
Appeal Decision

Inquiry held on 23 April to 25 April 2014 and 29 April to 1 May 2014

Site visits made on 23 and 24 April 2014 and 1 May 2014

by Elizabeth C Ord LLB(Hons) LLM MA DipTUS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 June 2014

Appeal Ref: APP/D3505/A/13/2204846

Valley Farm, Wherstead, Ipswich, Suffolk, IP9 2AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hive Energy Limited against the decision of Babergh District Council.
 - The application Ref B/12/01279/FUL/GC, dated 23 October 2012, was refused by notice dated 12 July 2013.
 - The development proposed is the construction of a 38.43 hectare solar park to include the installation of solar panels to generate electricity, with transformer housings, security fencing and cameras, landscaping and other associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In view of the Council's screening opinion indicating that the proposal was not Environmental Impact Assessment (EIA) development for the purposes of the EIA Regulations, and the Stour and Orwell Society's challenge to this position, a screening direction was sought from the Secretary of State. As a result, the Secretary of State made a direction that the development is not EIA development, and this was communicated to the parties by letter dated 1 April 2014.
3. At the Inquiry the Appellant requested that the plan showing fence and gate details (C.0430 rev A.1) be substituted by one showing deer fence details (H.0340_03-B). There was no objection to this and, as it was unlikely to raise any natural justice issues, this was accepted. The Appellant then requested during the conditions session that I determine the appeal on the basis of whichever version of fencing plan I thought most appropriate. Again there was no objection to this course of action.
4. Three accompanied site visits were undertaken to the site and its surroundings. There was also a visit to two solar farms, one at Parham Airfield at Great Glemham and one at Stratton Hall on the A14 at Levington.
5. All parties agreed at the Inquiry to submit closings in writing, which they did. The Appellant was given a right of reply and, thereafter, the Inquiry was closed in writing.

Main Issues

6. At the outset of the Inquiry I identified five main matters for the parties to concentrate on in giving evidence. However, during the Inquiry it was agreed that noise (as it affects tranquillity) and heritage (as it affects landscape) should be considered as aspects of the character of the area rather than as discrete issues. Therefore, with respect to heritage, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged.
7. Following the Appellant's submission at the Inquiry of an archaeological evaluation, all the parties agreed that issues relating to archaeology could be dealt with by way of condition, albeit there was dispute as to the wording of such a condition. It was also confirmed that there was no dispute as to the extent of the electricity generating benefits of the scheme.
8. Consequently, in view of the positions reached by the parties and the evidence presented to the Inquiry, I have confined my main issues to the following:
 - i. The effect of the proposal on the landscape character and visual amenity of the area;
 - ii. Whether it has been demonstrated that development of agricultural land is necessary and, if so, whether it has been shown that land of poorer agricultural quality has been chosen in preference to higher quality land.

Reasons

The proposal

9. The proposal is for a solar farm with permission requested for the duration of 25 years. It would consist of 42,000 tilted, static solar PV panels, which would be mounted onto a metal framework secured by posts embedded into the ground. These panels would be positioned in rows about 4.0m apart, with the lower height of the panels being about 0.83m and the upper edge being about 2.14m above ground.
10. There would be around 10 inverter cabins, each measuring about 10.0m by 2.4m and about 2.5m high, which would sit on concrete bases, together with a control room likely to measure about 3.7m by 2.4m and about 2.6m high. A switch room would also be constructed, measuring about 4.5m by 5.0m.
11. Stretches of track would be constructed on the site and the vehicular access would be from Coxhall Road to the west. Cabling between the panels would be buried in trenches. A security fence would be erected around the perimeter of the panels together with about 50 CCTV cameras.
12. The solar array would be set back from the edge of the site by a buffer strip. The site would be sown with a grassland mix, which would be managed for the lifetime of the development for sheep grazing within the fence and for environmental purposes outside the fence.

Character and visual amenity

Site and surroundings

13. The appeal site is an agricultural field within open countryside situated on the Shotley Peninsula, which sits between the Orwell and Stour river estuaries.

The site is split into an eastern and western field and is divided by a relatively young tree belt planted in around 2000. It is bordered to the north by Shrub Wood and Holbrook Park, the latter of which runs into Great Birch Wood close to the north eastern corner of the site. Woodley Wood lies near by to the south east. To the south there are generally open fields, which slope gently down to Alton Water, which is a man-made reservoir.

