensive woodland in the parish, which had the effect of limiting change by subsequent owners to the layout of the Bentley landscape.*”¹⁴ Within 17 years, however, in 1679, much of the manorial land returned into Tollemache hands when it was purchased by Tollemache Duke.¹⁵ More land returned to the Tollemaches by 1895 when Rt. Honourable Stanhope Tollemache purchased the lands around Bentley Hall and Old Bentley Hall.¹⁶
19. A 1613 Tollemache field survey provides itemised evidence of field ownerships and their association with distinct manorial landholdings at the Site – all of it at that stage owned by the Tollemaches.¹⁷ Much of the structure and manorial association of the land within the Site remains evident in a tithe map from 1838.¹⁸ Comparison of those two documents also highlights the persistence of the Engry Wood Ancient Woodland (and indeed the other surrounding ancient woodlands) which is mapped identically and appears in remarkably similar form in the present day.¹⁹ This is part of an “*outstanding collection of ancient woods*” in Bentley which also “*makes Bentley stand out from its neighbours as an important area of historic landscape.*”²⁰
20. The area represents a comparatively untouched landscape with roots in the early medieval period, still evidencing a manorial landscape of interrelated landholdings, and with an aspect of identified significance arising from its association with the prominent Tollemache family. Indeed, until recently when the Tollemaches ceased to own land in Bentley there was a pattern of continuing land ownership by a single family for a period

¹² Martin EiC

¹³ Martin EiC

¹⁴ Martin PoE, **CD/C18C**, p. 3

¹⁵ The Story of Fastolfe Manor, **ID12**, p. 2

¹⁶ Handcock PoE, **CD/C17C1**, §3.16, fig 5 (p.29).

¹⁷ Farmer PoE, Appendix 1, **CD/C18B2**, Fig 5, pdf p. 7

¹⁸ Farmer PoE, Appendix 1, **CD/C18B2**, Fig 4, pdf p. 6

¹⁹ Farmer PoE, **CD/C18B1**, p. 30

²⁰ Martin PoE, **CD/C18C**, p. 4

of around 800 years including the ownership of large swathes of the key manorial farmland within the Parish.

Designation of the Conservation area

21. On 23 April 2025²¹ the Council designated the Bentley Conservation Area. The elements which defined the area's special architectural or historic interest are "*largely physical, both man made and nature, but also include more ephemeral considerations such as spaces and views*"²² The Conservation Area Appraisal and Management Plan ("CAAMP") notes:

*"The special interest of the Bentley Conservation Area is predominantly derived from its ancient manorial structure and its associated connection with the Tollemache family who consolidated four manors at Bentley Hall in the 16th century, enlarging an estate which they had held since 1200"*²³
(emp. add.)

22. Accordingly, the CAAMP identifies the following key features of interest:

"The key features of interest are outlined below:

-the historic core, centred around the grade II listed church*

-open fields and manorial land

-dispersed farmsteads

-ancient woodland

-high quantum of highly graded manor houses and high-status houses, largely set in their historic settings

-modest railway interventions that have resulted in attractive publicly accessible routes, bridges and cottages

-the ancient tracery of footpaths that criss-cross the conservation area" (emp. add.)

²¹ CAAMP, CD/F1, p. 2

²² CAAMP, CD/F1, p. 5

²³ CAAMP, CD/F1, p. 6

23. It was suggested to Mr. Handcock that ‘manorial structure’ wasn’t a special feature of the CA²⁴ or highlighted with the CAAMP, and that fields with manorial associations were not relevant to the significance of the CA.²⁵ The above references undermine that proposition entirely: manorial structure is a listed special interest within the CA and “*open fields and manorial land*” are listed within “*key features of interest*.” Were the point unclear, the following passages from the CAAMP assist further:

- a. “*The well-preserved medieval structures and field patterns are important landscape features which form a fundamental part of the character and appearance of the area. The area retains unique, quiet, intimate, small-scale rural qualities, characterised by a mosaic of fields and ancient woodlands.*”²⁶
- b. “*The historic landscape within the Bentley Conservation Area makes such an important contribution to the historic significance of the conservation area that it will be protected for its historic value and for what it explains about its strong manorial heritage. This includes the manorial and estates farmland and agricultural activity, parkland, the majestic ancient woodlands and the spidery pattern of paths, tracks and lanes that stretch like gossamer threads across the conservation area.*”²⁷
- c. “*Ploughed fields between areas of ancient woodland all associated with medieval manors and their surviving Manor Houses and Hall Houses are part of the wider manorial fabric that underpins the historical fabric of the land hereabouts. That heritage is worthy of protecting and enhancing.*”²⁸
- d. “*the significance of the Bentley Conservation Area is derived from the high number of surviving buildings of historic and architectural interest which sit within a landscape characterised by historic farmland, ancient woodland and formal parkland*”²⁹

²⁴ That was a surprising suggestion given a dimension of the Appellant’s case was apparently to suggest that the designation of the CA had been to frustrate development of this Site.

²⁵ Handcock XX

²⁶ CAAMP, CD/F1, p. 5

²⁷ *Ibid*, p. 68

²⁸ *Ibid*, p. 76

²⁹ *Ibid*, p. 35

e. *“Bentley Conservation Area’s significance is inherently linked with its open rural aspect and the relationships between buildings [...] wide areas of open landscape form a significant feature of the conservation area. These fields and manorial grounds are reflective of historic land uses dating back to at least the medieval period”³⁰ (emp. add.)*

24. There are 11 designated heritage assets³¹ and 17 non-designated heritage assets³² within the CA, which has a particular ‘historic core’ centred around St. Mary’s Church³³ (adjacent to, and visible from, the Site).³⁴ The CA is framed by ancient woodlands, which are *“of particular interest for the interweaving of the different manorial interest, which remnant historic buildings and landscape features that reflect this deep history.”*³⁵

MAIN ISSUE 1: HERITAGE

25. It is frankly extraordinary that a scheme of this nature and scale with obvious and serious harmful effects to designated assets is being pursued at appeal. As much of the evidence presented to this Inquiry has demonstrated the proposal is plainly and obviously unacceptable. The scheme causes a barrage of heritage harms to the significance of a range of designated heritage assets, including to the newly designated CA.³⁶ The introduction of a large Solar Farm within the Bentley Conservation Area would be *“an abrupt, alien, jarring form of development”*³⁷ imposing industrial form³⁸

³⁰ *Ibid*, p. 37

³¹ See CAAMP, CD/F1, Appendix 2, p. 81

³² See CAAMP, Appendix 3, p. 82

³³ See CAAMP, fig 1, p. 4

³⁴ Hancock PoE, CD/C17C2, Appendix, Viewpoint A1.7

³⁵ Hancock PoE, CD/C17C1, §5.43

³⁶ In full, 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”*, Pl SoCG, CD/12, §5.4

³⁷ Decision Notice, CD/A42

³⁸ A term previously adopted by the Appellant’s advisors, even if attempts are now taken to downplay that assessment (Heritage Impact Assessment, CD/A8, §6.2.7, and Response to Comments on proposal, CD/A39, Appendix A, §5.11.6: *“the Proposed Development would have a direct impact on how the historic landscape within the Site is understood as it would change the landscape character of the Site from agriculture to power generation which may be considered a sub-type of an ‘industrial’ character”* and see also §6.4 of the same (see

into a historic rural setting first recorded in the Domesday Book.³⁹ No solar farm of a similar scale has ever been permitted within a CA.⁴⁰ The significance of the variety of assets would be eroded by the instant development, introducing an “*incongruous industrial character*” to an area which has had an agricultural character and historic landscape for at least the preceding 800 years.

26. Preliminary points of clarification:

- a. Because it is agreed that the proposal would affect a listed building or its setting, s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“**LBA**”)) applies in the instant case, requiring the decision maker to have “*special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*” (emp. add).
- b. Because the proposal affects buildings or other land within a conservation area, contrary to Ms. Garcia’s curious suggestion in evidence,⁴¹ s.72 LBA applies, meaning that “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*”
- c. It was agreed that there is a strong presumption⁴² against the grant of planning permission in this case⁴³ arising from each of the above statutory requirements.
- d. That strong statutory presumption arises in respect of each instance of identified heritage harm to designated heritage assets⁴⁴ including that to the CA, and “*considerable importance and weight*⁴⁵ should be given to these harms in any planning balance.”⁴⁶

also Heritage Officer Comments at **CD/B18A**, p.4, **CD/B18B**, and see comments from the Suffolk Preservation Society **CD/B21A**, §1.2)

³⁹ Hancock PoE, **CD/17C1**, §3.2

⁴⁰ Burrell XX

⁴¹ Garcia XX, where she suggested that s.72 may not apply

⁴² See *R(Forge Field Society) v Sevenoaks DC* [2014] EWHC 1895 at [45], **H4**

⁴³ Heritage SoCG, **CD/C16C2**, §2.8

⁴⁴ Burrell XX

⁴⁵ See *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014] EWCA Civ 137 at [22]-[23], **H3**

⁴⁶ Heritage SoCG, **CD/C16C2**, §2.8 That of course does not mean all harms have equal weight, but it does mean that all harms should be accorded considerable importance and weight.

- e. Because this is a case in which harm arises to designated heritage assets, Ms. Garcia agreed that the onus is on an Appellant to show clear and convincing justification for that harm.
- f. Ms. Garcia confirmed that the Appellant had not complied with the following provisions of the Historic England Guidance on Renewable Energy Development and the Historic Environment on the basis that the presence of the CA did not influence the design of the scheme or the Appellant's choice of site:

“Development proposals that affect the historic environment are much more likely to gain the necessary permissions and create successful places if their design is informed by an understanding of the significance of the heritage assets they may affect and the impact of the proposal on that significance

A first key step is to fully understand the historic environment during site selection”⁴⁷ (emp. add.)

- g. Neither the designation of the CA, nor the adoption of the CAAMP or its contents are matters which can be challenged in this appeal and Ms. Garcia agreed that she was not now proposing to make such a challenge.⁴⁸ Nor was Ms. Garcia proposing to challenge the suitability of any boundary⁴⁹ identified within the CA, despite apparently doing so throughout her proof.⁵⁰ Mr Burrell confirmed⁵¹ that the contention in the Appellant's statement of case⁵² that the designation of the CA and/or the adoption of the CAAMP had been in some way inappropriate was now abandoned.
- h. Contrary to the impression given in her written evidence,⁵³ Ms. Garcia rightly accepted that the dicta of Gilbert J in *Irving*⁵⁴ set down the correct approach⁵⁵ to evaluating harm within a conservation area: *“If there is harm to the character and*

⁴⁷ CAAMP, CD/F1, §30

⁴⁸ Garcia XX

⁴⁹ Garcia XX (R6)

⁵⁰ Garcia PoE, CD/C17C1, §4.6, §6.12, §6.13, §6.14, §6.18, §6.66, §6.69, §7.13

⁵¹ Burrell XX

⁵² Appellant Statement of Case, CD/C8, §8.47

⁵³ At times in her proof, Ms. Garcia appeared to seek to downplay the level of heritage harm arising from the scheme on the basis that the significance Conservation Area as a whole would not be impacted (See e.g. CD/C17C1, §4.17, 4.18, §4.19, §4.106).

⁵⁴ *R(Irving) v Mid Sussex DC* [2016] EWHC 1529 (Admin) CD/H42, §§56-58

⁵⁵ Garcia XX, XX (R6)

appearance of one part of the conservation area, the fact that the whole will still have a special character does not overcome the fact of that harm.”

- i. It is proper for an area of land comprised of an open space to be identified as being of sufficient historical interest to warrant designation as part of a Conservation Area.⁵⁶ Advice from Historic England confirms this: “[c]onservation area designation is not generally an appropriate means of protecting the wider landscape [...] but it can protect open areas particularly where the character and appearance concerns historic fabric to which the principal protection offered by conservation area designation relates”⁵⁷ (emp. add.). Ms. Garcia accepted that the Report concerning potential designation of the CA had expressly considered this point prior to including the Site within the CA.⁵⁸
27. **Value of the historical record:** Ms. Garcia agreed there was “*an enormous amount of research which is going to be of great benefit to the inquiry.*”⁵⁹ Much of this is reflected and referenced in the CAAMP, and indeed, reading that document closely and conducting further research resulted in Ms. Garcia appreciating that Potash Lane was significantly older (c.1299⁶⁰) than she had considered in her proof of evidence.⁶¹
28. At times, however, it appeared the Appellant wished to sideline such material by suggesting this rich history would not be readily apparent to an ‘ordinary’ person visiting the Site, thereby lessening significance. That was a surprising stance given Ms. Garcia’s professed interest in using the historical record to enrich one’s understanding of heritage assets:

“My earliest and only career aspiration was to become an archaeologist and I am proud to have achieved my aim and that I continue to work in the heritage sector. I enjoy all aspects of my work, especially the opportunity to reveal aspects of local heritage that may have been forgotten”⁶² (emp. add.)

