

Councillor Briefing Note

Full Planning Application:

DC/20/05895 - Enso Energy Solar Farm

Purpose of this Document

The purpose of this document is to provide summary information on why Mid Suffolk District Councillors should **REFUSE** planning application DC/20/05895 for the construction of 30MW of solar arrays, battery storage, and associated infrastructure by Bramford Green Limited, on behalf of Enso Energy.

This document:

- is divided into topics for ease
- includes baseline information about the application
- includes the conflicting planning policies
- includes lots of photos



Executive Summary

There are indeed benefits in terms of carbon dioxide savings as a renewable energy development, and solar energy is important in the overall goal of climate change. Especially at a time when there is added pressure on the security of energy supplies.

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

Saying no to this application is not saying no to solar.

The technology is flexible and there are better places for solar like on rooftops and car parks.

Saying no here is simply saying no to solar on prime arable farmland in a sensitive Special Landscape Area.

The current war in Ukraine has shown us that we cannot afford to lose farmland, and in particular BMV farmland, to renewable energy technology that has the ability to be placed in more suitable locations.

This solar farm provides no benefit to local communities.....no jobs, no financial benefit and only a negative environmental impact to wildlife and PRowS that attract local residents and tourists. It isn't even supplying the electricity to the local area.

The local development plan was a carefully considered set of policies created to align with national policy in the specific context of Mid Suffolk. It went through a rigorous consultation and examination process. This proposal conflicts with the local development plan. Communities expect the plan to be defended.

About the Site

The site is located on the border of both Babergh and Mid-Suffolk Districts. And it crosses multiple parishes.

The area is a scene of vast open arable countryside in an undulating landscape. There is soft landscaping in the form of hedges, trees, and parcels of ancient woodland.

Settlements are small, typically centred around the village churches and along the narrow winding country lanes, which influenced this historic agricultural landscape. The occasional farmstead can be seen in elevated locations, such as Hill Farmhouse which is adjacent to the proposed site.

As is expected of the open countryside it is very quiet and tranquil, with birdsong and the wind being the most common sounds. Depending on where you stand and the wind direction you may be able to hear a car on a distant road, or one of the cattle from Gate Farm, Flowton.

The proposal is located on a valley slope with an elevation of around 50m and has wide views out of and into it. The site has very little containment in the wider landscape and it is situated within the protected Gipping Valley Special Landscape Area (SLA).

The proposal seeks to introduce large swathes of discordant industrial features such as high security fencing, CCTV cameras, enormous 10ft tall solar arrays and large shipping containers filled with noisy batteries and inverters into the area, which would be highly visible in the wide open landscape and SLA.

Photo taken from the bridleway along the southern edge of the proposed site showing how wide open and distant the views are in this landscape. The field in the foreground and falling down the slope to the left would be covered in solar panels. It is better seen in real life, but St Mary's Church in Flowton is just to the left of centre.



Community Response

The application has received an **unprecedented amount of community objection**.

Residential responses amount to **186 objections**, with many residents submitting additional objections on top of this as new documentation was submitted by the applicant.

There are only three comments to support the application:

- one is the landowner himself
- one is a neighbour of the landowner
- one is a resident who supports the effort of renewable energy, but also raises concerns about the impact of construction traffic and the consideration to local residents and roads

The following Parish Councils have all put in strong objections:

- Burstall
- Flowton
- Bramford
- Elmsett
- Somersham
- Little Blakenham
- Hintlesham and Chattisham
- Sproughton
- Pinewood

In addition to all of this objections were sent by

- The Babergh Alliance of Parish and Town Councils
- Dr Dan Poulter MP

Use of BMV Land

Conflicts with Local Planning Policies:

CL11 of the Mid Suffolk Local Plan 1998

LP17 1 a) of the emerging Joint Local Plan 2020

The application seeks to build on 35ha or 86 acres of greenfield arable agricultural land.

