

To Chris Bally, Chief Executive of East Suffolk Council
Copy Caroline Topping, Leader of East Suffolk Council
Copy Ben Woolnough, Head of Planning at East Suffolk Council

From Symon Clarke, on behalf of the Save Grays Lane Campaign

15 April 2025

Dear Mr Bally

**Planning Application DC/22/3313/FUL
Solar Factory, Grays Lane, Wissett**

Thank you for your letter dated 7 April. I am writing to you again, on behalf of the Save Grays Lane Campaign, to express our disappointment with your response to our complaint of 17 March. You have sought to ignore almost every point we raised in favour of generalised statements about protocol and process.

Your letter makes it clear that, as long as the professional planners at the Council make a record of all the issues they have considered, they will avoid any further scrutiny and can determine pretty well any conclusion within a very wide range of options.

Public Engagement

Specifically, your letter assures us that, *“as a Council, we are listening and engaging with communities to seek to get the best possible policy-compliant development for East Suffolk in the right places for the benefit of the district and that we move all involved into a more understanding place in terms of relationships and behaviours.”* But your letter shows that you have failed in this objective.

You also assert that *“neither the Chief Executive nor Planning Officers can provide detailed post-decision commentary on applications”*. So here you have firmly shut the door on any further public involvement in this case and supported your position by invoking the LGSCO, where a recent (supposedly related) case was found in your favour.

Public Engagement and the ESC Planning Process

Your letter then continues by presuming to lecture us about the efficacy of your planning process and how it has all been carried out in an exemplary manner and assert again that *“I am not in a position to exchange views on the planning merits of the case and policy compliance since these were all matters addressed in the report and during the hearing itself.”* They were not, as we hope you will realise from what follows.

You then assume that the “*substance*” of our complaint is just about the “*objections made to the application*” and go on to explain that they were all dealt with by a 74-page report to the Planning Committee, a 41-slide presentation lasting an hour, 3-minute stakeholder speeches and a 30-minute debate where you claim that the “*Planning Committee took considerable time to understand, question and debate the application*”.

We were all present at this meeting and our experience was very different.

The Officers’ Report was only made available five days before the meeting, so it was very difficult for us and your Councillors to have time to digest its contents and take a considered view. The Slide Presentation was difficult to follow because most people couldn’t see the display screens properly or understand much about what was being said. This muddle was reflected in the so-called debate that followed, which amounted to nine ill-informed Councillors attempting to form opinions with little idea about any of the issues at stake. It is an indictment of your democratic process that the Planning Report, Slide Presentation and officer interventions proved to be so useless at the meeting.

How can any reasonable organisation expect local people, their experts and anyone else with an interest in this development, to take account of a lengthy report in five days, let alone have time and a reasonable platform to question any of its conclusions?

Why is it acceptable to publish the Slide Presentation only one day before the planning meeting?

None of the points we raised in our letter ask you to overturn the decision and we know that the decision-making process (not the decision itself, as you state) can only be challenged by a third party at a Judicial Review. As you have dismissed any chance of engaging with us on matters you deem to be covered by the Planning Report and Slide Presentation, we point out that our letter of complaint asks your Council to justify the recommendation to grant planning permission by raising several key issues not covered by those reports; our account of your process given above and the questions we ask you to address, is an example.

Conditions to the Planning Permission

The Slide Presentation ended with a list of headings for each of the conditions to which the planning application would be subject if agreed. The conditions were not amplified and Councillors had no knowledge of them before the meeting, nor did we or any of the Parish Councils. Councillors were therefore required to make their decision with no knowledge of what the conditions entailed.

This approach may be common planning practice but there can be no acceptable reason for you to adopt it as suitable protocol for such a complex application. If you really wish to engage with local people and your own Councillors, you should be disclosing and explaining the conditions well before the meeting. The democratic process should ensure that Councillors making decisions and their constituents are properly informed.

How was it possible for anyone to consider if conditional safeguards were appropriate and even suggest improvements or additions, when they were not disclosed before the meeting?

One of the landowners at the meeting stated that the Retreat Farm Estate was currently operating at a 'significant loss'. However, Companies House shows substantial gross profits in the accounts of Retreat Farm for 2023/4 (£764,442). Be that as it may, the Planning Report accepts at face value claims from the developer and landowner that income from this development will contribute to the "*viability*" of the (supposedly struggling) Retreat Farm Estate.

Furthermore, the Planning Report states that the site comprises only 15% of the Retreat Farm Estate being leased to the developer. There is no explanation as to why this is relevant. What is of greater relevance but is dismissed elsewhere in the report, is that 80.5% of that land is on BMV land which is contrary to the NPPF.

The income from this development to Retreat Farm arises from government subsidy, paid to the developer in the form of price guarantees and the consumer, paid for as the price per unit of electricity. This is public subsidy and should be monitored as any other subsidy from DEFRA would be. All that your Council has asked for as a condition is a 'sheep grazing plan' which is bizarre, because the landowner is a cereal farmer and, by choice, has no interest or expertise in livestock.

There is no explanation of the benefits to be derived from the public funding of the diversification of 15% of the Retreat Farm Estate, beyond those accruing to the landowner and developer. The stated Diversification Plan by the developer is simply a wish whereby "*increasing yields by enabling investment to carry out drainage of the farmland, improved nitrogen-use efficiency of applied fertilisers allowing reduced application rates and improvements to soil quality from introducing grassland and grazing practices.*"

This is not a business plan to justify public subsidy and engender public confidence, so why was the Planning Committee advised, in effect, that the profitability of Retreat Farm is a consideration that adds weight in favour of the application?

