



Third
Revolution
Projects

Statement of Case

In Respect of Section 78 Appeal: Tydd Solar
Farm (South Holland District Council)

Land to the East of Guanockgate Road,
Gorefield, Lincolnshire PE13 4PL

Appellant: Pathfinder Clean Energy UKDev Ltd

Agent: Third Revolution Projects

Date: 24th October 2025

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1.0 Introduction

- 1.0.1 This Statement of Case ('SoC') has been prepared by Third Revolution Projects on behalf of Pathfinder Clean Energy UKDev Ltd ('the Appellant') and relates to a planning appeal submitted pursuant to Section 78 of the Town and Country Planning Act 1990, concerning the site of Land to the east of Guanockgate Road, Gorefield, Lincolnshire PE13 4PL ('the appeal site').
- 1.0.2 The appeal follows the decision of South Holland District Council ('the Council') to refuse an application for full planning permission (LPA ref: H19-0329-24) ('the planning application') for development described as follows:

"Temporary ground mounted solar photovoltaic (PV) farm with battery storage, substation and associated works."

- 1.0.3 The planning application was validated by the LPA on 15th April 2024. The application was refused by the Council under delegated powers on 09th May 2025 as confirmed on the decision notice dated with the same date (CD4.1), citing the following sole reason for refusal (the RfR):

"The application site is made up entirely of Best and Most Versatile Agricultural Land. Notwithstanding the climate change benefits which are given great weight, the loss of such a large area of BMV land, would be a threat to food security, and so when considering the Ministerial Statement of May 15th 2024, it would also result in a threat to national security. Moreover, the applicant has not justified whether the proposed use of this Best and Most Versatile Agricultural Land has been shown to be necessary and that land of poorer quality does not exist. Nor has the proposal sufficiently demonstrated why such a large area of land take is required when considering the overall energy output of the scheme. Moreover the alternative site assessment is not considered robust. The proposal is not located on previously developed land and would result in the removal of a large area of the districts Best and Most Versatile Agricultural Land and on this basis the proposal is contrary to Policies 1 & 31 of the South East Lincolnshire Local Plan 2019, Paragraph 187 of the National Planning Policy Framework (December 2024), National Policy Statement for renewable energy infrastructure (EN-3), The Ministerial Statement of May 15th, 2024"

- 1.0.4 The appeal site comprises land located within the administrative boundaries of two local planning authorities: South Holland District Council and Fenland District Council. Due to the site's cross-boundary character, it was necessary to submit two separate planning applications, each relating

to the part of the site within the respective authority's jurisdiction. Notwithstanding, the suite of supporting documents and surveys considered the site in its entirety, with distinctions between the two LPAs drawn only where warranted by the policies in the LPAs respective Development Plans.

1.0.5 Hereafter, "the appeal site" is used to refer to the site as a whole, consisting of the South Holland and the Fenland portions combined. Where only the portion within its respective authority is discussed, it is referred to as "the Fenland site" or "the South Holland site".

1.0.6 The planning application submitted to Fenland District Council (FDC) was refused on 03rd June 2025. A separate appeal has been submitted in parallel to this appeal for to the portion of the site which falls within Fenland District ("the Fenland Appeal").

1.0.7 Given that both appeals relate to the same site, we request that they are both are considered jointly.

1.1 Appeal Procedure

1.1.1 The Appellant is of the firm view that this appeal should be determined through the Informal Hearing route, consistent with the guidance set out in the Planning Appeals Procedural Guide. A Full explanation is contained within the 'Appropriate Procedure for Determining Appeal' statement submitted with the appeal form.

1.2 Structure of Statement of Case

1.2.1 The remainder of this Statement is structured in the following format:

Section 2 – Site and surrounding area.

Section 3 – Proposed Development

Section 4 - Environmental Impact Assessment Screening, pre and post application engagement and consultation.

Section 5 – Application plans and documents.

Section 6 – Relevant planning policy.

Section 7 – Matters not in dispute.

Section 8 – The appellant's case.

Section 9 – Planning Balance & Conclusion.

- 1.2.2 This Statement should be read in conjunction with the core application documents as well as the supporting information submitted on behalf of the Appellant as part of the planning application, in addition to the suite of documents submitted to support the Fenland Appeal. A schedule of planning application documents, drawings and supporting information is provided within the draft Core Documents List. The Appellant reserves the right to amend or add to this list during the course of the Appeal.
- 1.2.3 A draft Statement of Common Ground ('SoCG') (CD5.5) has been prepared and submitted as part of this Appeal. In addition, a landscape-specific Statement of Common Ground (CD5.7) has been prepared by Abseline. The appellant will seek to agree both Statements of Common Ground with the Council in the timelines set out in the Planning Inspectorate's procedural guidance.

2.0 Site and surrounding Area

2.1 The Site

- 2.1.1 The appeal site consists of 140.5 hectares of agricultural land 7km to the northwest of the town of Wisbech in Cambridgeshire and just over 1.6km to the west-northwest of the settlement of Gorefield in Lincolnshire.
- 2.1.2 The site falls across the jurisdiction of both South Holland District Council (SHDC) and Fenland District Council (FDC) with approximately 66.2 hectares of the site within FDC and around 74.3 hectares within SHDC.
- 2.1.3 The topography of the site is generally flat. The site is bound by Guanockgate Road to the west with the junction of Elloe Bank and Broad Drove West at the northeast of the site. A public right of way (PRoW) intersects the site from north to south along Elloe Bank. Several drains maintained by the North Level District (NLD) Internal Drainage Board (IDB) run across the site. A small copse of tree and shrub growth is located toward the centre of the site.
- 2.1.4 The location and proposed development area can be seen on the Location Plan (CD1.8). Solar panels are proposed on Fields A through to H, with the BESS container being contained entirely within field D, as shown on the proposed Layout Plan (CD1.9).

2.2 Surrounding area

- 2.2.1 The site is surrounded by agricultural land on all sides. The nearest residential property to the east is located approximately 160m to the northeast of Field H along Broad Drove West and the nearest property to the west of the site is located approximately 400m away along Guanockgate Road. To the south of the site the nearest properties are along Elloe Bank and are approximately 490m away from the site.

2.3 Designations and Constraints

- 2.3.1 The site is not subject to any designations or site-specific allocations in the Local Plan's policies map, other than being identified as falling within the countryside. The vast majority of the development plan area falls under the countryside designation.
- 2.3.2 There are no designated or non-designated heritage assets within the site or its immediate surroundings. The nearest heritage assets are the Church of St. Edmond (Grade II), located 1.0km west of the site and the Honeyhill Farmhouse (Grade II), 1.5km south of the site. The nearest

Scheduled Monument is approximately 4km away to the north at Boundary cross, Old Fen Dike. A full assessment of the surrounding heritage assets is set out within the Heritage Baseline & Impact Assessment submitted in support of the application (CD2.12).

2.3.3 The site falls entirely within Flood Zone 3a.

2.4 Planning History

2.4.1 A planning history search was undertaken to review previous applications on the site and adjoining properties.

2.4.2 The site was subject to applications to both FDC and SHDC in 2019 for 7 wind turbines with a maximum height of 126 metres. The proposals included the erection of transformers, substation, temporary construction compound, access tracks, hardstanding and associated infrastructure under FDC application reference F/YR11/0113/F and SDHC application ref H19-0081-11.

2.4.3 The applications were refused by both LPAs on the grounds of adverse visual impact (FDC) and the impact on residential properties within 1km of the scheme (SHDC). Both decisions were appealed and the Planning Inspectorate dismissed both appeals on the basis of impact on amenity and “harm in respect of cultural heritage, the interests of horse riders, the visual amenity of the area generally within 3km of the development and landscape impact.”

2.4.4 We note that while the 2019 applications also related to renewable energy generation, the magnitude and extent of impacts arising from them compared to the proposals subject to this appeal are not comparable, given the heights of the proposed wind turbines.