Over 75% of it is classified as Best and Most Versatile (BMV) land, which national policy states should be avoided for development, and lower quality land should be used instead.

The very recent House of Lords Land Use Committee report in December 2022 stated: *“Although there are provisions within the National Planning Policy Framework to dissuade the development of solar farms on Best and Most Versatile land, from the evidence received **we are concerned that too many exceptions are being made.**”*



Use of BMV Land cont...

The applicant states that at the end of the proposed 40 years they may apply for an extension. Given the amendments in the draft NPPF 2023 currently under consultation - which calls for renewable energy sites to be re-powered and their life extended – this places important doubt on the claim it is temporary.

This potential for re-powering changes a fundamental basis on which this application is being assessed. And really highlights even more the importance of solar schemes being in the right place and with community support.... since **this would essentially be a permanent feature and a permanent loss of BMV land.**

How much confidence can the Council really put into the claim that this is temporary?

What evidence has been put forward to justify the claim that this is fully reversible and that the quality of the BMV farmland would not be harmed?

If approved, these fields would become a construction site during construction and decommissioning. It would be filled with heavy vehicles and with machinery travelling all over it. The soil and subsoil would be compacted and turned into a muddy mess, just like any other construction site.

The temporary construction compounds for when the cables were laid for the EA1 and EA3 windfarms still show a scar on the landscape when the crops are growing, betraying the resultant loss of yield.

Set-aside fields as part of crop rotation are commonly used as “evidence” that the soil would improve only because the fields would be sown with a similar grass seed mix. Is a field full of solar panels, roads, and electrical cables really the same as a set-aside field?



A solar farm nearing the end of construction showing the lack of drainage caused by compacted soil. Heavy machinery tracks can be seen within the water.

Landscape and SLA

Conflicts with Planning Policies:

GP1 of the Mid Suffolk Local Plan 1998

CL2 of the Mid Suffolk Local Plan 1998

CL3 of the Mid Suffolk Local Plan 1998

E10 of the Mid Suffolk Local Plan 1998

CS05 of the Core Strategy 2008

FC1.1 of the Core Strategy Focussed Review 2012

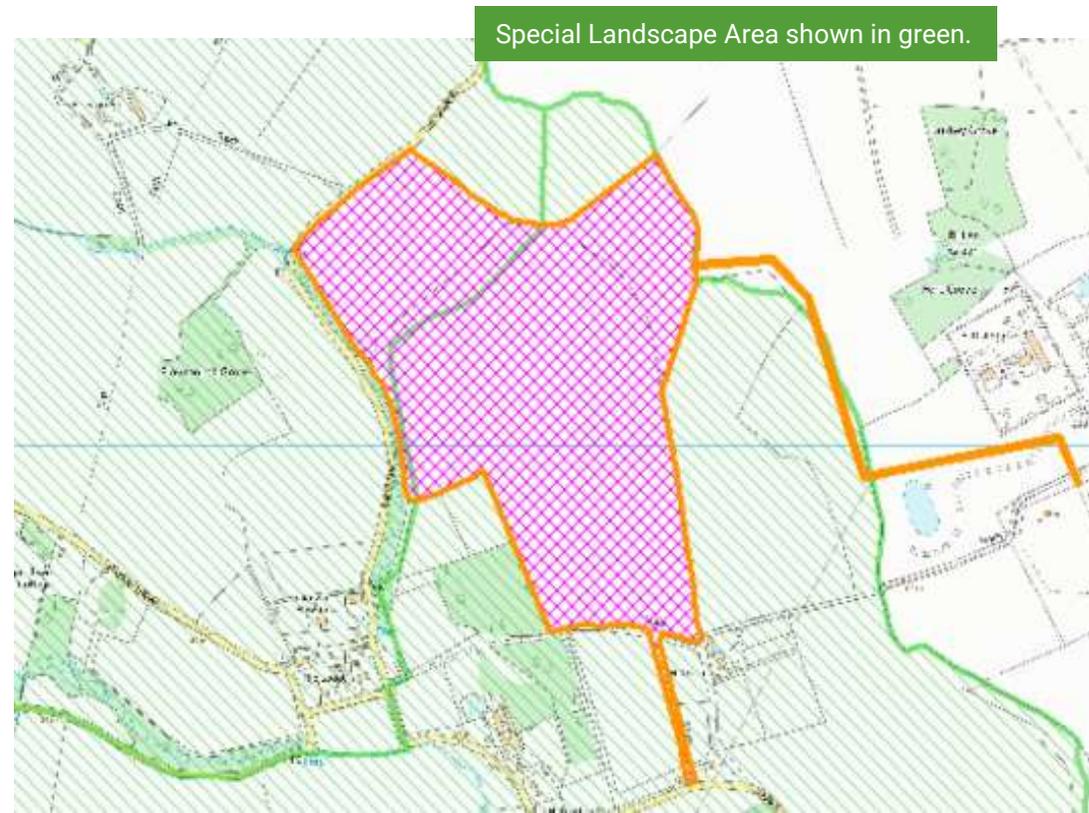
LP19 1 of the emerging Joint Local Plan 2020

