



Third
Revolution
Projects

Tydd Solar: Proposed Solar Farm, Land at Treading Field, Treading Drain, Tydd St. Giles, Cambridgeshire PE13 4PL

Appellant's commentary on the National Planning Policy Framework (August 2026)

Planning Inspectorate references: 6001285 (South Holland District Council) and 6001284 (Fenland District Council)

LPA references: H19-0329-24 (South Holland District Council) and F/YR24/0457/F (Fenland District Council)

Appellant: Pathfinder Clean Energy UKDev Ltd

Agent: Third Revolution Projects

Date: 15th September 2026

1.0 Introduction

- 1.0.1 The Government published a revised National Planning Policy Framework ("the new NPPF") in August 2026. This replaces the December 2024 Framework ("the old NPPF") and is a material consideration in the determination of both linked appeals.
- 1.0.2 This note addresses the changes which are relevant to the appeals and the matters raised in the Statements of Case submitted by South Holland District Council ("SHDC") and Fenland District Council ("FDC").
- 1.0.3 Except where expressly stated below, the Appellant's case, the technical evidence and the conclusions in the Statement of Case remain unchanged. This Addendum should therefore be read alongside those documents rather than as a substitute for them.
- 1.0.4 The new NPPF separates plan-making policies from national decision-making policies. Paragraph 8 confirms that plan-making policies should not be used when making decisions on development proposals.
- 1.0.5 Annex A confirms that the new policies must be taken into account in decision-making from publication and that development plan policies, or parts of policies, which are materially inconsistent with the national decision-making policies should be given very limited weight, subject to the exception for policies examined and adopted against the new Framework.
- 1.0.6 The new NPPF materially strengthens the Appellant's case. In particular:
- S5 establishes that energy infrastructure is suitable for locating outside settlements and established a presumption in favour, subject to meeting the policy's criteria
 - W3 increases and broadens the prescribed weight for renewable and low-carbon energy benefits
 - N2 provides the current and proportionate decision-making policy for agricultural land.
- 1.0.7 Annex A confirms that the WMS which the Councils' rely upon within their Appeal Statements no longer form part of Government policy and so is not a material considerations

2.0 Principle of Development

- 2.0.1 Former paragraphs 7 and 8, relied upon by SHDC, are reflected in introductory paragraphs 15-18 of the new NPPF. Those paragraphs retain the purpose of sustainable development and the economic, social and environmental objectives. However, paragraph 4 confirms that the introductory chapter contains no substantive policy and paragraph 18 confirms that the objectives are not criteria against which every proposal should be judged. They provide context, but do not in themselves form a basis for refusal. The relevant decision-making approach is found in paragraphs S3 to S5.
- 2.0.2 Former paragraph 11 is replaced by policies S3 and S5. The appeal site lies outside a settlement and the proposal comprises energy infrastructure within S5(1)(a). The policy starting point is therefore that the proposal should be approved unless the benefits of doing so would be substantially outweighed by adverse effects, assessed against the national decision-making

policies in the Framework. This is more specific than the former general presumption and provides direct national policy support for the principle of the development in a countryside location.

3.0 Climate Change and Renewable Energy

- 3.0.1 Former paragraph 168 required significant weight to be given to renewable generation and its contribution to a net-zero future and confirmed that applicants were not required to demonstrate overall need. W3 is now explicit about the weight that must be given to the benefits of renewable energy.
- 3.0.2 It distinguishes three separate benefits potentially arising from renewable developments (energy security, supporting economic development and the transition to net zero), and specifies that each of these benefits can be afforded substantial weight individually.
- 3.0.3 All three of the named benefits would arise from the appeal scheme, and so each one must be afforded substantial positive weight in the planning balance.
- 3.0.4 W3 retains the rule that applicants need not demonstrate overall need, and provides that proposals outside areas identified as suitable are to be assessed against the national decision-making policies taken as a whole.
- 3.0.5 The glossary expressly includes energy storage, including BESS, within renewable and low-carbon energy.
- 3.0.6 W3(3) also anticipates time-limited schemes where decommissioning and restoration are provided for (as they are in the appeal scheme).
- 3.0.7 These changes reinforce the very substantial beneficial weight attributed to the scheme's renewable generation, climate and energy-security benefits in the Statement of Case.

