



Third
Revolution
Projects

Statement of Case

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

Land to the East of Guanockgate Road,
Gorefield, Cambridgeshire 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, Cambridgeshire PE13 4PL ('the appeal site').

1.0.2 The appeal follows the decision of Fenland District Council ('the Council') to refuse an application for full planning permission (LPA ref: F/YR24/0457/F) ('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 30th May 2024. The application was recommended by the Council's planning officer for approval in the Committee report dated 14th May 2025 (CD7.2).

1.0.4 The application was refused by the Council on 3rd June 2025 despite the officer's recommendation. The decision notice (CD7.1) cited the following two reasons for refusal (the RfRs):

1. *The proposed development would result in a significant loss of Best and Most Versatile agricultural land and, therefore, would be a threat to food security, contrary to policy LP14 of the Fenland Local Plan 2014 and paragraphs 125(b) and 187(b) of the National Planning Policy Framework. Whilst the benefits of renewable energy and the contribution that the proposed development would make towards addressing climate change are noted, it is not considered that these outweigh the harm associated with the conflict with the Council's adopted policies and other material considerations.*
2. *The proposed development would result in a large alien feature within the Countryside. The proposed development would have a significant adverse impact on the intrinsic character and beauty of the countryside in this location and the wider area, contrary to policies LP14 and LP16 of the Fenland Local Plan 2014 and paragraphs 166(a) and 187(b) of the National Planning Policy Framework. Whilst the benefits of renewable energy and the contribution that the proposed development would make towards addressing climate change are noted, it is*

not considered that these outweigh the significant harm to the character and appearance of the area.

1.0.5 The appeal site comprises land located within the administrative boundaries of two local planning authorities: South Holland District Council (SHDC) and Fenland District Council (FDC). 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.

1.0.6 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".

1.0.7 The planning application submitted to South Holland District Council (SHDC) was refused on 09th May 2025. A separate appeal has been submitted in parallel to this appeal for to the portion of the site which falls within South Holland District ("the South Holland Appeal").

1.0.8 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 South Holland 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’) (CD6.6) has been prepared and submitted as part of this Appeal. In addition, a landscape-specific Statement of Common Ground (CD6.7) 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

The site

- 2.0.1 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.
- 2.0.2 The site falls across the jurisdiction of both SHDC and FDC with approximately 66.2 hectares of the site within FDC and around 74.3 hectares within SHDC.
- 2.0.3 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.
- 2.0.4 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)

2.1 Surrounding area

- 2.1.1 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.

2.2 Designations and Constraints

- 2.2.1 The site is not subject to any designations or site-specific allocations in the Local Plan's policies map.
- 2.2.2 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 / CD2.13)

2.2.3 The site falls entirely within Flood Zone 3a.

2.3 [Planning History](#)

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

2.3.2 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.

2.3.3 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.”

2.3.4 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, internal 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 Fenland District Council and validated on 15th September 2022 (ref: F/YR22/1070/SC). On 11th October 2022 the Council issued their screening opinion (CD2.2) 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 South Holland 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 Fenland District Council (FDC) and Cambridgeshire County Council (LCC). These included:

- Pre-application meeting with CCC'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 FDC'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 2023, 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 received by FDC on 8th April 2024 and was validated on 30th May.

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 received the Officer's Report on 6th May 2025 which, having assessed the proposals, concluded that the overwhelming benefits of the proposed development would outweigh any impacts arising, and so recommended that Committee Members granted permission to the proposal. An addendum to the Committee Report issued on 13th May 2025

noting SHDC's decision to refuse planning permission, but reasserting the Officer's view that the scheme should be approved.

- 4.2.10 A Committee Meeting was held on 14th May 2025, where members unanimously voted to refuse to grant planning permission. The Decision notice was issued to the appellant on 3rd June 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 Fenland District Council. South Holland District Council's Development Plan is assessed separately in the South Holland 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 Fenland Local Plan (Adopted May 2014) ("FLP"). While the Peterborough Minerals and Waste Plan (July 2021) forms part of the Development Plan it is not relevant to the appeal scheme.

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 FDC published a Regulation 18 draft Local Plan on August 2022, however no further progress has been made since its publication over three years ago and so only very limited weight can be given to its content. The Council's March 2025 Local Development Scheme indicates that the Council intend to consult on a Publication Draft of the emerging plan in May 2026.

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

Fenland Local Plan (2014)

6.1.8 **Policy LP14 (Responding to Climate Change and Managing the Risk of Flooding)** – This is the key policy relating to the proposed use, and the most relevant to the appeal scheme. The policy is split into 2 parts; Part A focusing on resource use and renewable energy, and Part B focusing on flood risk and drainage.