LP27 1 of the emerging Joint Local Plan 2020

The application is sited within the Gipping Valley Special Landscape Area (SLA).

The proposal is located on a valley slope with an elevation of around 50m and has wide views out of and into it. The site has very little containment in the wider landscape.

The landscape character is open arable countryside in an undulating landscape, soft landscaping from ancient woodlands and hedgerows, dispersed settlements, and narrow winding country lanes.



Landscape cont...

The landscape officer for Babergh stated in its response on 5th March 2021

“It’s clearly apparent that the proposed development would alter this arable agricultural landscape by introducing discordant features such as fencing, CCTV cameras and solar arrays. However, the LVIA makes continual reference to the way the landscape character will be “perceived” or “visual portions...appear as small unobtrusive elements” (Para 6.9.63) which are primarily visual considerations and should not undermine the physical changes to the landscape character.” ... “We would still assess that **the impact on the existing landscape character and landscape fabric of the site is a level of adverse in the long-term** and it is important this this impact is recognised with the LVIA report.”

The planning officers’ report makes the very same faux pas that the landscape officer warned the applicant against.

At paragraph 7.17 the report states: *“Overall, there would be a significant change to the visual appearance of the site and the immediate surroundings resulting from this proposal. However, given the relative containment of the site and these visual effects together with the proposed mitigation of views the scheme is not considered to significantly detract from the overall special landscape qualities of the SLA and wider valued landscape. Whilst this is not strictly in accordance with CR04, the extent to which there would be a departure from the development plan must be balanced against other positive considerations.”*

How does a proposal described as having an adverse impact meet the requirement to maintain or enhance the landscape character and valuable landscape of the designated Special Landscape Area?

Cumulative Impact

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 or brushed aside to future decisions.** 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.

A letter from the leaders of Babergh and Mid Suffolk Councils to Greg Hands MP of BEIS in June 2022 states: *“Additionally, our communities are becoming increasingly overwhelmed by the number of energy generation and associated development projects, particularly solar and battery storage system*

