

Councillor Briefing Note
Planning Application DC/22/3313/FUL Amended July 2023
Solar Farm across Grays Lane in Wissett

PURPOSE OF THIS DOCUMENT

The purpose of this document is to provide a summary of evidence as to why East Suffolk Council (ESC) should refuse the planning application by the developer PACE, for the construction of a 27MW solar array, a 75MWh battery energy storage system (BESS) and associated infrastructure, either side of Grays Lane in Wissett.

The proposed development will introduce a vast area of discordant industrial features comprising of 67,000 frame-mounted solar panels in 3m-high banks, a BESS of 23 x 6m containers with a 3.5m surrounding acoustic barrier, 7 inverter buildings, 62 CCTV security cameras on 3m high posts, security fencing with signs warning of danger/death and approximately 1.8km of stoned access tracks covering 103 acres of highly productive farmland.

The government target for solar power is 45-7 GW by 2030 and 140 GW for wind power. There is currently a large queue of 700 GW of projects seeking access to the national transmission network. The CEO of the National Grid, John Pettigrew, has stated that this is over 5 times the capacity needed (“A Grid Guide to Accelerating UK Connections” 8th February 2024).—There is therefore no crisis in meeting targets and no pressure for this committee to agree this proposal. Developer claims that this project is essential for meeting targets and saving the planet is misleading.

There are approximately 268 people living in Wissett in 128 homes, including 34 listed buildings within one mile of the site; two Grade II* and one Grade I (St Andrews Church).

Three public meetings were held in 2021 in Wissett and the parishes of Rumburgh and Spexhall that are adjacent to the site. There was overwhelming hostility to the proposal at each meeting. No-one objected in principle to renewable energy but the objections were focused on concern for the loss of agricultural land, the exploitation of the taxpayer to generate huge profits for investors and erroneous claims by the developer to save the planet while increasing local amenity and biodiversity.

The meetings were followed by over 340 letters of objection to the original and amended schemes and the establishing of the Save Grays Lane Campaign which has raised substantial sums to commission expert reports that add significant material weight to local objections.

In addition, the three Parish Councils together have submitted a detailed critique of the original planning application and its later amendment, providing ESC with numerous justifiable and defensible grounds on which to reject it.

Legal opinion has also been sought on this application and Mr William Webster, highly regarded counsel specialising in solar development planning law, supports the objections made by the three Parish Councils. He states that the application should not be allowed because:

- The landscape character of the site falls within an area of high landscape sensitivity and high landscape value which the developer has failed to address appropriately.
- The site is on 100% best and most versatile (BMV) agricultural land which should not be available for the proposed or indeed any other development of a significant nature.
- The safety concerns associated with the proposed BESS have not been properly addressed by the developer.

‘These three factors (each of which is bound to weigh heavily against the developer in the planning balance) render it probable that the applicable legal and planning framework which would operate to justify a grant of permission has not been met, with the result that the application should be dismissed.’

Alternative sources of energy are accepted as desirable to help reduce global carbon dioxide emissions and solar energy is one element of the mix of technologies available. This is recognised in national and local planning policies but guidance also insists that careful consideration be given to the impact on landscape and food supply and the amenity, safety and opinion of local people.

This application raises a fundamental democratic issue about the right of residents to resist the imposition by a developer, financed by an overseas multinational company, to impose a solar factory on them, which will radically change the ancient landscape of their villages, introduce risks to their health and the natural environment from hazardous substances and destroy good quality agricultural land, for at least the next 40 years.

Increasing renewable energy supply does not therefore override all other considerations. There are better places to site solar arrays, like industrial and domestic rooftops and disused WWII airfields. It is estimated that there are 250,000 hectares of south-facing roofs on commercial buildings, the equivalent of 2,941 Grays Lane sites, without removing any land from food production. (DECC, UK Solar PV Strategy, Part 1, April 2014)

All elected councillors and particularly those choosing to sit on the planning committee, are custodians of the local democratic process and are in place primarily to represent the views of the constituents who elected them.

Granting planning permission for this development would go against very strong local opinion and numerous local and national planning policies designed to protect landscape, our food security and local people from danger and exploitation.

If permission is granted, adding mitigating conditions raises the serious issue of how any such conditions would be adequately monitored and enforced by the Council once the solar factory is operational.

The Council has few powers or resources to monitor or enforce any conditions to the application that are later ignored by the developer.

Similarly, granting permission, with or without conditions, to avoid defending a decision to a government inspectorate or in court, is no reason to override local opinion and the strong planning evidence presented by objectors. If that were to be the outcome, the democratic process, of which councillors are directly responsible custodians, would be substantially diminished. Lack of resources is not a defence for granting permission in the face of overwhelming and substantiated objections.

Planning Committees and Inspectors are increasingly rejecting applications on the grounds of landscape, heritage, BMV land and public safety, recognising that such developments need to be appropriately sited. Examples are listed at the end of this briefing note.