14. The surrounding fields are generally in arable use and some are bordered by hedges. There is evidence of new hedge planting nearby. The site itself contains little hedging, and that which is present is generally gappy. There are occasional mature oaks but, overall, the site appears largely open against the backdrop of woodland when seen from the south, the west and areas to the south east.
15. Running along the south eastern boundary of the site is a Public Right of Way (PROW), which links Holbrook Park/ Great Birch Wood with Alton Water. There is a network of other PROWs in the vicinity. Coxhall Road, which is a single track country lane, runs along the site boundary to the south and west.
16. Two electricity lines pass over the site, one across the northern part of the site, and the other across its southern tip. Both lines meet at an electricity substation to the immediate south west of the site.
17. The landscape character is also influenced by occasional scattered dwellings and small clusters of properties in the nearby villages, some of which are listed buildings.
18. Holbrook Park is a Site of Special Scientific Interest and an Ancient Woodland, and Great Birch Wood and Alton Water are County Wildlife Sites. The appeal site and its surroundings are within the locally designated Dodnash Special Landscape Area (SLA) and within a Special Project Area which is managed as part of the nearby Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB). The site is also within a locally designated Area of High Archaeological Potential.

Policy

19. Policy CS13 of the Babergh Local Plan 2011-2031 Core Strategy & Policies (the Core Strategy), adopted in February 2014, is generally supportive of renewable and low carbon energy production although its "Note 1" requires landscape impacts to be considered. Policy CS15 requires all proposals where appropriate to their scale and nature to, amongst other things, respect the landscape, make a positive contribution to the local character, and ensure adequate protection, enhancement, compensation/mitigation to distinctive local features and local designations such as SLAs and County Wildlife Sites.
20. Saved Policy CR04 of the Babergh Local Plan Alteration No. 2, adopted in 2006, states, amongst other things, that proposals within SLAs will only be permitted where they maintain or enhance the special landscape qualities of the area, identified in the relevant landscape appraisal. The Appellant suggests that reduced weight should be given to this policy because the evidence base for designation is unclear and the Core Strategy indicates a review of SLAs in a forthcoming local plan. I do not accept this contention for the following reasons.

21. Policy CR04 is an extant policy of the development plan and it is not inconsistent with current national policy. I am told that the Babergh District Council Landscape Assessment and Action Programme, revised in 2004, formed the basis of a review of SLA boundaries. Its draft form, which is before this Inquiry, gives an indication of the special landscape qualities of SLAs in the area. The evidence suggests that the 2006 Local Plan Examining Inspector considered SLAs and accepted the Dodnash SLA designation, finding the Plan to be sound. Furthermore, to give this policy reduced weight would be to pre-empt the outcome of any review. Therefore, the policy should be given full weight.
22. Turning to Government policy, the National Planning Policy Framework (the Framework) at paragraph 17 recognises within its core planning principles the intrinsic character and beauty of the countryside, and paragraph 109 seeks to protect and enhance valued landscapes.
23. In the House of Commons oral statement of 29 January 2014 the Planning Minister, Nick Boles, stated the "*The policies in the national planning policy framework are clear that there is no excuse for putting solar farms in the wrong places. The framework is clear that applications for renewable energy development, such as solar farms, should be approved only if the impact, including the impact on the landscape – the visual and the cumulative impact – is or can be made acceptable. That is a very high test.*"
24. Also of relevance is the recent Planning Policy Guidance (PPG), paragraph ID 5-007 of which indicates that local topography is an important factor in assessing whether large scale solar farms could have a damaging effect on the landscape, and which recognises that impact can be as great in predominately flat landscapes as in hilly or mountainous areas. At paragraph ID 5-013 the PPG goes on to say that "*The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes.*" There is no dispute that this solar array, with an installed generating capacity of 10 Mega Watts (MW) is large scale¹.
25. Additionally, the PPG at paragraph ID 5-010 says that "*Renewable energy developments should be acceptable for their proposed location*", and indicates at paragraph ID 5-008 that distance away from a development is just one consideration, stating that "*Distance plays a part, but so does the local context including factors such as topography, the local environment and near-by land uses.*"
26. Furthermore, the UK Solar PV Strategy Part 1 of October 2013 sets out four guiding principles for solar PV, the third of which states, amongst other things, that solar PV should be appropriately sited with proper weight being given to environmental considerations such as landscape and visual impact. Following publication of this strategy, the Minister for Energy and Climate Change, Greg Barker, produced a letter dated 1 November 2013 indicating that "*...inappropriately sited solar PV is something that I take extremely seriously and am determined to crack down on.*"