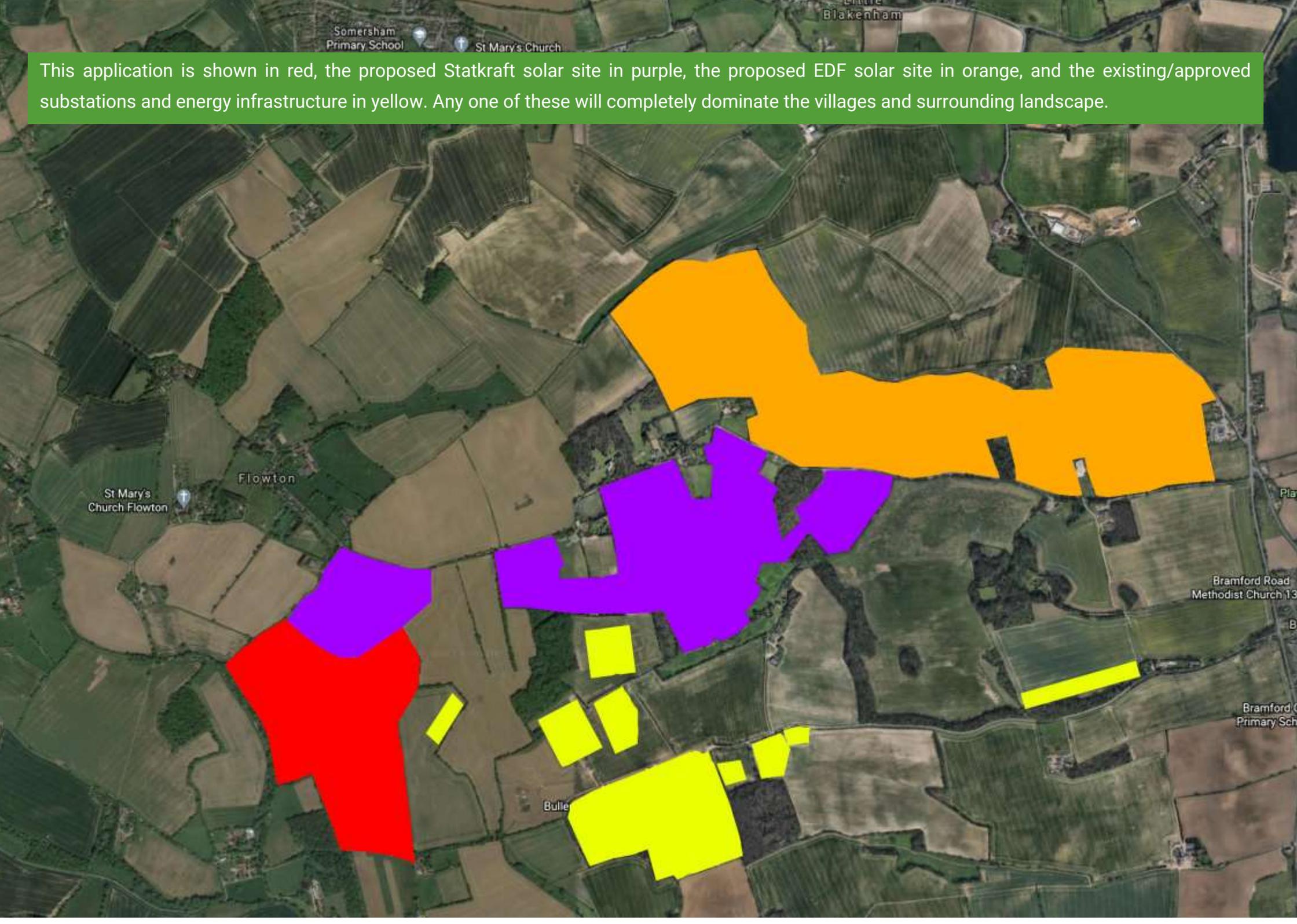
proposals. We consider that there is a similar lack of coordination and policy at national level which adds significantly to the challenge our residents, officers and councillors face in dealing effectively with such proposals, especially given the cumulative impacts of co-located proposals.”

In August 2022, **Mid Suffolk Councillors voted to refuse a smaller solar farm in Rickingham.** That is going to appeal and the decision on this application could either support or undermine the Councils defence on that decision.

If approved this application would make it very difficult for the Council to refuse other large-scale solar applications already proposed in the area, and open the floodgates for others. But not just around Mid Suffolk, for the entire District.

This scale of development does not integrate into the landscape, it becomes the landscape and it consumes villages.

