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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H09-0132-23 **Date of Decision:** 21st February 2024

Applicant: AUK PE12 Limited
1st Floor, Sackville House
143-149 Fenchurch Street
London
EC3M 6BL

Location: Land North Of Roman Bank And East Of Middle Marsh Road At Red House Farm Holbeach Bank Spalding

Description: Proposed construction and operation of a 48MW solar farm comprising ground mounted solar photovoltaic arrays together with associated infrastructure and landscaping

South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):

1 The application site is located on Grade 1 agricultural Land in accordance with the Provisional Agricultural Land Classification (ALC) (England). Agricultural land of Grades 1, 2 & 3 are considered best and most versatile (BMV) land types. The proposed development would result in the loss of over 80 hectares of best and most versatile agricultural land. The applicant has not justified with compelling evidence that the loss of such a large area of BMV land would be outweighed by the benefits brought about by the development.

In so the applicant has failed to consider the economic and other harms associated with the loss of land such as the impacts upon food production/security, jobs and socio-environmental impacts. On this basis it is considered that the proposal would be contrary to National Planning Policy Framework (December 2023) Paragraph 180b as well as South East Lincolnshire Local Plan (2019) Policy 31b. In turn the proposed development is contrary to National Planning Practice Guidance advice (Paragraph 013 Reference ID: 5-013-20150327) and the Written Ministerial Statement (WMS) of 25 March 2015.

2 The proposed development which seeks to erect over 80 hectares of industrial infrastructure including ancillary buildings and fencing, apparatus, engineered landscaping and the formulation of new roads in this broad open landscape fails to recognise the intrinsic character and beauty of this part of the open countryside. The development gives rise to unacceptable landscape character impacts upon both the fabric of the landscape as well the significantly harmful visual impacts that would occur from such a large development, resulting in the industrialisation of the broad open landscape. In so the proposal would be contrary to National Planning Policy Framework Paragraph (December 2023) 180b as well as South East Lincolnshire Local Plan (2019) Policy 31b.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. However, Members of the Planning Committee, which took the decision to refuse planning permission, consider that the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

The determined plans are:

1386-111 rev L, Site Plan General Arrangement PV Array
21-18-LM rev 7, Landscape Masterplan
1386-313 Issue C Sections - Typical Transformer Access Track
1386-312 Issue C Sections - Typical Access Track
1386-129 Issue C Elevations - CCTV
1386-128 Issue C Elevations - Security Fencing
1386-127 Issue C Elevations - Maintenance Spares Container
1386-126 Issue A Plans & Elevations - DNO Control & Metering Room (3 Plans)
1386-125 Issue C Elevations - Combined Welfare, Site Office & Comms Building
1386-124 Issue C Elevations - 132/33kV Tee-Off Substation
1386-122 Issue C Elevations - Inverter Station
1386-121 Issue C Elevations - PV Array - Typical Section & Key Dimensions
MP-06 Rev D Proposed Site Layout
MP-05 Rev D Proposed Site Layout Topographic Overlay
MP-04 Rev D Proposed Site Layout
MP-03 Rev D Scoping Layout
MP-01 Rev C Site Location Plan
Landscape & Visual Appraisal (21-18-LVA Version 4), written by AAH Consultants dated September 2022
Biodiversity Net Gain Assessment (21.2670.03), written by Delta Simons dated October 2022
Design and Access Statement (CAL030821 Rev B), written by Clendon dated January 2022
Flood Risk Assessment, written by Flood Risk UK dated September 2022

Archaeological Desk Based Assessment, written by LS Archaeology dated May 2022
Phase 1 Contamination Study, written by Flood Risk UK, dated September 2022
Heritage Impact Assessment, written by 1 Voyage Ltd dated 26.05.2022
Technical Note - Agricultural Land Classification, written by AAH Consultants
Design and Access Statement, written by AAH Consultants dated August 2023
Landscape and Ecology Management Plan (88450.570067 Issue 2), written by Delta Simons dated 12 July 2023
Landscape Mitigation (21-18-LM Issue 3), written by AAH Consultants dated 14 August 2023
Ecological Impact Assessment (21-2670.03 Issue 2), written by Delta Simons dated 29 March 2023
Statement of Community Involvement, written by AAH Consultants
Sequential Site Analysis, written by AAH Consultants dated January 2023
Planning Supporting Statement, written by AAH Consultants dated January 2023
Red House Farm Glint & Glare Assessment, written by Newell Edwards Ltd dated October 2022
Transport Statement, written by Newell Edwards Ltd dated September 2022
C86626-NE-66-XX-DR-T-2004 Rev P03, HGV Traffic Route - Outbound
Transport Statement - Appendix B - Construction Traffic Routes
Transport Statement - Appendix A - ATC Survey Results
Transport Statement - Figures/Drawings



Phil Norman
Head of Planning
South Holland District Council

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

https://www.gov.uk/appeal-householder-planning-decision

https://www.gov.uk/appeal-planning-decision

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in

giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.