3.0 Proposed Development

3.1 Development Objectives

3.1.1 The proposed development has the following objectives:

- To support the urgent need for renewable energy generation in line with national and local climate commitments, contributing to decarbonisation and energy security.
- To utilise a well-screened and appropriately located site to minimise visual and environmental impact while maximising solar energy generation potential.
- To develop a sensitively designed solar farm that respects the character of the site and surrounding landscape through careful layout, screening and ecological enhancements.
- To integrate biodiversity improvements, including wildflower meadows, hedgerow planting, and habitat creation, supporting local wildlife and delivering environmental net gains.

3.2 Development Proposals

3.2.1 The proposed development is for the installation and operation of a ground-mounted solar farm of 49.9MW that will generate and deliver electrical power to the local distribution network, as well as a battery energy storage system and accompanying access, infrastructure, CCTV cameras and secure fencing. The appeal scheme is fully described in the Planning Design & Access Statement (CD2.3).

3.3 Land Use

3.3.1 The proposed development would fall under the sui generis use class.

3.3.2 The scheme would be temporary in nature. The appeal site would be operational for up to 40 years and so application sought temporary permission for 40 years plus up to 1 additional year each for construction and decommissioning, totalling 42 years. Once decommissioned, the development would be completely removed and returned to its current agricultural use. A construction and decommissioning plan can be prepared via a planning condition, should this be required.

3.3.3 The full drawing pack is included with the submission, and the key components are summarised below:

3.3.4 **Solar arrays:** A solar farm consists of solar PV panels organised into arrays alongside ancillary infrastructure. Most of the site will remain open as grassed spacing between rows and field margins. The solar panels will be mounted on galvanised metal frames set into the ground by

either direct or screw piling. In order to achieve optimum solar gain, the panels will be laid out in east-west rows and will be fixed at an angle of inclination. The height of the solar arrays will be a maximum of 3 metres from ground level to the top of the back of the panel frame. The lowest edge of the panels will be raised above ground by around 0.8 metres to allow grazing of small livestock underneath and around the frames yet the panels will be low enough to minimise visibility from surrounding areas.

- 3.3.5 **Inverters:** Inverters will be included to convert the direct current (DC) electricity output from the solar arrays into usable alternating current (AC) power for the electricity distribution network. These are expected to be located with the transformer in centralised inverter cabins (CD1.4). The inverter cabins with transformers will be located in the west and inner most eastern edge of the site.
- 3.3.6 **Transformers:** Transformers will be installed for each inverter to step up the low voltage electricity produced at the site to high voltage for efficient transportation around the site and to the grid connection point. The transformers are housed with the inverters in cabins (CD1.4).
- 3.3.7 **Substations and grid connection:** The solar farm will contain grid switchgear equipment, one for the District Network Operator DNO (CD1.7) and one for the operator of the facility. This equipment forms part of the electrical power system and is housed within the substation located adjacent to the majority of inverter cabins in the central eastern portion of the site with one additional inverter cabin located in the west of the site.
- 3.3.8 **Fencing, security and screening:** An approximately 2.0m high wire mesh deer fence (CD1.6) will be constructed around the compound with small mammal gates and vehicle entrance gates to allow vehicle and pedestrian access (not public access). This will act as the only security fencing within the site. Appropriate safety signage will be displayed on the fencing and gates.
- 3.3.9 Infra-red and/or thermal imaging CCTV cameras will be installed to the fence to provide security coverage of the site (CD1.1). These cameras will monitor the interior of the site and gap between the perimeter hedges and fence line and will not point outside of the site including any neighbouring properties.
- 3.3.10 No external lighting will be required other than temporarily during construction. Emergency lighting will be brought to site only when required.

- 3.3.11 Screening of the edge of the site will be provided by managing existing hedgerows and trees and planting new ones, where necessary as depicted on the landscape enhancements and mitigations plan (CD1.10) and on the site layout plan (CD1.9).
- 3.3.12 **Equipment Storage:** A storage building will house spare parts and maintenance equipment. This will measure approximately 2.5m by 6.5m and 2.9m high and is shown on the site layout plan (CD1.9).
- 3.3.13 **Existing utilities:** Prior to construction, the presence of any existing utilities or underground cables will be assessed and precautions taken to protect them. Such measures may include temporary 'goal posts', physical barriers and markings on ground. On-site cabling will be ducted underground at a typical depth of around 1 metre.
- 3.3.14 **Construction compound:** A temporary construction compound may be created during the construction period to accommodate portacabin-type buildings in addition to providing an area for material storage and construction vehicles to turn around. Portacabins are required for offices, toilets, canteen and storage and will contain temporary parking spaces for staff. There will be no need to remove trees or hedgerows and the compound will be entirely removed at the end of the construction phase. The compound does not form part of the application.
- 3.3.15 **Battery:** The compound will contain a 30MW (BESS) comprising 16 no. Containers. The containers measure approximately 6.1m in length, 2.4m in width and by 3m in height each, as shown on the BESS elevation plan (CD1.2). Each container will house battery strings, battery management system, power distribution system and auxiliary systems such as fire suppression and alarm system, power distribution, ventilation, cooling, lighting and thermal control system. The BESS will be toward the centre of the site, immediately east of the copse, as shown on the layout plan (CD1.9).

4.0 Environmental Impact Assessment Screening, Pre-Application Engagement and Consultation

4.1 Environmental Impact Assessment Screening

- 4.1.1 In accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, an Environmental Impact Assessment Screening Request was submitted to South Holland Council and validated on 15th September 2022. On 13th October 2022 the Council issued their screening opinion (CD2.5), confirming that the appeal site falls into the Schedule 2 category, and concluding that the proposals do not constitute an EIA development and that it was not necessary for the application to be accompanied by an Environmental Statement.
- 4.1.2 A Separate EIA screening application was submitted to Fenland District Council, which also concluded that the site falls within the Schedule 2 category, and that that the proposals do not constitute an EIA development and that it was not necessary for the application to be accompanied by an Environmental Statement.

4.2 Application Timeline

Pre-application engagement

- 4.2.1 The appellant undertook a rigorous pre-application engagement programme with the local community, stakeholders and the Council, commencing in September 2022. Full details are set out within the Statement of Community Involvement in section 6 of the Planning, Design and Access Statement (CD2.3).
- 4.2.2 Initial public engagement included circulation of an information leaflet and feedback form was issued to 686 homes and businesses across Gorefield, Sutton St. Edmund, Tydd St. Giles and Newton-in-the-Isle Parish Councils as well as to all ward Councillors and Parish Councillors in October 2022. An early iteration of the proposals was presented to Councillors via a virtual meeting on October 7th 2022. On 11th October 2022, a project-specific website was launched which provided the opportunity for members of the public to provide feedback on the initial proposals.
- 4.2.3 In parallel to the public engagement, the Appellant engaged in pre-application meetings with a number of relevant officers at SHDC and Lincolnshire County Council (LCC). These included:
- Pre-application meeting with LCC's heritage department to agree an approach to addressing any potential effects of the development on archaeological remains
 - Pre-application correspondence with Historic England in relation to archaeology

- Extensive engagement with SHDC's drainage officers to agree on an approach to flood risk, including design mitigations
- Engagement with the Council's definitive maps team to agree on the approach to protecting PRow within and surrounding the site

4.2.4 A second round of public consultation commenced in November 2023 following evolution of the design proposals taking into account feedback from the Council and the public. Parish and Ward Councillors were provided a stakeholder briefing document, setting out a detailed overview of the proposals. An updated leaflet was circulated to 926 residents, with the mailing zone extended compared to the first leaflet, at the request of the parish Council.

4.2.5 An in-person public exhibition was held on Thursday 30th November, where the proposals were presented to the public, and further feedback was received which informed the application designs.