¹ UK Solar PV Strategy Part 1, p10, Box 3 indicates large scale as mainly being above 5MW; UK Solar PV Strategy Part 2, p30 indicates large scale as being above 1MWp (Mega Watt peak)

Character

27. The Babergh District Council Draft Landscape Assessment and Action Programme, revised in 2004, indicates that the Dodnash SLA is scenic and, amongst other things, has special qualities which include woodlands and a high level of vegetation. The Ancient Woodlands of Holbrook Park and the County Wildlife Site of Great Birch Wood reflect these qualities and are in close proximity to the site.
28. The Suffolk Landscape Character Assessment 2010 (SLCA) classifies the site as being within the Ancient Estate Farmlands character type whose key characteristics include large scale arable blocks divided into rectilinear fields and a substantial number of Ancient Woodlands with Holbrook Park being specifically mentioned. These distinctive characteristics are found within the vicinity of the site.
29. The SLCA describes this landscape character type as a flat plateau, whose *"...landscape is unique in Suffolk with a mix of "modern" rectilinear field systems with Ancient Woodland and parklands."* The juxtaposition of the fields comprising the site and the woods of Holbrook Park, reflect this stated "uniqueness" and gives the landscape a degree of rarity.
30. Built development does not feature greatly in the assessment of this character type, although its key characteristics refer to nucleated villages with some dispersed farmsteads and clusters of houses. This accords with my own observations of the area. Another key characteristic relates to a flat central spine of land with sloping sides dissected by river valleys. The gently sloping site with its more pronounced incised valley in the south east, reflects this characteristic.
31. The nearby SLCA Rolling Estate Farmlands character type, with its gently sloping valley sides and ancient woodlands, is also influential of the surrounding character.
32. The most recent and local character assessment for this area is the Shotley Peninsula Landscape Character Assessment of April 2013. This shows that the site lies on the margins of the Shotley Peninsular Plateau where it transcends into the Holbrook Valley and Alton Water character area. Woodland skylines, rectilinear fields, gently undulating land are mentioned as characteristics of the former, with Alton Water featuring in the latter. Included in the landscape strategy is the protection of the area's distinctive wooded skylines.
33. There was some debate at the Inquiry over the site's sensitivity, which I was told is influenced by whether the site is fully on the plateau (less sensitive) or partly on the valley sides (more sensitive). However, whatever label or description it might be given, what is important is the actual lie of the land.
34. From my site visits I observed that the western field is generally level but with a gentle slope towards the south west. The eastern field has more pronounced level changes and contains an incised valley in the south eastern corner. The immediate surrounding area to the south, west and south east is gently undulating, with land to the north and north east appearing more level. Given these level changes, the immediate area cannot, in general, be considered to be flat.

35. Moreover, from both its descriptive characteristics and my site visits, it is clear that the area is deeply rural and tranquil in nature to the extent that the Development Management Guidelines for the Ancient Estate Farmlands character type advises that even cropping practices, such as the use of fleece and plastic has in places significantly affected the landscape.
36. Therefore, taking account of the scenic and perceptual qualities of the site and its surroundings, and given the area's unspoilt, natural character and sense of remoteness, I find that the sensitivity of the site and its environs is more than medium and is approaching high.
37. The development would result in the loss of arable land for 25 years, albeit this would be reversible. Nonetheless, for the lifetime of the development the regimented rows of hard surfaced solar panels would represent intrusive, utilitarian elements on an industrial scale in the open countryside. Together with its associated new buildings and structures, the proposal would have a considerable urbanising impact in this rural location, and would detract from the distinctive topography of the site and its surroundings. Given the scheme's proximity to Holbrook Park, it would also adversely impact on the setting of this Ancient Woodland.
38. Although the site is reasonably contained by the surrounding topography and vegetation, thereby localising the most significant impacts on character, there would, nonetheless, be some reduced effect further afield. Given the proposal's incongruity in this rural landscape, the scheme would result in a high magnitude of change in the vicinity in the short term, which would reduce with distance and time.
39. In order to mitigate the effect of the development, the Appellant proposes to introduce hedge planting, and in this regard makes reference to the SLCA guidelines in support. Whilst the SLCA guidelines encourage the enhancement and restoration of locally distinctive holly hedges, from the evidence given at the Inquiry it would appear that holly is relatively slow growing and mitigation planting might take longer to establish, should this species be used.
40. The guidelines also refer to restoration of elm hedges with coppice management, although there is little hedging around the site to restore and I understand that new elm would not be planted. Whilst the guidelines also encourage the reinforcement of the historic pattern of regular boundaries, the pattern of the site boundaries is already clear, being bordered on three sides by highway and bridleway and on the fourth by woodland. Moreover, it is not clear whether historically these boundaries were hedged.
41. Nonetheless, hedging is a feature of the area, and part of the landscape strategy for the Holbrook Valley and Alton Water character area is to manage the landscape's distinctive hedges along lanes and reinstate coppicing. Hedge planting around the solar array would mitigate its impact on landscape character. However, the proposed hedging would take time to mature and would not completely screen the development, particularly in the winter months. Even when the hedge was in full leaf, there would still be a perception of the development beyond. Also, from nearby higher level land, views into the site would remain.
42. Furthermore, irrespective of the new hedge planting to the south of Coxhall Road, hedge screening along the site boundaries would reduce the site's