⁵⁶ Garcia XX

⁵⁷ Historic England Guidance Note on Conservation Area Appraisal, Designation and Management, **CD/F6**, §73

⁵⁸ CAAMP, **F10**, §4.4.61, *infra*

⁵⁹ Garcia XX

⁶⁰ Martin PoE, **CD/C18C**, p. 7

⁶¹ The remarks she made at §§6.67-6.68 (**CD/C16C1**) for example, were admitted to be incorrect.

⁶² <https://www.pegasusgroup.co.uk/staff/laura-garcia/> (as accessed on 21 January 2026).

29. Ms. Garcia eventually distanced herself from the ‘what would the ordinary person see’ (or ‘person on the Clapham omnibus’) approach.⁶³ She was right to do so. One should refer to the relevant documentary evidence in the course of evaluating the significance of a heritage asset.⁶⁴ Paragraph 207 of the NPPF confirms this: “As a *minimum* the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary”⁶⁵ (emp. add.) Paragraph 208 similarly states that assessment of significance and impact should be undertaken whilst “taking account of the available evidence and any necessary expertise.”⁶⁶
30. The Inspector will recall Ms. Osmund-Smith memorably telling Mr. Handcock that she had “never seen a field that [she] would be able to identify a manorial landscape.”⁶⁷ Armed with the approach Ms. Garcia belatedly confirmed to be correct, and by reference to the extensive record in this case, such identification should now be straightforward, as explored below.
31. **Field boundaries:** The Appellant referred to the deterioration of historic field boundaries and the removal of hedgerows within the Site as a principal feature detracting from its historic significance. However, Ms. Garcia accepted that she had produced no evidence before the inquiry to suggest that internal field boundaries at the Site were marked by substantial hedges separating it into a patchwork of fields.⁶⁸
32. She accepted that Mr. Martin’s “fascinating and in-depth” evidence was “the most bespoke and best” evidence⁶⁹ on the point, that she did not challenge it⁷⁰ and that she had produced no evidence to rebut his suggestion that the Site was found in an area of Suffolk where open field patterns prevailed.⁷¹ Mr. Martin’s unchallenged evidence before the inquiry was:

⁶³ A concession that historical documentation was vital to appreciating the baseline position at the Site was also made by Mr. Mason

⁶⁴ Handcock EIC

⁶⁵ NPPF, **CD/D1**, paragraph 207

⁶⁶ NPPF, **CD/D1**, paragraph 208

⁶⁷ Handcock XX

⁶⁸ Garcia XX (R6)

⁶⁹ Garcia XX

⁷⁰ Garcia XX

⁷¹ Garcia XX (R6)

- a. The suffix ‘went’ evident in parcel ‘Wadmellwent’ within the 1838 Tithe Survey map was used to designate an open field.⁷²
- b. An historic form and layout of field pattern (“*ridge and furrow*”⁷³) which Ms. Garcia claimed to be important and which she claimed had been erased by modern influence “*would never have been*” found in East Anglia at all as “*they don’t plough like that here.*”⁷⁴
- c. The available evidence in fact indicates “*that internal field boundaries were relatively low and un-treed, suggesting that views from the lanes across to Engry Wood have a long history.*”⁷⁵

33. Further to this, Ms. Garcia agreed that:

- a. Given the Site had been in single ownership for hundreds of years, there would have been no need for boundary demarcation for the purposes of identifying separate ownership.⁷⁶
- b. All of the evidence pointed to the Site being in use for centuries for arable farming, and in this context, there would have been no use/need for hedges to contain livestock⁷⁷
- c. The ‘RAF’ photograph from 1945, which Mr. Mason had sought rely on as evidencing internal hedgerow boundaries⁷⁸ was confirmed by Ms. Garcia not to evidence substantial field boundaries.⁷⁹ As above, Mr. Martin was unchallenged in asserting this.

⁷² Martin EiC

⁷³ Garcia PoE, **CD/C16C1**, §6.48, §6.57

⁷⁴ Martin EiC

⁷⁵ Martin PoE, **CD/C18C**, p. 8

⁷⁶ Garcia XX (R6)

⁷⁷ Garcia XX (R6)

⁷⁸ See e.g. Mason Rebuttal, **CD/C33**, section 3

⁷⁹ Garcia XX (R6)

- d. Ms. Garcia also agreed that if Mr. Martin was correct and there was historically no substantial hedgerow within the Site, then the appeal scheme would be introducing a permanent feature with hedgerows for which there is no historic precedent.⁸⁰
- e. With the above in mind, Ms. Garcia's best point: "*there is nothing before this appeal that says there were not hedgerows in place*"⁸¹ isn't a very good one at all.

34. **Industrial character:** Ms. Garcia accepted that her predecessors had described the proposed development as being "*industrial*"⁸² in character. She was obviously at pains to distance herself from those assessments, and simply refused to answer whether she considered their view to be an unreasonable one.⁸³ Much emphasis was placed on the 'Solar Roadmap' in suggesting that scale solar developments were not 'industrial' although Ms. Garcia eventually accepted this was not a policy document,⁸⁴ which plainly tempers the weight that it can be afforded.

35. In reality, very little turns on the application of the label 'industrial,' although it is ironically a term the Appellant's previous advisors have used repeatedly to describe the scheme (but which is now abandoned). What does matter is a recognition that the angular form of solar schemes and their associated infrastructure is at odds with an open rural setting. That appears to be a matter of commonsense to anyone who is not promoting a solar farm. Mr. Mason seemed to recognise this, telling the inquiry "*unmitigated [solar farms] can be very harmful and a contrasting form of development*"⁸⁵ which "*clash in character terms with countryside setting.*"⁸⁶ He added on the specifics of this case that that one "*wouldn't expect to see*" between 36 and 72 CCTV masts within a CA either.⁸⁷

⁸⁰ Garcia XX (R6)

⁸¹ Garcia EIC

⁸² Heritage Impact Assessment, CD/A8, §6.2.7, and Response to Comments on proposal, CD/A39, Appendix A, §5.11.6: "*the Proposed Development would have a direct impact on how the historic landscape within the Site is understood as it would change the landscape character of the Site from agriculture to power generation which may be considered a sub-type of an 'industrial' character*" and see also §6.4 of the same (see also Heritage Officer Comments at CD/B18A, p.4, CD/B18B, and see comments from the Suffolk Preservation Society CD/B21A, §1.2).

⁸³ Garcia XX

⁸⁴ Garcia XX

⁸⁵ Mason XX

⁸⁶ Mason XX

⁸⁷ Mason XX (R6)

36. The Appellant’s familiar retort that ‘solar farms are usually found in the countryside’ overlooks that this is simply a necessity for a host of commercial and practical reasons. It goes no way to establishing that solar farms have agricultural character. Inspectors have recognised the incongruity of solar farms with countryside locations (notably after the release of the ‘Solar Roadmap’):
- a. Regarding a solar scheme of similar scale (49.9MW) in agricultural fields in North Hertfordshire, Inspector Partington found that: “*straight rows of panels and the horizontal emphasis of the scheme, to the extent that it would be perceived, would appear out of place in this rural landscape*”⁸⁸ (emp. add.).
 - b. Inspector Woolcock described another 49.9MW scheme proposed in Buckinghamshire as follows: “*The solar arrays, along with their regular arrangement in long rows, would be a utilitarian feature that was out of keeping with the character of the area. The colour and texture of the solar arrays would not be typical of its agricultural and rural settlement context, and so the proposed development would introduce a discordant element into the local landscape.*”⁸⁹ (emp. add.).
37. **Temporary?:** It is frequent in appeals concerning solar developments for Appellants to rely on the apparently time-limited nature of their development to downplay the impact of the scheme. Whilst any time limited period is technically ‘temporary,’ the length of the period is relevant in assessing how the impact of the scheme will be perceived and therefore in assessing weight to harm.
38. How the period of 40 years is perceived is fundamentally a judgment. In any sensible analysis, however, as Mr. Handcock put it, this “*is a reasonable wedge of a lifetime.*”⁹⁰ As such, appeals to temporariness do little to soften the weight to be afforded to the impact of the scheme. Mr. Handcock’s approach is consistent with the analysis in the

⁸⁸ Wandon End Appeal Decision, CD/H26, §43

⁸⁹ Aylesbury Road Appeal Decision, CD/H13, §18

⁹⁰ Handcock EiC

Advice Note from Historic England on Commercial Renewable Energy Development and the Historic Environment⁹¹:

“The intended engineering life of many renewable energy developments is such that the change they will bring to their site and locality will last for 25-30 years, effectively a generation and potentially not perceived by local residents as temporary.” (emp. add.)

Sub issue 1b: Whether or not the proposed development would preserve or enhance the character or appearance of the Bentley Conservation Area; and, whether there are material matters arising from its date of designation

39. If permitted, the scheme would bring about heritage harm to the CA at the upper end of the less than substantial scale.⁹² This is a proposal for a large-scale solar farm located wholly within a CA and which would comprise 8% of the CA itself. No such development has ever been approved before. If such development were to be countenanced, one might expect it to have been sensitively designed and sited in response to the CA. Of course, as above, neither of those things have happened in this case. Ms. Garcia therefore started in a difficult position if her aim was to justify or diminish the harm this development would cause.
40. At first, the thrust of Ms. Garcia’s evidence on the issue of harm to the CA appeared to be that the Site could not be readily understood as being part of a manorial landscape (memorably contending that *“it is virtually impossible for a lay person”* to identify Ancient Woodland⁹³). As set out above, however, such a ‘person on the Clapham omnibus’ argument is at odds with the approach to appreciating significance/impact mandated by the NPPF. Attempts to minimise the impact on the CA by focusing on contextual impact on the CA ‘as a whole’ were also acknowledged to be contrary to the correct legal position (as set out above). In any event, the proposal would take up a large swathe of ‘the whole’ CA.
41. Ms. Garcia was left with the argument that *“the appeal site makes a negligible contribution to the CA.”*⁹⁴ That was yet another surprising position. When taken to the

⁹¹ Historic England Advice Note on Commercial Renewable Energy Development and the Historic Environment, CD/F5, §63

⁹² Heritage SoCG, CD/C16C2, §3.1

⁹³ Garcia PoE, CD/C16C1, §6.29

⁹⁴ Garcia XX

‘key features’ of interest within CA as identified within the CAAMP, and particularly to “*open fields and manorial land*” Ms. Garcia then agreed that the Site “*ticks both of those.*”⁹⁵

42. Ms. Garcia next ventured that the importance of landscape to the CA was not expressed elsewhere in the CAAMP, but was then taken to the multiple passages of the CAAMP which make this very clear (quoted above), for example: “*the historic landscape within the Bentley Conservation Area makes such an important contribution to the historic significance that it will be protected for its historic value and what it explains about its strong manorial heritage. This includes the manorial and estates farmland.*”⁹⁶
43. There was an attempt at an argument that the Site is ‘just another field.’ Against the information available within the CAAMP, such an argument is unsustainable:
- a. Fig.118 to the CAAMP expressly confirms the Site to be ‘Manorial Farmland,’ as does the 1613 tithe map discussed above.⁹⁷ To the extent that was not obvious on sight, it is made abundantly clear by the CAAMP (so too the identification of Ancient Woodland).
 - b. The Site is, obviously, open and rural, and the CAAMP states “*Bentley Conservation Area’s significance is inherently linked with its open rural aspect*”⁹⁸
 - c. A number of key views (1, 2, 3, 5, 6, 7, 8, 13⁹⁹) within the CAAMP are views across the Site to either heritage assets (i.e. St. Mary’s Church) or to the Ancient Woodland at Engry Wood. Those of course are views across “*open fields and manorial land*” (itself a heritage asset)¹⁰⁰ towards “*ancient woodland*” with some being specifically directed to “*the historic core*” of Bentley with views of the Church. All of those matters are listed as key features of interest in the CAAMP.¹⁰¹