HAZARDOUS SUBSTANCES THREAT TO PUBLIC SAFETY AND THE ENVIRONMENT

The developer proposes 23 BESS containers which increase capacity by 87% from the original 40 MWh to 75 MWh. The increase was not stated in any of the documents supplied by the developer to support the amended application and was only exposed by local campaigners.

BESS fires are increasing around the world and are typically caused by a system failure that results in an effect called *thermal runaway* where excess heat releases energy in the battery causing the temperature to rise even further and creating a self-perpetuating chemical-based fire.

A BESS fire caused by thermal runaway cannot be extinguished; it has to be cooled, to limit the spread of the toxic chemicals, a process that can take a long time until all the chemicals are used up. A fire in a single container in Liverpool took 58 hours to burn itself out. Electrical isolation and gas fire-suppressants are ineffective. Water is the preferred method by fire and rescue services as stated explicitly by the Suffolk Fire and Rescue Service and the National Fire Chiefs Council.

Experts in the field are arguing strongly that Hazardous Substances Consent should apply to all such sites under the Planning (Hazardous Substances) Regulations 2015 where it is reasonable to foresee that hazardous substances could be generated on site by a failure in normal operating processes.

According to studies by leading scientists Dr Edmund Fordham and Professor Paul Christensen, significant quantities of hazardous substances are produced as a result of battery fires, including highly toxic and flammable gases. Water used to control the fire itself will become contaminated by the release of toxic chemicals which in turn leads to pollution of the environment and water table.

The three Parish Councils affected by this this planning application commissioned a report from Dr Fordham about the dangers of the proposed BESS in this application. The conclusions are clear that this site poses significant and potentially serious risk of harm to people and the environment. Planning applications for BESS sites have most recently been turned down by councils for these reasons in Dorset, Staffordshire, East Devon (Government Inspector), Aylesbury Vale and elsewhere.

In 2023 Hampshire's chief fire officer, Neil Odin, raised concerns about dealing with a potential fire breaking out at a proposed solar factory near Basingstoke. He said his crews would face an "impossible choice" between protecting the community from a potential toxic or explosive gas plume, or applying water that would pollute local waterways for years. **The National Fire Chiefs Council (NFCC) have published extensive advice for developers and councils about the risks from a BESS fire and steps to be taken to mitigate such a conflagration.**

The Deputy Fire Safety Commissioner of the London Fire Brigade, Charlie Pugsley, spoke at the Battery Energy Storage Summit 2021. He commented that since the tragic Grenfell Tower fire, which was exacerbated by the building's flammable cladding, "If we know some things could fail catastrophically or it could have those effects, it's going to be a difficult day if one of us is standing there in court saying we knew about it but we didn't do anything."



Thermal Runaway – Victoria Big Battery project, Australia

FIRE SAFETY MANAGEMENT

The developer has submitted five versions of what they call a Fire Safety Management Plan. These documents are described as a "discussion between the design team and the approving authorities" and will eventually "assist and support the Responsible Person with the ongoing management of the fire risk on site." The 'responsible person' is also expected to produce a Fire Risk Assessment once the site is completed. The resulting Emergency Response Plan will then be available to the Suffolk Fire and Rescue Service (SFRS).

The developer states that an Emergency Response Plan will be provided to SFRS on completion of the site but the NFCC and the SFRS recommend that this should be supplied for approval by SFRS in advance, as part of the planning application process.

1. How can the Council accept a Fire Safety Management Plan that will remain a discussion document until the site is completed? How does this protect the public?

The developer uses the National Fire Protection Association (NFPA 855) standard for the installation of this BESS. NFPA 855 is a US based standard and compliance is not a UK statutory requirement. The NFCC recommendations are to meet UK conditions, whereas the NFPA is an American formulation of a minimal worldwide standard. The NFCC recommendations are more detailed, supported by the government and will form the basis of any future UK legislation, so they are clearly more appropriate in this case.

2. On what basis can the Council agree that US-derived minimal standards for a BESS are adequate in this case?

What does the term “Responsible Person” actually mean? The presumption is that this is a designated individual employed by whoever actually manages the site once it is operating and that this person is likely to be a remote operator, not necessarily in the UK. The management and possibly ownership of the site at the point of completion may not even be this developer.

3. How can the Council accept such a vague assertion without further explanation?

The three fire-stations that are expected to manage a BESS fire rely on staff operating from home. There is no indication of how long they will take to mobilise or how long it will take a remote monitoring system to raise an alarm. The Fire Service were alerted by local residents at the BESS fire in Liverpool and the Fire Service were on site before the remote alarm was raised.

4. How can the Council grant planning permission without an Emergency Response Plan?

The NFCC recommends that there is at least 6m between battery containers but there is no plan showing the layout of the BESS to ensure this advice will be met.