Post-submission

4.2.6 The application was submitted to SHDC via the planning portal on 5th April 2024 and was validated on 17th April.

4.2.7 Throughout the determination period, the Appellant proactively engaged with statutory consultees and the Council's planning department, addressing technical queries raised in respect to transport, fire safety, archaeology, drainage and ecology.

4.2.8 The appellant continued to engage with Parish Councils throughout the determination period. A Member's Briefing was held with Sutton St. Edmund Parish Council (24th April) and Tydd St Giles Parish Council (20th June), as well as additional virtual meetings with individual Parish and District Council members.

Determination

4.2.9 Following several months of proactive engagement with the Council's officers and statutory consultees, the appellant was made aware that the Council would recommend the application for refusal for matters relating to the use of Best and Most Versatile Land. Due to the National Energy Systems Operator (NESO) Grid Reform targets, it was incumbent on the appellant to receive a decision notice by July 1st 2025 in order to maintain their grid connection offer. It was accordingly agreed with the Council that a refusal would be issued under delegated powers so that the grid connection offer could be maintained and an appeal could be pursued.

4.2.10 The decision notice was issued on 09th May 2025.

5.0 Application Plans and Documents

5.0.1 The following documents are relevant to this appeal and have been submitted alongside this Statement of Case:

CD1: Application Plans

Core Document Name	Doc Ref / Consultant	Core Doc Ref
CCTV Elevation – 14 th October 2022	UKZ157_01	CD1.1
Battery Energy Storage Container Elevation – 16 th May 2024	UKZ157_02	CD1.2
Solar PV Panel Elevation (South Facing) – 14 th October 2022	UKZ157_03	CD1.3
Solar Inverter Cabin Elevation – 16 th May 2024	UKZ157_04	CD1.4
Battery Inverter Cabin – 16 th May 2024	UKZ157_05	CD1.5
Deer Fence Typical Elevation – 14 th October 2022	UKZ157_06	CD1.6
Substation Plan and Elevation – 14 th October 2022	UKZ157_07	CD1.7
Location Plan - 1 st December 2023	UKZ159_08	CD1.8
Proposed Layout Plan	UKZ159_09	CD1.9
Mitigation and Enhancement Plan	UKZ159_10	CD1.10
Access Track Elevation – 14 th October 2022	UKZ159_11	CD1.11
Storage Container Elevation – 20 th October 2022	UKZ159_12	CD1.12
Existing Site Plan – 20 th October 2022	UKZ159_13	CD1.13
Double Gate Elevation – 14 th May 2024	UKZ159_14	CD1.14
Client Switch House Elevation – 29 th May 2024	UKZ159_15	CD1.15

CD2 – Documents submitted in support of the application

Core Document Name	Doc Ref / Consultant	Core Doc Ref
Application Covering Letter (South Holland) – 5 th April 2024	Third Revolution Projects	CD2.1
Application Covering Letter (Fenland) – 5 th April 2024	Third Revolution Projects	CD2.2
Planning, Design and Access Statement & Statement of Community Involvement – May 2024	Third Revolution Projects	CD2.3
Planning Statement Appendix 1 – EIA Screening Request opinion from Fenland District Council - May 2024	Third Revolution Projects	CD2.4
Planning Statement Appendix 2 - EIA Screening Request opinion from South Holland District Council - May 2024	Third Revolution Projects	CD2.5

Planning Statement Appendix 3 - Example briefing for parish/ward councils - May 2024	Third Revolution Projects	CD2.6
Planning Statement Appendix 4 – Leaflet for Local Residents - May 2024	Third Revolution Projects	CD2.7
Health Impact Assessment – February 2024	Third Revolution Projects	CD2.8
Agricultural Land Classification Report – August 2024	Toby Batemen Rural Associates Limited	CD2.9
Landscape and Visual Appraisal – October 2022	Briarwood Landscape Architecture	CD2.10
Glint and Glare Study – February 2024	PagerPower	CD2.11
Heritage Baseline and Impact Assessment – 31 st October 2022	Abrams Archaeology	CD2.12
Archaeology Baseline and Impact Assessment – 31 st October 2022	Abrams Archaeology	CD2.13a
Archaeology Baseline and Impact Assessment (part 2) – 31 st October 2022	Abrams Archaeology	CD2.13b
Written Scheme of Investigation – November 2022	Headland Archaeology	CD2.14
Geoarchaeological Written Scheme of Investigation – 20 th October 2022	Quest Quarternary Scientific	CD2.15
Transport Statement, 22 nd February 2024	Floodline	CD2.16
Fire Strategy Report, 28 th May 2024	Magnus Opifex	CD2.17
Flood Risk Assessment, 24 th November 2024	Floodline	CD2.18
Arboricultural Impact Assessment, 27 th November 2023	Coombes Associates	CD2.19
Preliminary Ecological Appraisal, November 2023	AW Ecology	CD2.20
Ecological Surveys and Impact Assessment, 27 th November 2023	AW Ecology	CD2.21
Biodiversity Net Gain Assessment and Strategy	AW Ecology	CD2.22
Biodiversity Metric 4.0 Calculation Tool, 27 th November 2023	AW Ecology	CD2.23
LPA Biodiversity Checklist, 27 th November 2023	AW Ecology	CD2.24
Noise Impact Assessment, 4 th October 2024	Hepworth Acoustics	CD2.25
Landscape and Ecological Management Plan, 27 th November 2023	AW Ecology	CD2.26
Photomontages, 14 th November 2023 [submitted in 12 parts due to file size, a-l]	Snapshot Visuals	CD2.27a-l

CD3: Reports and Drawings Submitted Post-Validation

Core Document Name	Document Author	Core Doc Ref
Letter Regarding Written Ministerial Statement	Third Revolution Projects	CD3.1

Agricultural Land, Food Security & Solar: Additional Supporting Information	Third Revolution Projects	CD3.2
Site Search and Sequential Flood Test	Third Revolution Projects	CD3.3
PACE Community Charter	Pathfinder Clean Energy	CD3.4
Agricultural Land Use Statement	Toby Bateman Rural Associated	CD3.5
LVA Review Response	Briarwood Landscape Architecture	CD3.6
Additional Ecology and Biodiversity Information	AW Ecology, March 2025	CD3.7

CD4: South Holland Officer's Report and Decision Notice

Core Document Name	Core Doc Ref
South Holland Decision Notice	CD4.1
Planning Officer's Delegated Report	CD4.2
South Holland Application Form	CD4.3

CD5: Fenland Committee Report and Decision Notice

Core Document Name	Core Doc Ref
Fenland Decision Notice	CD5.1
Fenland Planning Committee Report	CD5.2
Fenland Planning Committee Report Addendum	CD5.3
Fenland Application form	CD5.4

CD6: Appeal Documents

Core Document Name	Author	Core Doc Ref
Planning Statement of Case (South Holland)	Third Revolution Projects	CD6.1
Planning Statement of Case (Fenland)	Third Revolution Projects	CD6.2
Landscape Statement of Case	Abseline	CD6.3
Agricultural Land Statement of Case	Kernon Countryside Consultants	CD6.4
Draft Statement of Common Ground (South Holland)	Third Revolution Projects	CD6.5
Draft Statement of Common Ground (Fenland)	Third Revolution Projects	CD6.6
Draft Landscape Statement of Common Ground	Abseline	CD6.7
Outline Soil Management Plan	Kernon Countryside Consultants	CD6.8
Appeal Site Search	Third Revolution Projects	CD6.9
PACE Grid Proof of Evidence	Pathfinder Clean Energy	CD6.10
Landscape Statement of Case – Annex A	Abseline	CD6.11

Landscape Statement of Case – Annex B	Abseline	CD6.12
Landscape Statement of Case – Annex C	Abseline	CD6.13
Landscape Statement of Case – Annex D	Abseline	CD6.14
Covering letter noting recently submitted adjacent development	Third Revolution Projects	CD6.15

CD7: Relevant Appeal Decisions, Court Judgements & Publications

Galloway v Durham County Council [2024]	High Court Decision	CD7.1
Ross v SSHCLG and Renewable Energy Systems Ltd [2025]	High Court Decision	CD7.2
Bramley Solar Power Residents Group v SSLUHC [2023]	High Court Decision	CD7.3
Solar Roadmap – United Kingdom Powered By Solar (June 2025)	Department for Energy Security & Net Zero Publication	CD7.4
APP/H0520/W/24/3344095	Appeal Decision	CD7.5
APP/G2713/W/23/3315877	Appeal Decision	CD7.6
Land Use in England Statistics (June 2024)	Department for Environment, Food & Rural Affairs publication	CD7.7
UK Food Security Report 2024	Department for Environment, Food & Rural Affairs	CD7.8
Land Use Consultation (January 2025)	Department for Environment, Food & Rural Affairs publication	CD7.9

6.0 Relevant Planning Policy

6.0.1 This section sets out the planning policy framework which is of relevance to the Appeal. It will demonstrate how the proposed development is consistent with the objectives of local and national policy and with the policies themselves.

