

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-1180-25 **Applicant:** Push Power

Proposal: Revised access route from the public highway & a new internal access track linking two consented solar farm fields

Location: Decoy Farm Spalding Road Crowland

Terminal Date: 7th August 2026

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy

National Guidance**National Planning Policy Framework December 2024**

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 9 - Promoting sustainable transport
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL	1	0	0	0

INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission a revised access route from the public highway and a new internal access track linking two consented solar farm fields. The track is proposed to be surfaced with a Type 1 sub-base which comprises gravel that is made up of a range of stone sizes including fine material that fills the voids between the larger stones.

Site Description

The application site comprises land at an existing solar farm that is located approximately 2km to the north-east of Crowland. The site is located to the east of Spalding Road and a dog walking field (Field for Paws).

The site is outside any defined settlement boundary, as identified by the South East Lincolnshire Local Plan 2011-2036 and the accompanying policies map.

The site is located within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Planning History

H02-0454-14: (Full Application) Proposed solar farm with associated infrastructure - approved 12th August 2014

H02-0430-15: (Non Material Amendment) Proposed solar farm with associated infrastructure - approved under H02-0454-14. Amendments to include revised panel and infrastructure layout - approved 09th September 2015

H02-1004-15: (S73 Application) Proposed solar farm and associated infrastructure-approved under H02-0454-14. Modification of Condition 2 to delete reference to Flood Risk Assessment - approved 16th December 2015

H02-0131-16: (Non Material Amendment) Proposed solar farm with associated infrastructure - approved under H02-0454-14. Amendment to colour for inverters from Holly Green to Pure White - approved 09th March 2016

H02-0448-16: (Non Material Amendment) Proposed solar farm with associated infrastructure - approved under H02-0454-14 - Amendments to include 6 bunded oil tanks - approved 20th May 2016

H02-0606-18: (S73 Application) Proposed solar farm and associated infrastructure - approved under H02-1004-15. Modification of Condition 3 relating to amended wording - approved 28th August 2018 (Within this application, condition 3 was amended to an unrestricted time period and for all infrastructure to be removed on cessation of the use)

H02-0991-18: (Full Application) Installation and operation of associated infrastructure in relation to approved solar farm (part retrospective) - approved 05th December 2018

H02-1025-18: (Non Material Amendment) Proposed solar farm with associated infrastructure - approved under H02-0454-14 - various amendments to overall scheme - approved 01st November 2018

H02-0053-19: (Full Application) Landscaping works (retrospective) - approved 06th March 2019

H02-1179-25: (S73 Application) Proposed Solar Farm and associated infrastructure - approved under H02-0606-18. Modification of Condition 1 to allow amendments to previously approved plans - approved 01st May 2026

Consultation Responses

North Level Internal Drainage Board:

The Board objects to the application. The track lies within 9 metres of Brotherhouse Bar Drain. Byelaw 10 of the Board's byelaws states:

"No obstruction within 9 metres of the edge of the watercourse. No person without the previous consent of the Board shall erect any building or structure whether temporary or permanent within 9 metres of the drain."

Lincolnshire County Council - Historic Environment:

The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Lincolnshire County Council - Highways and SUDS:

Does this proposal change the number of vehicle movements in/out of the access with the public highway? If so, a simple Transport Statement is required. It shall detail the vehicle movements previously detailed with the solar farm compared to those envisaged with the proposal.

Environment Agency: No comments.

Environmental Protection: No comments.

Ecology Officer:

First Response (27 April 2026):

There has been sufficient evidence provided to determine this application, and we are confident that 10% net gain will be achieved through offsite habitat creation for this application. We will require some alterations to be made to the HMMP pre-commencement. We will also require a Biodiversity Gain Plan to be provided pre-commencement and require the HMMP to be secured through a S106 agreement due to the relatively significant offsite habitat creation proposed for this site.

The BNG calculations for this proposal show that a 192.93% gain in habitat area units will be secured for this site. We are confident with the BNG proposals for this site and are happy that 10% mandatory biodiversity net gain can be achieved through offsite habitat creation on land the land owner owns elsewhere. To discharge the biodiversity gain condition the applicants will have to secure the appropriate habitat creation/enhancement by entering a section 106 agreement with the local authority due to the significant offsite habitat creation proposed.

We will require a biodiversity gain plan to be provided pre-commencement.

To be in line with national guidance, the authority should secure the HMMP and corresponding biodiversity creation/enhancement with a S106 agreement. This is due to the relatively large amounts of significant off-site habitat creation/enhancement proposed.

We believe that the habitats on site have the potential to support nesting birds. It is an offence under Section 1 of the Wildlife and Countryside Act of 1981(WCA 1981) to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, we request a condition requiring that: "Works should not be carried out in the main nesting season (March 1st -

August 31st). If not possible then a suitably qualified ecologist must perform a breeding bird survey of the site prior to any works beginning onsite. Any active nests discovered during inspections will be protected with a suitable exclusion buffer (of appropriate size to the species) to prevent disturbance and monitored until the nest is no longer active / all chicks have fledged, when the ecologist will provide a sign off for clearance work to continue."