5. How can the Council accept that the recommendation of 6m by the NFCC may not be met by the developer?

The NFCC recommends two access routes to the site to allow for the management of wind direction but the developer states that this cannot be achieved. Instead, they cite a ‘smoke plume analysis’ by Dr Kinneer which states that the worst-case scenario for damage by air-borne toxic chemicals will only occur for 22 hours per year. No account is given of how this has been determined nor of any other scenarios.

6. How can the Council accept a ‘smoke plume analysis’ as mitigation for a single physical access route, where the analytical methodology and veracity is unsubstantiated?

The developer will install a 'facility' to store 228,000 litres of water that can be used for up to 2 hours to cool a battery fire. There will be no other water available on site, so 2 hours is all that will be available to fight a fire. There is also no indication on the plans as to what this 'facility' will look like or where it is to be situated.

7. On what basis can this lack of capacity and absence of design be accepted by the Council?

In addition, the council should also address the following issues:

8. Why has the developer and the Council ignored the recommendations in the report by Dr Fordham?

9. Why has Hazardous Substances Consent not been applied for?

10. Have the planning officers and planning committee councillors been given assurances that in the absence of Hazardous Substances Consent they are not committing a potential offence according to Section 23(3)(a)(ii) of the Planning (Hazardous Substances) Act 1990?

DESTRUCTION OF GOOD QUALITY AGRICULTURAL LAND

Conflicts with National and Local Planning Policy

The National Policy Planning Framework NPPF 174 requires that planning policies and decisions should contribute to and enhance the natural and local environment by:

Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

Recognising the intrinsic character and beauty of the countryside ... including the economic and other benefits of the best and most versatile agricultural land.

The developer claims that leasing the land for 40 years makes it a temporary site and therefore, in the longer term, agricultural production is not being disadvantaged. This assertion can be discounted because it has been dismissed by the Planning Inspectorate, where it is stated that "... 25 years is a generation. It is a long time and there should be no reduction in the weight given to Green Belt harm because of its temporary nature." The NPPF provides clear protection from change of use to land graded 1, 2 and 3a in the Agricultural Land Classification system (ACL). This is called the Best and Most Versatile land (BMV).

There is therefore, a strong presumption in government advice to planning authorities against using grade 3a land or above for solar sites and its use must be demonstrated as **necessary** and proven by **compelling evidence**.

Over three-quarters (79%) of the area to be covered by solar arrays in the application is on Grade 2/3a BMV land and therefore **subject to the restrictions of the NPPF**.

It is not **necessary** to use good agricultural land for solar panels, as the 2030/50 goals can be achieved without difficulty if solar panels are located on low grade land (3b, 4 and 5), brownfield sites or rooftops, leaving agricultural produce to be grown on BMV land. The fact that there are brownfield sites further away from the grid connection does not mean it is **necessary** to use BMV. It simply means the profit margin in using a brownfield site is lower.

The closeness of Grays Lane to the National Grid is presented by the developer as the overriding argument in favour of choosing this site. There is no logical or evidential basis for the developer's claim that this is **necessary** and there is no legal basis that easy access to a grid connection should be considered of benefit to the public. In two appeals in Sawston, the Secretary of State confirmed the Inspector's recommendation not to grant permission because easy "**connection ... is of assistance to the appellant but it does not bring a public benefit and adds no weight to the planning case for the proposals.**" The decision to seek planning permission on this site is not only a self-acknowledged high-risk strategy by the developer but borders on the irrational.

Prime agricultural land is a finite resource; it cannot be increased, so taking it out of production means reducing our food security by having to import more food from elsewhere at a time of increasing instability in world food supplies.



Bonners Farm Solar Factory – already present in Wissett

11. Where is the justification for the Council to take 103 acres of good quality agricultural land out of production?

12. Has the Council taken into account the recent High Court decision (Lullington Solar v Secretary of State for Levelling Up, Housing and Communities [2024] EWHC 295) to refuse permission for a solar factory of 49.9MW on 80 hectares because the loss of food production from BMV land (48% of the proposed site) outweighed the benefit from renewable energy?

