

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H16-0871-24	Applicant:	EDF Renewables
Proposal:	Change of use of agricultural land and development for Solar array of up to 1.64 MWp and associated infrastructure including connection to Pilgrim's Pride Factory adjacent north		
Location:	Land Adj Pilgrim'S Pride Limited Fulney Lane North Spalding		
Terminal Date:	23rd July 2025		

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
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

National Guidance

National Planning Policy Framework (NPPF), 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

National Policy Statement for renewable energy infrastructure (EN-1)

National Policy Statement for renewable energy infrastructure (EN-3)

Ministerial Statement - 15 May 2024

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	1	1	1
OTHER STATUTORY BODIES	0	0	1	6

CASE OFFICER ASSESSMENT**Proposal**

This application is for a change of use of agricultural land and development for a Solar array of up to 1.64 MWp and associated infrastructure including connection to Pilgrim's Pride Factory adjacent north. The total site area is 4.9 hectares, the solar array is proposed on 2.6 ha of this identified area. This relates to grade 1 best and most versatile land

The applicant has provided a list of plans that includes a site layout, location plan, landscaping plans as well as a visual impact assessment. Survey work includes ecological information, noise impact assessment, glint and glare study as well as a transport assessment.

The site boundary extends up to Pilgrims Pride and to the south close to the edge of the field abutting low road. There is a National Grid 11kv overhead line running through the Site.

The proposal on plan shows two groups of solar arrays (either side of a drainage ditch) secured by security fencing. A transformer Station is located to the west of the site. There is a drainage ditch running east to west across the Solar Area, dividing the agricultural fields into two smaller parcels.

The Development would be a Solar photovoltaic (PV) Array with a generating capacity of up to 1.64 MWp and an onsite connection to the existing Pilgrim factory at the north of the Site. The applicant states that the array has been designed and specified to meet the Factories needs as closely as possible with modelled outputs from the array being compared to half hourly power information from the factory.

As part of this arrangement there is a requirement for very modest export allowance from the site for times where production could outstrip consumption (sunniest days in the summer usually). The applicant confirms that an export limit has already been agreed with the District Network Operator (DNO) to restrict any exports and has provided evidence of this agreement.

Site Description

The site lies to the south of an industrial area approximately 1.7 kilometres (km) east of the town centre, and adjacent to the Coronation Channel of the River Welland. The Site is bound to the north by the A151, the east by the A16 and the south by Low Road as shown on the Location Plan.

The application site is located outside the development limit for Spalding & Pinchbeck, to the west of the Coronation Channel and River Welland. To the north is an Established Employment Site. A local wildlife corridor follows the Coronation Channel and a proposed cycle path runs along its eastern bank. To the east of the site is the A16, there is an existing access to the north of these fields from the A16 and another to the south from Low Road.

History

None Relevant to this proposal

Consultation Responses

Anglian Water

This falls outside of the remit for comments by Anglian Water. The Pre-Development Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, more than 0.5 ha.

However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.

South Holland IDB

Surface Water

The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse.

Land Drainage Act

I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) within the site boundary. Please could the applicant confirm the method by which the underground cables will be installed, e.g., the open cut method. This will require consent under Section 23 of the Land Drainage Act 1991 (and byelaw 4). I strongly recommend that the applicant contacts this office to make an application for this consent at their earliest convenience. The Board recommends that adequate space (3-5 metres) is left flat and free from obstruction adjacent to the riparian watercourse in order to enable maintenance by future riparian owners or a designated maintenance company/contractor.

Environment Agency

Whilst the FRA refers to the development as 'Essential infrastructure', the submitted Planning,

Design and Access Statement, dated September 2024, ref: 'Spalding Solar', prepared by Envams Ltd raises uncertainty on the vulnerability classification of the proposed development because it is intended for the use of the existing Pilgrim site only; with the FRA stating, 'The energy produced from the Development would only be used internally with there being no plans to export electricity to the national grid.'

On this basis, if your Local Authority is satisfied that the development does not constitute 'Essential infrastructure', or that the implications of a flood event, which we have advised on above, are outweighed by other material considerations, the Environment Agency does not wish to object to this application.