This application is shown in red, the proposed Statkraft solar site in purple, the proposed EDF solar site in orange, and the existing/approved substations and energy infrastructure in yellow. Any one of these will completely dominate the villages and surrounding landscape.



Heritage

Conflicts with Planning Policies:

HB1 of the Mid Suffolk Local Plan 1998

CS05 of the Core Strategy 2008

LP19 1 c) of the emerging Joint Local Plan 2020

LP21 3 + 4 of the emerging Joint Local Plan 2020

LP27 1 of the emerging Joint Local Plan 2020

The application will have a significant adverse effect on the setting of St Mary's Church in Flowton, a Grade 1 listed building, and the non-designated heritage asset of Flowton Hall.

The proposal site is in clear view of the site from St Mary's Church, Flowton, and it sits within the setting of the Church, which is Grade 1 listed. This amounts to "less than substantial harm" in NPPF terms but guidance is that harm, of any level, must be given significant weight against the application.

The applicant claims the Church is not visible. The applicants' heritage consultant, the Councils heritage officer, and the Heritage England officer all failed to visit the site to check this.

We agree that St Mary's Church in Somersham and St Mary's Church in Burstall would not be impacted.

How much confidence can be placed in the various consultants' assessments of no impact to the setting of St Mary's Church in Flowton when none of them visited the site, and photographic evidence shows otherwise?



Photo taken from within the churchyard of St Mary's Church in Flowton, looking southeast towards the proposed site. The yellow ring highlights the proposed site.

St Mary's Church in Flowton can also be seen from the bridleway along the southern edge of the proposed site, and this is the first view travellers from Burstall will have of the landmark Grade 1 listed church. Field 5 is in the foreground with the wheat stubble. The yellow ring highlights the church. This landmark would be lost behind 10ft tall solar panels.



Heritage cont...

Why was the non-designated heritage asset of Flowton Hall not assessed or included in the planning consideration?

The proposal site is in clear view of and within the setting of Flowton Hall, a non-designated heritage asset listed in the Suffolk HER database reference FLW025. This has been given no consideration by the applicant nor the officer's report despite non-designated heritage assets being a material consideration.



The applicants own visualisation (Figure 6.8.4 – viewpoint 14) showing buildings at Flowton Hall. The office blocks on the right were recently converted to dwellings, which had their permitted development rights removed due to concerns over the preservation of local distinctiveness against things such as fencing. The solar panels can be seen as a prominent feature in the landscape.

Security

Conflicts with Planning Policies:

Policies already listed in the Landscape section

Nearby application DC/19/01601 for a battery storage site was approved with a 6ft high deer fence and wooden post perimeter, just like this one, because it had the least impact on landscape. Under non-material amendment DC/22/05018 a change to almost 8ft V-welded mesh fencing with steel posts was sought to *“increase security and protect the equipment.”* It was approved with no consultation.

The applicant has chosen deer fencing with wooden posts because it is less intrusive on the landscape (though intrusive nonetheless) but deer fencing comes in many forms and no photos have been

submitted for an informed decision to be made on landscape impacts.

The Designing Out Crime Officer stated that deer fencing is insufficient for security purposes. Furthermore, insurance companies are increasingly refusing insurance for solar farms that use deer fencing, asking for high security fencing instead.

High security fencing would have a significantly more intrusive and eroding impact on the landscape.

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



An example of the high security grade fencing now recommended.

Traffic

How much confidence can the Council put in the expected number of vehicle movement figures when they are so inconsistent with other similar applications in the area?

| Application Number | Name | Development Description | Number of HGVs (number of movements) |
|--|---------------------------|--------------------------------|--------------------------------------|
| DC/19/01601 | Anesco BESS | Battery storage | 176 (352) |
| DC/21/06801 (this was a non-material amendment to DC/19/01601 above) | Anesco BESS | Battery storage | 426 (852) |
| DC/21/05468 | Pigeon Power BESS | Battery Storage | 487 (974) |
| DC/21/04711 | EDF Renewables Solar Farm | 49.9MW Solar Farm | 913 (1826) |
| DC/22/00683 & DC/22/01243 | Statkraft Solar Farm | 29.6MW Solar Farm + 104MW BESS | 1162 (2324) |
| DC/20/05895 & DC/21/00060 | Enso Energy Solar Farm | 30MW Solar Farm + unknown BESS | 480 (960) 10% buffer 528 (1056) |

Construction worker traffic is **IN ADDITION** to these figures at around 40 vehicles per day. The village of Burstall is already suffering heavily from congestion and road and verge damage from HGVs of the Anesco BESS.