LANDSCAPE AND HERITAGE

Conflicts with Planning Policy

Waveney Local Plan WLP 8.35

Waveney District Landscape Development Character Assessment 2008
H6.19, H6.21

Great Yarmouth & Waveney Landscape Sensitivity Study 2016
5.5.11

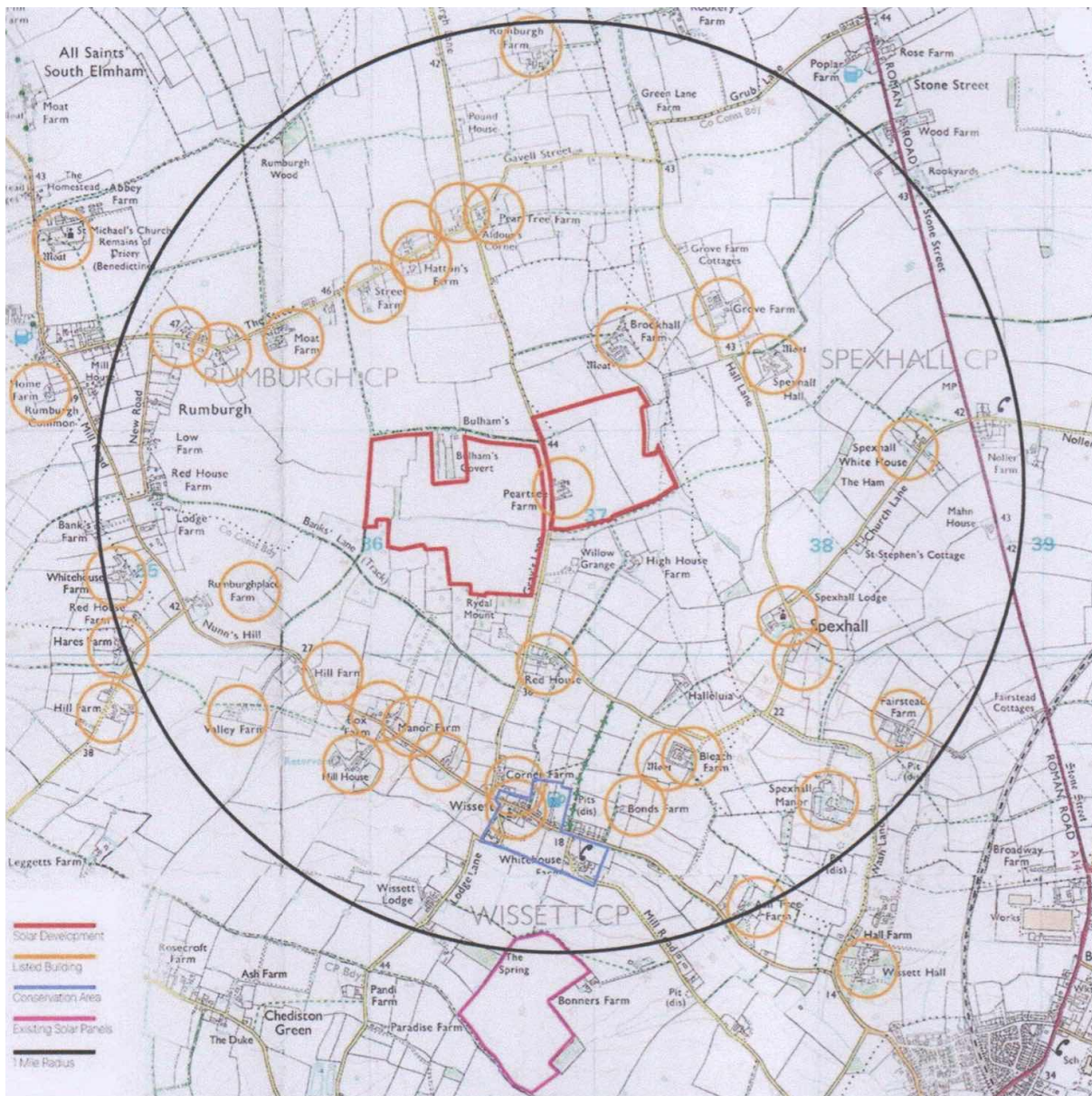
The WLP, which incorporates the studies above, makes it clear that development will not be permitted in this area of the Blyth Tributary Valley Farmland where it will have a 'significant adverse impact on the landscape and scenic beauty of protected landscapes and the settings of the designated areas of ... locally sensitive and valued landscapes ...'

Listed Buildings and Conservation Areas Act 1990

The rich heritage assets situated in this ancient landscape, between the villages of Wissett, Spexhall and Rumburgh, are illustrated on the map below which shows 34 listed buildings and a nationally designated moated site within a 1-mile radius surrounding the site.

The WLP seeks to protect and enhance this natural local environment based on the NPPF and evidence drawn from the Waveney District Landscape Development Character Assessment of 2008 and the Great Yarmouth and Waveney Settlement Fringe Landscape Sensitivity Study of 2016. The statutory five-year review of the WLP was completed in March 2024 and determined that no updating of the plan was required, which means that these policies are still regarded as critically important.

Heritage Assets within One Mile of the Site



The policies describe the local area having a “high landscape sensitivity and high landscape value where large or medium-scale new development is likely to erode the positive key features and characteristics of the landscape which are desirable to safeguard in line with relevant national/local planning policy objectives.” This designation means the land has **low landscape development capacity** and is therefore subject to the following criteria to:

- Protect and enhance valued landscapes and places of biodiversity and geological value.
- Recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems – including the economic and other benefits of BMV land and of trees and woodland.