openness and create a sense of enclosure. As a consequence it would detract from the character of the immediate area by blocking views of the Ancient Woodland and wider landscape.

43. Overall, the magnitude of change in the locality with hedge screening in place is not likely to subside to much less than medium.
44. With respect to noise, the evidence suggests that the solar inverters would generate low levels of noise beyond the site boundary. Whilst this would not result in any significant adverse effect, it is likely to have a slightly eroding impact on the tranquillity of the immediate environs, particularly on the bridleway along the site's eastern boundary.
45. Therefore, overall, I find that the proposal would result in a localised adverse impact on landscape character of major significance in the short term, gradually reducing to one of moderate significance over time. It would also detract from the special landscape qualities of the Dodnash SLA.

Visual amenity

Public domain

46. Views of the site are spatially limited to near and middle distance vantage points by the topography and surrounding vegetation. However, it is clearly visible from Coxhall Road and a number of PROWs, some of which are footpaths, but others of which are also bridleways. Several of these PROWs terminate or meet at points adjacent to the site. I am told that this network of PROWs is well used, providing routes to circular walks around Alton Water and linkages with the AONB through Holbrook Park.
47. Furthermore, I understand that Coxhall Road is one of the main access routes to Alton Water, whose recreation facilities and visitor centre are well used by local residents and visitors. Coxhall Road also forms part of the South Suffolk Cycle Route, the Alton Water Cycle Route and the Sustrans Coastal Heritage Cycle Route.
48. Bridleway 18 runs along the eastern site boundary and into Holbrook Park/Birch Wood where it becomes Bridleway 9. The eastern site boundary is flanked by a bank, remnants of hedging and a few oak trees. Nonetheless, from the junction of Bridleway 18 and Coxhall Road the site is clearly visible. On the Appellant's own evidence viewpoints at this location are of high sensitivity with the magnitude of change being high in year one, dropping to medium in year five, thereby producing a scale of visual effect which is substantial reducing to major.
49. Proceeding along the bridleway in a north easterly direction towards the woods, the site drops out of view as the incised valley side rises more steeply than the bridleway, causing the site to be hidden behind the bank. However, as the bridleway rises in a north-easterly direction, the ground becomes more level with the site, which comes back into clear view again along its eastern boundary and right along to its north eastern corner. Furthermore, when proceeding in the opposite direction within the woods along Bridleway 9, the site comes into view along the far western stretch of this PROW.
50. On the Appellant's own evidence the sensitivity of these viewpoints is high with a high magnitude of change in year one, reducing to low in year five, thereby

producing a scale of visual effect that is substantial reducing to moderate by year five.

51. The site is also clearly visible from many vantage points along its boundary with Coxhall Road and others extending further along the road towards Woodley Wood. On the Appellant's own evidence viewpoints along this stretch of road have a high sensitivity with the magnitude of change being high in year one, reducing to medium in year five, thereby resulting in a scale of visual effect which is substantial reducing to major.
52. For all of these viewpoints I accept the Appellant's evidence for year one, and generally for year five, apart from the assessed "low" magnitudes of change, which will depend on the success of mitigation planting (discussed below).
53. Moving slightly further afield, the Appellant identified a number of public viewpoints, mainly on PROWs, where there would be a substantial or major impact in the short term reducing to moderate once hedge planting had established. On my site visit I observed reasonably clear views of the site from these vantage points.
54. From all of these viewpoints I accept the Appellant's evidence that there would be a substantial/major visual effect in year one, although I am less convinced about the effects by year five and thereafter, which would largely depend on the success of mitigation planting.
55. At the Inquiry I heard differing expert opinions on growth rates and expected density of cover. However, irrespective of these estimates, the rate and extent of growth is likely to depend on a number of variable factors including future climatic conditions, which cannot be determined with certainty at this stage.
56. For these reasons and those given above under "*character*", I am not persuaded that the scale of impact from these viewpoints would reduce to much less than moderate in the medium to long term. Moving further away from the site, the scale of visual impacts would generally be considerably less and would not be extensive.
57. In conclusion, I find that overall there would be a significant adverse impact on visual amenity in the vicinity of the site, particularly for users of Coxhall Road and the nearby network of PROWs.