Historic Environment Officer

In accordance with national policy, the South East Lincolnshire Local Plan (Policy 29), and guidance. We therefore recommend that pre-determination archaeological trenching be carried out in order for an informed recommendation to be made. The applicant has not adequately described the significance of any below-ground heritage assets that may be affected by the proposed development, and it is not "sufficient to understand the potential impact of the proposal on their significance (the heritage assets)" (Paragraph 207 of the National Planning Policy Framework (NPPF)). This in turn does not allow the Local planning authority to "identify and assess the particular significance of any heritage asset that may be affected by a proposal." (Paragraph 208 NPPF).

It should be noted that the National Policy Statement for Renewable Energy Infrastructure (EN-3) states the following in footnote 94: "The results of pre-determination archaeological evaluation inform the design of the scheme and related archaeological planning conditions."

Highways & SuDs Support

Approve with condition - Construction Management Plan and Method Statement.

Natural England

No Objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's generic advice on other natural environment issues is set out at Annex A.

National Grid

Looking at the site layout plan considerations have been taken into account regarding the 11kv OH line

National Gas

Regarding planning application H16-0871-24, there are no National Gas Transmission gas assets affected in this area.

Fire & Rescue

Advice given on access, water supplies and environmental considerations.

Ministry of Defence

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage

sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System. I can confirm that, following review of the application documents, the proposed development falls outside of MOD safeguarded areas and does not affect other defence interests. The MOD, therefore, has no objection to the development proposed.

Historic England

We suggest that you seek the views of your specialist conservation and archaeological advisers.

Inward Investment

In Support

Environmental Protection

No comments regarding land contamination.

No observations on glint and glare report. please provide noise ratings for transformer unit to determine whether any remediation is required to protect nearby residents prior to completion.

Representations

This application has been advertised in accordance with the Development Management Procedure Order 2015 (as amended). No comments have been received.

In light of the above, there are no call-in triggers (as set out within the Council's Constitution) met which warrant the application being put before or determined by the members of the Planning Committee. As such, this application can continue to be determined in accordance with the adopted scheme of delegation.

Planning Considerations

Evaluation

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.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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 (updated December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents. Planning Practice Guidance as well as Ministerial Statements outlined in this report also apply to this assessment.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

National Considerations

In 2019 the UK became the first major economy to pass into law a domestic requirement for net zero greenhouse gas emissions by 2050.

The UK Net Zero Strategy published in October 2021, stated that all our electricity will come from low carbon sources, subject to security of supply, whilst meeting a 40-60% increase in demand.

South Holland, Boston and East Lindsey combined under the South & East Lincolnshire Council Partnership to produce a document called 'Climate Change Strategy' (Spring 2022), its vision is:

The areas covered by South Holland District Council, Boston Borough Council and East Lindsey District Council achieve net zero emissions in advance of the UK Government. In doing so, action supports social, economic and environmental outcomes that help adapt to and mitigate the impacts of climate change and build a more sustainable future for our local communities.

Clean Power 2030 Action Plan

The 'Clean Power 2030 Action Plan: A new era of clean electricity' was published by the Government in December 2024. It defines Clean Power and explains the Clean Power Target:

Clean Power means that by 2030, Great Britain will generate enough clean power to meet our total annual electricity demand, backed up by unabated gas supply to be used only when essential.

National Policy Statement for renewable energy infrastructure (EN-3)

This statement was first published in November 2023 and came into force in January 2024. It contains a section on Agriculture land classification and land type (paragraphs 2.10.28 - 34, some key paragraphs include:

While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible. 'Best and Most Versatile' agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification (2.10.29) AND

Whilst the development of ground mounted solar arrays is not prohibited on Best and Most Versatile agricultural land, or sites designated for their natural beauty, or recognised for ecological or archaeological importance, the impacts of such are expected to be considered and are discussed under paragraphs 2.10.73 - 92 and 2.10.107 - 2.10.126.