4.0 Agricultural Land and Food Security

- 4.0.1 Former paragraph 188 and footnote 65, relied upon by SHDC and discussed in the Appellant's Statement, were expressed principally in plan-making terms. N1(1)(c) now contains the plan-making approach to steering allocations away from higher-quality agricultural land, but this policy is not relevant to the appeal, because paragraph 8 prevents N1 being applied in decision making (in any case, neither Council have allocations for renewable energy developments).
- 4.0.2 Former paragraphs 180, 187 and 187(b) required recognition of *"the economic and other benefits of Best and Most Versatile ("BMV") agricultural land."* The relevant national decision-making policy is now N2(1)(b).
- 4.0.3 N2(1)(b) now requires the quality and grade of agricultural land, including BMV land, merely to be *"taken into account,"* and provides that if significant development of agricultural land is necessary, areas of poorer-quality land should be used *"where possible."*
- 4.0.4 Former paragraph 125(b), relied upon by FDC to emphasise the functions of undeveloped land, has no direct equivalent as a decision-making test. N2 does not prescribe determinative weight to use of BMV land. The relevant policy test remains a proportionate assessment of land

quality, whether it is necessary to use agricultural land, and whether poorer quality land has been used where possible. The nature and duration of the proposed use and the benefits and mitigation of the particular scheme are material considerations in this context.

- 4.0.5 Policy N2 supports the approach taken in the Statement of Case and the Agricultural Land Statement. The site-specific Agricultural Land Classification identifies the site as predominantly Grade 3a with a smaller Grade 2 component. The Site Justification document considered brownfield and lower-grade opportunities in the context of available sites within a reasonable perimeter of the grid point of connection, ultimately establishing that the appeal site is appropriate in the context of the NPPF.
- 4.0.6 The application goes on to demonstrate how the land as a resource will be protected: The soil would be retained, permanent built footprints would be limited, agricultural use through grazing could continue, and full restoration would be secured via a conditioned restoration strategy.
- 4.0.7 This approach demonstrates that agricultural quality has been taken into account and that the use of the appeal site has been justified in the proportionate manner required by N2(1)(b). The revised policy does not support the Councils' case that the presence of BMV land is, of itself, determinative.
- 4.0.8 Annex A of the new NPPF identifies Written Ministerial Statements and other planning-policy documents whose policy content has either been fully or partly incorporated into the NPPF or no longer represents up-to-date government policy. The list expressly includes "*Solar and protecting our Food Security and Best and Most Versatile (BMV) Land*" dated 15 May 2024 and the "*Planning Update*" dated 25 March 2015". Annex A establishes that the listed documents cannot continue to be applied as separate layers of policy in addition to the new Framework.
- 4.0.9 This is directly relevant to the Councils' cases. SHDC's reason for refusal relies upon the 15 May 2024 WMS to link use of BMV land with food security and national security. Its Appeal Statement goes further and says that the WMS "heightens" the NPPF requirement and is substantial and determinative. FDC's Officer Report similarly relied on the WMS as creating a "greater onus" on developers to show that higher-quality land is necessary.
- 4.0.10 NPPF policy N2(1)(b) makes no reference to food-security or national-security, indicating that these should not form material considerations in the planning balance.

5.0 Landscape

- 5.0.1 Former paragraph 135(c)-(e), relied upon by the appellant and repeated in FDC's officer report, is now addressed by DP3. DP3 requires proposals to respond to context and to reflect relevant design principles as appropriate to the nature and location of the development.
- 5.0.2 N2(1)(d) also requires conservation of existing natural features where possible and appropriate landscaping to integrate development.
- 5.0.3 The layout retains the central copse, hedgerows, drains and rights of way, provides buffers and grazing clearances, and incorporates substantial new planting, habitat creation and biodiversity enhancement, in accordance with these policies.

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- 5.0.4 Former paragraph 187(b) is now contained within paragraphs N2(1)(a & d), along with DP3. The site is not within a Protected Landscape (this is common ground between the appellant and Councils), so the prescribed weighting in N4 does not apply.
- 5.0.5 The Appellant nevertheless acknowledges the localised landscape and visual effects identified in the Landscape Statement of Case. The revised NPPF does not alter their assessment: they remain temporary, capable of mitigation and appropriately attributed moderate adverse weight. FDC's consideration that landscape impacts outweigh the benefits of renewable energy generation must now be made within the S5 balance and with W3's prescribed substantial weight in favour of energy security, of supporting economic development and of the transition to net zero.