⁹⁵ Garcia XX

⁹⁶ CAAMP, CD/F1, p. 68

⁹⁷ See Farmer PoE, Appendix 1, CD/C18B2, Fig. 5

⁹⁸ CAAMP, CD/F1, p. 37

⁹⁹ *Ibid*, Fig. 57

¹⁰⁰ Garcia XX

¹⁰¹ CAAMP, CD/F1, p. 4

44. Ms. Garcia struggled with this. In continuing to deny that the Site had multiple key features which were specifically identified within the CAAMP her evidence took on an unreal quality. This was not improved when she denied that the combination of the above viewpoints could result in a kinetic experience because walkers would be required to ‘turn away from the direction of the viewpoints’ when walking along their routes. As one member of the publicly pithily remarked, it appeared Ms. Garcia had failed to factor in that they could turn their heads whilst walking.
45. The Site is a legible example of the “*ancient manorial structure*” which the CAAMP expresses to comprise its ‘special interest.’ It is also intimately connected with the Tollemache family, the other named feature of special interest within the CA.¹⁰²
46. Ms. Garcia sought to underplay the influence of the Tollemaches in the area on the basis that they established a ‘primary seat’ in Helmingham Hall in around 1510. She agreed however that agreed that the Tollemaches became “*increasingly dominant*” in landholding terms locally after 1510¹⁰³ and that they had consolidated their ownership of the other local manners during this time. Ms. Garcia agreed that she had been wrong to contend in her proof that the Site did not form part of the Bentley Hall estate, conceding that “*the way I’ve described it is misleading*”¹⁰⁴ confirming the Site had historically been part of the Tollemache landholdings. She also agreed that the relationship between the Site and the large Bentley Hall Barn evidenced where the produce of the land at the Site (and extensive consolidated surrounding manorial lands) was being stored, resulting in a relationship which was “*clearly recorded and understood.*”¹⁰⁵
47. Against the above, Ms. Garcia’s claim that “*site is not an area which helps to understand the historic core of the CA*”¹⁰⁶ was simply wrong. Further as Mr. Martin explained in evidence, the Site itself comprises a large part of what he considered to be the centre of a circuit of lanes enclosing “*an historic core that contains the parish church and lands historically associated with it.*”¹⁰⁷ Ms. Garcia’s comments on Mr.

¹⁰² *Ibid*, p. 4

¹⁰³ Garcia XX

¹⁰⁴ Garcia XX

¹⁰⁵ Garcia XX

¹⁰⁶ Garcia EIC

¹⁰⁷ Martin PoE, CD/C18C, p. 4

Martin's analysis (despite the concessions she made above) revealed much about her attempt to diminish local history generally. She later conceded that it was "*a little unfair*" of her to suggest Mr. Martin had 'simply drawn a line around some footpaths'.¹⁰⁸

48. Ms. Garcia made few reasonable concessions throughout her evidence. This was particularly evident when she was asked about the impact of the development. When asked whether there would be a change to the sizeable portion of the CA from manorial farmland to that of a modern manufactured enterprise with solar panels, she simply repeated that "*there would be a change to solar.*"¹⁰⁹ The fundamental incongruousness of that type of development is set out above, and not repeated, save to highlight that two recent Inspectors have recognised this commonsense view. The following points are worthy of emphasis:
- a. The land is all within the CA meaning there would be a direct change to the character of a significant section of the CA itself.
 - b. There would be negative impact to multiple key features of the CA, as set out in the CAAMP.¹¹⁰
 - c. Whilst mitigation is included in the scheme, the change in character would be appreciable by receptors on Pond Hall Lane, Potash Lane and Church Road (noting these comprise 'key views' in the CAAMP).
 - d. The mitigation in the scheme would also result in the curtailment of views 2, 7 and 8 within the CAAMP. View 1 would be wholly lost to screening, and views 3, 5, and 6, would no longer be views across open agricultural field but across the rectilinear form of the solar panels on the Site, meaning "*the openness, and the sense of manorial landscape appreciated in relation to historic woodland and built form would be lost.*"¹¹¹ Whilst screening would mitigate some visibility of the solar panels, it is clear from the visualisations provided that even after year 10, the panels

¹⁰⁸ Garcia XX.

¹⁰⁹ Garcia XX

¹¹⁰ See Handcock PoE, **CD/C17C1**, §5.80

¹¹¹ *Ibid*, §5.77

would not be removed from view (see, e.g. Figure 11c(v), viewpoint 3¹¹²). This would also be experienced kinetically, and there would be a perception of glimpsed solar panels through hedges on the routes along the site.

- e. The screening would result in the enclosure of Church Road (an important route in the CA), resulting in a loss of views of open countryside and the loss of the sense of moving from open manorial farmland as one approaches Bentley, a key interlinking experience of the CA (*“open agricultural land, woodland and clusters of built form”*¹¹³). This is an instance in which the mitigation itself would be harmful to the CA, as warned against in the Guidance on The Setting of Heritage Assets: *“screening may have as intrusive an effect on the setting as the development it seeks to merit, so where it is necessary it too merits careful design.”*¹¹⁴

49. The above physical and visual effects would remove a significant area of manorial farmland with a Tollemache association from a Conservation Area which is designated due to its manorial farmland and association with the Tollemache family. The functional interaction between the land in the Site and the estate ‘Headquarter’ buildings in the ‘cluster’ to the north of the Site (on which more below) would be lost. This would cause less than substantial harm in the upper range to the CA. Whilst there are mitigations designed within the scheme, these are to some extent harmful in themselves and do not recreate a historical landscape feature in a meaningful sense. This impact is unsurprising: the scheme was never designed with the CA in mind, nor has it been adapted to respond to it. The suggestion by Ms Garcia that the level of harm would be ‘low’ is not founded in any credible assessment of the evidence. It is entirely misplaced.

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

50. It is readily apparent that the Site is bounded to the north and south by listed buildings, with many of these to the north being clustered around the ‘core’ of the CA itself. The proposed development causes heritage harms to the significance of a range of those

¹¹² Landscape and Visual Assessment Supporting Figures Part 2 of 2, CD/A6

¹¹³ Hancock PoE, CD/C17C1, §5.79

¹¹⁴ Historic England Good Practice Advice on The Setting of Heritage Assets, CD/F3, §40

listed buildings. A bird's eye view of the location of these assets is helpfully provided by Mr. Handcock.¹¹⁵ The assets are addressed in turn.

St. Mary's Church (Grade II*)

51. The proposal would cause harm in the middle of the less than substantial range to this sensitive asset.¹¹⁶ Ms. Garcia's claim to the contrary got off to a bad start:
- a. In the Appellant's Statement of Case, she had not identified where in the 'less than substantial' range she considered the harm would fall because she was then "*probably still coming to a view.*"¹¹⁷ How this allowed the Appellant to strike a heritage or overall planning balance at that stage is a mystery given Ms. Garcia accepted the "*vast*" range of harm that might arise within the 'less than substantial' category.¹¹⁸
 - b. Ms. Garcia acknowledged that Historic England were "*particularly concerned*"¹¹⁹ about the proposal's impact on this asset. In contending for harm "*at a level lower than 'low'*"¹²⁰ in the less than substantial range she had reached a materially different conclusion to that of Historic England¹²¹ and the other experts at the inquiry.
52. The Church itself has a considerable degree of historic and archaeological significance. It has a fabric dating from the 12th to 14th centuries,¹²² performing a functional role as "*the spiritual heart of the community*"¹²³ and as a manifestation of the influence of the wider church in everyday life from that time onwards. Bentley House to the north of the Church operated as the rectory and occupiers of that property had sizeable local land interests. There are, in addition, local records of reference to 'Church Lands', and of course to the lands owned by St. Dodnash's Priory (to the south) and to land owned

¹¹⁵ Handcock PoE, CD/17C1, fig. 9

¹¹⁶ Planning SoCG, CD/C12, §8.36

¹¹⁷ Garcia XX

¹¹⁸ Garcia XX

¹¹⁹ Garcia XX

¹²⁰ Garcia XX

¹²¹ Historic England considered the level of harm would "*be in the middle or lower region [...] and we would reiterate our concerns about that*" (CDB12c, p. 1), noting Ms. Garcia's concession that the scale within the 'less than substantial' category is itself "*vast.*"

¹²² Handcock PoE, CD/C17C1, §5.9

¹²³ *Ibid.*, §5.13

by the Priory of the Holy Trinity. The identity of the Church as one amidst a wider network of associated manorial landholdings could hardly be clearer: there are Tollemache devices woven into the font.¹²⁴ The significance of the Church is in the evidence of it “*servicing a reasonably sized rural community with strong manorial presence*”¹²⁵

53. Much of the cross examination of Mr. Handcock on this point focussed on the fact that the built form of the Church would not be changed by the proposed development. No such harm had ever been alleged and Ms. Garcia agreed that the relevant harm arose to the setting of the asset of which the Site formed part.¹²⁶
54. Ms Garcia accepted that the Site contributed to the open setting of the Church and that the Church would be visible in views from Potash Lane and from Church Road.¹²⁷ She accepted there was an “*element of significance*” in the Potash Lane view, having previously described this as ‘incidental.’ Ms. Garcia also accepted there was an “*appreciable visual connection*” between the Church and the Site¹²⁸ and that “*when in the churchyard you are certainly cognisant of the wider landscape*”¹²⁹
55. Ms. Garcia however refused to put all these pieces of information together. She denied that these multiple perspectives of the Church from the Site, the ancient Potash Lane, and from the tellingly named ‘Church Road’ contributed to an experience of the Church as a central asset experienced as one moved through the area. Mr. Handcock however explained that the building was a classic rural church which had been designed to exist as the centre of the community (now the ‘historic core’ of the CA¹³⁰) and to be seen as such. This was evident in the design of the Church town which was “*clearly intended to be visible within the histori[c] mosaic landscape of woodland and open agriculture.*”¹³¹

¹²⁴ *Ibid*, §5.10

¹²⁵ *Ibid*, §5.13

¹²⁶ Garcia XX

¹²⁷ PoE Handcock, Appendices, **CD/C17C2**, A1.7 and A1.10 (summer) and A1.16, A1.17 and A1.21 (winter)

¹²⁸ PoE Handcock Appendices, **CD/17C2**, A1.23 and A1.24

¹²⁹ Garcia XX

¹³⁰ Handcock EIC

¹³¹ Handcock PoE, **CD/C17C1**, §5.17

56. Views from the Churchyard to the Site “*exist as part of a broader kinetic experience that places the Church within its rural setting but ensure that having passed into the enclosed immediate churchyard setting, one remains cognisant of and in contact with the notion of a wider agricultural landscape.*”¹³² The views from Church Lane and Potash Lane must also be appreciated in kinetic context. The Church is a continuing visual feature in views from both lanes set against the treed background, resulting in a clear and legible connection between the church and surrounding landscape. The routes towards the Church within the Parish, and indeed, the view of the Site from the Church emphasise “*what is very legibly a network of connections that lead inexorably towards it and the principal manorial core*” and a journey from “*surrounding scattered farmsteads*” into the core of the Parish and “*the sense of arrival at the Church.*”¹³³
57. Plainly, the Site itself makes a good contribution to the significance of the Church. It has evidence of direct historic ownership and interrelationship, forms a key part of its immediate setting, is part of important viewpoints of the Church, and is itself a direct location for views of the Church.
58. Historic England aptly summarise the effect of the proposal in this context:
- “the fact that the application site is an undeveloped field makes it contribute to the historic significance of the church. Developing it as proposed would fundamentally change the character and so reduce that contribution.”*¹³⁴
59. There would certainly be a fundamental change in character. Regimented, modern and rectilinear solar panels would cover much of the open agricultural land either side of Church Road resulting in a significant change in how land close to the Church would be appreciated and dramatically altering the kinetic experience of moving to and from the Church along Church Road.
60. Where previously there was open agricultural land in much the same way as there had been for the preceding 800 years, a patently modern feature would be introduced into the landscape, and would form a new backdrop against which the Church was

¹³² *Ibid*, §5.17

¹³³ *Ibid*, §5.19

¹³⁴ Historic England Letter of 31 January 2024, **CD/B12b**, p. 2

experienced in the above kinetic context and would have the effect of “*reducing one’s experience of the quiet, relatively secluded character of the Church’s setting.*”¹³⁵ Views from the Church would also be impacted (in some cases the views would cease to exist) and solar development would again be legible from the Churchyard itself again diminishing the important contextual perception of the Church as part of a scattered open landscape.