Robert Scrimgeour RIBA, MRTPI, IHBC, Principal Design and Conservation Officer for the Council, has examined the amended proposals in order to determine the extent of harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting). The Listed Buildings and Conservation Areas Act 1990 requires planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest, with a view to **keeping it safe from harm**. The NPPF underlines this statutory protection by emphasising that heritage assets are an “irreplaceable resource and should be conserved in a manner appropriate to their significance”.

The Council should therefore require clear and convincing justification to allow any development that will cause harm to heritage buildings and their setting.

Mr Scrimgeour concludes that the ‘decision-maker is required to weigh up the harm identified to each designated heritage asset against the public benefits of the proposed development, bearing in mind ... that **great weight should be given to the asset’s conservation, regardless of the level of harm identified.**’

The Suffolk Preservation Society (SPS) have also submitted a detailed report of their analysis of the planning application (Fiona Cairns IHBC, MRTPI, December 2023). Their experts have considered the evidence, including Mr Scrimgeour’s assessment, and conclude that “While ... the preference by many in the local community for maintaining the countryside in its current state must be balanced against the contribution that solar development can make to the Net Zero agenda, SPS considers that the proposals are of a scale and character that will result in **unacceptable landscape and visual impacts and loss of best and most versatile land.**”

The three affected Parish Councils commissioned a Landscape Character study from Helen Donnelly CMLI, HND Hort Dip, LA, MA Urban Design in which she concludes:

The revision to the proposed scheme will reduce the number of public viewpoints from 33 to 28 but the conclusions of the likely landscape and visual impacts submitted by the developer cannot be relied upon as a proper assessment, because they significantly underplay the impact of the proposed development. The amended scheme will cause considerable harm and negative visual impact by industrialising the landscape and damaging the setting of numerous heritage assets.

Furthermore, the mitigation proposals of the revised scheme remain completely inadequate as the site and its context has low landscape development capacity. To impose a substantial solar development of thousands of arrays, inverter buildings, a large BESS, fencing, 74 cameras and signs, would be to breach fundamentally national and local planning principles.

13. Have the Council taken into account the decision by Simon Hoare, Parliamentary Under-Secretary for Local Government, to refuse permission for the Milton Road, Gayton development, because the harm to heritage assets outweighed the public benefit?

14. How can the Council allow a substantial solar development in fundamental breach of numerous policies designed explicitly to protect local and national heritage assets?

SECURITY

Conflicts with Planning Policy

Waveney Local Plan – Landscape Policies as above

The proposed scheme has chosen deer fencing with wooden posts because it is less intrusive on the landscape (though intrusive nonetheless). However, there is increasing evidence to show that deer fencing is not regarded as sufficiently secure by the police and insurance companies. In such cases the developer submits a non-material amendment to the granted planning application to install more secure fencing. In at least one case, this was a change to almost 8ft-high, V-welded mesh fencing with steel posts, which was approved with no consultation. High security fencing has a significantly more intrusive impact on the landscape.

15. How much confidence can the Council have that the deer fencing proposed now will not be changed later on if planning permission is granted?



CUMULATIVE IMPACT

Conflicts with Planning Policy

Waveney Local Plan - Renewable and Low Carbon Energy WLP 8.86, 8.27

‘Renewable and low carbon energy schemes will be permitted where there are no significant adverse effects on the amenities of nearby properties or businesses. Cumulative effects and the impact of ancillary infrastructure will form part of the assessment for planning applications for renewable and low carbon energy developments.’

Cumulative impact is a material consideration for development in the countryside. Whilst applications should be determined on their own merits, the issue of cumulative impact cannot be ignored. This was made abundantly clear in the Judicial Review between Ray Pearce and the Secretary of State in the High Court in February 2021.

Previous decisions, including appeals, are a material consideration in current decisions; they set a precedent. If approved, this application would continue to erode the ability of Councils to refuse other large-scale solar applications already proposed in the area and keep open the floodgates for other similarly inappropriate developments.

Wissett already has a 70-acre solar development at Bonners Farm. If this application is approved, the cumulative impact would mean that 10% of the Parish of Wissett would be under glass and metal.

In addition, a further loss of visual amenity will occur for parishioners in Rumburgh Street, Grays Lane and Spexhall, as they will have unimpeded views of the solar panels, 3m high fencing, warning signs and cameras.