6.0 The Development Plans

- 6.0.1 Annex A paragraph 2 requires very limited weight to be given to a policy, or part of a policy, which is materially inconsistent with the national decision-making policies.
- 6.0.2 The Appellant's case remains that Policy 1 of the South East Lincolnshire Local Plan (SELLP) conforms with the Framework, so long as it is interpreted as not restricting solar farms from countryside locations (it would otherwise conflict with S5 and so could only be afforded very limited weight under paragraph 8).
- 6.0.3 A tension arises between the new Framework and SELLP Policy 31, which prohibits renewable energy developments where significant harm would arise to the landscape character or quality.
- 6.0.4 Throughout the Framework, circumstances which in themselves warrant justification for refusal are made explicit, but none of the Framework's policies indicate that landscape considerations (outside of National or Protected Landscapes) should carry such great weight that they should prevent otherwise acceptable developments from being approved.
- 6.0.5 The most instructive Framework policy in this regard is N2, which only requires applicants to "consider the environmental qualities" in their development proposals. The substantive divergence between the blanket prohibition imposed by SELLP Policy 31 and the balanced and qualified approach taken in the Framework presents an inconsistency, and so in accordance with Annex A, only very limited weight should be given to Policy 31.
- 6.0.6 LP14 and LP16 of the Fenland Local Plan are capable of being applied through a policy-consistent planning balance. If, however, those policies were to be interpreted as imposing an absolute prohibition on BMV use, or as requiring exhaustive off-site soil sampling to determine agricultural land quality across vast swathes of the districts (as has been argued by the Council), that interpretation would be materially inconsistent with S5, W3 and N2 and should receive very limited weight.

7.0 Planning Balance

Presumption in favour of sustainable development

- 7.0.3 The appeal remains to be determined in accordance with the development plan unless material considerations indicate otherwise. The Appellant maintains that the proposal accords with the development plans when read as a whole.
- 7.0.4 New NPPF policy S5 requires that permission should be granted for the proposals unless the benefits are substantially outweighed by adverse effects. Taking the planning balance weighting provided in the new Framework, the benefits outweigh the limited adverse effects arising from the proposed development, and so in accordance with S5, permission should be granted.

Benefits

- 7.0.5 W3 requires substantial weight to the benefits of each of:
- The benefits of improving energy security
 - Supporting economic development
 - The transition to a net zero future
- 7.0.6 The appeal scheme would provide 86MWp of installed solar capacity, a 49.9MW export connection along with 30MW of BESS; generate electricity equivalent to the annual use of approximately 22,388 homes; avoid about 16,200 tonnes of carbon dioxide each year; and would use an available grid connection.
- 7.0.7 Taking account of scale, deliverability and the ability to contribute to net-zero and energy-security objectives, the integrated renewable-generation, climate and energy-security benefit continues to warrant very substantial beneficial weight.
- 7.0.8 The 173% biodiversity net gain, habitat creation, new hedgerows and long-term ecological management warrant significant beneficial weight under N2. Local employment, farm diversification and associated economic benefits warrant moderate beneficial weight.

Adverse effects

- 7.0.9 Agricultural land quality must be taken into account under N2. Considering the appeal scheme has followed the requirements set out in policy N2; it has demonstrated that it is necessary to use agricultural land for the proposed development and that the development has been directed to the lowest reasonably available grade of land, neutral weight should be afforded to agricultural land considerations. Material considerations which support this weighting include the fact that the soil resource is retained, agricultural use can continue, the permanent footprint is insignificant and restoration to the site's original condition would be secured by planning condition.
- 7.0.10 The new Framework does not indicate any weighting contrary to the appellant's view that the localised landscape and visual effects should receive moderate adverse weight.
- 7.0.11 The new Framework therefore does not support the view that any adverse weight should be applied for reasons relating to purported food-security or national-security effects.

Overall balance

- 7.0.12 The revised NPPF therefore strengthens the Appellant's case in the overall planning balance. S5 establishes a specific approval starting point for this form of infrastructure; W3 increases the former significant-weight direction to substantial weight and expressly recognises energy security and economic development; N2 retains a qualified and proportionate approach to agricultural land without an absolute prohibition or mandatory exhaustive alternatives test;
- 7.0.13 The new Framework provides no support for the view that the acknowledged adverse effects would substantially outweigh the benefits.
- 7.0.14 The appellant's view therefore remains that the in accordance with the Framework, the appeals should be allowed.