This National Policy Statement is a material consideration in determining applications. It stresses that due weight needs to be given to the proposed use of Best and Most Versatile land when considering whether planning consent should be granted for solar developments.

Ministerial Statement - 15 May 2024

Solar Projects must fit in with food security

The ministerial statement made on 15th May 2024 emphasises that food security is an essential part of national security. There is a commitment to maintain the current level of food produced domestically. Heightened geopolitical risk has brought this to sharper focus and the statement says it is more important than ever that our best agricultural land is protected, and our food production is prioritised.

The statement clarifies that due weight needs to be given to the proposed use of Best and Most Versatile land when considering whether planning should be consented. It states that *For all applicants the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus on developers to show that the use of higher quality land is necessary*

In terms of addressing cumulative impacts, while the total area of agricultural land used for solar is very small, and even in ambitious scenarios would still occupy less than 1% of the UK's agricultural land, we are increasingly seeing geographical clustering of proposed solar developments in some rural areas. *Lincolnshire is specifically mentioned in the Ministerial Statement.* It says when considering whether planning consent should be granted for solar development it is important to consider not just the impacts of individual proposals, but also whether there are cumulative impacts

where several proposals come forward in the same locality. It is stressed this will be monitored over time.

National Planning Practice Guidance

The National Planning Practice Guidance (NPPG) offers decision makers support when considering applications for solar development. Both The PPG and National Planning Policy Framework set out positive strategies to support and encourage renewable energy in correct locations.

Paragraph 003 Reference ID: 5-003-20140306 that the states that the National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. It points out that the UK has legal commitments to cut greenhouse gases and meet increased energy demand from renewable sources, but whilst local authorities should design their policies to maximise renewable and low carbon energy development, there is no quota which the Local Plan has to deliver.

The (NPPG, 013 Reference ID: 5-013-20150327) explains that 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 proposals allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

The NPPG also put forward 'factors' that LPAs need to consider when making assessments, some include:

-encouraging the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value.

-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 proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety

-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, which can vary for a number of reasons including, latitude and aspect.

Assessment

The following issues are relevant to this assessment.

- Principle of Development
- Agricultural Land Grade/take
- Site Selection
- Cumulative Impacts
- Climate Change/renewable energy benefits
- Landscape character and visual impact
- Impact on natural environment
- Impact on historic environment
- Environmental Issues/amenity
- Highway safety
- Glint and glare
- Flood risk and drainage
- Other
- Planning Balance

Principle of Development

NPPF

Paragraph 7 of the National Planning Policy Framework, December 2024, states that the purpose of the planning system is to contribute to the achievement of sustainable development, including supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 8 of the NPPF (December 2024) cites the three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, which relate to:

(a)an economic objective, by ensuring that sufficient land of the right type is available at the right places and at the right time to support growth, innovation and improved productivity, and by identifying and coordinating the provision of infrastructure;

b)a social objective - supporting strong, vibrant and healthy communities; and

c)an environmental objective - to protect and enhance the natural environment, make effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

National Planning Policy Framework, (December 2024) Paragraph 161 states that:

"The planning system should support the transition to net zero by 2050 and take full account of all climate impacts, including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure."

NPPF, Paragraph 163 states that "The need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts."

The proposed solar farm would assist in the need to reach net zero by 2050, and would therefore have benefits in this regard.

NPPF Paragraph 168 states that "When determining planning applications for renewable and low carbon development, local planning authorities should:

a) 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;

b) recognise that small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions;

c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site."

NPPF Paragraph 187 of the National Planning Policy Framework, December 2024 states that "Planning Policies and decisions should contribute to and enhance the natural and local environment by:

a)protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b)recognising the intrinsic character and beauty of the countryside, the wider benefits of natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland."

Paragraph 188 of the National Planning Policy Framework, December 2024 states that "Plans

should distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."

This paragraph has Footnote 65 which 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*

South East Lincolnshire Local Plan

SELLP Policy 1 sets out the overarching spatial strategy for the district. The application site is located within the open countryside. Of these areas it states that "In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."