Residential visual amenity

58. The Appellant's evidence indicates that the proposal would have a significant effect on certain views from several residential properties, namely, nos. 1 and 2 Coxhall Cottages, Oak Cottage, Elm Cottage, Clearways and Shearwater. On one of my site visits I noted views of the site from viewpoints very close to these properties. I also viewed the site from the inside of St. Mary's Tower and Road Farmhouse, both of which are residential properties.
59. From my observations I conclude that the proposal would be seen in the middle distance as a static, dark, low lying development along the ground. Given the intervening distances and topography between the properties and the solar array, the latter would not appear obtrusive or dominating and its impact would not be overbearing.

60. There is no right to a private view, and the public interest would only be engaged if the impact on outlook is likely to be so great as to render the properties significantly less attractive places to live in. This is not the case in this instance.

Conclusion

61. The proposal would result in a significant, localised, adverse impact on the landscape in the short term, and whilst this impact would gradually reduce over time, it would nonetheless remain a considerable detraction from the rural character of the area. Therefore, the development does not respect the landscape. It would also detract from the special landscape qualities of the Dodnash SLA. Furthermore, it would have a significant adverse impact on visual amenity in the vicinity of the site, particularly for users of Coxhall Road and the nearby network of PROWs.

62. Consequently, it would be contrary to Core Strategy Policy CS15 and Saved Policy CR04 of the Babergh Local Plan Alteration No. 2, and would not accord with paragraphs 17 or 109 of the Framework.

Agricultural land

The site and the proposal's impact on agriculture

63. It is common ground that the 38 hectares of appeal site comprise Best and Most Versatile (BMV) agricultural land with most of the site being Grade 3a and the balance being Grade 2 (ranging from 12% to 31% depending on which evidence is taken).

64. I understand that the site has a consistent history of arable crop production within a larger arable holding. The proposed development would result in a change from intense arable use to solar power generation together with sheep grazing underneath and around the solar panels.

65. Whilst the development would not have a permanent effect on the land, it would take the site out of arable use for the proposal's 25 year duration.

Policy

66. Paragraph 111 of the Framework encourages the effective use of land by reusing brownfield land provided that it is not of high environmental quality, and paragraph 112 indicates that significant development of agricultural land should be shown to be necessary and, where this is demonstrated, areas of poorer quality land should be used in preference to that of a higher quality. As there is no dispute that this solar array is large scale, it must be significant development, thereby engaging paragraph 112.

67. The recent PPG at paragraph ID 5-013 sets out particular planning considerations that relate to active solar technology. The first factor for consideration is "*...focussing large scale solar farms on previously developed and non agricultural land, provided it is not of high environmental value.*"

68. The first part of the second factor to consider is "*where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land.*"

69. The PPG also makes reference to a speech by the Minister for Energy and Climate Change, Greg Barker, to the solar panel industry at the Large Scale Solar Conference on 25 April 2013. In this speech Greg Barker said *"...for larger deployments, brownfield land should always be preferred"* and went on to add *"We need to be careful that we do not over-incentivise large-scale ground-mounted projects in inappropriate places – I am thinking of greenfield agricultural land..."* and *"Where solar farms are not on brownfield land, you must be looking at low grade agricultural land..."*.
70. Also, in the House of Commons oral statement of 29 January 2014 the Planning Minister, Nick Boles, stated that *"where significant development is necessary on agricultural land, the national planning policy framework is equally clear that local planning authorities should seek to use areas of poorer quality in preference to that of a higher quality. Where land is designated at a relatively high grade it should not be preferred for the siting of such developments."*
71. Furthermore, the UK Solar PV Strategy: Part 2 of April 2014 sets out the Solar Trade Association's *"Solar Farms: 10 Commitments"*, the first of which is that focus will be on non-agricultural land or land which is of lower agricultural quality. The Strategy states that *"These best practice initiatives are important as they help address the perception that solar farms are diverting significant amounts of land from agricultural use and domestic food production."*
72. In his letter of 22 April 2014 to Local Authorities, Greg Barker made it clear that *"...the main message from the Strategy is that we are keen to focus growth of solar PV in the UK on domestic and commercial roof space and on previously-used land."*
73. From all of this it seems to me that the emphasis from Government is to avoid using BMV agricultural land for large scale solar arrays wherever reasonably possible. If BMV agricultural land is to be used, this should be the last resort, and it must be robustly demonstrated that it is justified.
74. Moreover, Government policy is reflected in the Local Plan Core Strategy Policy CS15 (relating to all development) which states, amongst other things, that where appropriate to the scale and nature of the proposal, development should prioritise the use of brownfield land and make efficient use of greenfield land and scarce resources.
75. Although the Appellant indicated that there is no sequential test expressly set out in the development plan, this is of little consequence in this instance. I am not aware of any provisions within the development plan that conflict with the Framework and, the Core Strategy has only recently gone through public examination and been found to be sound by the Examining Inspector.