Second Response (05 August 2026):

Based off the updated BNG metric, it is evident that no onsite enhancement will be proposed, meaning that a total of 1.75 habitat area units will need to be secured offsite pre-commencement. If it is still the case that no enhancement will be attempted onsite and thus not being able to follow the mitigation hierarchy, then the required offsite units can be secured via 2 routes:

1. Bespoke habitat creation/enhancement could be undertaken by the applicants on land they own elsewhere or in agreement with another landowner. To discharge the biodiversity gain condition the applicants would have to secure the appropriate habitat creation/enhancement by either entering a section 106 agreement with the local authority or through undertaking a conservation covenant with a responsible body pre-commencement.

2. The applicants could purchase the appropriate number of units from an off-site habitat bank and evidence this to the authority pre-commencement.

Crowland Parish Council: No response received.

Cllr B Alcock: No response received.

Cllr J R Astill: No response received.

Cllr A Harrison: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Consultation Process

Initially, it was noted that the red line boundary did not connect to the public highway on Spalding Road, despite the description of development referring to a link with the public highway. This was queried with the applicant's agent and an amended red line boundary was subsequently provided within which the red line boundary was extended up to the public highway. The applicant's agent also submitted an amended application form within which the Ownership Certificate section was updated to complete Certificate C instead of Certificate B as the applicant considered that some of the land ownership within the red line boundary was unknown. A newspaper advertisement was also issued by the applicant which is dated 30 April 2026 as this is required when an applicant does not know who all of the owners are within their site.

The red line boundary was amended further when a revised location plan and site layout was submitted on 02 June 2026. The red line boundary was amended to move the access track further away from the North Level Internal Drainage Board's watercourse, Brotherhouse Bar Drain to ensure there is at least 9m from the watercourse. The amended red line boundary only affected land within the applicant's ownership and as such, it was not necessary to serve notice on any additional landowners. Furthermore, the area where the red line boundary was altered was considered to be at a sufficient distance from any of the nearest dwellings so as not to materially affect the nearest dwellings. Therefore, the LPA did not consider that it was necessary to re-consult the nearest dwellings regarding the change in access location.

It is the responsibility of applicants and their agents to serve notice on any landowners within their site or publish a newspaper advertisement if they do not know who all of the landowners are. In this case, the LPA considers that the applicant has served the appropriate notice and that an appropriate level of public consultation has taken place.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located. A Neighbourhood Plan has been designated for Long Sutton, however, a draft version of the plan has not yet been issued.

The main issues and considerations in this case include the following:

- Principle of Development;
- Design, Layout and Impact on the Character and Appearance of the Area;
- Highway Safety and Parking;
- Flood Risk and Drainage; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

In this case, the site comprises land within the countryside, outside of any settlement boundary. Section D of Policy 1 sets out that development within the countryside 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.

The application seeks consent for an access route from the public highway on Spalding Road and a new internal access track linking two consented solar farm fields. The solar farm was originally granted consent under permission H03-0454-14 and this permission has been revised several times in more recent years. The permission has been implemented and some of the solar panel fields are already in place.

The development is intended to support the functioning of an existing solar farm which will provide renewable energy, for which there is general policy support within the Local Plan and the NPPF. For example, Policy 31 of the Local Plan broadly supports the delivery of renewable energy facilities, as does Section 14 of the NPPF. Whilst this support is subject to certain considerations, in this case the principle of allowing a solar farm within the wider site has already been accepted. The access track is intended to support the functioning of the solar farm, by allowing vehicles to access and maintain the different parcels of the solar farm. The proposed access track would provide some secondary environmental benefits by supporting the solar farm. Weight is given to these benefits in accordance with Policy 1 of the Local Plan.

As such, it is considered that the principle of development is acceptable, as the proposed use comprises an appropriate form of development for the location.

Design, Layout and Impact on the Character and Appearance of the Area

Policy 2 of the Local Plan similarly outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF as it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

There is an existing access track within the solar farm site that connects different fields to one another. The proposed access track would be located to the north and east of the existing track, mostly through agricultural land. No changes are proposed to the access that is adjacent to Spalding Road.

The track will generally be 3m wide, as shown in detail in the cross section attached with the submitted drawing PPP027.351.00. The track is proposed to be surfaced with a Type 1 sub-base which comprises gravel that is made up of a range of stone sizes including fine material that fills the voids between the larger stones.

It is considered that the track would have an acceptable impact on the character and appearance of the area. For example, the track would be located at the ground level only and as such, the track is unlikely to be visually prominent within the area. Therefore, in visual terms, the proposals are considered to accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

The existing vehicular access from Spalding Road is proposed to be used and no changes are proposed near the site entrance next to Spalding Road.

