

Statement of Common Ground

This Statement of Common Ground has been prepared jointly by South Holland District Council and Third Revolution Projects (acting on behalf of the Appellant, Pathfinder Clean Energy UKDev Ltd) in respect to the Section 78 appeal at the Land east of Guanockgate Road, Nr. Sutton St Edmund, Lincolnshire, PE13 4PY (appeal reference number: 6001285).

The following table sets out the matters which the Council and Appellant consider to be common ground in respect to the appeal. The statement goes on to summarise the matters which the Council and Appellant dispute.

Matters not in dispute

Common Ground Reference	Topic	Common Ground Detail
1	Format of planning application and supporting material	It is agreed that the format of the full planning application forms, plans and supporting documents fulfilled the requirements of the various regulations and validation checklists, applicable at the time of submission. It is agreed that the development does not need to be supported by an Environmental Statement to permit a lawful decision to be made.
2	Existing use	The site is a 140.5ha plot of land, of which 74.3ha fall within South Holland. The entire site is used for arable farming. There are no buildings or any other uses within the site boundary. A public right of way runs through the site
3	Proposed use	The appeal scheme is a sui generis use-class as defined in the Town and Country Planning (Use Classes) Order 1987, as amended.
4	Capacity	It is agreed that the application is not Nationally Significant Infrastructure under the Planning Act 2008 and that it was appropriate for the Council to assess the application under the Town and Country Planning Act 1990 given that the proposal's aggregated solar inverter export capacity is below the aggregated solar inverter export capacity threshold set by the Act, which was 50MW at the time of determination of the application. As of January first 2026, the threshold has been increased to 100MW.

5	Principal of Development	It is agreed that the principle of a solar farm, BESS and ancillary infrastructure is acceptable and supported by local and national policy. It is agreed that the appeal scheme will make a very significant contribution to national and local renewable energy and climate change targets.
6	Agricultural land classification and use	Both parties agree that the entire site comprises 'Best and Most Versatile Land'. the site is made up of 11% Grade 2 land and 89% Grade 3a land. The majority of the Grade 2 land falls within the South Holland portion of the site.
8	Temporary nature	Conditions will restrict the development to have a 40 year operational life, plus 2 years for construction and decommissioning. Notwithstanding the materiality of this cessation from arable production, this is a finite period, considered by many appeals to be temporary.
9	Glint & Glare	A Glint and Glare assessment was submitted with the application. It is agreed that this confirms that there would be no adverse impact on road, residential, or aviation receptors once the proposed mitigation measures were secured
10	Aviation Safety	In respect to aviation safety, both parties agree that a Glint & Glare Assessment has been prepared which confirms there would be no impact on aviation receptors.
11	Transport and site access	Both parties agree that the site's proximity to the strategic roads network means that it is suitably located from an access perspective, and that all the proposed site access is appropriately designed and meets the criteria set out in SELLP Policy 33. Both parties agree that proposed access location, and its design is acceptable It is agreed that effects on the highway will be limited to the construction and decommissioning stages. During operation, effects will be negligible. The Highway's Authority have reviewed the proposals and identified that any impacts on the roads network is unlikely to result in highway safety concerns.

12	Trees	Both parties agree that the proposed development would not result in an unacceptable loss of trees. Both parties agree that the proposed additional planting of trees constitutes a benefit of the proposals, and that the proposed planting is suitable in the context of the surrounding landscape.
13	Ecology	Both parties agree that the appellant has undertaken appropriate ecological surveys, using a suitable methodology and engaged proactively with the Council to fully address ecology comments during the application process. Appropriate mitigations have been integrated into the scheme design to ensure that no unacceptable ecological impacts on habitats or protected species on or off-site will arise as a result of the development (provided the appropriate conditions are agreed)
14	Biodiversity net gain	Both parties agree that the proposed development would result in significant biodiversity net gains and so would meet the requirements set out under schedule 7a of the Town and Country Planning Act 1990 (as amended) and Policy 3 Part 14 of the SELLP. New habitats for wildlife would increase by 173%. This represents a substantial # benefit and carries substantial weight in the planning balance. It is agreed that these gains can be secured through a planning condition.
15	Heritage	Both parties agree that no impacts would arise on any designated or non-designated heritage assets if the development were brought forward.
16	Archaeology	Both parties agree that the appellant has suitably assessed the site for archaeological potential through the Written Scheme of Investigation and described the significance of any assets in a proportionate way and accordance with local policy and paragraph 207 of the NPPF.
17	Visual Impact and Landscape	Both parties agree that when considered against the climate change benefits the harm to landscape character is outweighed.
18	Cumulative impacts	It is agreed that a robust assessment of potential cumulative impacts has been carried out and no impacts will result from the appeal scheme.