Bentley Hall (Grade II*), Bentley Hall Barn (Grade I), and Meeting Hall Stables (Grade II*)

61. These assets can be read together and understood as part of an important and highly graded cluster of manorial buildings with the Hall representing the ‘Headquarters’ of the manor. The proposed development would cause less than substantial harm to each of the designated heritage assets within the group at the lower end of that range.¹³⁶
62. Ms. Garcia accepted that this ‘Bentley Hall complex’ is a “*rare survival*”¹³⁷ and that all three assets had both a relationship with the Tollemache family and with the appeal Site.¹³⁸ Nevertheless, Ms. Garcia asserted that the proposed solar development would not harm any of the designated heritage assets.
63. In cross examination, Ms. Garcia explained that this boiled down to the Site not forming part of the setting of any of the assets, on the basis that they were a distance from the Site, and there was no direct visual connection between them. She accepted, however, that that fact was not determinative and that a visual relationship was not necessary for the Site to be considered part of their setting.¹³⁹ As above, Ms. Garcia did accept that the sheer ‘show off’ size of the barn was likely to reflect the extent of the farmed area owned by the Tollemaches and that this included the Site.¹⁴⁰
64. Plainly, the Site is a parcel of land with a long-running connection to these listed buildings. It is sufficiently close that one would experience the Site in conjunction with those assets when moving through the parish and therefore contributes to their setting. That kinetic experience would be much altered by the presence of the regimented and

¹³⁵ Hancock PoE, CD/C17C1, §5.65

¹³⁶ Heritage SoCG, CD/C16C2, §3.1

¹³⁷ Garcia XX (R6)

¹³⁸ Garcia XX

¹³⁹ Garcia XX

¹⁴⁰ Garcia XX

modernised form of the Site if developed as proposed. This would have an undoubtedly harmful effect on their setting, reducing the appreciation of well-preserved manorial structure by erasing a parcel of agricultural land which was highly local to them and with which they had a functional relationship.

65. Moving to and from these assets, one would no longer experience the presence of the undisturbed open agricultural land associated with these manorial assets, and instead, one would be confronted by the incongruous modernised form of a solar farm. The sense of time depth would be lost entirely, and there would be a fundamental interruption of the legible history at this cluster at the heart of the CA.

Maltings House (Grade II)

66. The proposed development would cause harm at the lower end of the less than substantial range to this designated heritage asset.¹⁴¹
67. Once more, Ms. Garcia accepted that this sixteenth century house was one which was part of the Tollemache landholding¹⁴², but denied that the proposal would cause any harm to it on the basis that the Site makes a negligible contribution to significance¹⁴³ (noting that there is a degree of visibility from the eastern fields of the Site to the asset¹⁴⁴) despite accepting that the Site did form part of the setting of the asset.¹⁴⁵
68. The proposed development would install substation infrastructure locally to Maltings House.¹⁴⁶ This would include the introduction of a transformer and associated compound, consisting of a 3.9m tall and 6.2m wide transformer with a 3m tall palisade fence as well as the creation of a new road running south from Church road to the east of the railway bridge providing access to the compound in addition to CCTV structures.¹⁴⁷
69. Whilst it is accepted that Maltings House is experienced in the context of some existing electricity infrastructure, the introduction of further modern electricity infrastructure

¹⁴¹ Heritage SoCG, **CD/C16C2**, §3.1

¹⁴² Garcia XX

¹⁴³ Garcia XX

¹⁴⁴ Garcia PoE, **CD/C16C1**, §9.25

¹⁴⁵ Garcia XX

¹⁴⁶ See Garcia PoE, **CD/16C1**, Plate 39

¹⁴⁷ Hancock PoE, **CD/17C1**, §5.73

appearing in views from the asset to the west would impact views of the asset's principal façade.¹⁴⁸ The appearance of such modern development of a utilitarian character within views of the façade would detract further from the overall sense of a farmhouse set within an associated agricultural landscape, thereby diminishing appreciations of its historic and architectural interest. The cumulative effect alongside the existing electrical infrastructure would be harmful, although would register at the low end of the less than substantial scale.

Sub issue 1c: Whether there are any non-designated heritage assets which would be affected by the proposed development and if so the extent of any harm should it arise, (the NDAs identified are Falstaff Manor, Grove Farm, Potash Cottages, Red Cottages, Church Farm House and Barn, Bentley House, Glebe Cottage).

70. The proposal would also harm a significant number of non-designated heritage assets (“NDHA”)¹⁴⁹ at a level in the middle of the range.¹⁵⁰
71. Significant detail on the location and individual characters of the NDHAs is provided by Mr. Handcock¹⁵¹ and in Mr. Alston’s Survey of Selected Heritage Assets.¹⁵² These NDHAs were connected to the historic presence of agriculture, with four being directly connected to the management and farming of the surrounding land. The development would result in that land being transformed in character from open and agricultural to industrial solar farm use, which would be appreciable in views, and especially so in the winter months. The effect would be stark and the immediate setting of the NDAs would be dramatically altered, undermining experiences of them as agricultural buildings set within a relatively unchanged productive landscape.
72. Although Ms. Garcia was critical in her evidence of a claimed failure by Mr. Handcock to adopt a ‘structured’ approach to his analysis of these items, she later accepted that the criticism was unjustified.¹⁵³ That was an appropriate concession. For reference, Mr. Handcock’s detailed summary of impact on the NDHAs is found on pp.59-60 of his

¹⁴⁸ *Ibid*, §5.75

¹⁴⁹ Namely Falstaff Manor, Grove Farm, Potash Cottages, Red Cottages, Church Farm House and Barn, Bentley House and Glebe Cottage

¹⁵⁰ Other than the harm to Bentley House and Glebe Cottage.

¹⁵¹ Handcock PoE, **CD/C17C1**, §§5.48-5.63

¹⁵² Farmer PoE, Appendix 4, **CD/C18B2**

¹⁵³ Garcia XX

proof of evidence¹⁵⁴ and his conclusion is as follows “*the effect of the scheme would be to diminish immediate appreciation of their form and significance, resulting in a notable reduction in their significance.*”¹⁵⁵ That conclusion is apt. Mr. Hancock’s assessment of harm is once more higher than that of Ms. Garcia, who is, again at pains to diminish the impact on significance. Mr. Hancock’s analysis should be preferred in light of the degree of intervisibility between the majority of the NDHAs and the Site, also factoring in the kinetic experience that would be much altered by moving through this historic landscape and encountering a modern solar farm.

MAIN ISSUE 2: LANDSCAPE: The effect on the surrounding landscape and its status having regard to: the proximity of the National Landscape and the ‘Additional Project Area’ (as a valued landscape), and the effects on users of public rights of way crossing or in the vicinity of the site

73. Numerous character assessments and the historic associations outlined above reveal that this Site is part of a valued landscape for the purposes of paragraph 187(a) NPPF. That landscape would not be protected or enhanced by the proposals, which would erode the well-preserved character of this largely unaltered landscape by introducing an alien, abrupt and jarring form of development there.
74. The special qualities identified in the APA Valued Landscape Assessment¹⁵⁶ would be diminished and there would be a series of adverse visual impacts, including to users of Church Road, Potash Road, and Pond Hall Lane (which is a PRoW) and to the seven important views identified in the CAAMP.
75. The suggestion by the Appellant that the Site is not part of a valued landscape or that it would somehow not be harmed were that the case is not credible given the evidence before the inquiry from leading and experienced experts. Mr. Mason on behalf of the Appellant was the only expert making such a claim and his evidence requires consideration in light of the answers he gave in cross examination.
76. **Preliminary points:**

¹⁵⁴ Hancock PoE, CD/C17C1, §5.85, see the methodology at §§4.7-4.8

¹⁵⁵ Hancock PoE, CD/C17C1, §5.86

¹⁵⁶ Valued Landscape Assessment, CD/G9, p. 18

- a. Mr. Mason agreed that when assessing landscape value, historic elements of that landscape must be appreciated.¹⁵⁷ Ms. Bolger had patently taken such factors into account in her assessment, recognising the ‘existing historic rural character’ of the landscape.¹⁵⁸ In contrast, Mr. Mason agreed that he “*did not deal with the Conservation Area in any level of detail in his proof.*”¹⁵⁹ He had sought to dismiss it as a “*cultural heritage rather than a landscape designation*” in writing¹⁶⁰ but accepted orally that this was relevant in landscape terms.¹⁶¹
- b. Mr Mason had relied on Ms. Garcia’s analysis of heritage value and impact but fairly accepted that if that approach was found to be wrong, it would “*compromise*” his assessment of value and effects in landscape terms¹⁶² meaning effect that. As such, if the Inspector preferred the view of Mr. Handcock, Ms. Farmer and Mr. Martin on heritage, this would “*devalue*” his analysis.¹⁶³ As above, Ms. Garcia’s evidence was often mistaken and profoundly undervalued the Site and its historical associations. Mr. Mason could not possibly hope to reach the right conclusion on landscape value having used it as an input.
- c. Mr. Mason’s persistent and regrettable view throughout his evidence, and despite the mounting evidence to the contrary was apparently that the Site was a “*void.*”¹⁶⁴ His refusal to consider any sort of reasonable concession on this point underscored his wholesale misunderstanding of context.
- d. As should be obvious, the absence of a formal landscape designation does not necessarily imply that a landscape is of lower value.¹⁶⁵ AONB designations are

¹⁵⁷ Mason XX, and see (GLVIA, **CD/G1**, §5.9)¹⁵⁷ “*the history of the landscape, its historic character, the interaction between people and places through time, and the surviving features and their settings may be relevant to the LVIA baseline studies, as well as the cultural heritage topic. The evaluation needs to consider both the historic landscape characterisation and the Landscape Character Assessment. The LVIA also needs to address the fact that many historic features – archaeological remains, buildings and designated landscapes – are important in their own right as well as features of the landscape” “historic landscape characterisation is complementary to Landscape Character Assessment” (GLVIA, **CD/G1**, §5.8), “the relationship between landscape and historic matters is close” (GLVIA **CD/G1**, §5.7), under ‘Links to cultural heritage and historic landscape character’).*

¹⁵⁸ Bolger PoE, **CD/C17B1**, §7.2

¹⁵⁹ Mason XX

¹⁶⁰ Mason PoE, **CD/C16B1**, §3.3.14

¹⁶¹ Mason XX

¹⁶² Mason XX

¹⁶³ Mason XX

¹⁶⁴ Mason XX

¹⁶⁵ See also the Landscape and Visual Assessment, **CD/A4**, §2.1.6

“typically” aimed at creating contiguous parcels of land¹⁶⁶ with the effect that ‘pockets’ of value may not be added to an AONB extension if they are not contiguous with the existing AONB.

- e. In determining whether a landscape is valued, the key test is whether it is beyond the ordinary,¹⁶⁷ which does not require the landscape to be outstanding or exceptional.¹⁶⁸
- f. The Appellant had reached different and inconsistent conclusions on the level of landscape value throughout this appeal. Mr. Mason referred to the Site as “*part of lower quality land*” in chief, committed to the Site being ‘medium/high’ value in the Landscape SoCG,¹⁶⁹ but referred to the Site as having ‘medium’ value in his proof of evidence (to the extent that even Ms. Osmund-Smith incorrectly recorded the Appellant’s actual position in her opening statement¹⁷⁰). Mr. Mason accepted the way he expressed himself in his proof “*may have caused confusion*” and that he “*represented the incorrect position earlier.*”¹⁷¹
- g. The LVIA for the scheme had failed to record the fact that the Site was located within the Suffolk Coast & Heaths Additional Project Area (“**APA**”), which was a material consideration.
- h. APA status also engaged a specific policy, LP18(3)¹⁷² of the Local Plan, which had been overlooked by the Appellant, and which required the Appellant to have regard to the relevant Valued Landscape Assessment (“**VLA**”), which had not been taken into account by the LVIA.¹⁷³ Necessarily, the authors of the LVIA could not have had regard to the special qualities identified in the VLA, nor evaluated the Site’s value against them. Troublingly, analysis of this missing policy was also omitted from Mr. Burrell’s proof¹⁷⁴ and substantively from Mr. Mason’s proof as well. Ms. Bolger’s proof scrupulously assessed the Site against the special qualities of the

¹⁶⁶ Mason XX

¹⁶⁷ See the reference to *Stroud DC v SSCLG* [2015] EWHC 488 (Admin) in Mason PoE, **CD/C16B1**, §8.1.2

¹⁶⁸ Mason XX

¹⁶⁹ Landscape SoCG, **CD/C16B5**, §7.1, row 1

¹⁷⁰ Appellant’s Opening Statement, **ID1**, §11

¹⁷¹ Mason XX

¹⁷² Babergh and Mid Suffolk Joint Local Plan Part 1, **CD/E1**

¹⁷³ Maxon XX

¹⁷⁴ Burrell XX. He described this as being a mistake.