- 6.1.9 The policy is unambiguous in the District's position in relation to the climate emergency, identifying an "urgent" need to tackle climate change. The policy's supporting text recognises the District's own role, stating that Tackling climate change "is clearly a long-term challenge that will be faced internationally, but Fenland must consider the local implications as we plan for the future of the district."
- 6.1.10 Policy LP14 goes on to state that renewable energy proposals "will be supported" and considered in the context of sustainable development and climate change, outlining the following criteria which renewable energy proposals will be assessed against:
- The surrounding landscape, townscape and heritage assets
 - Residential and visual amenity
 - Noise impact
 - Specific highway safety, designated nature conservation or biodiversity considerations
 - Aircraft movements and associated activities
 - High quality agricultural land
- 6.1.11 Finally, the policy states that "renewable energy proposals which will directly benefit a local community in the medium and long term...will be particularly supported."
- 6.1.12 Read as a whole, policy LP14 along with its supporting text offer very strong support for renewable energy projects, clearly establishing that the principle of renewable developments is supported in the district. The policy largely reflects the national policy position on renewables and supports the appellant's view that very significant weight should be afforded to the contributions that renewable energy proposals make to tackling the climate emergency.
- 6.1.13 **Policy LP1 (A Presumption in Favour of Sustainable Development);** Under this policy the council establish that they will take a "positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework."
- 6.1.14 **Policy LP16 (Delivering and Protecting High Quality Environments Across the District);** The policy lists a set of criteria that proposals for new development need to comply with, including the need to retain and incorporate natural features such as trees, not to adversely impact the landscape character of the area in which the development will be located and to ensure amenity of neighbours is protected.

- 6.1.15 **Policy LP13 (Supporting and Managing the Impact of a Growing District)** states that planning permission will only be granted where it can be demonstrated that existing infrastructure/ proposed infrastructure has the capacity to support the development.
- 6.1.16 **Policy LP15 (Facilitating the Creation of a More Sustainable Transport Network in Fenland)** requires development schemes to be “well designed, safe” with “convenient access for all”.
- 6.1.17 **Policy LP18 (The Historic Environment)** - The policy states that the council will “protect, conserve and seek opportunities to enhance the historic environment throughout Fenland”. Proposals are expected to have been properly assessed on their potential impact to heritage assets.
- 6.1.18 **Policy LP19 (The Natural Environment)** - This policy emphasises the need for the natural environment to be protected as a result of new development proposals. Schemes should ensure opportunities are taken to incorporate beneficial features for biodiversity in new developments”.
- 6.1.19 The following emerging Fenland Local Plan 2021-2040 are relevant to the application but as discussed in paragraph 6.1.6, very limited weight can be afforded to them:
- Policy LP6 - Renewable and Low Carbon Energy Infrastructure
 - Policy LP7 - Design
 - Policy LP8 - Amenity Provision
 - Policy LP15 - Employment
 - Policy LP18 - Development in the Countryside
 - Policy LP19 - Strategic Infrastructure
 - Policy LP20 - Accessibility and Transport
 - Policy LP21 - Public Rights of Way
 - Policy LP23 - Historic Environment
 - Policy LP24 - Natural Environment
 - Policy LP25 - Biodiversity Net Gain
 - Policy LP27 - Trees and Planting
 - Policy LP28 - Landscape

- Policy LP29 - Green Infrastructure
- Policy LP32 - Flood and Water Management
- Policy LP34 - Air Quality

6.2 Planning Guidance

6.2.1 Fenland District Council have not published any relevant Supplementary Guidance

6.3 Other Material Considerations

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)

The National Planning Policy Framework (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 of 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 in the latest version.

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 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 This WMS, along with 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] (CD7.1) 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 (CD6.6). All parties will work together to agree this in advance of the hearing.

- That the principle of large-scale solar farms is supported
- That there is need for the proposed development on a national and local level
- That the existing use is agricultural and the proposed land use would fall under sui generis as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended)
- That overplanting is acceptable in principle
- That only very limited weight can be afforded to the policies in FDC's draft Local Plan (March 2022)
- 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 (are an accurate reflection of the site.
- That any residual landscape impacts arising from the development should carry no greater weight than moderate adverse in the planning balance
- That the proposal would contribute positively biodiversity, nature and trees, and would result in a significant biodiversity net gain of approximately 170% for habitats.
- That any highways and transport impacts arising from the development are acceptable
- 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

- That the proposals have been suitably designed to incorporate fire safety features within the BESS and substations, and that the Local Fire Brigade were consulted on the application and did not raise any objections
- That the economic impacts, including the employment arising from the development, constitute a benefit
- That the site is suitably designed to mitigate flood risk, and that the proposed development has passed the sequential and exception tests.