Public Rights of Way (PROW) attract ramblers, horse riders, dog walkers and tourists and include these designated routes all of which will be adversely affected by this development:

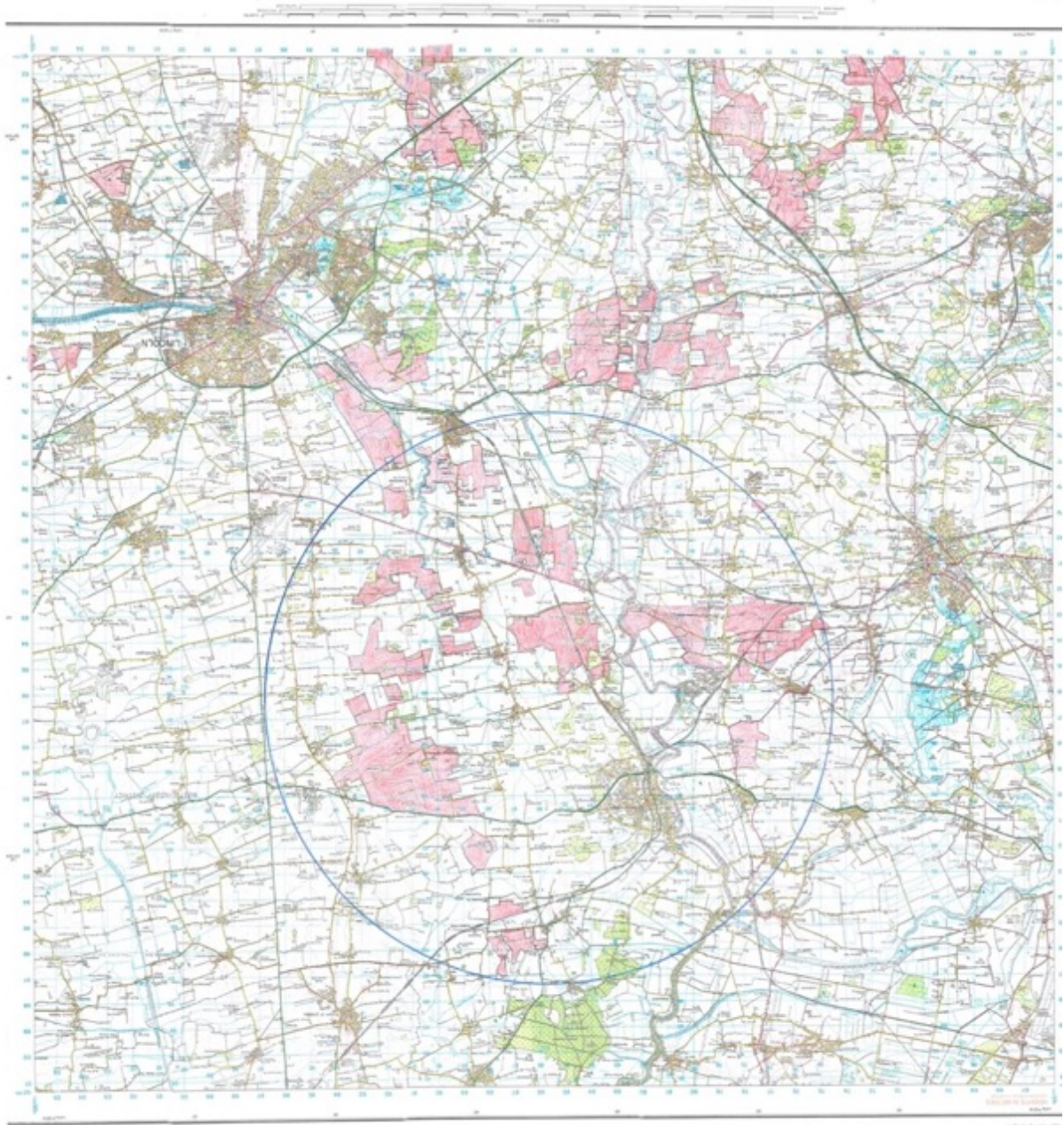
- PROW Rumburgh 13 passes through part of the site.
- PROW 8 runs parallel to western edge of the northern field.
- Bridleway Rumburgh 15 passes near to the western most field.
- PROW Wissett 16 runs parallel to the southern edge of the eastern field.

In the position statement from the Council's rights of way consultee (Public Rights of Way and Access Response, August 2023) concern was raised about horse riders. The bridleways at Wissett, Bridleway 1, Rumburgh Bridleway 13 and Rumburgh Bridleway 15, are all impacted along the western side of site where the panels are to be located. The PROW consultees stated that "... the effect of glint and glare on users of PROW must be properly considered ..." and advice from the British Horse Society recommends that arrays should be avoided where glare is likely to affect users of an equestrian route.

This scale of development does not integrate into the landscape, it becomes the landscape and it consumes villages. Wissett, Rumburgh and Spexhall will not be desirable places for residents or visitors to walk and ride if substantial parts of the Public Rights of Way are disturbed by solar arrays, industrial noises produced by the associated inverters and battery containers, fencing, cameras and warning signs.

16. This situation cannot be construed as anything other than 'adverse impact' and is therefore contrary to the above planning policies, so how can the Council justify granting permission?