VLA (see Table 3¹⁷⁵) concluding the Site was an area “*especially valued*” by the VLA.¹⁷⁶ In light of her analysis against the relevant character assessments, Ms. Bolger highlighted that undertaking a further independent value assessment “*may be considered unnecessary*”¹⁷⁷ but in any event undertook such an assessment to ensure her analysis was compliant with the updated TGN 2/21¹⁷⁸ (which, it is noted, she co-authored¹⁷⁹).

- i. Mr. Mason accepted that the Appellant’s Statement of Case was wrong to assert that APA status “*carries no formal landscape policy weight*”¹⁸⁰ and that he was also wrong to write in his proof that “*the APA carries no formal planning status.*”¹⁸¹
- j. Mr. Mason accepted that the Council had used ‘APA status’ as a trigger to refer to the VLA in a very recent Local Plan policy which had been found sound by two Local Plan Inspectors. This was a complete reversal of the position in his proof. He agreed his suggestion that the APA status was no longer relevant or had served a function in simply determining AONB boundaries was wrong,¹⁸² rightly accepting that the VLA to which it referred was “*helpful in the same way as a Landscape Character Assessment.*”¹⁸³

77. In general terms, Mr. Mason sought to cover the LVIA’s failure to consider the VLA or the special qualities therein by simply stating that consideration of these material factors wouldn’t have made any difference. He continued that even if, contrary to his analysis, the Site were a valued Landscape, none of the relevant attributes would be harmed by the proposal. This is frankly completely implausible. Mr. Mason’s fundamental position is that the designation of the CA has not added anything to his understanding of the value of the Site and that bringing forward a solar farm there would not impact any special quality of the CA.¹⁸⁴ That is not a convincing position.

¹⁷⁵ Bolger PoE, **CD/C17B1**, Table 3 (immediately after §5.3.6).

¹⁷⁶ *Ibid*, §5.3.8

¹⁷⁷ *Ibid*, §6.1.3

¹⁷⁸ *Ibid*, §6.1.3

¹⁷⁹ *Ibid*, §1.1.3

¹⁸⁰ Appellant Statement of Case, **CD/C8**, §8.13

¹⁸¹ Mason PoE, **CD/C17B1**, §2.1.5

¹⁸² Mason XX, see Mason PoE, **CD/C16B1**, §7.3.1

¹⁸³ Mason XX

¹⁸⁴ Mason XX

Character assessments and value

78. There is repeated reference within the documents before the inquiry identifying the Site as part of a valued landscape.
79. **The Natural Beauty Assessment:** Ms. Bolger explained that the purpose of this exercise was to determine whether land within the APAs should be included within the AONB designation. Whilst some areas were designated, the area within which this particular site is found (Area ‘D3’ Shotley Peninsula Plateau) was not considered for wholesale inclusion. However, despite the general lower quality of the landscape in that region, the NBA identified particular parcels of value with which the Site is clearly associated. She explained that the likely reason that this did not result in the land around the Site being proposed as a candidate area for designation was that the relevant pocket of value was not contiguous with the existing AONB. Whilst that was a factor which inhibited designation that does not mean one should overlook the document’s clear assessment of the landscape around the Site as a valuable one.
80. The Natural Beauty Assessment (“**NBA**”) (‘Landscape quality’ section) states:
- “Around the periphery of the area though, there are three areas with significant close groupings of ancient woodlands. These are centred round Bentley Hall/Bentley Old Hall/ Bentley Manor in the north-west, Holbrook Park in the east, and the Dodnash area in the south-west, where they contribute to areas of higher landscape quality. The latter two areas are contiguous with neighbouring areas of higher landscape quality in the Samford and Freston valleys.” (emp. add.)¹⁸⁵*
81. Mr. Mason agreed that this was a passage of the NBA that identified a higher level of landscape quality around groupings of ancient woodlands, and that one of these groupings was around Bentley Hall/Bentley Old Hall/Bentley Manor, all of which were assets mentioned in the CA.¹⁸⁶ In his evidence in chief, Mr. Mason had sought to explain why the Site was not included as part of the clearly identified area in this bit of the NBA. He agreed that *“we need to look at this carefully and see which bits of the CA are referred to here and which aren’t”* but agreed that he had not engaged with this text

¹⁸⁵ Suffolk Coast and Heaths Area of Outstanding Natural Beauty Boundary Variation Project, **CD/G8**, p. 70

¹⁸⁶ Mason XX

from the NBA anywhere in his proof, had not explained why it didn't apply in his proof, nor sought to draw a distinction about the passage at all.¹⁸⁷

82. The NBA again singles out the area around the site as one of particular value (still under 'Landscape Quality'):

"In the north-west fringe of the area at the boundary with the claylands, there is a group of notable halls including Bentley Old Hall, Bentley Park, Bentley Manor and Bentley Hall with their associated church and vernacular buildings. Together with their areas of parkland, many mature trees, woods and a stretch of slightly incised valley, these form a small area of higher landscape quality due to the intactness of wooded estate features and patterns, set in the wider plateau landscape. Here the parklands appear well managed with some characteristic estate features, though some of the woodlands are not apparently under active management." (emp. add.)

83. Mr. Mason again agreed there was a reference to the designated assets which at the time he drafted his proof he knew to be included within the CA, but that he had failed to draw any sort of distinction between the area mentioned in the NBA and the Site in his proof. Any distinction between the Site and the area mentioned in the above passage was given for the first time in oral evidence. That distinction was highly tenuous given the identified parcel of land of value here is that associated with St. Mary's Church, which is adjacent to the Site and it is actually harmed by the proposal in heritage terms. Mr. Mason informed the inquiry that *"the purpose of the proof was not to identify a valued landscape."*¹⁸⁸

84. Mr. Mason eventually accepted that if the Inspector agreed that the Site was a parcel of land evidencing a historic landscape pattern which was in an area around Bentley Park or Bentley Hall then the Site would be a parcel of land the NBA considered particularly likely to have highest landscape and scenic quality.¹⁸⁹ Mr. Mason's proof had identified some areas within 'D3' where the NBA had identified value, but agreed that he had

¹⁸⁷ Mason XX

¹⁸⁸ Mason XX

¹⁸⁹ Drawing on the following passage from the NBA: *"Landscape and scenic quality are highest in areas with some topographical variation and where this combines with areas of semi-natural woodland and views of vernacular buildings, particularly in the area around Bentley Park, Bentley Hall and Bentley Manor where historic landscape patterns remain relatively intact. However, these areas are limited in extent within a wider area which overall, lacks distinction due to the intensity of modern agricultural use. Apart from the three clusters of semi-natural ancient woodland sites and the groups of listed buildings in the vicinity of Bentley, the area as a whole also lacks significant natural or cultural heritage interest."* (emp. add.) (CD/G8, p. 74).

failed to draw attention to the fact that the conclusion within the NBA was “*specifically caveated not to include groups of listed buildings in the vicinity of Bentley*”¹⁹⁰ and that to the extent the proof gave the impression there was no such caveat, the impression was wrong.¹⁹¹

85. Ms. Bolger provided a detailed evaluation of the relevant natural beauty factors referred to in the NBA as against the landscape around the Site (see Table 2¹⁹²), plainly identifying that the Site falls within the identified pocket of value within the NBA.
86. **The VLA:** the purpose of this purpose of this study is to “*articulate aspects of the landscape within the Project Area*” and “*develop knowledge and understanding about the area’s natural beauty, special qualities, landscape and cultural features which contribute to valued landscapes*” and “*provide evidence which can be used to inform responses to planning applications/appeals in the context of the National Planning Policy Framework.*”¹⁹³ That is the exercise presently being performed by this Inspector. The VLA highlights that outputs from the study “*ensure that the Project area is given due consideration*”¹⁹⁴ and requires consideration of “*the special qualities of the Shotley Peninsula beyond the AONB and proposed extension area.*”¹⁹⁵ The relevant special qualities are:

“• Hall/church complexes along with ancient woodland and rural lanes reflect patterns of the medieval landscape.

• Remnant areas of parkland and notable veteran trees throughout area impart an established character.

• Sinuuous lanes and patterns created by wavey edges to ancient woodland, rural winding lanes and old park boundaries and enclosure patterns.

• Wooded skylines defined by ancient woodlands and highly valued for biodiversity.

• Attractive open views across rural farmland to individual or clusters of vernacular buildings” (emp. add.)

¹⁹⁰ Mason XX

¹⁹¹ Mason XX

¹⁹² Bolger PoE, **CD/C17B1**, Table 2 (immediately after §5.2.6)

¹⁹³ Valued Landscape Assessment, Suffolk Coast & Heaths Additional Project Area, **CD/G9**, §1.2

¹⁹⁴ *Ibid*, §1.2

¹⁹⁵ *Ibid*, §3.2

87. The VLA tells readers that these qualities are “*particularly well expressed [...] around Bentley Hall and Church.*”¹⁹⁶ Mr. Mason’s argument was that the Site does not form part of the landscape ‘around Bentley Hall and Church.’ That is patently incorrect. There is a visual, kinetic and historical link between both heritage assets and the Site.
88. Clearly, as Ms. Bolger summarised, “*the landscape around the site is identified on numerous occasions as being within one of the areas that are especially valued,*”¹⁹⁷ explaining further that
- “Special qualities identified in the Valued Landscape Assessment which are present in the landscape around the site include the hall/church complex, the sinuous rural lanes that reflect patterns of the medieval landscape, ancient woodland and veteran trees, wooded skylines and views across rural farmland to individual or clusters of vernacular buildings.”*¹⁹⁸
89. When asked about the special qualities in the VLA Mr. Mason memorably asked “*which special qualities?*”¹⁹⁹ before confirming that he had not mentioned them in his proof of evidence or sought to distinguish the Site from the area specifically identified in the VLA.²⁰⁰
90. As such, in this case, there is (i) a LVIA which did not consider the VLA at all, (ii) a Local Plan policy (LP18(3)) which expressly states that “*development in [APAs] should conserve their special qualities*”²⁰¹ but (iii) neither the VLA nor the relevant special qualities had been addressed in detail by Mr. Mason.
91. **Landscape Appraisal of Bentley Parish for Neighbourhood Plan:** Mr. Mason’s proof told the inquiry that this document “*provides further relevant baseline context in relation to landscape character.*”²⁰² He accepted, however, that he had only mentioned the factors identified therein taken to detract from value. Materially, and in common

¹⁹⁶ *Ibid*, p. 18

¹⁹⁷ Bolger PoE, **CD/C17A1**, §12.4.3

¹⁹⁸ Bolger PoE, **CD/C17A1**, §12.4.4

¹⁹⁹ Mason XX

²⁰⁰ Mason XX

²⁰¹ Babergh and Mid Suffolk Joint Local Plan Part 1, **E1**, p. 76

²⁰² Mason PoE, **CD/C16B1**, §3.1.5

with the above assessments, the NP Appraisal stated that: *“the northern part of the Parish has a weight of evidence to support its recognition as a valued landscape”*²⁰³

92. The NP Appraisal further explained this conclusion was:

“due to its intact historic patterns of settlement, ancient woodland, remnant parkland and rural lanes. Although the topography over much of this landscape is relatively flat, scenic quality is derived from the balanced and cohesive composition of mature trees, wooded skylines, arable fields, historic vernacular buildings and lack of modern development” (emp. add.)

93. Ms. Bolger put the position succinctly, in concluding that:

“There is a consensus in all the studies that have been undertaken that the northern part of the Parish of Bentley is a valued landscape and that this includes the church (which lies immediately to the north of the site) and land to the north of the church that encompasses Bentley Hall, Bentley Park, Bentley Old Hall and Bentley Manor. The ancient woodlands are also an integral part of the landscape value, and this includes Engry Wood which forms the western boundary to the site.”

94. In fairness, she accepted that the assessment did not expressly confirm where ‘the northern part of the Parish of Bentley’ began. However, she provided clear and robust reasoning to explain why the Site is within that parcel of value:

*“I consider that Potash Lane is the only reasonable boundary that would encompass both Church Road and Engry Wood. Potash Lane is itself an historic, sinuous rural lane containing vernacular buildings and recently identified as the likely alignment of the Hundred Way, a route of probable Saxon origin. When I prepared the Planning Application Review in 2024, I concluded that the valued landscape identified in these assessments stretched as far south as Potash Lane. I consider that the robustness of my conclusion has been confirmed by the decision that the southern boundary of the Bentley CA should be Potash Lane.”*²⁰⁴

95. Once again, Mr. Mason’s argument was apparently that the NP Appraisal referred to a different parcel of land in the north of the parish that has a historic pattern of settlement, ancient woodland and rural lanes. Particularly in light of the foregoing assessments it

²⁰³ Bentley Neighbourhood Plan Landscape Appraisal, CD/G7, §4.7.2

²⁰⁴ Bolger PoE, CD/C17B1, §12.4.7

was an unpersuasive assessment. It was not one which he had mentioned at all in his proof.