It is noted that Lincolnshire County Council's highways team have queried whether the proposal will change the number of vehicle movements in and out of the access. If so, the team have requested a simple Transport Statement. In response to this, the applicant's agent has clarified that the proposal is not expected to lead to an increase in traffic generation as the access track is only intended to allow easier access within the wider solar farm site.

Therefore, it is considered that the proposed would have an acceptable impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the NPPF.

Flood Risk and Drainage

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site lies within Flood Zone 3 as identified by the Environment Agency's flood risk maps.

Policy 4 of the Local Plan sets out that development within Flood Zones 2 and 3 will be permitted in instances where specific criteria is met.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. The site is within a mixture of hazards areas, as identified by the SFRA. This includes some areas within the 'Danger to All' hazard area. It is considered that the proposal falls under the category 'Essential Infrastructure' as identified by the SFRA. As the proposal falls partly within a Danger to All hazard area, the Environment Agency has been consulted on the proposals in accordance with the recommendations of the SFRA. As set out previously, the EA have set out that they do not wish to comment on the proposals.

The NPPF requires the application of a sequential test to ensure that new development is in areas with the lowest probability of flooding. Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. Notwithstanding this, National Planning Practice Guidance (NPPG) sets out that the sequential test should be applied proportionately, and the search area should always be appropriate to the nature and scale of the proposal (Paragraph 027a Reference ID:7-027a-20220825).

In this case, the proposal is for an access track within a solar farm site. The wider area is within Flood Zone 3, and it is considered that it would not be reasonable or practical to locate the development within a lower risk flood zone. As such, the sequential test is passed.

As the proposed is for 'essential infrastructure' it is considered necessary for the proposals to pass the exception test. The NPPG also sets out that in Flood Zone 3a, essential infrastructure should be designed and constructed to remain operational and safe in times of flood.

In terms of the exception test, Paragraph 178 of the NPPF requires the following to be demonstrated:

*"a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."*

In terms of part a, sustainability benefits can be broad and there is no specific list of benefits outlined within planning policy or guidance. The NPPG sets out some examples of sustainability benefits such as the re-use of previously developed land and the provision of sustainable drainage systems. In this case, the proposal could help support the delivery of the wider solar farm site which could provide environmental benefits through the provision of renewable energy.

In terms of part b, the submitted FRAs set out that although the site is within Flood Zone 3, the probability of the development flooding from tidal, groundwater and artificial sources is considered to be low. The submitted FRA does not recommend any specific mitigation and it is considered that this accords with the SFRA.

It is considered that an appropriate level of flood risk mitigation is proposed, and the development would remain safe from current and future surface water flood risk for the lifetime of the development. As such, it is considered that the development passes the exception test.

The North Level Internal Drainage Board have raised an objection to the proposals as initially, the access track would have been within 9m of their watercourse, Brotherhouse Bar Drain. Byelaw 10 of the Board's byelaws restricts development within 9m of their watercourses due to the need to retain space for maintenance purposes. This is important in terms of ensuring that watercourses can be maintained and blockages can be cleared and there is support in principle for this in Policy 4 of the Local Plan. In response to this objection, the access track location has been revised and the access track has been moved further to the west, clear of the 9m easement. As such, the revised access track location is considered to be acceptable in terms of according with the Board's byelaw and it was not deemed necessary to re-consult the Board as no further issues were raised.

Overall, it is considered that the proposal accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of flood risk.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

The proposal was initially accompanied by a BNG assessment and as set out previously, the LPA's ecology officer considered that the information was acceptable subject to a s106 agreement being secured to ensure the proposed habitat units could be monitored due to the number of habitat units that were proposed. During the determination of the application, the red line boundary was altered to prevent the access track being located within 9m of the North Level Internal Drainage Board's watercourse. As such, the BNG assessment was revised to account for the change in area.

Within the revised BNG Assessment, it was proposed to deliver off-site habitat units instead of on-site habitat units. Whilst the preference is to prioritise on-site habitat units where feasible, it is considered that the provision of off-site units is acceptable in this case. As the proposal now seeks to provide habitat units off-site, it is no longer considered necessary for a s106 agreement to be secured as there is no longer a need to monitor the site over a 30 year period. The final BNG details can be secured via a planning condition.

The LPA's ecology officer also recommended a condition restricting works during the bird nesting seasons unless further information is secured. Therefore, it is considered appropriate to include a condition restricting works during the bird nesting season unless further details are provided and agreed.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The development hereby proposed would not materially harm the character or appearance of the locality or amenity of nearby residents. The proposal is considered to be acceptable in terms of highway safety, flood risk and BNG. The proposal accords with the provisions of the Local Plan and the NPPF when viewed as a whole. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking the above considerations into account, the proposal is considered to accord with Policies 1, 2, 3, 4, 28, 30 and 31 of the Local Plan, along with the identified sections 2, 4, 9, 11, 12, 14 and 15 within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under delegated authority.