Flooding

Conflicts with Planning Policies:

E10 of the Mid Suffolk Local Plan 1998

LP27 1 a) of the emerging Joint Local Plan 2020

LP29 of the emerging Joint Local Plan 2020

The proposal site itself is indeed sited, mostly, on flood risk zone 1. There are no disagreements that the site itself would not be safe from an increased risk of flooding.

This does not automatically mean that the site would not increase the risk of flooding elsewhere.

The proposal **plans to more than double the current greenfield surface water runoff rate** (from 0.58l/s to 1.4l/s) for the battery storage and substation area, and to then feed this into the Flowton/Burstall Brook watercourse, which is already a high flood risk area.

The Flowton Brook area is the converging point for 4 routes between villages Aldham, Burstall, Flowton, and Bramford Tye, as well as the villages beyond this.

Why make this worse for residents and users of the road network, including the emergency services?



*Flooding of "The Channel" Road adjacent to Fields 4 & 5
15/01/21 observed by Paul Boulton*



*Flooding of "Church Hill" Road below Fields 4 & 5 17/01/21
observed by Claire Boulton*



*Flooding in Burstall at footpath to Hintlesham,
adjacent to Flowton Brook <1000m
downstream from the edge of Field 5,
24/12/20 observed by Ann Burchnall*

Public Amenity

Nearby residents are already hearing a lot of noise from the Anesco battery storage, which they were told they wouldn't. But residents are not the only receptors to noise.

The average current noise recorded for the site shows 32dB during the day, and 22dB at night. (Measure Position 1 in table 4 of the Noise Assessment)

The Specific Sound Level Map shows this would increase to 40-50dB along parts of the footpath during the day, and 30-40dB at night. An increase of 8dB+, would be very perceptible and significant increase.

Why has no consideration been given to the impact of noise on public amenity to users of the footpath through the site?

Why has no consideration been given to the impact of glint and glare to walkers and horse riders of the footpath through the site and the bridleway along the southern edge of the site?

The glint and glare report shows no assessment for walkers and horse riders, who travel slowly and so any glare will take longer to get away from. Screening around the site is predicted to take 10 years to become 'effective'.

Why has no consideration been given to the impact on public amenity and visual impact for users of the Sustrans National Cycle Route 48?

The cycle route runs along Tye Lane, through the village of Flowton, past St Mary's Church, Flowton and Flowton Hall and on towards Elmsett. The photo shown in the heritage section showing parts of Flowton Hall was taken standing on this route.

Permitted Development Rights

Evidence was submitted to explain that if the applicant or its successors acquired an electricity generating licence, the project would have permitted development rights to build additional battery storage units up to 15m high.

The Battery Guidance Note 1 from the Energy Institute states: *“Developments within the electricity industry are often covered under the Electricity Act 1989, which gives development rights to companies which hold a generation, transmission or distribution licence.”*

The officers report states: *“Officers can confirm that Bramford Solar Farm or ENSO, as operator of the site, are not a statutory undertaker and therefore they do not have any permitted development rights. It is also considered unlikely that a statutory undertaker would acquire the site such as to confer their permitted*

development rights onto the site due to the necessary separation of various operations in accordance with competition rules, etc.”