8.1.2 A separate landscape-specific draft Statement of Common Ground (CD8.7) 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, FDC's planning officer concluded that the application should be approved, and produced their Officer's Report (CD5.2) with a recommendation for approval.
- 9.0.2 However, Committee Members voted against the officer's recommendation at the Committee meeting on May 14th 2025, and so the proposal was refused.
- 9.0.3 This section of the SoC should be read in conjunction with the application documentation submitted and as listed within the draft Core Documents.
- 9.0.4 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

- 9.0.5 The Decision Notice contains two reasons for refusal (set out in full in paragraph 1.0.3), which relate to the purported loss of best and most versatile agricultural land, and to impacts on the character of the countryside
- 9.0.6 The following section sets out the Appellant's position in respect of each of the reasons for refusal
- RfR1: Whether the proposed development would result in a significant loss of Best and Most Versatile agricultural land and, therefore, would be a threat to food security.
- 9.0.7 The appellant contends no Best and Most Versatile Agricultural Land (BMVAL) would be lost as a result of the development, and that the proposed development does not constitute a threat to food security.
- 9.0.8 The reason for refusal states that on the basis of loss of BMVAL and impact on food security, the proposal conflicts with FLP policy LP14. While this policy states that renewable energy proposals will be assessed taking into account "high quality agricultural land," it also offers extremely strong support for renewable energy developments, as discussed in detail in Section 5, and so in the appellant's view the policy weighs heavily in favour of renewable energy developments. The RfR refers to NPPF paragraph 125(b), however it is unclear how the proposal conflicts with this

paragraph. Finally, it cites Framework paragraph 187(b). While this paragraph requires decisions to “recognise” the economic and other benefits of BMV, it does not restrict development from BMAV or from agricultural land.

Loss of agricultural land

- 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 because the site has been designed to 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.
- 9.0.10 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 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.
- 9.0.11 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.
- 9.0.12 National policy endorses the continuation of agricultural uses on solar farm sites. The Solar Roadmap (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 decisions¹ 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.

¹ 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*”

9.0.13 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 decisions² 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. The appeal is supported by an Outline Soil Management Plan (CD6.8) which demonstrates how the site’s soil would be managed during construction and during the lifetime of the development to ensure that no adverse affects to its quality or characteristics would arise.

9.0.14 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.

Threat to food security

9.0.15 Having established that the development will not result in the loss of any agricultural land, we now discuss whether the proposal constitutes a threat to food security.

9.0.16 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.

9.0.17 Notwithstanding, the May 15th Ministerial Statement is a material consideration. 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.

9.0.18 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 (CD7.7) echoes this view, stating that *“the Government is committed to maintaining food production. Our assessment is that, based on*

² 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”*

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.”

- 9.0.19 This is further substantiated by the Solar Roadmap (CD7.4), which states that *“the climate crisis is the greatest threat to food security.”*
- 9.0.20 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).
- 9.0.21 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.
- 9.0.22 In the absence of any policies at a national or local level that seek to protect food security, and given that the Solar Roadmap 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.
- 9.0.23 Accordingly, contrary to the Council’s RfR, the proposal does not represent a threat to either food security or national security.

RfR2: Whether the proposed development would result in a large alien feature within the Countryside, whether it would have a significant adverse impact on the intrinsic character and beauty of the countryside in this location and the wider area and whether these purported harms would outweigh the benefits associated with renewable energy deliver and addressing climate change

- 9.0.24 This reason for refusal related to the effects that would arise on the character and appearance of the countryside as a result of the development. It purports that the impact on the character and beauty of the countryside would be “significant adverse” and that the benefits of the proposal would not outweigh these harms.
- 9.0.25 The RfR states that the appeal scheme conflicts with FLP policies LP14 and LP16. Policy LP14 sets out the District’s position on renewable energy, and in the context of offering overwhelming support to renewable developments states that proposals will be assessed taking into account the surrounding landscape, as well as visual amenity. Policy LP16 sets out the District’s approach to delivering and protecting high quality environments in the district. While the RfR does not specify which part of the policy conflict arises, we assume that it refers to part (d), which requires development to “makes a positive contribution to the local distinctiveness and character of the area and...does not adversely impact the landscape character of the surrounding area.” We would note that this part also required developments to “provide resilience to climate change.”
- 9.0.26 The RfR goes on to cite a conflict with Framework paragraph 166(a). This paragraph relates to decentralised energy networks and so it is unclear how it is relevant to the landscape or visual impact.
- 9.0.27 Finally, it cites Framework paragraph 187(b), which requires decisions to recognise the intrinsic character and beauty of the countryside. Notably, the RfR does not cite paragraph 187(a), which indicates that the Council agree that the site does not constitute a valued landscape.
- 9.0.28 The RfR refers to the development as a “large alien feature within the Countryside”. It is my opinion that this is not an accurate description of the appeal proposal. Solar farms in the countryside are not such an uncommon feature as to be considered alien, and as set out in the Landscape Statement of Case (CD6.3), the extent of landscape and visual effects that would result from the proposed development would be very localised. This in part results from the low lying nature of solar development, which results in lesser visual impacts than other built development in the countryside such as agricultural barns and residential development. The proposed mitigation planting would also provide some screening of the Proposed Development whilst reflecting the intermittent nature of vegetation within the fens broadly and in the vicinity of the Site more specifically.
- 9.0.29 The proposals have undergone a rigorous assessment with respect to their impacts on landscape character and visual impacts. The application was supported by a Landscape and Visual