96. Viewed objectively, all three of the above assessments make specific reference to the Site being of particular value. Mr. Mason had not engaged with any of them in writing and mounted various attempts at distinguishing the Site which were wholly unconvincing.

Independent assessments

97. Ms. Bolger provides a detailed assessment of the value of the Site and its immediate landscape which is summarised within Table 4 to her proof of evidence.²⁰⁵ Materially, her conclusion, independently of the above landscape character assessments, is that the value of the immediate landscape in which the Site is located is high.²⁰⁶ As she explained to the inquiry, it is a conclusion which is consistent with the assessment of Ms. Farmer and aligns with the above assessments. The following features are of particular relevance:

- a. Within the ‘cultural heritage’ category, Ms. Bolger recognises ‘high value,’ providing the following justification

“The Church/Hall complex, the distribution of woodland, the still discernible dispersed settlement pattern, and vernacular farm complexes indicated significant cultural heritage interest.

These landscape features are knitted together by the sinuous rural lanes, and the fossilised pattern of historic routes that can be found in the PRow network.

Conservation Area designation”

- b. Within ‘associations’ she recognises that *“Bentley was the original home of the Tollemache family”* further explaining in the ‘distinctiveness’ category (‘high

²⁰⁵ Bolger PoE, CD/C17B1, Table 4.

²⁰⁶ Bolger PoE, CD/C17B1, §6.2.3.

value’) that *“The Bentley Church/Hall complex is distinctive as is the grouping of ancient woodlands.*

- c. As to the ‘recreational’ factor, Ms. Bolger again affords the Site ‘high value’ recognising the *“Dense network of PRow which connect the different parts of the Parish and link to the wider countryside. Their character is enhanced due to their historic origins.”*

98. As to Mr. Mason’s assessment against the GLVIA ‘Box 5.1’ criteria:²⁰⁷

- a. The assessment of landscape quality was premised on hedgerow decline, which, as above, is no longer a credible position.
- b. The assessment of ‘rarity’ included reference to the CAAMP, but somehow included a conclusion that the assessment in that document as to the recognition of the relevant structure of field and woodland shapes *“could in my opinion be done almost anywhere.”* Again, in light of the detailed assessment within the CAAMP, and the above mentioned special qualities it is difficult to see how this conclusion can possibly be sustained.
- c. In the ‘rarity’ section, Mr. Mason opined that *“landscapes with a tangible historic framework undoubtedly have some value, but they are not rare.”* This attempt to downplay the recognition of the obviously unusual collection of features resulting in the designation of the CA was, at best, unrealistic. He stated further that *“the features are relatively commonplace”*²⁰⁸ which again simply flies in the face of the fact of the designation of the CA and the content of the CAAMP.
- d. Mr. Mason had applied a ‘uniqueness’ criteria within the ‘rarity’ box, which he accepted was not the criteria which he should have been analysing (which was rarity). He accepted he had in fact applied a much higher threshold than rarity, and also a much higher threshold than required by the ‘Ouseley criteria’ discussed above.

²⁰⁷ Mason PoE, Appendix JM1, **CD/C16B2**

²⁰⁸ Mason XX

- e. He had recognised “*a number of notable heritage buildings*” which had formed “*a recognisable assemblage*” but had failed to record that this ‘assemblage’ (as indeed their association with the surrounding lands as part of a manorial landscape) had contributed to the designation of the CA.
 - f. There was no recognition anywhere in JM1 that the Site is within the CA or itself part of a heritage asset.
 - g. Mr. Mason however agreed that if the Inspector disagreed with his conclusions as to the historical significance of the Site then it would attract more support from the rarity criteria, and that this would also result in greater value being attributed in the ‘distinctiveness’ category and the ‘perceptual qualities and ‘associations’ criteria.
 - h. As above, Mr. Mason’s suggestion that the Site is part of a landscape which could be “*typical [...] of Suffolk more generally and many parts of lowland England*” to overlook what should have been obvious from reading the CAAMP.
99. Mr. Mason agreed that if the Inspector agreed with the Council and R6 party about the historical role of this landscape, then that was a factor in favour of considering the Site is part of a valued landscape.²⁰⁹
100. As to Mr. Mason’s comparison of landscape value assessments in Appendix JM2 (as against the assessment of Ms. Bolger):²¹⁰
- a. Many of the errors on undervaluing the Site as above are repeated.
 - b. Mr. Mason had not mentioned the CA at all, other than one reference to the CAAMP in the ‘cultural heritage’ section, introduced to suggest the Site ‘could be almost anywhere.’ He agreed that if he had failed to appreciate the historic context of the Site it would have been an approach contrary to the guidance within GLVIA on reading heritage and landscape value together. Plainly, he had engaged in this error.

²⁰⁹ Mason XX

²¹⁰ Mason PoE, Appendix JM2, **CD/C16B2**

- c. The CAAMP clearly confirmed that the area’s special interest was derived from ancient manorial structure and its association with the Tollemache family. Against that background, the suggestion that ‘associations’ “*adds little*” as he had suggested in his table was completely untenable. On reflection he changed his answer to “*adds something*” in oral evidence, but his total undervaluation of the history of the Site and surrounding area could not have been clearer.
 - d. Mr. Mason had also failed to factor in the historic dimension of landscape within the ‘distinctiveness’ criteria. He had again suggested that the Site was one typical of Suffolk generally. He accepted however that it was not typical for there to be a concentration of heritage assets with an interrelationship with the landscape, nor for there to be an association with historical figures. The analysis in his table was plainly wrong and Mr. Mason did not challenge the evidence of Mr. Martin that the local landscape was a “*remarkable survival.*”²¹¹
101. Plainly, Ms. Bolger had taken into account the vast amount of evidence demonstrating the legible history of the site. Her assessment is plainly to be preferred to that of Mr. Mason, and her clear conclusion (in agreement with Ms. Farmer) is that this is a valued landscape. In light of the above, any argument to the contrary is untenable.

Mitigation

102. The general position on hedgerows and field boundaries is set out above and not repeated. A few particular points discussed with Mr. Mason are highlighted:
- a. Mr. Mason’s apparent view was that there was a “*void of knowledge*” as to the former hedgerows on the Site. He did not disagree with Mr. Martin’s evidence,²¹² although mischaracterised it as only ‘hinting’ that the site was formerly open.
 - b. On the 1945 material, Mason accepted there was “*precious little evidence of wooded hedgerows*” and that the boundaries which were in place within that photograph were “*not marked by substantial hedges*” but by “*half a dozen*

²¹¹ Martin PoE, CD/C18C, p. 8

²¹² Mason XX

trees.”²¹³ As to the Hansard passages appended to his Rebuttal Proof, Mr. Mason eventually accepted these were “*not about hedgerow removal*”²¹⁴ and “*did not prove hedgerow removal in any way*.”²¹⁵

- c. Mr. Mason agreed that if the Inspector found there had not been substantial hedgerow loss then this would mean that the site had not been ‘degraded’ to the extent he claimed in his proof and appendices, which would elevate value.

103. As to the proposed hedgerow planting:

- a. A comparison of the claimed historic hedgerows and the proposed hedgerow planting is set out in Mr. Mason’s proof.²¹⁶
- b. Not all of the original claimed boundaries are proposed to be reinstated and the proposed boundaries would create significantly more divisions of parcels of land on the Site than previously.
- c. In particular it is proposed that there be six additional sub-parcels within the Site which are agreed to be significantly smaller than the parcels within the ‘historic hedge layout.’²¹⁷ These are proposed to provide setback and buffering from the proposed development rather than to recreate any sort of historic feature.
- d. Mr. Mason had referred in his proof to “*beneficial scale changes*” but it is difficult to see how that was borne out in the proposed planting. It created more boundaries in the Site, removed some claimed historic boundaries, and instituted a totally different field pattern.
- e. Rightly, Mr. Mason explained that the proposed planting was “*not intended to be a faithful replication*” of former historic structure²¹⁸ and the planting was “*not an attempt at faithful restoration*.”²¹⁹

²¹³ Mason XX (R6)

²¹⁴ Mason XX (R6)

²¹⁵ Mason XX (R6)

²¹⁶ Mason PoE, **CD/C16B1**, p.13

²¹⁷ Mason XX

²¹⁸ Mason XX

²¹⁹ Mason EiC

- f. Even on the assumption that there had been a substantial historic pattern of hedgerows, that pattern would not be returned by the proposed planting.
- g. Further, the claimed purpose of the proposed historic hedgerow return was to return a sense of history at the Site. Mr. Mason accepted however, that any hedgerow pattern visible would be stationed against large scale solar panels. Plainly that would undermine any sense of history or benefit which could be claimed from this mitigation even were it to be historically faithful (which it isn't, and which it apparently isn't even attempting to be).

Landscape-led

104. Any suggestion the scheme is landscape-led is unsupported by evidence. The CA was designated after the application plans were finalised and they have not changed substantively. The approach to this scheme has not responded to any of the important historical landscape matters set out in the CAAMP. As above, the proposed hedgerow layout includes the introduction of six new sub parcels within the Site to accommodate mitigation for the proposed development notwithstanding a claim that there would be a historic restoral of hedgerows. This proposal has not been sensitively designed with the landscape in mind.

Effects

105. The proposal is a large-scale intervention in a landscape which has changed so little, and where the absence of modern intervention is one of the key reasons why historic character has been so legibly preserved. As Ms. Bolger explained, the *“the existing valued character of the site and its immediate landscape is drawn from the frequency and persistence of historic features within the landscape and the lack of modern development.”*²²⁰ The proposal would cause clear and obvious harm to these heritage features because, in Ms. Bolger’s words:

“the sense of a ‘rural backwater’ where the historic persistence of routes, ancient woodland and historic buildings has maintained its character, the

²²⁰ Hancock, CD/C17B1, §7.2.1

landscape will be characterised by 21st century utilitarian structures which will be incongruous and harmful to the current character."²²¹

106. Mr. Mason's controversial position was that the proposal may result in an improvement in landscape character at the Site.²²² It is not a position which can be understood by anyone who has read and understood the relevant landscape character assessments, or emphasis on the importance of historic landscape within the CAAMP. As with heritage impact, the scheme would introduce an obvious and incongruous modern feature into an open agricultural landscape which has essentially been the same for over 800 years. This would plainly cause a total change in character as explained by Ms. Bolger²²³ and Mr. Farmer.²²⁴
107. The scheme would give rise to visual harm which would be evident from seven key views within the CAAMP (as above).²²⁵ As to whether the cumulative effect of that impact would result in a change to the visual kinetic experience of walking through the Parish, Mr. Mason accepted the Inspector could take a view informed by her Site visit. In looking to the viewpoints which were across the Site, Mr. Mason appeared to wish to state that these were not 'heritage views,' tellingly, and symptomatic of the wider shortcomings of his evidence, he accepted that he had failed to consider that those views were in fact views across a heritage asset.

MAIN ISSUE 3: PLANNING

108. The scheme results in a host of conflicts with local and national policy concerning landscape and the historic environment. The Appellant has also fundamentally failed to engage with the requirement for an appropriate alternative sites assessment ("ASA"). The weight afforded to the delivery of this scheme must also be understood in light of the now acknowledged absence of a grid connection, the strongly delivering existing pipeline for solar schemes, and the apparent absence of substantive grid capacity for additional solar development. The extensive policy and real-world harm that the

²²¹ Hancock, CD/C17B1, §7.2.1

²²² Mason XX

²²³ Bolger PoE, CD/C17B1, §12.6.1

²²⁴ Farmer PoE, CD/C18B1, §185

²²⁵ Bolger PoE, CD/C17B1, §§12.7.1-12.7.5

scheme would cause is not outweighed by the significant weight afforded to the benefits of renewables.