The relevant local planning policy for the assessment of renewable energy development is SELLP Policy 31, which states:

"With the exception of Wind Energy the development of renewable energy facilities, associated infrastructure and the integration of decentralised technologies on existing or proposed structures will be permitted provided, individually, or cumulatively, there would be no significant harm to:

1. visual amenity, landscape character or quality, or skyline considerations;
2. residential amenity in respect of: noise, fumes, odour, vibration, shadow flicker, sunlight reflection, broadcast interference, traffic;
3. highway safety (including public rights of way);
4. agricultural land take;
5. aviation and radar safety;
6. heritage assets including their setting; and
7. the natural environment."

This policy along with SELLP Policy 1 are central to the assessment of this application.

Assessment of Principle

The application site involves the use of Grade 1 best and most versatile agricultural land. The proposal requires assessment against the criteria set out both within the National Planning Policy Framework, December 2024, Ministerial Statements, National Planning Practice Guidance, National Policy Statements as well as against the criteria of policies 1 & 31 of the South East Lincolnshire Local Plan, which is set out in this report.

The principal assessment focusses upon the following issues:

- Climate Change/renewable energy benefits
- Agricultural Land Grade/take
- Site Selection
- Cumulative Impacts

Climate Change & Renewable Energy Benefits

In terms of climate change there are clear benefits of the development. The proposal will make a significant contribution to green energy generation in the region and in meeting government renewable targets including reaching net zero by 2050. It will make a contribution to reducing carbon emissions, by a significant abatement in carbon emissions from energy production by providing the nearby employment site (Pilgrims Pride) with power from renewable sources, it will reduce the need for that business to import energy.

The applicant has confirmed that an export limit has already been agreed with the District Network

Operator (DNO) to restrict any exports and has provided evidence of this agreement. The power sourced will be utilised to feed Pilgrims Pride, an existing business located adjacent within the main employment area to the north, it is only when there is any surplus that there will be an export into the grid, given the scale of the operation at Pilgrims Pride and the MWp proposed this is likely to be an infrequent event. The proposal then in its contribution to carbon displacement would naturally accord with a move toward government targets, on the basis of its climate change benefits, the proposal is considered to represent a sustainable approach. Any permission would be subject to the energy that is generated being for the adjacent employment site only and not for export.

Agricultural Land Grade/take

The total site area is 4.9 hectares, the solar array is proposed on 2.6 ha of this identified area. This relates to grade 1 best and most versatile land.

Whilst the area of land, and its quality, is something that would be better used for arable production, the applicant has provided a statement that this area of land is not currently in production and has not been for some time (10 plus years). Within the design and access statement the applicant has also stated "The Site consists of a small area of land cut off from surrounding fields by urban infrastructure. The size and shape of the land parcels make it unsuitable for arable cultivation on an economical scale."

Both the lack of arable production of this land, and the additional environmental constraints that would support arable production are material to this assessment.

Site Selection

The site is selected due to the proximity of its location close to the employment area and Pilgrims Pride. The applicant has therefore demonstrated that this site is necessary in this location and sites further away are unlikely to be feasible to serve its function.

The LPA are content, that given the ancillary function that this proposal would have for Pilgrims Pride that there are no other sites and this development requires this exact location (The employment area is constrained by the road network on all other sides).

Cumulative Impacts

Given the location and modest scale of the proposal, it is unlikely that there are any cumulative impacts to give weight to when considering this proposal.

Summary

The central government strategy outlined above, that includes NPS EN1 & EN3, the 2024 Ministerial Statement (Claire Coutinho) as well as the paragraphs of the NPPF, the PPG and local planning policies, especially SELLP Policies 1 & 31 all contribute to the principle assessment of this application and are weighed accordingly in the planning balance of this report. Contributing factors to this are the climate change benefits from the development that would follow an approval, the socio-economic benefits that the reduction of business costs and improvements to air quality would bring and the implications for food security, as well that, because of the proximity to the employment zone and formation of the highway network, that no other sites are suitable.