6.1 Statutory Development Plan

6.1.1 The following section assesses the appeal scheme against the Statutory Development Plan for South Holland District Council. Fenland District Council's Development Plan is assessed separately in the Fenland Appeal Statement of Case.

6.1.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning acts the determination must be made in accordance with the development plan unless material considerations indicate otherwise."

6.1.3 The development plan relevant to the appeal comprises of the South East Lincolnshire Local Plan (Adopted March 2019) ("SELLP").

6.1.4 There have been no changes to the Development Plan since the submission of the application.

6.1.5 For the avoidance of doubt, there is no Neighbourhood Plan in place relevant to the appeal site and the Appellant is not aware of any intention to produce one.

6.1.6 We are not aware of any indication that the Council are preparing a revised or new Local Plan. We understand, based on the minutes of the South East Lincolnshire Joint Strategic Planning Committee Meeting on July 1st 2024, that at the time the Joint Committee did not consider there to be a need to update the Local Plan, but resolved that within 12 months of the meeting (i.e. by July 2025) a report setting out a new Local Development Scheme (LDS) would be considered. At the time of submission of this appeal, the Council have not published an LDS.

6.1.7 The Development Plan policies which are relevant to the appeal scheme are set out below:

South East Lincolnshire Local Plan (2019)

6.1.8 **Policy 31 (Climate Change and Renewable and Low Carbon)** – This is the key policy relating to the proposed use, and the most relevant to the appeal scheme. It is one of the two Development Plan policies cited in the Decision Notice. The policy is split into 2 parts; Part A sets out the District's policies to ensure that new developments have addressed the consequences of climate change and

part B sets out the District's policies for renewable energy developments. Part B is the most relevant to the appeal scheme.

- 6.1.9 The policy is positively worded, and written to provide unambiguous support for developments which seek to tackle climate change through the delivery of renewable energy. This is made clear in the policy's accompanying supporting text. Paragraph 7.5.7 identifies South-east Lincolnshire's targets for increasing renewable energy sources and for cutting greenhouse gas emissions, including a target of an 80% reduction in greenhouse gases by 2050 (noting that this is now out of line with national net zero legislation and policy). Paragraph 7.5.1 identifies that there is an increasing need in the District to mitigate and adapt to climate change, and that "*reduction of emissions may be tackled by...developing renewable energy schemes.*"
- 6.1.10 The text of the policy itself is worded in such a way that the principle of renewable developments is established (with the exception of wind energy developments). It states that development of renewable energy facilities and associated infrastructure will be permitted provided, individually, or cumulatively, there would be no significant harm to:
- visual amenity, landscape character or quality, or skyline considerations;
 - residential amenity in respect of: noise, fumes, odour, vibration, shadow
 - flicker, sunlight reflection, broadcast interference, traffic
 - highway safety (including public rights of way)
 - agricultural land take
 - aviation and radar safety
 - heritage assets including their setting; and
 - the natural environment
- 6.1.11 The policy largely reflects the national policy position, in that that the implied weight afforded to the benefits of renewable energy generation is significant, considering that the Council will only consider them unacceptable if *significant* harm arises as a result of the development (we note that the Decision Notice does not indicate that any significant harms arise aside from the purported harms relating to agricultural land take). Overall part B establishes a strong policy basis for the support of renewable energy developments like the appeal scheme.

6.1.12 In regards to climate change, the policy requires that *“all development... to demonstrate that the consequences of current climate change has been addressed, minimised and mitigated.”* It goes on to list a series of criteria to achieve this. Those relevant to the appeal scheme are set out below:

- *Employing high-quality design*
- *Adopting the sequential approach and exception test to flood-risk, and the incorporation of flood-mitigation measures in design and construction to reduce the effects of flooding, including SuDs schemes for all ‘major’ applications;*
- *Protecting the quality, quantity and availability of water resources, including for residential developments, complying with Building Regulation water efficiency standards of 110 litres*
- With the exception of wind energy, the policy supports development for renewable energy, subject to meeting 7 criteria comprising no significant harm to *“visual amenity, landscape character and quality”, “residential amenity”, “agricultural land take”, “highway safety (including public rights of way)”, “heritage assets including their settings”, “aviation and radar safety” and “the natural environment.”*

6.1.13 **Policy 1 (Spatial Strategy)** – This policy is relevant to the development insofar as it sets out the District’s preferred locations for development, and the types of development appropriate within the countryside. The policy makes no specific reference to energy-infrastructure or renewable energy developments, nor does it give any indication of the Council’s spatial strategy for accommodating the need for the growth of renewable energy output identified in paragraph 7.5.7.

6.1.14 In respect to development within the Countryside (a designation which the site falls within, along with the vast majority of the District), the policy states that *“development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.”*

6.1.15 **Policy 2 (Development Management)** - this policy sets out a list of 9 criteria that should be met for development to be acceptable. The criteria largely reiterate those set out under Policy 31. An additional requirement under policy 2 is the need for schemes to ensure *“quality of design and orientation”*, sustainable drainage and flood risk measures and *“enhancement for areas of natural beauty.”*

6.1.16 **Policy 3 (Design of New Development)** – states that *“Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable”*

- 6.1.17 **Policy 4 (Approach to Flood Risk)** - requires that *“Development proposed within an area at higher risk of flooding...will be permitted where It can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed).”*
- 6.1.18 **Policy 28 (The Natural Environment)** - requires *“that all development proposals” provide an overall net gain in biodiversity.”*
- 6.1.19 **Policy 29 (The Historic Environment)** - requires the preservation and where appropriate, the enhancement of the *“historic, archaeological and drainage landscape of the Fens.”* The policy requires developers to take *“every reasonable step”* to protect and, where possible, enhance the significance of archaeological remains whether known or unknown.
- 6.1.20 **Policy 30 (Pollution)** – states that SHDC will refuse development proposals where these lead to *“unacceptable adverse impacts”* across a range of criteria. Of relevance to the proposal are the impact on amenities, noise, the natural, historic and built environment, land quality and surface and groundwater quality.
- 6.1.21 The Development Plan has no policies which directly reference the reasons cited on the Decision Notice for refusal, namely the purported loss of agricultural land, best and most versatile land, and impacts on food security and national security.

6.2 Planning Guidance

- 6.2.1 The only relevant Supplementary Planning Document published by SHDC which is relevant to the appeal scheme is the Design and Access Statements Guidance Note (August 2006) This document sets out guidelines for the preparation of Design and Access Statements accompanying planning applications. The guidance was followed during the preparation of the application.