It is correct that Bramford Green Ltd and Enso Energy do not currently hold such a licence. However, Enso Energy have stated many times that if permission is given they would sell the site, and the purchaser may well be a statutory undertaker. It is not obvious that competition rules etc would apply to prevent this. The officers' conclusion does not appear to be well founded and such a purchaser could install batteries on site in stacks of 3 large containers without further planning permission. If Permitted Development Rights can be removed from Flowton Hall for fears of a minor residential fence being erected, why can they not be removed for this major development?

How much confidence can the Council really have that the site would not undergo further development under Permitted Development Rights, particularly in relation to the battery storage?

Battery Fire Fighting

Battery Energy Storage Systems (BESS) on the kind of scale proposed at this location are still new technology, and the risks are still being realised.

Fire incidents in the UK and around the world are causing increasing and understandable concern. BESS fires are typically caused by a system failure that results in an effect called thermal runaway.

Thermal runaway is when a battery cell creates excess heat. This excess heat releases more energy in the battery which increases the temperature even further, creating a vicious self-perpetuating cycle, and ultimately a chemical based fire.

A BESS fire caused by thermal runaway cannot be extinguished, only cooled until the chemicals are used up. So gas fire-suppressants are ineffective. Water is the preferred method by fire and rescue services.

What and where is the water supply that is available to handle a battery storage fire?

The planning officers' report states that an adequate water supply would be provided, but there are no fire hydrants anywhere near the site or BESS compound.

When Merseyside Fire and Rescue Services fought a BESS fire a few years ago they were actively fighting it for 59 hours and needed 5 fire appliances and 1 high volume pump on it. The fire affected only 1 container.

Suffolk Fire and Rescue Services recommend a rate of 1000l/s of water. Over 59 hours, that is 212,400 litres.

The required infrastructure needed to supply this amount of water is not insubstantial, yet the environmental impacts of it has been given zero assessment or consideration in this application.

How can the Council be satisfied that it knows the full environmental effects of this application when such a substantial piece of infrastructure needed for public and environmental safety is unaccounted for?

Hazardous Substances

According to studies by leading scientists Dr Edmund Fordham and Professor Paul Christensen, significant amounts of hazardous substances are produced as a result of battery fires, including highly toxic and flammable gases.

Hazardous substances (HS) are controlled under the Planning (Hazardous Substances) Regulations 2015, and where these could be present on a site then Hazardous Substances Consent must be applied for.

Consent not only applies to sites where HS are put there on purpose for use or storage, but also where it is reasonable to foresee that they could be generated on site by a failure in normal operating processes.

Local authorities to the Sunnica Solar Farm, and their barristers, are in agreement that large-scale BESS requires Hazardous Substances Consent.

Evidence from BESS fires in the UK and around the world conclude that highly toxic and flammable gases, which are listed in the Regulations, are generated as a result.

Studies by Fordham and Christensen confirm that BESS of the size proposed here would generate sufficient quantities of those substances to engage the Regulations.

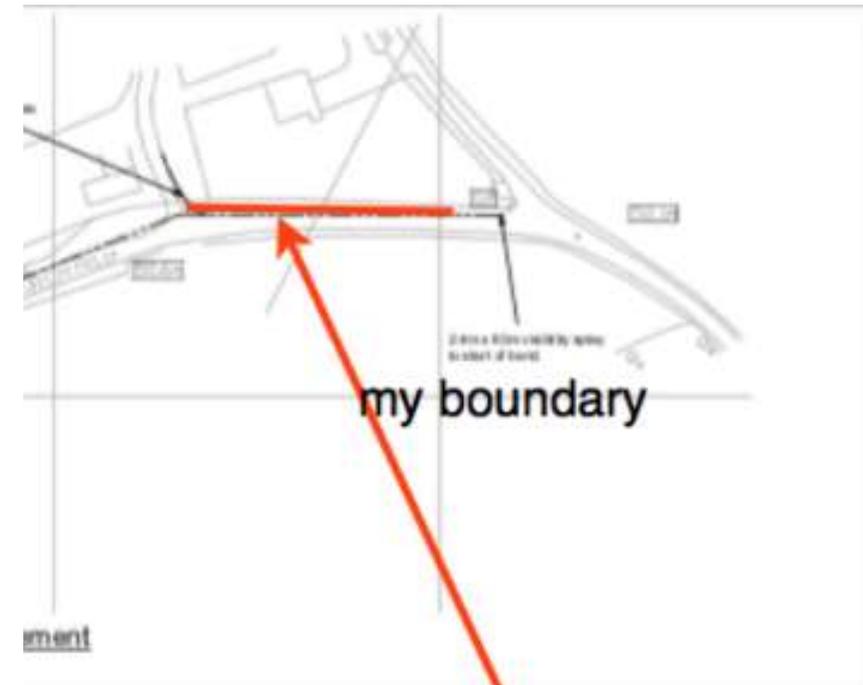
Paragraph 11.18 of the planning officers report states *"It is noted that, should a fire incident occur, water and air pollution is possible."*