In a letter dated 5th July 2024 from Iain Robertson to Richard Mosinghi of PACE, the planners explained to the developer that although '*his preference is for the BESS to be conditioned, that is not an approach we are able to take – and in any case, even if we did, this would be wholly unsatisfactory to the community and members of the Planning Committee*'.

Six months later, ESC agreed that the satisfaction of "*the community and members of the Planning Committee*" counted for nothing and signed up to vague and limited conditions (27 and 28) relying on feeble advice from the Suffolk Fire and Rescue Service and 'no comment' on the issue from the HSE. This was compounded by the developer who struggled for over a year through five iterations to produce an inadequate Fire Safety Plan that amounted to a vague discussion document.

Councillors were not given details of conditions 27 and 28 before or at the meeting and were therefore asked to agree to a BESS with only a cursory, and therefore inadequate, Fire Safety Plan discussion paper. ESC did not undertake any independent review of safety issues, so no account was taken of the risks identified in scientific detail by Dr Fordham or the Battery Fire Safety Management Plan for Sunnica, which regarded as an industry standard. There was no acknowledgement of the guidance from the DESNZ, which now supersedes the NFCC guidance, and states that the *“effective assessment of potential risks is central to the management of health and safety at the outset of a project”* and *“when considering the BESS context, hazards should be considered for all stages of the system lifecycle ...”*

Managing conditions in this way cannot be acceptable and even now conditions 27 and 28 provide scant protection for the local community because there is no clarity about how a Fire Risk Assessment and Emergency Response Plan will ever be validated. There is therefore very little chance of suitable mitigation in future due to the minimum design standards that have now been agreed. There is no protective bund to manage toxic water run-off and no water supply to the site, so there is no chance of managing a fire of any sort beyond two hours.

Deferring to the Fire Service is an abdication of responsibility, when much more detailed and robust conditions could easily have been put in place, as implied by the planner’s initial response to PACE quoted above.

Please explain why the Council changed its mind and opted to accept a vague Fire Safety Plan discussion paper and assurance from the developer and the SFRS that a suitable plan will follow, without stating what it should cover and how it will be assessed?

The Planning Balance

Our letter of complaint asked you to consider the determination of the so-called ‘planning balance’ which we consider to be biased in favour of the developer because no reasonable account was provided in the Planning Report to justify the weightings applied. We showed that there were detailed observations about the potential ‘harm’ of the development but almost nothing to substantiate the ‘benefits’, beyond a few vague statements which we quoted from the Planning Report.

The media make it clear that current Government policy is weighted in favour of solar energy developments but we asked specifically to see the documentation of these policies that appear to make it so clear to ESC planners that considerations of renewable energy developments override almost every policy in place to protect the landscape, listed buildings and the safety of the public.

Your letter claims that *“the weighting of the decision was presented in a well-considered manner in the committee report and ... note the ‘Conclusion and Planning Balance’ in Section 8 covers this well.”*

But the Planning Report offers no substantive evidence for net-zero, apart from the discredited claim that *“The development would generate electricity from a renewable source and would have the capacity to generate sufficient renewable electricity to power approximately 10,518 homes, resulting in significant savings of carbon dioxide emissions during its lifetime.”*

An example of Government policy was quoted at the Planning Meeting and showed that renewable energy should not override all other considerations. Sarah Jones MP from the Department of Energy and Security, stated on 19th of Jan 2025 that: *“We agree that we need to look at our responsibilities in terms of climate, agriculture, the countryside and food production. The government take all those responsibilities very seriously and look at them very carefully. We agree that if we are building solar panels, for example, we should build on brownfield sites first. If we cannot, we should build on areas of lower quality land first. We agree that food security is enormously important for this country.*

The government remain committed to balancing the urgent need for renewable electricity with considerations of land use, food production and community benefit. We want to take people with us on this journey.”

Well, if you are committed to enacting Government policy, it is hard to understand how the arguments in your Planning Report are sympathetic to this Government policy statement.

We therefore ask again, where is the documentary evidence of policy that so drastically tips the balance in favour of this developer to site a solar factory in such a protected landscape in order to reach net-zero?

Chediston Solar Factory

Since our letter of Complaint last month, the same local people affected by the Grays Lane site have been made aware of the proposal to triple the size of the existing 70-acre solar factory at the other end of their village at Bonner’s Farm. This amounts to further potential detrimental cumulative impact on Wissett and now the neighbouring parish of Chediston. The pre-application for this proposal was known by the Planning Department at ESC well before the Planning Meeting for the Grays Lane site. Following the weightings given at that meeting, there is little doubt now that this proposal will be granted planning permission.

The Chediston proposal is a material consideration for planning in the area, so why was this potential development not disclosed to Councillors at the Grays Lane Planning Meeting?

However you categorise this letter within the ESC complaints procedure, we insist that you reply, as the Chief Executive. We are not prepared to draw a line under any of these issues until we receive a substantive reply that does not side-step our concerns. It will be our decision then as to whether or not we take matters further, to the Ombudsman, our MP or the media.