Landscape character and visual impact

Planning Practice Guidance states that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable (NPPG, 001, Reference ID: 5-001-20140306) The NPPG also states *The deployment of large-scale solar farms can have a negative impact on the rural environment AND However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.* (NPPG, 013 Reference ID: 5-013-20150327).

Paragraph 187 'a' and 'b' of the National Planning Policy Framework, December 2024, states that Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

Policy 31 (b) states that *With the exception of Wind Energy the development of renewable energy facilities, associated infrastructure and the integration of decentralised technologies on existing or proposed structures will be permitted provided, individually, or cumulatively, there would be no significant harm to - visual amenity, landscape character or quality, or skyline considerations;*

The closest National Character Area within the 2 km radius study area, is NCA 46 *The Fens*. Locally, the Development lies in The Wash Regional Character Area, within Character Zone *WSH6 Townlands*.

The applicant has submitted a Landscape and Visual Assessment (by RV Design). The assessment is based upon GLVIA3 Guidelines, which defines landscape character as "distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse"

Key stages to these guidelines are:

- Determining the likely extent of influence of the Development (or the study area boundaries);
- Establishing the landscape and visual baseline (in other words, identifying and evaluating the current attributes and characteristics of the Site and wider study area and establishing the likely extent of visibility of the Development and people likely to be affected);
- Identifying landscape and visual receptors with most potential to be affected by the Development together with an assessment of their sensitivity;
- Assessing the likely magnitude of effects of the Development on identified landscape and visual receptors, taking account of agreed mitigation; and
- Determining the level (rather than significance) of effects of the Development on each landscape and visual receptor assessed.

The Site, as defined by the redline application boundaries, is situated on the eastern edge of Spalding in a transitional landscape between the built form of the town and the open countryside. The northern part of the Site comprises existing modern industrial / commercial buildings, hardstandings and other related infrastructure associated with Pilgrim's Pride UK. The southern part, where the proposed solar panels would be located, is presently in agricultural use, though confirmed not to be in production.

The LVIA concludes in assessing the effects upon landscape character and views and visual amenity. The conclusion states:

" The nature, scale and form of the Development would inevitably result in some adverse effects on landscape character and on visual amenity, as summarised above. However, the limited height of the Development combined with the urban fringe location of the Site and containment afforded by buildings and vegetation on or immediately adjacent to its boundaries ensures that effects would be limited to the Site and its immediate setting. Where possible, these effects have been reduced or minimised as a result of the mitigation measures embedded with the Development."

The landscape mitigation plan shows that the western boundary is screened with reinforced planting. This includes native hedgerow, native hedgerow tree, some woodland planting (north of the ditch on the eastern boundary and at the southern tip of the site. The north of the site is protected by the existing employment area. To the west the bank of the Coronation Channel affords some protection. But would be visibility from the windows of dwellings on the opposite side of the Channel as well as those using the sustainable cycle and walk ways along the banks of the Channel. That said it is likely that the requirement to keep planting low on southern and western boundaries is required to maximise the efficiency of the solar panels.

The impact would be at worst during the residual stage when the landscaping is establishing, the

visual impact would reduce once the landscaping is matured. There is no doubt that there will be some effect upon the character of the landscape through this development, given its scale. However regard is given to the 'transitional' character of the area where urban form merges into countryside, also the presence of major roads that abut the site and given the overall scale it is considered that this scheme, on balance in landscaping terms is acceptable. Furthermore, it is considered that the proposal would be partially viewed within the context and backdrop of the existing Pilgrims Way site and would not be viewed as an isolated or visually detrimental or incongruous development for this reason.

In these terms and subject to conditions that reinforce the landscape proposals the proposed development is considered to accord with SELLP Policy 31b or NPPF paragraph 187.

Ecology

Section 15 of the National Planning Policy Framework (December 2024) seeks to protect sites of biodiversity value, and minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures, including the need to incorporate features which support priority or threatened species such as swifts, bats and hedgehogs.