The map below shows what is already happening in Lincoln and what will inevitably happen here if this Council does not exercise restraint and give due regard to local and national policies designed to protect public amenity, public safety, the environment, agricultural land and landscape and heritage assets. (Solar factories highlighted in pink.)



LOSS OF BIODIVERSITY

Conflicts with Planning Policies and Environment Act

Environment Act 2021, s98 and Schedule 14.

NPPF para 185

WLP 8.34

Waveney Green Infrastructure Strategy 2015

The developer contends that there will be an increase in biodiversity. They claim to achieve an 84% increase in habitat by planting 50 hectares of meadow and 1.3km of hedging which they say was removed to accommodate industrial development. Their scheme will involve light rotational sheep grazing, putting up bird boxes and maintaining a pond currently in a poor state.

Similar aspirational claims are standard in all of the developer's other applications for solar factories because it is now a requirement to show a biodiversity net gain (BNG) of 10% (Environment Act 2021) which the NPPF (para 185) requires to be measurable. The Council's own Local Plan (WLP 8.34) states that a "development will be supported where it can be demonstrated that it maintains, restores or enhances the existing green infrastructure network and positively contributes towards biodiversity through the creation of new green infrastructure and improvement to linkages between habitats. Regard should be given to the Waveney Green Infrastructure Strategy (2015)."

Claims by developers that solar factories will deliver increased biodiversity are consistently based on dubious data and analysis. Surveys by developers are mostly desk-top exercises and claim distinct percentage improvements. Such claims rarely withstand scientific ecological scrutiny and the developer's own Ecology report accepts that, for example, "there is currently no proven methodology that is assured to deliver high quality lowland meadow grassland in ground based solar array installations."

Scientific research shows that very little is actually measurable with any accuracy because the models used are weak and misleading. Care needs to be given to the numerical claims which derive mainly from inputting crude assumptions into the Natural England Biodiversity Net Gain algorithm (BNG). Dr Betts, in a lecture in 2021, noted that the metrics used have limited ability to take into account indirect effects; they do not involve actual species counts and do **not produce precise or absolute values**. Ecologists in the UK generally regard the BNG metric as unfit for purpose. Professor Willis, a leading ecologist from Oxford University, said in 2021 that the BNG is likely to "... promote further loss and fragmentation of some of the UK's natural environment ... so net biodiversity gain will end up being a net loss of biodiversity."

Immediately adjacent to the west field is a private wildlife reserve, Rydal Mount and Wood. The owner reports that it is regularly visited by conservation and wilding organisations such as the RSPB, British Trust for Ornithology (BTO), Suffolk Wildlife Trust, Butterfly Conservation, Woodland Trust, Suffolk Tree Council, Suffolk Moth Group, and Suffolk Beekeeping Associations.

These groups conduct surveys and seminars for their particular interests and have recorded a host of wildlife, flora and fauna including: 25 species of butterfly, over 150 species of wildflowers, 68 species of birds, 58 species of fungi, over 50 species of trees, over 350 species of moths and c.500,000 bees. Of special interest are Otters, Great Crested Newts, Stock Doves, three species of deer, Kingfishers, Purple Emperor Butterflies, Orchids, Bats, Terrapins and Swan Mussels.

Not only is the site within a locally designated sensitive landscape, it is also set in an already rich biodiverse location that does not need to be “improved” at the cost of industrialising its landscape.

No proper consideration is given by the developer to the persistent noise (up to 95dBA) to be generated at the BESS site. The Breeding Birds Survey indicates the presence of Yellowhammers, Larks and Whitethroat in the field where the BESS are intended to be sited but the effect, if any, on the loss of likely habitat, has not been addressed. Fields covered with solar panels are not silent. A good example of their destructive impact is the noise generated by the associated infrastructure at the solar site in Claydon via the link below:

<https://claydonsolaractiongroup.co.uk/an-example-of-a-solar-farm/>

It appears to be a matter of assertion rather than evidence, that after 40 years the site would revert to farmland. The effect on the soil of 40 years of compaction under glass and steel is assumed to have no lasting effect on its quality.

However, a study assessing the impact of solar panel sites on the soils of agricultural land was produced in March 2023 by ADAS for the Welsh Government and Natural England. The impacts on best and most versatile (BMV) agricultural land from the construction, operation and decommissioning phases were reviewed. The main impact of the development was deep soil compaction resulting in the loss of versatility of BMV agricultural land, particularly in the wetter parts of England and Wales. It can take many years for soils to recover from compaction and in some cases it may be permanent. Rainwater run-off from panels can result in rivulets, which can lead to soil loss by erosion.

The claims of the developer that the soil is “rested” and “allowed to recover from intensive agricultural use” are spurious and demonstrate an ignorance of natural systems. No consideration has been given to the catastrophic loss to wildlife and landscape if a thermal runaway occurred at the BESS site which will damage the brook by the BESS, used by the otters on their way from Brookhall Farm to ponds in Spexhall.