19	Amenity impacts	Both parties agree that the appropriate assessments have been undertaken to enable a robust assessment of potential impacts on visual amenity, noise, air quality and glint and glare, over time, landscaping will screen the development from views, and that the development would not result in any unacceptable amenity impacts on surrounding residential dwellings, publicly accessible spaces or other receptors, in accordance with SELLP Policy 3. There will be no significant operational noise after the short construction period and no lighting other than an emergency lighting.
23(a)	Flood risk & Drainage	Both parties agree that site falls within flood zone 3a. The officer report states of the sequential test that there were no preferable places within the geographic area of search, in flooding terms. The proposal therefore passes the sequential test. The exception test is demonstrated to be passed suitably within the Flood Risk Assessment submitted in support of the application
23b(b)	Drainage Ditches	Both parties agree that the scheme has been designed to maintain an appropriate separation distance from the IDB drainage ditches within and surrounding the site. The North Level IDB was consulted as part of the application and raised no objection to the development.
24	Fire Risk	It is agreed that fire risk from solar farms and BESS is very low, and that residual risks can be managed by the appellant adhering to fire safety guidance, best design practice, use of appropriate fire suppression equipment systems in appropriate buildings (e.g. BESS containers and substations) and use of safety inspection checks carried out by the appellant during construction and operation. The Lincs Fire & Rescue Service were consulted and have not raised an objection to the proposal.
25	Public Consultation	The parties agree that the Appellant undertook an appropriate pre-submission consultation with the community in line with the NPPF.

		They also agree that consultation with the community and specialist consultees has been carried out and there has been no procedural unfairness in accordance with Paragraph 16.4 of the PINS Procedural Guidance.
26	Section 106 & CIL	It is agreed that SHDC is not a CIL charging authority and that a section 106 agreement is not necessary to make the scheme acceptable in planning terms.

Matters in Dispute

Under Section 7.0 'Matters that Remain in Dispute' are put forward by the appellant. They are presented in 5 bullet points. They are passed below with the LPA response under:

Point 1

Whether any best and most versatile land would be lost as a result of the development. The appellant's view is that no BMV would be lost, either on a temporary or permanent basis as the site can accommodate sheep grazing alongside the proposed solar use. The Council asserts that BMV would be lost.

LPA Response

Partly agree – The wording above is an over-literal reading of the refusal reason. The LPA consider that the cessation of arable production for the life time of the development is significantly material. Cessation/removal from arable production, is referred to as loss.

Point 2

Whether it has been shown that the use of Best and Most Versatile Land is necessary and whether it has been demonstrated that poorer quality land does not exist. The Council's position is that the appellant has not shown that the use of BMV is necessary, or that poorer quality land does not exist. The appellant contends that the Site Justification Report submitted with the application provides a robust justification for the use of the site, and that given the urgency of the need for renewable energy developments, the siting is appropriate.

LPA Response:

Agree – the LPA maintain the appellant has not shown the use of the application site as necessary and has not demonstrated adequately that poorer quality land was sourced over higher quality.

Point 3

Impact on food security and national security. The Council contend that the development would result in an unacceptable impact on food security, and therefore national security. The appellant's view is that the temporary reduction in food productivity that would arise as a result of the development would have a negligible impact on food security, and in turn does not constitute a threat to national security.

LPA Response:

Agree – The LPA contend that the minimum 42 year cessation of such a large area of the Best and Most Versatile Land would have an impact upon food security.

Point 4

Whether it has been demonstrated that the land take is required when considering the overall output of the scheme is acceptable. The Council contend that the land take has not been justified and that the proposal does not represent an efficient use of land. The appellant disputes these claims.

LPA Response:

Agreed – This comes back to demonstrating that use of Best and Most Versatile Land is demonstrated as necessary.

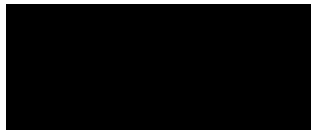
Point 5

Balance of Harm vs Benefits: The benefits of the scheme are not considered by SHDC to outweigh the identified harms. The weight attributed to the benefits of the scheme are therefore not agreed upon.

LPA Response:

Agreed – the decision was balanced.

Signed:

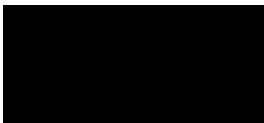


Ben Murphy, Third Revolution Projects

On behalf of the appellant

Date: 13.01.26

Signed:



On behalf of South Holland District Council

Date: 13.01.26