Assessment (CD2.10). At the request of the Council, the appellant paid for the commissioning of an independent review of the LVA (“The LVA Review”) submitted with the application, which was undertaken by Wynne-Williams Associates (CD3.8). Finally, this appeal is accompanied by a Landscape Statement of Case prepared by Abseline which provides further assessment of the appeal scheme’s landscape impacts in the context of the refusal (CD6.3).

- 9.0.30 It is acknowledged that some level of impact would arise on the landscape as a result of the development. The flat topography and the layers of vegetation around properties and in some cases along field boundaries provide a degree of visual containment within the large scale fenland landscape. These would limit the landscape and visual effects arising from the Proposed Development.
- 9.0.31 The accompanying landscape Statement of Case (CD6.3) demonstrates that landscape effects would be confined to an area extending 0.4km to the south, as far as vegetation at King Edwards Farm and the North Level Main Drain; up to 0.4km to the west as far as Guanockgate Road and up to approximately 0.6km to the north and east where the field pattern is more open. Visual effects would extend to a little over 1km in all directions, with visual receptors consisting primarily of local residents and visitors close to their homes or travelling for local journeys along rural roads, or enjoying the recreational opportunities offered by PROW.
- 9.0.32 No valued landscapes or recognised scenic or valued views would be affected by the Proposed Development.
- 9.0.33 Effects on landscape character would be confined to a small part of the host Peaty Fens LCT/The Fens LCA. Mitigation planting would result in a small reduction in effects beyond the Site once the proposed planting and hedgerow mature.
- 9.0.34 Effects would be Moderate and Adverse during construction and early operation of the Proposed Development. Over time, effects on landscape character would reduce to Minor and Adverse, after the proposed planting matures. Annex 3 and 4 of the Landscape Statement of Case demonstrate the extent to which impacts arising from the development would be reduced as the hedgerow screening matures from year 1 to year 10 of the development.
- 9.0.35 Both the LVA Review and the Landscape Statement of Case are broadly in agreement with the judgements made in the original LVA in relation to the scale of landscape and visual effects arising from the development. Although both documents identify minor points of disagreement, they agree with the conclusion of the LVA, that overall the proposed development would have a

moderate adverse effect on the character of the local area, decreasing to a minor adverse effect by year 10 of operation, due to planting and hedgerow maturing.

9.0.36 This view is endorsed in the Officer's Report, which concludes that "the proposed development would not have any significant landscape effects on the surrounding area."

9.0.37 This Council's own case officer's view is clearly contrary to the RfR's assertion that the development would have a "significant adverse impact" on the intrinsic character and beauty of the countryside in this location and the wider area.

9.0.38 The Officer's Report recognises the proposals provide a robust rationale for how the landscape and visual impacts have been mitigated through site selection, layout and design. We consider that the appellant has taken the appropriate steps to mitigate the landscape and visual impacts that will arise as a result of the development. We conclude that after planting matures, the following visual effects would remain:

- Major, Adverse effects on users of PRow (albeit these will be extremely localised and limited to those within or immediately adjacent to the Site);
- Moderate/minor, Adverse effects on users of the roads to the east and west of the Site;
- Moderate, Adverse effects on users of the roads the vicinity of the junction of Goredike Bank and Turnover Road; and
- Minor, Adverse effects on people living in and visiting Sutton St Edmund.

9.0.39 We contend that the Reason for Refusal overemphasises the significance of these residual impacts, and that in the planning balance (including any limited conflict with Policy LP16), they do not outweigh the very substantial benefits that would arise if the development is brought forward.

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 Fenland and the wider Cambridgeshire 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 and the Committee on Climate Change's conclusion that the country is "*significantly off track*" in delivering its 2030 solar targets, 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 climate change 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 is 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 "*significantly off tack*", 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 Fenland, and the assessed level of biodiversity net gain (173% across the site) is far greater than the statutory 10%. This can be secured by condition. These benefits should be afforded **Substantial 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 and PRoW 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.