Bonnars farm Solar factory in Wissett

17. On what grounds can the Council accept that the developer's claims of biodiversity increase are in any sense substantive?

18. How can the Council accept that this development will increase biodiversity?

19. How can the Council grant planning permission for this development in breach of the policies that protect the current high level of biodiversity in the area?

LOSS OF PUBLIC AMENITY

Conflicts with Planning Policy

WLP 8.171 '... primary aim of the planning system is that development should deliver good standards of amenity for existing and future occupiers and surrounding uses and does not generate significant harmful effects ...'

WLP 8.29 and WLP 8.35 'Development proposals will be expected to demonstrate high quality design ...'

WLP 8.86 'The valuable character of the Waveney landscape is one of the assets which helps support the local tourism industry.'

NPPF 180

The proposed scheme creates a substantial loss of visual amenity to the community as a whole, noise from the batteries and inverters, potential severe harm from battery fires due to the release of hazardous substances, increased risk of flooding from run-off on to the road from the solar panels, glint and glare to motorists on Grays Lane and a loss of enjoyment of footpaths adjacent to the development.

The effects on residents adjacent to the development is also very substantial, two of which are listed buildings, one additionally with a nationally significant ancient monument in the form of a moated site separately listed.

The cumulative effect of the development, taken in conjunction with the existing 70 acres of solar arrays already in the village, will also have a deleterious effect on tourism and is contrary to para.8.86. of the WLP “The valuable character of the Waveney landscape is one of the assets which helps support the local tourism industry. It is therefore important that development does not harm the asset on which it depends. Policy WLP8.35 and the NPPF will be used to assess the impact of tourism development in the landscape.”

The developer claims that the ‘minor adverse effects’ on the landscape and visual amenity will be substantially mitigated at 10 years by hedge planting (Briarwood). This assertion is misleading because it is premised on the **opinion** that the ‘landscape sensibility’ is determined to be ‘low value’ which is contrary to that of the two leading evidential studies mentioned above, namely, the Waveney District Landscape Development Character Assessment 2008 and the Great Yarmouth and Waveney Landscape Sensitivity Study 2016. It is perverse for the developer to prefer an **opinion**, based on ignorance of the two most relevant studies. These are expensive studies, commissioned and paid for by the Council and then incorporated into the relevant local plan specifically to guide planning decision makers.

Contrary to the Briarwood opinion these reports describe the particular area as of high landscape value which is highly sensitive to change and with low development capacity. It was precisely for that reason that WLP 8.35 specifically proscribed development which will have a significant adverse effect on tributary valley farmland.

Given the inadequacies of developer’s Landscape and Visual Amenity expert report and the strong contrary views of Ms Donnelly, Ms Lake and Ms Cairns, it is clear that the 340 public objections are well founded and to permit the application would fundamentally breach NPPF 180 and WLP8.35 causing substantial harm to the landscape and public amenity.

20. How can the Council accept that there will be anything less than substantial harm to the lives and amenity of local people if permission for this application is granted?

21. How can the Council justify the loss of public amenity in direct contravention of its own Local Plan and national guidance?

You are not alone – throughout England planners and councillors are now recognising that there are far more applications for solar factories than are required to meet current targets. There is also now a national recognition of the deep concerns communities have about the safety of BESS, the loss of BMV land and damage to food security, the harm to heritage assets, to valued landscapes and to already richly biodiverse areas due to the over development of solar factories. Our net zero solar targets can be adequately met by developing non-BMV land and using roof tops. This development at Grays Lane is not necessary, it is harmful to the community and local environment and can be confidently rejected.

SOLAR FACTORY PLANNING APPLICATION REFUSALS

Hawkchurch in East Devon the developer's appeal was dismissed by Inspector Longmuir who found considerable doubt that the scheme could contain toxic fire water from the BESS in the event of a thermal runaway; there were no hydrants and proposal was a significant risk to residents and environment.

Lullington in South Derbyshire was rejected in the High Court where it was considered that the loss of 10 hectares of BMV land to food production for 40 years was not outweighed by the claimed energy benefit.

Milton Road in Gayton was rejected on heritage grounds where the Minister Simon Hoare MP agreed little weight should be given to temporary nature of the proposal – 40 years is not temporary. The Minister found that the designation 'less than substantial harm' to heritage assets definitely outweighed the public benefit of renewable energy.

Butterfly Lane Site in Hertfordshire was rejected on heritage and landscape grounds by the Inspector and the Minister for destroying the green belt land classified as 3b, which is currently a class below BMV land.

Hatton, near Horncastle was rejected on heritage and landscape grounds by East Lindsey District Council due to harm to just to one Grade 2 building.

Rookery Farm, Aylesbury Vale a 33-hectare, 500 MW BESS, was rejected because it would harm the landscape and its character.