Sequential test

76. The first question to ask is whether the use of agricultural land is necessary. This exercise should demonstrate that no suitable brownfield land or non agricultural land is available within a reasonable search area. The Core Strategy does not identify any strategic areas for renewable energy development but uses a criteria-based approach for all forms of development in Policies CS15 and CS13.
77. Whilst the plan area may in some circumstances be an appropriate search area, there is no policy guidance which advocates restricting searches to within a

local authority's administrative area. The PPG at paragraph ID 5-003 confirms that "*Whilst local authorities should design their policies to maximise renewable and low carbon energy development, there is no quota which the Local Plan has to deliver.*" Therefore, there is no need to site renewable energy development in a particular local authority in order to meet a local green energy quota.

78. There is no Government guidance on what is a reasonable search area and each case should be considered on its own facts taking account of planning and operational constraints. Babergh district is largely rural although the site is within a reasonable distance of Ipswich where, I understand, there are substantial areas of industrial land and buildings on the periphery. There is no submitted evidence to demonstrate that the Appellant has searched the Ipswich area.
79. The Appellant's area of search for non-agricultural land appears to have been confined to within Babergh district. Even then, no evidence has been presented to show that Babergh's industrial areas, including distribution and warehousing buildings, and former airfields have been considered. Only a cursory desk top exercise has been undertaken which includes land use statistics for previously developed land. However, it is difficult to draw any firm conclusions from this data on the potential availability/suitability of any of this land for solar development.
80. This approach is far from robust and is completely inadequate. Consequently, for the reasons given, I find that the Appellant has not demonstrated that the use of agricultural land is necessary.
81. Even if the use of agricultural land were considered to be necessary, the Appellant has not demonstrated that poorer agricultural land has been chosen in preference to higher quality land. According to the Agricultural Land Classification Plan for the Suffolk Area, there appear to be substantial stretches of Grade 4 land to the east of Ipswich in the Suffolk Coastal district, which are within a reasonable search area. Whilst the Appellant considered a small part of this land and discounted it, no attempt was made to search this area overall.
82. Furthermore, although a desk top study of four areas of Grade 3 land in Babergh district was undertaken within reasonable distance of 33kV overhead lines, no auger testing was attempted to better understand its quality. On the evidence before me, it seems likely that at least some of this land might be Grade 3b. However, the point is that without proper investigation, the Appellant has failed to establish its quality relative to the appeal site.
83. Additionally, in further consulting the Agricultural Land Classification Plan, it is apparent that there may be other areas of Grade 3 agricultural land in proximity to 33kV lines, which have not been considered. No satisfactory explanation has been put forward by the Appellant for omitting to investigate these areas.
84. Although the Agricultural Land Classification may need to be treated with some caution, it is nonetheless a good starting point and a basis from which to carry out further investigation.
85. The Appellant indicated that compliance with the sequential test would be impracticable because of the work and time period required to carry out

searches and auger surveys. Whilst the sequential test must be proportionate, no good reasons have been advanced to show why it could not involve a robust desk based assessment supported by surveys of selected sites within a realistic area of search. Simply surveying one site (the appeal site) is wholly inadequate.

86. Consequently, for the reasons given, I find that the Appellant has failed to demonstrate that the appeal site represents poorer quality land which is available for solar farm development.
87. Overall, the Appellant has failed to show that the sequential test has been met.