Grid Connection Offer

109. Recent major reforms have been enacted to the ‘grid connection’ process for solar schemes. This reflected the view - expressed by Energy Secretary Ed Miliband - that the previous ‘first come first served’ system was “*broken.*” The new system is designed to “*clean up the queue*”²²⁶ and avoid ‘zombie projects’ blocking the delivery of ‘real’ developments.²²⁷ The new system, administered by the National Energy System Operator (“**NESO**”) is operated on a ‘first ready, first connected’ basis²²⁸ which Mr. Stroud explained would make it “*significantly easier to achieve a grid connection for projects which have been planned for.*”²²⁹
110. This is a step change in the approach to grid connections, where readiness is assessed using a gate system. Projects which have secured land rights or obtained planning permission will achieve ‘gate 2’ status and a place in the connection pipeline, whilst projects which do not meet the ‘readiness’ criteria will be allocated to ‘gate 1,’ which is an indication that the project is not yet ready or not needed and therefore “*not prioritised.*”²³⁰ There are two ‘phases’ within Gate 2 itself, phase 1 is for projects which will come forward pre-2030, and phase 2 concerns those projects set to come forward pre-2035. As explained in an update from NESO of December 2025:

“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).”*²³¹

²²⁶ Stroud PoE, **CD/C17A1**, Appendix A

²²⁷ **ID22**, §2.1

²²⁸ **ID22**, §2.22

²²⁹ Stroud PoE, **CD/C17A1**, §3.5

²³⁰ Stroud Rebuttal, Appendix A. **CD/C35B**, Table at bottom of p. 1

²³¹ Stroud Rebuttal, Appendix A, **CD/C35B**, bullet points at end of document.

111. The Appellant had previously obtained a connection date of 1 March 2028 as set out in a letter from the UK Power Network.²³² As explained by Mr. Stroud, this letter can now be put to one side (Mr Burrell agreed “*it’s gone*” and is not a material document²³³). It is an expression of the old system, and the date therein no longer has any bearing on the instant grid connection timeline. On 9 December 2025, the Appellant received notification that they had been allocated ‘grade 1’ status. It is agreed that as a result “*the existing contracted connection offer is removed, including any queue position.*”²³⁴
112. The development is a project where the user submitted an application on or before 20 December 2024. This means that if it subsequently obtained planning permission, the Appellant could apply for a connection “*in the next round of Gate 2 submissions (alongside any new or existing applicants) which are held every 6 months and each window will open no earlier than Q2 2026*”²³⁵ under what is known as ‘protection Clause 3a.’
113. Mr. Burrell accepted that if planning permission were not granted before April 2026, the Appellant would have to wait a further 6 months before the next 6-week application window opened.²³⁶ Protection Clause 3a does not assure the Appellant of any priority within the connection queue, but simply confers a right to apply in ‘the next round’ of applications in gate 2, as is agreed:

*“the protection clauses in the Gate 2 Criteria Methodology. Contain no assurance on dates; in other words they protect a customer’s place in the delivery pipeline but not their connection date”*²³⁷

114. In fact, as Mr. Burrell agreed, the position is ‘slightly worse than that’ because the project would necessarily go to the back of the queue pipeline whenever gate 2 status was conferred, as confirmed by the NESO FAQ document (Answer 42):

“Where projects are successful in applying for a G2 agreement in the first 434 window, whether protected or not, they would go to the back of the

²³² Letter from UKPN, CD/C13

²³³ Burrell XX

²³⁴ ID22, §3.3, and see CD/D37, Q&A no.6

²³⁵ ID22, §4.3

²³⁶ Burrell XX

²³⁷ ID22, §4.5

new connections pipeline that was formed via the G2TWQ (CMP435) process. This will be the standard approach for future 434 windows”²³⁸

115. Mr. Burrell accepted that the Appellant might not be in a position to make an application to join gate 2 this year in the event permission were granted, and that other ‘Clause 3a’ schemes might join the connection pipeline ahead of the Appellant doing so. The scheme would not necessarily be joining the back of the present queue, which might be even longer by the time the Appellant makes an application. As the Rule 6 party pointed out there was in addition a lack of clarity as to whether the Appellant would require further consents to drill under the railway in this case. This at the very least has the potential to further delay the project. The absence of evidence from the Appellant on this issue was telling.
116. As to the suggestion raised by the Appellant that some projects might drop out of the existing ‘gate 2’ pipeline, NESO is the relevant regulator entrusted to categorise the readiness of solar projects and has undertaken that categorisation exercise very recently. There is little basis to doubt their assessment.
117. Accordingly, Mr. Burrell stated in chief that his best estimate was that the project would be ‘pre-2035’, although he had earlier indicated that it could be deployed pre-2030. On reflection, he agreed there was no evidence to suggest that the project would be delivered before 2030 and stated *“I don’t think it’s right to report that it can”* although he claimed it was ‘theoretically’ possible.²³⁹
118. Importantly, Mr. Burrell confirmed that the Appellant had been notified of its ‘gate 1’ status on 9 December 2025, and that Mr. Stroud had accurately set out the position on grid reform in his rebuttal proof. These are not new matters which arose during the course of the inquiry. This raises questions about the way in which the Appellant has put their case throughout the appeal process:
- a. In his Proof, Mr. Burrell recognised the ‘gate 1’ status²⁴⁰ of the development but appeared to suggest that the scheme still benefitted from an existing grid connection: *“the availability of a grid connection offer for the solar farm is*

²³⁸ NESO Queue Formation FAQs, **CD/D37**, entry 42

²³⁹ Burrell XX, see also **ID22**, §4.7

²⁴⁰ Burrell PoE, **CD/16A1**, §8.10

*therefore a significant benefit*²⁴¹ (see also reference to *“with a grid connection offer”*²⁴²). A similar position arose in the Appellant’s opening which also stated that the Appellant’s previous grid offer *“stands if planning permission is granted.”*²⁴³ As above, there is no outstanding offer.

- b. The Appellant’s Opening Statement appeared to suggest that the proposal could be connected by March 2028 if permission was granted.²⁴⁴ This was not even reflected in the written evidence. Importantly, as above, by the time Mr. Burrell was cross examined, he had adopted the ‘pre-2035’ position, with pre-2030 delivery appearing only a ‘theoretical possibility.’ The Appellant’s position on the delivery date of the scheme had potentially slipped by seven years in under a month since the inquiry opened.

119. Mr. Burrell’s assertion that moderate weight can be afforded to ‘grid connection availability’ due to *“the advanced stage of the grid connection process”* is contrary to the evidential position discussed above.²⁴⁵ As Mr. Stroud explained (in the event it were appropriate to treat this issue as an itemised potential benefit, on which more below): *“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.”*²⁴⁶

120. Further, as Mr. Stroud explained²⁴⁷, the refusal of this scheme would in no way frustrate or undermine national objectives in support of renewable energy. Figures from NESO explain that there are currently 29.9GW of solar schemes within phase 1 of Gate 2, and 29.1GW of schemes within phase 2 of Gate 2. The Government’s Clean Power 2030 Action Plan identifies an ambition of 45-47GW of solar power by 2030,²⁴⁸ and official statistics reveal that UK solar deployment reached 21GW by November 2025,²⁴⁹

²⁴¹ Burrell PoE, **CD/16A1**, §11.35

²⁴² Burrell PoE, **CD/16A1**, §9.39

²⁴³ Appellant’s Opening Statement, **ID1**, §35

²⁴⁴ *Ibid*, §35

²⁴⁵ Burrell PoE, **CD/C16A1**, §11.37

²⁴⁶ Stroud Rebuttal, **CD/C35A**, §2.6

²⁴⁷ Stroud Rebuttal, **CD/C35A**, §2.13

²⁴⁸ Clean Power Action Plan, **CD/D20**

²⁴⁹ Stroud Rebuttal, Appendix B, **CD/C35B**

meaning that there is presently 24-26GW to be delivered by 2030, which is exceeded by the supply presently within just phase 1 of Gate 2.

121. This is also supported by the analysis within Mr. Poole's proof,²⁵⁰ which highlights there appears to be very little capacity to accommodate further solar schemes even in 2035.²⁵¹ As above, Mr. Burrell's response to this was effectively to suggest that the supply presently acknowledged within Gate 1 was not certain, but he produced no evidence to doubt it. As to the suggestion that the relevant targets were a floor and not a ceiling, that cannot be reconciled with the data from Mr. Poole that there is little if any capacity to accommodate any further solar schemes to 2035 on the present level of supply.
122. It follows, as contended by Mr. Stroud that the weight that may be afforded to this dimension of the benefit of solar delivery must be significantly reduced. On any analysis Mr. Burrell's attribution of moderate weight is incorrect given the proposal has not yet even joined the queue for a grid connection and is not, on the NESO figures necessary for the government to meet its supply requirements.

Alternative Sites Assessment

123. Policy LP25 was accepted to be the Local Authority's flagship policy on renewable energy. On any analysis, this up to date and recently adopted policy requires an ASA to be carried out in the present circumstances:

“Where proposals for renewable and low carbon energy impact on nature conservation sites³⁷, the Areas of Outstanding Natural Beauty, or the setting of heritage assets (including conservation areas), the applicant must be able to convincingly demonstrate that potential harm resultant from development can be effectively mitigated and that there are no alternative sites available within the District or for community initiatives within the area which it is intended to serve. This includes providing underground power lines and cabling.”²⁵²

124. Mr. Burrell conceded that he had misunderstood the text of the policy in asserting that it did not require the Appellant to “*convincingly demonstrate*” that there were no other

²⁵⁰ Poole Rebuttal, CD/C37, §3.4

²⁵¹ *Ibid*, See ‘capacity’ diagram p. 7

²⁵² Babergh and Mid Suffolk Joint Local Plan Part 1, CD/E1, p. 91

alternative Sites available within the District. The Appellant's now abandoned attempts to suggest otherwise represented a clear misreading of the words of the policy.

125. The Appellant's other attempts to distance itself from the policy were also unconvincing. Mr. Burrell attempted an argument that the policy was out of date or inconsistent with the NPPF and/or policy EN-1. That is obviously not so:

a. An appellant sought to run such an argument about the same policy in the Woodlands Farm appeal, and it was roundly rejected by Inspector Woolcock at paragraph 35:

*"The appellant contends that JLP Policy LP25 is out of date because of EN-1, and so paragraph 11 (d) of the NPPF applies. I disagree. JLP Policy LP25 and EN-1 require a balancing of harmful impacts against the need for renewable energy generation. EN-1 does not rule out an alternative site assessment."*²⁵³

a. Since that appeal decision, the relevant policy wording within EN-1 has not changed, nor has relevant national policy within the NPPF. Mr. Burrell accepted that the NPPF "does not preclude" an ASA but then dramatically claimed that the framework was "not fit for purpose" on renewable energy schemes.²⁵⁴ Plainly that conclusion is at odds with Inspector Woolcock's approach and the policy position of the government. It is also contrary to any basic understanding of how development plan policy is to be developed and tailored to local circumstances in accordance with a plan led system. The failure to appreciate this on the part of the Appellant was stark and fundamental in nature.

b. Two examining inspectors found that the policy was consistent with the NPPF and in fact promoted policy LP25, recommending the inclusion of the phrase 'convincingly demonstrate' in relation to the ASA.²⁵⁵ The policy is therefore part of a newly adopted development plan found sound when assessed against materially the same policy context as exists now. An ASA in accordance with LP25 is therefore a legal as well as a policy requirement, applying s.38(6) of the PCPA 2004.

²⁵³ Woodlands Farm Appeal Decision, **CD/H1**, §35

²⁵⁴ Burrell XX

²⁵⁵ See The Report on the Examination of the Babergh and Mid Suffolk Joint Local Plan, **CD/H10**, §29

- c. Given the up-to-date policy requirement in the development plan for alternative sites to be considered where, as here, there is an impact on designated heritage assets, reliance on the Save Stonehenge case²⁵⁶ is of no assistance to the inquiry. It is of course well established that - even in the absence of a policy requirement - where there are clear objections to development it may in fact be not only relevant but necessary to consider alternative sites.²⁵⁷ It is likely that in this case given the circumstances even if a specific and recently adopted development plan policy did not exist alternative sites would be a material consideration. But that is of no relevance here where there is a specific policy requirement to undertake a district wide assessment for alternative sites. The absence of that exercise and the consequent absence of required evidence to inform a balance has meant there is a clear conflict with policy. The Appellant is in no position to allege there are no alternative sites available or speculate about whether or at what stage such sites may be in terms of development. It has failed to comply with the basic requirements of policy – a point with which Stonehenge cannot assist it.
- d. As a result, Mr. Burrell accepted that the position he was asking this Inspector to take was starkly different to that of up-to-date national policy, the two Inspectors who examined the plan, and to the conclusion reached by Inspector Woolcock in relation to the newly adopted policy. Mr. Stroud’s analysis as to the propriety of the policy requirement in LP25(3) is by contrast correct. He had correctly read and understood the text of the policy and his approach is consistent with multiple Inspector’s decisions from which there is no sensible basis to depart.