6.3 Other Material Considerations

The National Planning Policy Framework (2024)

- 6.3.1 To support the decision-making process, there is a range of guidance that form material considerations. These are set out within the draft SoCG, and include:
- National Planning Policy Framework (NPPF, December 2024, amended February 2025)
 - National Policy Statement EN-1 (January 2024)
 - National Policy Statement EN-3 (January 2024)

- WMS titled “Energy Infrastructure Planning Projects” (May 2024)

6.3.2 NPPF Paragraph 161 is clear that “the planning system should support the transition to a low carbon future in a changing climate.” Paragraph 168 goes on to state that *“when determining planning applications for renewable and low carbon development, local planning authorities should...not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future.”*

6.3.3 In respect to the use of agricultural land for renewable energy development, footnote 65 states that *“where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.”* Reference to food security has been removed.

6.3.4 Paragraph 11 of the NPPF notes that there is a presumption in favour of sustainable development. For decision-making, this means: *“approving development proposals that accord with the development plan without delay”* and that development proposals that are in accordance with the development plan, promote growth and infrastructure, improve the environment, mitigate climate change should be granted planning permission without delay.

National Planning Policy Guidance (NPPG)

6.3.5 The NPPG takes forward the policies and objectives of NPPF and provides LPAs with guidance on the relevant factors with which to base their decisions. The NPPG recognises the imperative for the UK to provide a secure energy supply to cope with the varying demand. The planning guidance sets out a list of factors to consider when assessing ground-mounted solar projects, including:

- Encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value.
- Where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.

- The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun.
- The need for, and impact of, security measures such as lights and fencing
- The potential to mitigate landscape and visual impacts through, for example, screening with native hedges.
- The energy generating potential of the proposals, which can vary for a number of reasons including, latitude and aspect.” (013 Reference ID: 5-013-20150327)

Written Ministerial Statements

- 6.3.6 The May 2024 Written Ministerial Statement (WMS) titled “Energy Infrastructure Planning Projects” referred to in the decision (published prior to the election of the current Central Government administration) largely reiterates the position set out in NPS EN-3, stating that “where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to higher quality. The availability of agricultural land used for food *production should be considered, alongside other policies in the framework, when deciding what sites are most appropriate for development.*”
- 6.3.7 The appellant is of the opinion that this and more recent Government policy supersedes the WMS titled “Solar energy protecting the local and global environment” (March 2015)

National Policy Statements

- 6.3.8 In January 2024, National Policy Statement NPS EN-1 (Overarching National Policy Statement for Energy) was approved and sets out the overall national energy policy for delivering major energy infrastructure. It covers, amongst others, Government policy, assessment principles and generic impacts. Although primarily relevant to determining Nationally Significant Infrastructure Projects, NPS are a material consideration with respect to energy infrastructure-related planning applications dealt with under the Town and Country Planning Act (and is referred to in the Officer Reports). The appeal site’s capacity is on the cusp of the threshold for an NSIP, and weight should be given to the NPS.
- 6.3.9 Alongside reiterating urgent need to bring forward renewable energy projects in order to reduce emissions and facilitate the transition to a net-zero economy, NPS EN-1 provides some guidance with respect to the use of agricultural land for solar developments. Paragraph 5.11.4 recognises that “development of land will affect soil resources, including physical loss of and damage to soil resources, through land contamination and structural damage. Indirect impacts may also arise from the changes in the local water regime, organic matter content, soil biodiversity, and soil

process.” Paragraph 5.11.12 goes on to guide applicants to “seek to minimise seek to minimise impacts on the best and most versatile agricultural land identified as land in Grades 1, 2 and 3a of the Agricultural Land Classification and preferably use land in areas of poorer quality (Grades 3b, 4 and 5).”

6.3.10 NPS EN-3 is also a material consideration. Its opening text asserts that “electricity generation from renewable sources is an essential element of the transition to net zero and meeting our statutory targets for the sixth carbon budget.”

6.3.11 NPS EN-3 expands on the guidance provided in NPS EN-1 in respect to development of solar photovoltaic generation. It includes more specific guidance on factors influencing site selection and design, including agricultural land classification within paragraph 2.10.28, which notes that solar is highly flexible and as such can be deployed on a wide variety of land. Paragraph 2.10.29 goes on to recognise that *“applicants should, where possible use non-agricultural land”* and *“that where the use of agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land,”* it provides clear guidance to decision-makers that *“land type should not be a predominating factor in determining the suitability of the site’s location.”*

6.3.12 EN-3 confirms at paragraph 2.10.53 that that “the maximum combined capacity of the installed inverters (measured in alternating current (AC)) should be used for the purposes of determining solar site capacity.” At 2.10.54 that “The capacity threshold is 50MW (AC) in England.” And at 2.10.55 *“The installed generating capacity of a solar farm will decline over time in correlation with the reduction in panel array efficiency. There is a range of sources of degradation that developers need to consider when deciding on a solar panel technology to be used. Applicants may account for this by overplanting solar panel arrays.”*

6.3.13 Other topics covered within EN-3 include accessibility, public rights of way and security, some of which are also addressed in the NPPF and NPPG. It includes technical considerations, including how the capacity of a site should be calculated, starting at paragraph 2.10.50, project lifetime and decommissioning and flexibility in details. It also provides detail on solar specific impacts, including but not limited to biodiversity, landscape and heritage.

6.3.14 The Government published a consultation draft of EN-3 in January 2024. Although not designated and therefore carrying limited weight, it provides a useful indication of the direction of policy. The draft version builds on the designated EN-3 and emphasises the huge potential for solar power in the UK. I consider the draft EN-3 to be a material consideration in so far as it reinforces the policy in support of solar schemes.

Legislation and wider context

- 6.3.15 The following key documents are also noted given their wider relevance to renewable projects in the UK:
- 6.3.16 **The United Nations Adoption of the Paris Agreement COP21 (2015):** This international treaty aims to reduce global GHG emissions to limit global temperature rise to 1.5°C above pre-industrial levels. The UK is committed to reducing economy-wide GHG emissions by at least 68% by 2030, compared to 1990 levels. Progress and targets were revisited during COP26 (Glasgow, 2021) and COP27 (Sharm El-Sheikh, 2022).
- 6.3.17 **The UK Climate Change Act 2008 (as amended in 2019):** the legislative basis for the UK to reduce net greenhouse gas emissions and setting out net zero targets. The scale of the challenge is described as “colossal”.
- 6.3.18 **Net Zero Strategy:** In 2019 Parliament declared that the UK is facing a climate change emergency (1.5.2019) and the 2021 Net Zero Strategy (Net Zero Build Back Greener) (October 2021) sets out the carbon reduction policy focusing clean energy by 2035. A key is the Government’s commitment to accelerating the deployment of low-cost renewable energy, such as wind and solar.
- 6.3.19 **The British Energy Security Strategy (April 2022):** expects a 5-fold increase from current 14GW of solar capacity in the UK by 2035.
- 6.3.20 **The UK’s Sixth Carbon Budget (2021):** establishes legally binding interim targets for GHG reductions and emphasizes the need for rapid deployment of renewable energy infrastructure, including solar farms, to meet climate obligations.