Paragraph 193 of the National Planning Policy Framework (December 2024) details that Local Planning Authorities should apply the following principles:

(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Policy 28 of the South East Lincolnshire Local Plan (2019) seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and promote biodiversity net gain by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserve or enhance habitat to adapt to climate change.

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.

Protected Species

The applicant has submitted an ecological impact assessment (Biodiverse). The Site was subjected to a Preliminary Ecological Appraisal (PEA) walkover survey during which habitats were assessed in line with the UK Habitat Classification (UKHab) methods. As part of the survey, the Site was also checked for evidence of protected and priority species, and habitats were assessed for their potential to support them.

The report considered protected species and concludes with recommendations. These relate to avoidance, mitigation and compensation/enhancement measures. The report makes it clear that most of the potential impact would relate to the construction phase. The report states that "Priority species may be impacted by non-physical disturbance such as noise and light pollution during construction and addressed through avoidance and mitigation measures set out within a CEcMP".

The council's ecologist has not made comment, and so weight is given to the report provided by the applicant. It is considered that this (if conditioned) would provide suitable mitigation alongside the requirement to provide a Construction Ecological Management Plan (CEcMP) addressing ecological sensitivities onsite prior to any development.

Bio-diversity

The applicant has provided a BNG Statement and Assessment as well as a matrix, by Biodiverse. The baseline habitats onsite provide a total of 9.29 Habitat Units and 3.88 Hedgerow Units. The habitats onsite post-development provide a total of 10.96 Habitat Units and 4.83 Hedgerow Units. This leads to a net change of +1.67 equating to 17.94% net gain in Habitat Units, and a net change of +0.95 equating to 24.53% net gain in Hedgerow Units.

Therefore, subject to conditions requiring a biodiversity net gain plan and a monitoring condition (HMMP) the proposal would meet with both policy and legislative requirements and is acceptable.

On this basis the proposal is considered to accord with SELLP Policy 28 as well as section 15 of the National Planning Policy Framework and Schedule 7A of the Town and Country Planning Act 1990.

Impact on historic environment

Paragraph 205 of the National Planning Policy Framework, December 2024, requires Local Planning Authorities to maintain or have access to a historic environment record which should contain up to date evidence about the historic environment. In determining planning applications paragraph 206 of the National Planning Policy Framework, December 2024 states that developers should describe the significance of any heritage assets affected and the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

SELLP Policy 29 is concerned with the historic environment, it states that *Distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced. Opportunities to identify a heritage asset's contribution to the economy, tourism, education and the local community will be utilised.*

Paragraph 216 of the National Planning Policy Framework, December 2024 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

The applicant has provided a Written Scheme of Investigation for an Archaeological Geophysical Survey, Magnetic Gradiometer Survey Report and a Historic Environment Desk Based Assessment. Whilst the Historic Places Team have no concerns over this document they have stated that trial trenching, and results provided should be submitted prior to determination. In this instance, the proposal is a flexible one in that the scheme is for 'up to' 1.64 MW. Given that this total output is more of a guide than a requirement, then there is scope to reduce the number of solar arrays on the site (there is also on 2.6ha of the site proposed to be used). The applicant has accepted that a site plan will be conditioned in this eventuality and the Historic Places Team, whilst not disagreeing with the information already provided have insisted that if this approach is taken then a full suite of standard conditions is to be imposed upon any permission.

In the interest of proactive planning, and that the mitigation can be secured through the use of planning conditions (which will be required prior to any development taking place) then the proposal is considered acceptable, as flexibility exists in terms of the amount and location of solar arrays (providing the maximum output is 1.64MWp).

Given the aforementioned mitigation it is considered that the proposal would meet with SELLP Policy 29 as well as section 16 of the National Planning Policy Framework.

Environmental Issues/ Residential amenity

Paragraph 135 of the National Planning Policy Framework (December 2024) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions. Policy 30 of the SELLP relates to pollution which includes noise, light and odour.

Glint and Glare

NPPG, 013 Reference ID: 5-013-20150327) requires that 'Glint and Glare' are considered with any application for Solar Farms. The applicant has provided such a study by Pagerpower (May 2024). Environmental Protection have reviewed this document and have no objections to it.