Other considerations

88. There would be some grazing during the lifetime of the development and there would be no permanent loss of agricultural land due to its restoration to full agricultural use after the proposal's 25 year duration. However, these are simply additional factors to be considered as set out in paragraph ID 5-013 of the PPG. They do not detract from the fact that the use of agricultural land must still be shown to be necessary with poorer quality land being used in preference to higher quality land.
89. The third PPG factor in paragraph ID 5-013 recognises "*that solar farms are normally temporary structures....*" and the paragraph refers to continued agricultural use during the lifetime of the development and removal and restoration thereafter. These PPG factors elaborate on Framework Policy and, therefore, I do not accept the Appellant's contention that the Framework is aimed at permanent loss of agricultural land. The appeal decisions to which the Appellant has drawn my attention were determined prior to the publication of the PPG and do not address the sequential test. Therefore, they are of limited weight in this regard.
90. The Appellant refers to paragraph 7 of the Framework and its provision to use natural resources prudently, contending that the solar farm would be a prudent use when compared to an Anaerobic Digestion or Biomass Operation for example. However, regardless of whether this is so, it does not overcome the sequential test and, therefore, does not demonstrate overall that the proposal is a prudent use of land.
91. Whilst Natural England was consulted on the proposal and raised no objections, its response does not appear to show how it considered paragraph 112 of the Framework, and no reference is made to the PPG. Accordingly, the weight attributed to this response is reduced.
92. Although the Appellant has referred to there being no requirement within the planning system to put BMV agricultural land into production, this does not detract from the requirement to meet the sequential test and to show that the use of the site is necessary for the solar array.

Conclusion

93. In conclusion, it has not been demonstrated that the development of the agricultural land comprising the site is necessary. Nor has it been demonstrated that no suitable brownfield sites or sites of lower agricultural quality are available. Consequently, the Appellant has not complied with the sequential test set out in the PPG and, therefore, the proposal is not in

accordance with Government guidance in this respect and is contrary to paragraph 112 of the Framework.

94. Whilst there was some debate at the Inquiry over whether BMV agricultural land is a scarce resource within the meaning of Core Strategy Policy CS15, this is of little consequence in this instance. Whether or not BMV is a scarce resource, the proposal has not sought to prioritise the use of brownfield land and has not demonstrated that it is an efficient use of greenfield land. Consequently, it is not in compliance with Policy CS15.

Benefits

95. The solar array would have a 10 MW installed capacity and its predicted electricity generation is over 11,000,000kWh per annum. This figure is created by multiplying the total installed capacity by the number of days in a year, by the number of hours in a day and the capacity factor of the site (10MW x 365.25 days x 24 hours x 12.6% capacity factor = 11,051,124kWh).
96. The energy produced is estimated to be able to power in the region of 3,500 homes throughout the year, and would save about 4,300 tonnes of carbon dioxide. This is a substantial contribution to achieving national green energy targets, tackling the challenges of climate change, lessening dependence on fossil fuels and benefiting energy security.
97. These benefits would accord with the Framework's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental dimensions of sustainable development (paragraphs 17 and 93), and that local communities have a responsibility to contribute to the generation of such energy (paragraph 97), amongst other things. Taken in isolation, they positively contribute to the aims of a raft of strategies, programmes and policies. In fact, in his recent letter of 22 April 2014, Greg Barker confirmed that solar PV is *"one of the priority renewable energy technologies."*
98. Furthermore, the proposal would deliver other benefits. Several interconnected "green corridors" would be created which would have ecological advantages, with the area between the fencing and the woodland/hedges being managed to enhance biodiversity. There would also be long term benefits arising from hedge and tree planting, although hedge screening would also impact on openness as discussed above.
99. Additionally, the proposal would provide some educational benefit, and have an economic benefit in terms of providing an element of local employment as well as stimulating indirect economic activity.

Other Matters

100. Whilst the Appellant relies upon the Planning Officer's reports of May and June 2013 containing the recommendation to grant planning permission, these reports were produced prior to the Government's renewable energy practice guidance of July 2013, which is now incorporated into the PPG, and also pre-date the Core Strategy. In any event, I have considered this proposal afresh and determined the appeal on its merits as I find them.