7.0 Site Capacity

- 7.0.1 The site capacity is 49.9MW based on the ‘combined-inverters method’ and as such the application is not Nationally Significant Infrastructure under the Planning Act 2008 and should be considered under the Town and Country Planning Act 1990 (as amended).
- 7.0.2 The site contains a total of sixteen inverter cabins (as shown in the site layout plan – CD1.9), which are used for converting the DC electricity produced by the solar panels into AC power for export to the grid. There are 3 different types of inverters of different capacities, which have an aggregate AC (alternating current) rating of 49.83. The final selection or combination of inverters may change but will not exceed the site capacity of 49.9MW.
- 7.0.3 The appeal scheme has been designed with a high DC-to-AC ratio (commonly referred to as “overplanting”) to ensure optimal use of a scarce and strategically valuable grid connection that allows both import and export at this location. Overplanting is an established and accepted approach within the sector. Footnote 92 of NPS EN-3 notes that reasonable overplanting should be considered acceptable in a planning context so long as:
- the electricity export does not exceed the relevant NSIP installed capacity threshold throughout the operational lifetime of the site and the proposed development and
 - The development’s impacts are assessed through the planning process on the basis of its full extent, including any overplanting.
- 7.0.4 Two high court cases provide further guidance on how overplanting should be considered. *Galloway v Durham County Council* [2024] confirms that it is appropriate to design solar farms with higher MWp capacity in order to:
- Compensate for panel degradation over the lifetime of the project; and
 - Maximise the utilisation of the grid connection, ensuring that renewable generation is not unnecessarily curtailed.
- 7.0.5 *Ross v the Secretary of State for Housing Communities and Local Government and Renewable Energy Systems Ltd* [2025] (CD7.2) establishes that there is no requirement to separately justify the “reasonableness” of overplanting proposals, and that overplanting for site maximisation is consistent with NPS EN-3. It confirms that additional factors which can justify overplanting, including:

- Site-specific circumstances, including the likes of level changes or adjacent planting which may create shade, meaning that panel performance will vary.
- Differences between laboratory conditions which panel output is assessed within, compared to the actual output produced in the field.
- Fluctuating sunlight levels, which mean that more panels would be needed to ensure the maximum export capacity is produced year-round.

7.0.6 In the case of the appeal scheme, overplanting is essential to maximising renewable energy generation from this scarce and strategically valuable grid connection, which offers both import and export capacity - a rare opportunity in the current grid-constrained environment in the UK. This design decision directly supports the national drive to increase renewable generation capacity and reduce reliance on fossil fuels, aligning with the objectives of EN-1 and EN-3 and with the nation's net-zero obligations.

7.0.7 The proposed design is proportionate and supported by transparent capacity calculations. The layout is technically achievable and the level of overplanting is a necessary and responsible response to grid scarcity and national decarbonisation targets, ensuring that the site delivers the maximum possible renewable energy to the UK electricity system over its lifetime.

7.0.8 The proposed site capacity is therefore considered to be appropriate.

8.0 Matters Not in Dispute and Consultee Comments

8.1 Matters not in dispute

8.1.1 In light of the reason for refusal set out in the Council's decision notice, it is the appellant's understanding that the following matters are not in dispute between the appellant and SHDC. The following are a summary and complete list with detail is presented in the draft Statement of Common Ground (CD5.5). All parties will work together to agree this in advance of the hearing.

- That the principle of large-scale solar farms is supported in principle
- That there is need for the proposed development on a national and local level
- The existing and proposed land use, including use-classes as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended)
- That overplanting is acceptable in principle
- That the design and layout is acceptable in principle, notwithstanding the siting of the proposals on agricultural land
- That the details of the site's agricultural land classification and soil quality set out in the Agricultural Land Classification report (CD2.9) are an accurate reflection of the site.
- That any landscape impacts arising from the development would not outweigh the benefits of the proposal
- That the proposal would contribute positively biodiversity, nature and trees, and would result in a substantial biodiversity net gain.
- That any highways and transport impacts arising from the development are acceptable
- Impacts on the Public Rights of Way within and surrounding the site
- That no unacceptable amenity impacts (including noise, odour, glint & glare and visual impacts) would arise as a result of the development
- That no unacceptable heritage or archaeology related impacts would arise as a result of the development
- The suitability of the appeal scheme with respect to fire safety
- That the economic impacts, including the level of employment arising from the development, constitute a benefit

- The suitability of the proposals in respect to flood risk and drainage, including the acceptability of the sequential test and exception test submitted with the application

8.1.2 A separate landscape-specific draft Statement of Common Ground (CD6.3) has been prepared by Abseline and submitted alongside the appeal which seeks to agree on a range of matters pertaining to landscape. The appellant will work with the Council following submission of the appeal to agree this.

9.0 The Appellant's Case

9.0.1 Following a comprehensive 13-month assessment of the application, during which the appellant sought to proactively engage with Council officers, Committee Members, statutory consultees and stakeholders, SHDC concluded that the application should be refused.

9.0.2 This section of the SoC should be read in conjunction with the application documentation submitted and as listed within the draft Core Documents.

9.0.3 The Appellant considers that the proposal accords with the Development Plan as a whole, and will present evidence to demonstrate that planning permission should be granted without delay

Reason for Refusal

9.0.4 The Decision Notice contains a single reason for refusal (set out in full in paragraph 1.0.3), which primarily relates to the purported loss of best and most versatile agricultural land.

9.0.5 Within the reason for refusal, the following four distinct issues are raised:

- 1) Whether Best and Most Versatile Land would be lost as a result of the development
- 2) Whether the development would have an unacceptable impact on food security or national security
- 3) Whether the use of Best and Most Versatile Land is acceptable in principle, whether it has been demonstrated that poorer quality land does not exist, and whether it has been demonstrated that brownfield land could not accommodate the development.
- 4) Whether it has been demonstrated that the land take is required when considering the overall energy output of the scheme.

9.0.6 We note that the RfR refers to an 'Alternative Sites Assessment.' We contend that there is no policy basis to require an Alternative Sites Assessment¹, and do not purport to have submitted one

¹ See: *Bramley Solar Power Residents Group v SSLUHC* [2023] EWHC 2842 (Admin) (CD7.3) in which Lang J held that neither the PPG nor NPS EN-1 mandates a consideration of alternative sites. Still less do they require a sequential test to be applied. She rejected the submission that the PPG and/or EN-1 imposed such a duty whenever permission is sought for a solar farm.

with the application. The application was, however, accompanied by a Site Justification document. We discuss the suitability of this document under the third heading.

- 9.0.7 The following section sets out the Appellant's position in respect of each of the four individual assertions set out in the reason for refusal.

1. Whether best and most versatile agricultural land would be lost as a result of the development

- 9.0.8 The reason for refusal purports that the proposed development would result in the "loss" of best and most versatile land. The decision notice makes reference to SELLP Policy 31 (Climate Change and Renewable and Low Carbon Energy) which states under part B that the development of renewable energy will be permitted "*provided..there will be no significant harm to...agricultural land take.*"
- 9.0.9 The appellant contends that no agricultural land would be lost, either on a temporary or permanent basis, as a result of the development.
- 9.0.10 The site would remain in agricultural use throughout the lifetime of the development. This is due to the fact that the proposals have been designed to facilitate sheep grazing across the site for the duration of the development. The land would then be returned to its current arable use following the decommissioning of the solar farm after 40 years.
- 9.0.11 The development has been designed to allow for grass to grow beneath the solar panels so that it can be used for sheep grazing in parallel to the energy generation use. Section 8.2 of the Planning, Design & Access Statement (CD2.3) sets out the design features, including the height and angle of the panels, which have been designed to accommodate sheep on the site. The design of the panels allows for light to reach the ground and grass to grow well and allows sheep to move under the panels unhindered, and for sheep dogs to work easily.
- 9.0.12 The evidence presented at Section 5.15 of the Agricultural Land Statement of Case (CD6.4) demonstrates that the land quality and proposed scheme design provide for continued agricultural use on the site alongside the solar panels and associated infrastructure.
- 9.0.13 National policy endorses the continuation of agricultural uses on solar farm sites. The Solar Roadmap (2025) (CD7.4) states on page 20 that *solar and farming in combination can provide further financial opportunities, food production and environmental benefits through shared use of*

land. Numerous appeal decisions² have recognised that sheep grazing is a use which is entirely compatible with solar farm developments, and that where sheep grazing is implemented, no loss of agricultural would occur. The latest DEFRA Agricultural Land Use in England statistics (CD7.7) indicate that of the total agricultural land used for solar farms, 49.5% (or 3,600ha) accommodate sheep grazing alongside the solar farm.