Noise

A noise impact assessment has also be submitted along with the application. The report concludes "The level of noise emitted by the Development will be related to both the intensity of light incident upon the solar panels and the air temperature, meaning that noise levels are likely to be even lower in practice, particularly during night-time periods". Given the sites proximity to the Employment Zone and A16, it is considered that operationally the development would have limited additional effect. Environmental Protection have no issues with the NIA, however requested that noise ratings for transformer unit to determine whether any remediation is required to protect nearby residents its provided prior to completion, this will be duly conditioned.

It is therefore considered that impacts once operation are considered acceptable. In terms of construction (and decommissioning) it is considered an Environmental Management Plan would be required along with a timetable for activities (including construction/decommissioning). However, overall it is considered that the proposed development would not result in adverse harm being caused to the amenity of any nearby residential dwellings.

Therefore subject to the aforementioned mitigation it is considered that Paragraph 135 of the National Planning Policy Framework as well as SELLP Policies 2, 3 and 30 are met.

Flood risk and drainage

Section 14 of the NPPF sets out the national policy basis for making assessments in relation to flood risk. SELLP Policy 4 sets out South Hollands approach to Flood Risk.

Paragraph 172 of the NPPF requires development plans to apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. Paragraph 174 makes it clear that:

sequential should be used in areas known to be at risk from any form of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding Having applied the sequential test, as stated in paragraph 177 of the NPPF, if it is not possible for development to be located in areas with a lower risk of flooding (taking into account the wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend upon the potential vulnerability of the site and of the development proposed, in the Flood Risk vulnerability Classification set out in Annex 3.

Policy 4 of the South East Lincolnshire Local Plan is clear in that *Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met*

The site lies within Flood Zone 3a of the Environment Agency's Flood Maps which has the highest probability of flooding. It is worth noting that large parts of the district of South Holland lie within Flood Zone 3a. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017).

In this instance given the ancillary nature of the proposal, in that it is to serve the nearby employment area (Pilgrims Pride specifically) then the location of the development is justified and a sequential test is not required. The NPPF does, however, acknowledge that under certain circumstances where it may not be possible to locate the development on land identified as having a lower risk of flooding and infrastructure can be located in Flood Zone 2 or 3 for certain infrastructure, subject to passing the Exception Test.

Following a successful sequential test it is necessary to apply the exceptions test. The exceptions test, as set out in paragraph 178 of the NPPF which states:

"To pass the exception test it should be demonstrated that:

- 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."

On the basis of wider sustainability benefits, the reduction in carbon usage by Pilgrims Pride by generating energy from solar would have a positive impact upon climate change and the move to net zero. On this basis the wider benefits are clear and irrefutable and the proposal would pass the first point of the exceptions test.

Turning to the second part of the test, the submitted flood risk assessment includes proposed flood mitigation measures, and these have been considered by the Environment Agency. The Agency has considered these measures. One measure outlined on Page 12 of the submitted FRA, includes the raising of the PV array tables by c. 0.8 metre, the EA state that does not adequately mitigate the potential flood depth at this site. Any permission therefore will not be linked to the recommendations of the FRA.

The EA would normally consider such developments as 'Essential Infrastructure' however note that the proposal offers "uncertainty on the vulnerability classification of the proposed development because it is intended for the use of the existing Pilgrim site only; with the FRA stating, 'The energy produced from the Development would only be used internally with there being no plans to export electricity to the national grid.' AND

"On this basis, if your Local Authority is satisfied that the development does not constitute 'Essential infrastructure', or that the implications of a flood event, which we have advised on above, are outweighed by other material considerations, the Environment Agency does not wish to object to this application."

It is clear that this proposal is ancillary to Pilgrims Pride, this is confirmed in the D&A and evidence provided showing the agreement with the developer and the DNO that export will only take place in the case where there is a surplus amount of energy. Any permission will be conditioned in such a way, and this is to both define the terms of the permission and also in the interests of flood risk.