Perhaps it is best if Dr Edmund Fordham explains the requirement and consequences in more detail. He has written a letter specifically for this application, which accompanies this briefing note. A letter from the Department of Levelling Up, Housing and Communities has also been included.

Why has Hazardous Substances Consent not been applied for, nor included as a condition?

Neighbour Intrusion

Early in the public consultation a neighbouring resident raised the issue that the proposed site access intruded over the boundary line into his property, and that permission was not given for this. According to the swept path analysis, HGVs entering and leaving the site do not have safe access without this intrusion. According to his map (shown) and the current site access map, this has not been addressed.



Missing Specification Sheets

When an application is submitted to the Council the received documents are checked against the Councils Local Validation Checklist. If all the documents are present, the application is validated and public consultation begins.

Part 2 of the existing checklist under item 22 requires manufacturers' specifications for several types of electrical items, including items in this application.

Where are the manufacturer specification sheets for the various electrical items and solar panels that will be used in this development?

How can the Council and its consultants be satisfied that they have the full knowledge of the worst case scenario when information required by the Councils own checklists have been withheld?

Excerpt from the Checklist:

"This provides valuable information on the plant/product to enable material planning judgement on safety, noise and disturbance and operation criteria that may be significant in understanding the extent of benefit or harm of the proposed development. A manufacturers specification will be required for the installation of any of the following (inter alia): Air conditioning units; Electrical goods; Lighting; Satellites dishes; Solar panels; Ventilation/extraction systems. The specification should include: Photo of product; Dimensions/sizes; Technical information about the product, including noise, performance"

It should be noted that whilst the applicant has stated they intend to use the Rochdale Envelope Principle to enable a degree of flexibility to the final technology required, this principle not only relies on the worst case scenario being put forward, but also only applies to Outline Planning Applications according to Planning Inspectorate Advice Note 9.

Conclusion

There are indeed benefits in terms of carbon dioxide savings as a renewable energy development. Especially at a time when there is added pressure on the security of energy supplies. However, even under current circumstances, increasing energy supplies from renewable sources does not override all other considerations.

There are multiple errors, omissions and contradictions within the submitted application, which would consequently result in the Council giving the current and future unknown site owners a 'blank cheque' if approved.

To differing degrees the proposal **fails to comply with numerous planning policies of the local development plan**. It also **fails to comply with numerous policies of national policy**.

Mid Suffolk recently refused a smaller solar farm proposal similar to this in Rickingham. The public expect consistency in decisions. Other solar farms around the country are also being refused. Common reasons include the inappropriate use of BMV land, harm to landscape and harm heritage assets and their settings.

Planning appeals have also recently been refused for the same reasons.

The threat of a planning appeal is not a material consideration for rushing through approval of an application that conflicts with local and national planning policy.

Given the recent statement by the House of Lords that **too many exceptions are being made**, it is obvious that material considerations to depart from the local development plan do not exist.

REFUSAL is the only sensible option.