Overall conclusion and planning balance

101. A balance must be drawn between the competing considerations of this proposal. On the one hand the solar array would have the benefit of generating a significant amount of renewable energy, whilst on the other hand it would cause substantial harm to a valued landscape and to the visual amenities of the area, and would result in the loss of arable land for 25 years.
102. With respect to the development plan, whilst Core Strategy Policy CS15, amongst other things, supports the production of renewable and low carbon energy, it also seeks to protect the landscape and prioritise the use of brownfield land, which the development fails to do. Therefore, the proposal conflicts with Core Strategy Policy CS15, and so cannot draw support from Core Strategy Policy CS1 which, to be engaged, requires compliance with all other Core Strategy policies.
103. Whilst the Appellant seeks to derive support from Core Strategy CS13, this does not appear to be aimed at free standing renewable energy development, as is acknowledged by the Appellant. The Appellant also suggests that the proposal should be classed as farm diversification, which paragraph 28 of the Framework states should be promoted by local plans and which, indeed, is supported by Core Strategy Policy CS17, albeit subject to compliance with Policy CS15, with which the proposal is in conflict.
104. Turning to saved policy CR04 of the Babergh Local Plan (Alteration No. 2), the development fails to maintain or enhance the special landscape qualities of the area and, consequently, it is in conflict with this part of the development plan.
105. With respect to other material considerations, in landscape terms the proposal does not accord with paragraphs 17 and 109 of the Framework, nor does it accord with paragraph 112 with respect to the use of agricultural land.
106. PPG paragraph ID 5-007 is clear that the need for renewable or low carbon energy does not automatically override environmental protections and, whilst PPG paragraph ID 5-013 says that "*the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively*" I do not put the proposal in this category. Similarly, although the Solar PV Strategy states that there is still a place for larger scale field based solar in the UK's energy mix, this must nonetheless be robustly justified.
107. As stated in paragraph 98 of the Framework, and as confirmed in PPG paragraph ID 5-005, an application for renewable energy should only be approved if the impact is (or can be made) acceptable. The impacts in this instance are not and cannot be made acceptable.
108. Taking all matters into consideration, in my judgement, the harm that would result from the development would significantly and demonstrably outweigh the benefits. The location of the proposal on the appeal site has not been justified and, consequently, I conclude that the planning balance is firmly against allowing the development. The appeal is, therefore, dismissed.

Elizabeth C. Ord (Inspector)

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Michael Bedford of Counsel

He called

Simon Neesam

Richard Tattersall

Raymond Ricks

Associate Director of The Landscape Partnership
Chartered Surveyor and Land Management
Consultant

Director with Boyer Planning

FOR THE APPELLANT:

David Hardy Solicitor Advocate

He called

Andrew Cook

Tony Kernon

Paul Burrell

Environmental Director of Pegasus Planning

Director of Kernon Countryside Planning

Planning Director of Pegasus Planning

FOR THE RULE 6 PARTIES:

Thomas Hill of Queens Counsel
and James Potts of Counsel

They called

Alison Farmer

Geoffrey Gardner

Philip Hackett

Albert Collins

Principal of Alison Farmer Associates

Principal of Gardner Planning Ltd

Representing No Alton Water Solar

Acting Chairman of Tattingstone Parish Council

INTERESTED PERSONS:

Ms Allen

Ms Rodwell

Mr Holloway

Mr Smith

Mr Tyler

Ms Sexton

Mr Solley

Mr Kirk

Mr Herod

Cllr Wood

Cllr Ward (read by Cllr Wood)

Ms Wheeler

Ms White

Mr Dutton

Local Resident

Local Resident

Local Resident

Local Resident

Local Resident

Local Resident

Local Resident

Local Resident

Local Resident

County and District Councillor

District Councillor

Local Resident

Local Resident

Local Resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Letter - Minister Greg Barker
- 2 Opening - Appellant
- 3 Opening - Council
- 4 Opening - Rule 6 Parties
- 5 Archaeological Evaluation
- 6 Marketing Data
- 7 Statement - Allen
- 8 Statement - Rodwell
- 9 Statement - Holloway
- 10 Statement - Smith
- 11 Statement - Tyler
- 12 Statement - Sexton
- 13 Statement - Solley
- 14 Statement - Kirk
- 15 Statement - White
- 16 Acoustics Assessment
- 17 Statement - Wood
- 18 Statement - Wheeler
- 19 Maps
- 20 Web site extract - Hive Energy Ltd
- 21 Web site extract - Solar Century
- 22 Committee Report - Parham Airfield
- 23 Committee Report - Stratton Hall
- 24 Arboricultural Information
- 25 Historic map
- 26 Committee Minutes - Parham Airfield
- 27 Committee Minutes - Stratton Hall
- 28 Response to Archaeological Evaluation
- 29 Statement - Dutton
- 30 Conditions
- 31 Closing - Appellant
- 32 Closing - Council
- 33 Closing - Rule 6 Parties