Drainage

In terms of surface water drainage the applicant has indicated that they intend to dispose of surface water via infiltration. Both the IDB and LLFA have no objections. However given that infiltration has not been demonstrated, a surface water drainage strategy will be conditioned. Preference is to

follow the SuDs hierarchy. The LPA are in a position to condition the drainage as a watercourse runs through the site, this is riparian owned however, any discharge would ultimately end in IDB infrastructure and so if this solution is required then the IDB consenting process would need to be followed. Therefore the LPA are content that a suitable drainage solution can be implemented on this site.

Highway safety

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) advises 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details 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 relates to accessibility and travel mode choice.

Due to the nature of the proposed development, it is likely that any impacts upon the surrounding highway network would be primarily during the construction phase, with few vehicular movements generated on a weekly basis during the operational phase of the development. The applicant has provided a transport assessment, of which the Highway Authority have reviewed, stating:

The Site is located on the edge of the urban extent of Spalding town, it has excellent links to the local road network. The A16 lies to the east of the proposed development site and provided the main road link in a north/south axis. The A151 lies to the north of the Site and provides east/west links. These roads are suitable for HGVs and currently serves economic and industrial areas including the existing factory adjacent to the Site. Fulney Lane North provides access to the Site from the A151. This road currently serves large industrial units and is an established route for HGVs 200m from the junction with the A151. The road has a barrier-controlled entry and is subject to 10mph speed limit including speedbumps and uncontrolled pedestrian crossing points. Access to the Site will be taken from the southern extent of Fulney Lane North to the south of the Pilgrim's Pride factory and on the northern boundary of the Site. No new junctions from the public road network will be required. There are no specific routes that need to be avoided as part of the construction stage of the proposed development and the identified routes are all currently used by HGVs. A construction compound will be located close to the Site access point and the existing factory hardstanding. This will provide sufficient space for staff welfare, parking and material unloading, loading and storage. The Site ownership boundary is approximately 9.3 hectares (ha) overall with 5.4 ha of this land initially identified as being feasible for solar development. The solar array is proposed on 2.6 ha of this identified area, with additional land within the grounds of the factory (north) being available for access from the public highway, and the electrical connection to the Pilgrim factory.

The Highway Authority are ultimately are happy to recommend approval subject to a condition relating to a Construction Management Plan and Method Statement. This will be duly conditioned. Given that the construction period on such scheme is the most disruptive, this scheme is acceptable due to the major roads and existing infrastructure that allow for the development to be built with limited negative impact.

Once operational the application is considered to have a limited effect upon the highway network.

On this basis the proposal is considered to accord with section 9 of the National Planning Policy Framework, as well as SELLP Policies 2 and 3.

Planning Balance

Whilst the proposal would result in a loss of 4.9 hectares (the solar array is proposed on 2.6 ha) of grade 1 Best and Most Versatile Land for the lifetime of the development. It has been established that this site has not been in arable production for over 10 years. Furthermore, given the road network, Coronation Channel as well as the industrial and residential uses that are in close

proximity the site it may not be suitable for effective arable agricultural production. Added to this is that the proposal is ancillary to serve Pilgrim's Pride which is located in the nearby established employment zone, the proposal therefore requires this specific location.

Whilst there is likely to be a long term change to the landscape character, given the mitigation (landscaping scheme) and the low infrastructure proposed. It is considered that this impact is, on balance acceptable.

The proposal would result in contributing to the climate change directive of South Holland DC as well as the national net zero targets. It is considered that the benefits to this scheme, in this instance would outweigh the harm brought about by the development, specifically relating to the loss of BMV and the impact upon landscape character. Lastly conditions are imposed to mitigate ecological impacts during construction and the development would meet with both the legislative and policy requirements for biodiversity net gain.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1,2, 3, 4, 7, 28, 29, 30, 31 and 36 of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (December 2024). The proposal would also accord with National Policy Statement for renewable energy infrastructure (EN-3) relating to BMV land, the Ministerial Statement dated 15 May 2024 and Planning Practice Guidance (013 Reference ID: 5-013-20150327).

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 xxx 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.