

Pre-Hearing Note

Appeal refs: 6001285 and 6001284

Appellants: Mr Alex Ross of Pathfinder Clean Energy UKDev Ltd

Local planning authorities: South Holland and Fenland District Councils

Proposed development: Installation of 49.9MW ground mounted solar photovoltaic panels with associated battery storage, substation and ancillary plant and infrastructure, and erection of security fencing and pole mounted CCTV cameras on a site that crosses the boundary between the two council areas and which is described as land east of Guanockgate Road, Nr. Sutton St Edmund, PE13 4PY/land at Treading Field, Treading Drain, Tydd St. Giles, PE13 4PL

Background

1. A Hearing relating to the above appeals will resume at **10am on Tuesday 29 September** at Fenland Hall, County Road, March, Cambs, PE15 8NQ. The Hearing is expected to sit for on Tuesday and Wednesday, with Thursday 1 October also reserved if required.
2. It will be conducted by M Chalk BSc (Hons) MSc MRTPI, who is the Inspector appointed by the Secretary of State for Housing, Communities and Local Government to determine the appeal.
3. The purpose of this pre-hearing note is to explain how the event will operate in a fair, open and transparent way and what should be done to ensure it runs smoothly.

Hearing arrangements

4. The Hearing will be run as an in-person event. If virtual attendance is supported by the venue please can the councils provide details of this on their websites alongside this note. It would assist the Inspector if the main parties could submit a list of those representing them at the Hearing, given the time since the Hearing was opened and adjourned in January. This list should include full name, job title/role in the appeal and any professional qualifications. If available, a list of interested parties intending to appear at the event should also be provided. This can either be provided in advance or at the start of the Hearing.
5. If a large number of interested parties will attend it would be useful if they could coordinate amongst themselves to prevent repetition of any points that they wish to make.

6. It would be useful if any recent correspondence on the matter of the National Gas pipeline near the site could be shared before the Hearing – the most recent correspondence I have on this point is from March, referred to in Fenland's scoping opinion.
7. It would also be useful for interested parties if printed copies of the following documents can be made available, as well as being posted on the councils' websites:
 - The 3 August EIA Review from the Planning Inspectorate's Environmental Services Team
 - The main parties' comments on the updated National Planning Policy Framework
 - The combined list of conditions, together with my comments and the appellants' comments, provided with this note
 - The original and updated Statements of Common Ground between the appellant and the councils

Format of the Hearing

8. The Inspector will start the event by running through procedural matters and seeking clarification on preliminary matters before moving onto the main issues. The preliminary matters will include:
 - The outcome of the Environmental Statement submission
 - The proximity of the site to a National Gas pipeline
 - The August update to the National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework>)
 - Any other points on which the Inspector wishes to seek clarification.
9. The Hearing will run as a structured discussion with the Inspector asking a series of questions to both main parties in respect of the main issues and any other matters. The discussion will be focussed on the evidence submitted in support of both parties' cases, together with the submissions of interested parties. All parties who so wish, will be given an opportunity to speak.
10. Please note that the potential presence of badgers in the area has been raised by interested parties in response to the Environmental Statement. This point will be discussed as one of the other matters, and potentially in the discussion on conditions.
11. It was confirmed during the case management conference held on 22 June that the venue provides microphones for those speaking.
12. A provisional agenda is at the end of this note but is subject to amendment. The Inspector will issue a final version, if required, at the Hearing.

Statements of Common Ground

13. The contents of the agreed Statements of Common Ground are noted, as are the contents of the updated Statements of Common Ground circulated this week.

Additional information and late evidence

14. If it is considered necessary to introduce further documents that would assist the Hearing, please ensure that any additional documents that you intend to refer to are submitted via the case officer no later than **2pm on Friday 25 September**. Any such documents should also be uploaded to the councils' websites, and where possible printed copies made available.
15. This will allow them to be provided to the Inspector and the other party/parties prior to the Hearing opening. Any additional documents should be accompanied by an explanation of why they are relevant, and why it was not possible for them to be submitted with the main evidence. You should therefore review your cases promptly to ensure everything you intend to rely on is included. Please note that any late evidence submitted will risk an adjournment and/or an award of costs.

Conditions

16. The councils have submitted suggested conditions for each appeal without prejudice to their position that the appeals should be dismissed. I enclose comments on these, and the councils' suggestions will form the basis of the conditions discussion at the Hearing.

Site visit

17. The Inspector will need to visit the appeal site. Arrangements for this will be made during the Hearing. As there are public rights of way crossing the site the Inspector may be able to carry out the visit unaccompanied. In any case, it is the Inspector's intention to adjourn or close the Hearing at the venue with no further discussion taking place on site even if the visit is an accompanied one.
18. The appellants are requested to advise on any health and safety requirements for the site visit.

Provisional agenda

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1. Introduction and opening formalities
2. Preliminary and procedural matters
 - Environmental Statement
 - National Gas pipeline
 - National Planning Policy Framework
 - Any other preliminary or procedural matters arising
3. Questions arising, if any
4. Discussion of main issues
 - The effect of the proposed development on the supply of best and most versatile agricultural land, and on food security (both cases)
 - The effect on the character and appearance of the area (6001284 for Fenland District Council only, with South Holland District Council not taking part in the discussion of this issue)
5. Other matters
6. Discussion of proposed conditions
7. Applications for costs
8. Arrangements for site visit
9. Close of Hearing