9.0.14 Section 6.5 – 6.9 of the Agricultural Statement of Case (CD6.4) demonstrate that the laying of the panels themselves, and the associated infrastructure would have no long-term effect on the productivity or quality of the land. This, again, has been recognised in planning policy. The Solar Roadmap (CD7.4) states on page 22 that *“solar farms are a temporary and completely reversible land use.”* Numerous planning appeal decisions³ have found that solar farm developments would not result in impacts on land or soil quality such that they would constitute the loss (even on a temporary basis) of agricultural land.

9.0.15 We therefore conclude that the Reason for Refusal is factually incorrect in asserting that the development would result in the loss of best and most versatile agricultural land, either on a temporary or permanent basis.

2. Whether the development would have an unacceptable impact on food security or national security

9.0.16 The RfR states that the proposed development would result in *“a threat to food security, and so when considering the Ministerial Statement of May 15th 2024, it would also result in a threat to national security.”*

9.0.17 Neither national planning policy nor the Development Plan have policies that seek to protect food security. In fact, the December 2024 update to the NPPF removed the reference to food security that appeared under footnote 65 in the pre-December 2024 version of the Framework.

² See, for example, APP/H0520/W/24/3344095 (CD7.5), which in paragraph 56 states *“The appellant indicates that the land would continue to be farmed via sheep grazing around the solar panels. I therefore find it would still be available for food production”*

³ See, for example, APP/G2713/W/23/3315877 (CD7.6), which states in paragraph 25 that *“the proposal would not result in either the temporary or permanent loss of BMV land as the land would continue to be used for some agricultural purposes whilst also being used to produce solar energy. Nor would the proposal be detrimental to the soil quality, so a return to arable production at a later date would still be possible”*

- 9.0.18 Notwithstanding, the May 15th Ministerial Statement is a material consideration, albeit the weight that should be afforded to it is reduced given that the policy context has developed since its publication. The WMS states that *“due weight needs to be given to the proposed use of BMVAL”* for solar developments, in the context of food security.
- 9.0.19 The WMS should be read in the context of the Government’s data relating to food security. The 2024 UK Food Security Report (CD7.8) states that food security across the UK remains broadly stable and that there is no immediate concern relating to either food security or food supply and production. The 2025 Government Land Use Consultation (CD7.9) echoes this view, stating that *“the Government is committed to maintaining food production. Our assessment is that, based on historical trends of productivity improvement, and supported by new and emerging innovations, the impact of these land use changes [i.e. the development of solar farms] on domestic food production will be offset by productivity improvements. We expect that recent trends of increased productivity from agricultural land will continue.”*
- 9.0.20 This is further substantiated by the Solar Roadmap (CD7.4) which states that *“the climate crisis is the greatest threat security.”*
- 9.0.21 Nonetheless, in the context of the WMS’ requirement, the appellant has undertaken an assessment of the impact of the development on food security, to demonstrate that the impact would be negligible. Paragraphs 8.21 – 8.27 of the Agricultural Land Statement of Case (CD6.4), set out a detailed analysis of the extent to which the site contributes to food production within Lincolnshire (and Cambridgeshire).
- 9.0.22 It shows that in total, the site, if used to grow crops, would produce just 0.028% of the cereal output for the two counties, or 0.137% of the field bean output. This is a negligible proportion of the agricultural output for the region. We therefore do not consider it reasonable to claim that the proposals pose a threat to food security, especially considering that the site will remain productive through sheep grazing, which itself produces food.
- 9.0.23 In the absence of any policies at a national or local level that seek to protect food security, and given that the Solar Roadmap (CD7.4) provides that solar farm developments are not a threat to food security, we consider that only very limited weight can be afforded to any purported impacts on food security. In any case, the impact of the development on food security would be negligible, and considering the threat of climate change to food security, the contributions of the proposal to the green energy transition would in fact contribute to the nation’s resilience to food security threats in the long term.

9.0.24 Accordingly, contrary to the Council's RfR, the proposal does not represent a threat to either food security or national security. Quite the contrary, the appeal scheme provides an important contribution to tackling the main risk to food security.

3. Whether the use of Best and Most Versatile Land is acceptable in principle, whether it has been demonstrated that poorer quality land does not exist, and whether it has been demonstrated that brownfield land could not accommodate the development.

9.0.25 At the core of the Council's RfR is the Council's assertion that the applicant failed to show that the use of Best and Most Versatile Land is necessary for the development. The reason for refusal concludes that the proposals are contrary to NPPF paragraph 180 (Paragraph 187 in the December 2024 version), and of Local Plan policies 1 and 31.

9.0.26 It is the appellant's view that national policy, and other material considerations including Written Ministerial Statements provide clear guidance that considering the material circumstances of the application, the extent of BMV which would temporarily be used for a solar farm is acceptable, taking into account the overwhelming benefits of the proposals, and the weight which is afforded to renewable energy developments.

9.0.27 As demonstrated in the Agricultural Land Classification survey undertaken by Bateman Associates and submitted in support of the application (CD3.5) the site comprises a mixture of grade 2 and 3a agricultural land. The survey identified that 86% of the site is grade 3a, and 11% of the site grade 2, with the 3% of the are surveyed not constituting agricultural land (as it's occupied by the copse of trees in the centre of the site). The majority of the site's Grade 2 land is located within the South Holland portion of the site. A detailed analysis of the site's land quality is set out in Section 4 of the Agricultural Land Statement of Case (CD6.4).

9.0.28 The national and local policy position relating to the use of BMV is set out in detail in Section 3 of the accompanying Agricultural Land Statement of Case (CD6.4), with the key policies being NPPF paragraph 187 (b), which requires that that the economic and other benefits of the best and most versatile agricultural land should be recognised. Notably, it does not set any prohibition on the use, or loss, of such land. Paragraph 187 requires decision-makers to recognise the benefits of BMV, and footnote 65 require plans to allocate agricultural land with the least environmental effect, where consistent with other policies and Framework. Footnote 65 states that *"where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality"*.

- 9.0.29 The Framework's requirements are echoed in NPS EN-1. Paragraph 5.11.12 notes that *"applicants should seek to minimise impacts on the best and most versatile agricultural land identified as land in Grades 1, 2 and 3a of the Agricultural Land Classification and preferably use land in areas of poorer quality (Grades 3b, 4 and 5)"*. NPS EN-3 expands on this, stating that land type should not be the predominating factor in determining the suitability of a site location for solar energy developments.
- 9.0.30 In summary, there is no in-principle restriction from using BMV land for solar development, and it simply requires applicants to recognise the economic and other benefits of such land, which indicates it is a matter for the planning balance and not an in-principal one. However, there is a policy preference for directing sites to lower grades of land.
- 9.0.31 The Site Search document which accompanied the application (CD3.3), and an updated version (CD6.9) which has been prepared for this appeal and addresses the most up-to-date policy context, sets out the methodical process which the appellant has applied to assess the suitability of sites within the district for solar development.
- 9.0.32 Firstly, the Site Justification Report demonstrates that it is necessary to use agricultural land for solar development. It demonstrates that there are no suitable brownfield or previously developed land sites which have a viable grid connection in the district. This has been done by reviewing the Council's Brownfield Site Register, and demonstrating that they are either not within an appropriate distance from the grid point of connection, or that the site has been allocated for residential development and therefore not suitable for a solar development.
- 9.0.33 Having established that it is necessary to use agricultural land to bring a solar scheme forward in the district, the Site Justification Report goes on to review the availability of appropriately sized agricultural sites with viable grid connections. Sites which the landowner is unwilling to release are discounted.
- 9.0.34 The report includes an assessment the planning, environmental and technical constraints of each of the remaining sites, including the grade of agricultural land. Figure 4 of the report demonstrates that the vast majority of the land within a 1km distance of the grid connection is Grade 2 land – and so higher quality than the majority of the site.
- 9.0.35 A total of twelve sites were identified which were suitably sized. An analysis of each is contained in Table 1 of the document. Ultimately, it was found that aside from the appeal site, each was either unavailable (unwilling landowner), had a higher agricultural land quality, or would have resulted in unacceptable impacts on heritage, amenity or flood risk and so was discounted.