126. Nevertheless, the Appellant did undertake a purported ASA, with Mr. Burrell acknowledging that this was a requirement of the Local Plan²⁵⁸ and considering that it was “*right in the light of the CA designation that an alternative sites assessment had to take it into account.*”²⁵⁹

²⁵⁶ Which the Council understands the Appellant intends to make by reference to paragraph 270 of Stonehenge

²⁵⁷ As set out in the Stonehenge case at paragraph 269 by reference to the Trusthouse Forte case

²⁵⁸ Burrell XX

²⁵⁹ Burrell XX

127. The scope of the Appellant’s updated ASA was contentious from the outset. A proposed scope was provided to the Council in November 2025²⁶⁰ and the Council provided a response on 12 November 2025.²⁶¹ Among other things, that response highlighted the requirement in policy was to conduct a search “*within the District*” rather than by reference to a single point of connection. The Appellant’s response to this issue on 19 November 2025 stated that “*the point still stands that the Appellant has an available and deliverable grid connection and grid offer*”²⁶² and referred the Council to the Badley Appeal decision. Of course:
- a. As things now stand, that purported justification for failing to undertake a district wide ASA no longer applies because the Appellant no longer has an existing grid offer. The fundamental basis for the Appellant’s offered excuse (even assuming it had any logic – which it did not) for non-compliance with the policy has been removed.
 - b. Similarly, the decision in Badley was reached by the Inspector under the ‘old’ grid and ‘broken’ grid connection system in which the relevant appellant was the only person able to get a grid connection within 10 years. Mr. Burrell agreed that “*things have changed*” since that decision.²⁶³ As, Mr. Stroud explained, the position on that appeal was that the proposed solar farm ‘was the only show in town’ which is patently no longer the case under the new grid connection system. Indeed, it appears there are numerous projects ahead of this proposal.
128. When pushed on this point, the Appellant’s planning team told the Council that due to the “*tight timescales required*”²⁶⁴ no wider ASA assessment would be undertaken. Mr. Stroud reasonably told the inquiry that his inference was that the Appellant was simply running out of time, and had the appeal been made sooner a compliant ASA could have been attempted. Whatever the thinking it provided no logical or rational basis upon which the Appellant could depart from the clear policy requirement in LP25.

²⁶⁰ Updated ASA, CD/C24, Appendix 1

²⁶¹ *Ibid*, Appendix 2

²⁶² *Ibid*, Appendix 3

²⁶³ Burrell XX

²⁶⁴ ID21, email of 3 December at 18.50

129. The result, Mr. Burrell accepted, was that if a district wide search was required, then the Appellant could not have complied with policy LP25(3). Accordingly, the Appellant had not looked beyond the narrow search area which it did survey and was not in a position to advise whether or not there were suitable alternative sites within the district. As Mr. Stroud put it, the Appellant had tried to reframe the policy rather than comply with it.²⁶⁵ There is, as a result, a fundamental conflict with this policy and an absence of evidence to safely conclude less harmful sites do not exist. There has been no demonstration at all, let alone any convincing demonstration from the Appellant as required by policy that harm can be effectively mitigated or that no alternative sites are available.
130. The methodological failings of the ASA are set out in detail in Mr. Stroud’s proof.²⁶⁶ The following are worth highlighting in addition to the above:
- a. The ASA purported to rule out land deemed to be of a higher environmental value, but stated that it was not “*proportionate or realistic*” to sift sites on the basis of their heritage status.²⁶⁷ As Mr. Stroud explains: “*This is illogical: a fundamental reason a refreshed ASA exercise is required is that circumstances have changed (Conservation Area designation), and the method of shortlisting must be capable of responding to that change rather than insulating the shortlisting process from it.*”²⁶⁸
 - b. The ASA continues to screen out land for possible alternatives on the basis that such land is shown as Grade 1 and Grade 2 BMV land, but relies on intrusive survey information undertaken at the appeal site to justify retaining the Site, notwithstanding that the relevant mapping shows it contains Grade 2 land. In short, the Site is retained despite containing Grade 2 BMV land whilst other sites are sifted on this basis. Mr. Stroud explained to the inquiry that this does “*not appear fair or even handed*”²⁶⁹ on the basis that no such intrusive work was carried out on any other sites.

²⁶⁵ Stroud EiC

²⁶⁶ Stroud PoE, CD/C17A1, §5.25

²⁶⁷ Updated ASA, CD/C24, §5.2

²⁶⁸ Stroud PoE, CD/C17A1, §5.25

²⁶⁹ Stroud EiC

- c. Viewed in the above context, the ASA appears determined to adopt a contrived methodology to promote the Site in question: its status within the CA has not been applied as a relevant sift tool, and the inclusion of Grade 2 land has resulted in other Sites (but not this one) being removed as alternatives. Clearly, were a proper sift to have been undertaken the Site itself would not have been included as a reasonable location for the proposed development.
131. Finally, the ASA process, limited and flawed as it is, does actually generate reasonable alternatives to the Site, thus further highlighting the inappropriateness of this site being selected. Ms. Bolger explains in her proof²⁷⁰ that Site ‘C1’ is preferable and that Site ‘C2’ is equivalent. Similarly, from a heritage standpoint, Mr. Handcock agreed ‘C1’ was preferable (the Appellant agrees ‘C1’ is preferable in heritage terms) and ‘C2’ has advantages over the Site. The Appellant seeks to discount these alternative sites due to access issues, however, Mr. Stroud explained these were “*not insurmountable challenges to development proceeding*”²⁷¹ and the Local Highway Authority have written to the Council setting out that they have no in-principle concerns over the shortlisted sites.²⁷²
132. Taken together, the above matters evidence a clear breach of policy LP25(3), the key renewables policy before the inquiry: there has been no District wide search for alternatives, the ASA itself is deeply methodologically flawed, and the outcome of even the flawed ASA process generates preferable alternatives for the scheme.

Benefits

133. A table of the parties’ competing position on public benefits is set out in the Planning Statement of Common Ground.²⁷³ The following points are made in respect of the points on which the parties differ.
134. The Appellant has pursued an itemised approach to the renewable energy benefits of the scheme, purporting to count such benefits in four different categories. This is,

²⁷⁰ Bolger PoE, **CD/C17B1**, §12.9.1

²⁷¹ Stroud PoE, **CD/C17A1**, §5.29

²⁷² Stroud PoE, Appendix E, **CD/C17A2**

²⁷³ Pl SoCG, **CD/C12**, p.29

effectively, attempted quadruple counting. The correct approach is that this is a single benefit which should be afforded significant weight. This was clarified very recently by the Secretary of State in an application concerning solar development at Bottesford, in which he explained:

“The Secretary of State notes that the Inspector has given separate weight to the proposal’s early contribution to generation from renewable sources (IR12.6-12.8) and energy security (IR12.9). However, taking into account paragraph 168(a) of the Framework, which states that significant weight should be given to ‘the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future’, she considers that these matters both fall under ‘benefits associated with renewable and low carbon energy generation’, and in line with paragraph 168(a) should collectively carry significant weight.”²⁷⁴

135. The key points as to weight arising from ‘grid connection availability’ are set out above. In respect of the claim that the development would contribute to local need for energy within the district, Mr. Stroud explained (and it is in any event obvious) that the supply from the scheme would not be directed to this local authority itself, and of course, the grid substation for the scheme is not in Babergh but in Ipswich. Mr. Stroud’s approach in affording significant weight to the generation of renewable energy in a single category is consistent with the NPPF and the Secretary of State’s approach above.
136. As to BNG, the approach adopted by Mr. Stroud in affording moderate weight is consistent with the Inspector’s approach in the Woodlands Farm Appeal (where there was a gain of 192% as against a gain of around 100% in the instant case). Mr. Burrell had not had regard to that decision, and there are no justified reasons to depart from the assessment within the Woodlands Farm appeal.
137. As to the claimed ‘creation of a lasting, positive landscape legacy,’ this is not a matter which can be afforded any weight in light of the assessment of Ms. Bolger which explains that the valued landscape character of the area would not be protected by the scheme (even taking into account the effect of mitigation), and that there will be no positive landscape enhancement arising from the scheme. In fact, as explained in detail above, the longstanding historic qualities of the landscape would be lost by the proposal and in such circumstances weight cannot be afforded to this proposed benefit.

²⁷⁴ Bottesford Road Appeal Decision, CD/H9, §12

138. Notwithstanding these clarifications, Mr. Stroud rightly recognised that the public benefits of the appeal are significantly weighty overall. The Council recognised this from the outset of the appeal.²⁷⁵

Heritage balance

139. Mr. Stroud explained that “*the evidence is overwhelming that there is a significant level of heritage harm.*”²⁷⁶ As above, the harm to each of the affected designated heritage assets engages a strong presumption that permission should be refused, and each harm identified attracts considerable importance and weight.

140. In this case, Mr. Stroud did not consider that striking the heritage balance was a ‘close call’ and found that conducting the paragraph 215 balance would clearly militate against permission being granted for the scheme. In fact, Mr. Stroud explained that even if Mr. Burrell’s approach to the weighting of benefits were adopted, he would still consider that the balance would fall against the approval of the scheme.

141. That is an eminently justified position in recognition of the repeated and strong national policy presumption against permitting harm to an extensive number of heritage assets, and it is a position reached in full knowledge of the benefits of the scheme. As set out in opening, it is not the case that renewable energy benefits are a trump card which carries the day in every case, and that is particularly so in a case like this. Indeed, no solar scheme has ever been permitted in such circumstances. It would plainly not be in the public interest for such consents to be granted.

Local and national policy

142. **On heritage:** On the basis of the above heritage assessment, the appeal decision is contrary to policies BEN11, BEN12, SP09, LP19, LP24²⁷⁷ and LP25 (and therefore SP03) of the development plan, and fails to accord with the development plan for this

²⁷⁵ ID2, §1

²⁷⁶ Stroud EiC

²⁷⁷ Mr. Stroud explained that policy LP24 ‘bites’ in this case due to the designation of the CA, given the policy requires development to positively respond to its context and respond to and safeguard existing character/context.

reason alone. It fails the paragraph 215 test and is contrary to the policies of the NPPF representing a strong reason for refusal.

143. **On landscape:** As set out above, Ms. Bolger demonstrates that the appeal site is within a Valued Landscape. As such, as well as being afforded the basic protection inherent in the recognition of the intrinsic character and beauty of the countryside provided by local plan policy and paragraph 187(b) of the NNPF, there is an enhanced level of protection by virtue of policy LP18 read against paragraph 187(a) NPPF. That policy states that planning decisions should protect and enhance valued landscape in a manner commensurate with their identified quality in the development plan. Mr. Burrell accepted that he had failed to deal with limb 3 of LP18 (i.e. that concerning value within APAs) entirely within his proof of evidence.²⁷⁸
144. The qualities identified by Ms. Bolger are consistent with those set out in the VLA and NBA and indeed in the NP appraisal. Ms. Bolger's clear evidence was that the proposal would, due to its unsympathetic character and visual impact result in conflict with both national and local policy. As Mr. Stroud put it, *"it would erode the character of a well-preserved landscape that has remained largely unaltered and free from modern development. It would introduce an abrupt, alien and jarring form of development into a valued historic landscape."*²⁷⁹
145. In addition, policies BEN3, BEN7, LP17 and LP25 collectively recognise the intrinsic character and beauty of the countryside. Policy SP09 requires the conservation, enhancement and management of the natural and local environment, including the landscape. The development would cause conflict with those policies and to policy LP18 as set out above. These harms fall to be afforded significant weight in the overall planning balance given the magnitude of the adverse effects identified and in light of the enhanced status and quality of the landscape affected.

Balance

²⁷⁸ Burrell XX

²⁷⁹ Stroud PoE, CD/C17A1, §5.22

146. There is a statutory presumption in favour of the development plan and in keeping designated heritage assets from harm. Both factors militate strongly against the grant of permission. On the basis of the above extensive harms to both heritage and landscape matters, the appeal scheme is plainly contrary to the development plan as a whole and as such the direction of the plan is to refuse permission. That conclusion is reached in recognition of the weighty benefits of the scheme, and Mr. Stroud's clear evidence was that even were the Appellant's case on benefits to be adopted that would not outweigh the very serious harms which would arise from this development.
147. Other material considerations do not justify an alternative outcome: on heritage matters the s.66 and s.72 statutory presumptions against grant are engaged further indicate that permission should be refused, in addition to the development's failure to protect and enhance a valued landscape. The proposed development would be contrary to the development plan and national planning policy and there are no material considerations that justify a departure from those policies; the harm that has been identified is not outweighed by the public benefits.

CONCLUSION

148. For the reasons set out above, this appeal should be dismissed.

**TOM COSGROVE KC
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19 February 2026**