9.0.36 The document demonstrates that there are no lower grade areas of agricultural land which are preferable in planning, environmental and technical terms and which are available in the district compared to the appeal site. Ultimately, it shows that the appeal site is the lowest quality of agricultural land which was potentially suitable for development of all of sites in the district within a 1km distance of the grid point of connection.

9.0.37 We therefore conclude that the Council's reason for refusal is wrong to claim that the appellant failed to justify the agricultural land take

4. Whether it has been demonstrated that the land take is acceptable when considering the overall output of the scheme

9.0.38 The reason for refusal asserts that the application has not sufficiently demonstrated why *"such a large area of land take is required when considering the overall output of the scheme."* The Delegated Report (CD4.2) explains the Council's rationale for forming this view, stating that *SHDC have been subject to much smaller applications for solar in terms of land area which are of a similar MW output."* Simply, the Council assert that based on their experience with other solar schemes, the proposals do not represent an efficient use of land.

9.0.39 There is no national or local guidance that prescribes the appropriateness of a particular output per hectare for solar sites. NPS EN-1 makes reference to typical solar farms occupying approximately 2-4 acres per hectare, but this is merely a statement of fact in the document, not guidance for appropriate land-take.

9.0.40 As with any good design, a proposal should be a site-specific, responding to its context and local environment – as required by national policy (Framework paragraph 135 parts c-e) and SELLP policy 2. Merely comparing the overall site size to other solar schemes in the District is a crude and unsuitable means of determining whether the land take is acceptable.

9.0.41 The appellant contends that the Council have made a number of incorrect assumptions, and that when assessed against policy and best practice, the proposals represent an efficient use of land.

9.0.42 The Council's errors can be broken down into two categories:

- a) Failure to consider the technical specifications of the scheme beyond its DC output
- b) Failure to consider the design response of the proposal to the site's surroundings and environment

Technical specifications

- 9.0.43 The Council appear to have assessed the efficiency of the site based on the fact that the scheme would have a 50MW output when measured using the combined inverter method. As explained in section 7 of the Statement, the proposals have been “overplanted” in order to make the most efficient use of the available grid capacity on the site. Because of the high DC-to-AC ratio proposed, the proposals are substantially more productive than other 50MW solar schemes in terms of power generation. As explained in section 5.3.2 of the Planning Design and Access Statement (CD2.3), the aggregate power of the site is approximately 86 MWp, and so its peak capacity can produce up to 1.7 times more renewable electricity compared to a 50MW scheme with no overplanting (i.e. with a 1:1 DC-to-AC ratio).
- 9.0.44 Furthermore, the Council do not appear to have considered that the proposals contain 30MW of BESS alongside the solar farm. This takes up space and again significantly enhances the scheme’s ability to deliver renewable energy, and so any assessment of the efficiency of the land take which has not considered the BESS is incomplete.
- 9.0.45 When taking into account both the proposed overplanting and the BESS element of the site, the extent of the land take represents an efficient use of land.

Design Response

- 9.0.46 Secondly, the Council do not appear to have considered the appropriateness of the land take in the context of the site’s response to its surrounding environment. The applicant has gone to great lengths to bring forward a scheme that is suitable for its context, and a number of design features have been implemented in the scheme that necessitate a larger land take:
- The spacing between the panels extends 18% more than the footprint of the panel in order to facilitate sheep grazing, to ensure the continued agricultural use of the site.
 - The layout has been designed to accommodate constraints within the site. This includes the retention of the existing copse of trees toward the centre of the site and the existing reedbeds, hedgerows and PRow throughout the site.
 - Portions of the site will be planted for the purpose of visual screening and to achieve the 170% biodiversity net gain.
 - Finally, a 9m buffer distance from all IDB drains has been implemented to ensure no adverse impacts arise on the drains.

9.0.47 Taking these features into consideration, it is evident that the appellant has designed the site appropriately, and that the overall land take represents an efficient and considered use of the land. There is accordingly no conflict with Local Plan policy 31.

10.0 Planning Balance and Conclusions

- 10.0.1 The appellant's case is that taking into account the relevant national and local planning policies, guidance and relevant material considerations, given the substantial benefits of the proposals, the proposals are considered to comply with the development plan when taken as a whole, as well as with the relevant provisions of the NPPF.
- 10.0.2 The temporary nature of the development is material in that the land will be returned to a productive agricultural use within 42 years of permission being granted.
- 10.0.3 The need to address climate change is imperative. This appeal will make a critical contribution to delivering renewable energy within South Holland and the wider Lincolnshire area. Quantified, the proposal would generate enough electricity to power 22,388 homes per year. This would represent an equivalent reduction of 16,200 tonnes of CO₂ on a yearly basis for the lifetime of the development.
- 10.0.4 This grid connection is deliverable and capacity is available. It does not require any National Grid upgrade works prior to connection (as affects many other renewable energy projects currently).
- 10.0.5 The appeal scheme will also significantly increase local biodiversity. There will be a positive biodiversity net gain, with new habitats for wildlife increasing by 173%. This constitutes a significant net gain above and beyond the statutory 10% net gain requirement.
- 10.0.6 Turning to the overall planning balance, the appropriate weight that should be afforded to each is as follows:
- 10.0.7 **Generation of renewable energy:** NPPF paragraph 168 directs decision makers to give significant weight to renewable energy benefits. Considering the urgent and ongoing national need for renewable energy generation as set out in Section 6 of this document, and given the size of the appeal scheme and the very large contribution it will make to renewable energy generation, this should be afforded **Very Substantial beneficial** weight in the planning balance.
- 10.0.8 **Tackling climate change:** Considering the Government's declaration of a Climate Emergency in the context of the Climate Change Act 2008. This is a large proposal, with very large CO₂ emissions benefits. Therefore, it is my opinion that the benefit from renewable energy generation should be afforded **Very Substantial beneficial** weight in determining the appeal.
- 10.0.9 **Grid Connection:** The site benefits from a viable grid connection within the site's red line boundary and is likely to be able to connect to the grid as soon as the appeal scheme is approved and

construction is completed. In the context of the Committee on Climate Change's concerns that solar delivery is falling behind, the ability of this project to contribute to short-term renewable energy targets is a benefit that should be afforded **Substantial beneficial** weight in determining the appeal.

10.0.10 **Ecological enhancements and BNG:** The proposed development will make a substantial ecological contribution to South Holland, and the assessed level of biodiversity net gain (173% across the site) is far greater than the statutory 10%. These benefits should be afforded **Significant beneficial** weight in determining the appeal.

10.0.11 The proposed development would generate local jobs, and would align with SELP Policy 9 in that it would enable the sustainable diversification of farm income and land-use, thereby contributing to the long-term viability and resilience of the rural enterprise. This should be afforded **Moderate beneficial** weight in the planning balance

10.0.12 Landscape enhancements from new and managed hedges carries **moderate beneficial** weight.

10.0.13 Temporary change in use of best and most versatile land carry neutral weight, considering the land can remain productive agricultural land through sheep farming in parallel to the proposed solar use should be afforded **neutral** weight

10.0.14 Amenity, including noise and glint and glare on nearby properties carry **neutral** weight.

10.0.15 The proposed development will give rise to adverse landscape and visual effects on site (including from within the PRoW running within the site) and immediate surroundings. These will be localised and will be mitigated over time as the proposed planting matures. Therefore, we consider that **moderate adverse** weight should be given to landscape and visual effects.

10.0.16 Considering the development as a whole, and the significance of the weight that must be given to the renewable energy generated by the proposals, and in turn the contributions that the appeal scheme would make to mitigating climate change and to the nation's energy security, alongside the other benefits set out above, it is clear that the benefits of the scheme significantly outweigh the visual and landscape impacts arising from the proposal.

10.0.17 We therefore urge the Inspector to allow the appeal.