

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H19-0329-24 **Applicant:** Pathfinder Clean Energy (PACE)

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

Location: Land East Of Guanockgate Road Sutton St Edmund Spalding

Terminal Date: 15th May 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
32	Community, Health and Well-being
33	Delivering a More Sustainable Transport Network

National Guidance

National Planning Policy Framework December 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

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

Ministerial Statement - 15 May 2024

National Planning Practice Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	1	0

WARD MEMBER	0	0	0	1
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	4	0	0	11
RESIDENTS	54	0	0	4

CASE OFFICER ASSESSMENT

Proposal

The proposed development is for *Temporary ground mounted solar photovoltaic (PV) farm with battery storage, substation and associated works*. The development is for the installation and operation of a ground-mounted solar farm of circa 49.9MW that will generate and deliver electrical power to the local distribution network. The proposal also includes a Battery Energy Storage System comprising 30MW housed in 38 containers.

The scheme seeks permission to be operational for up to 40 years, with an additional year each for construction and decommissioning, totalling 42 years.

Solar Arrays

This consists of solar PV panels organised into arrays alongside ancillary infrastructure. The height of the solar arrays will be approximately up to 3.5 metres from ground level to the top of the back of the panel frame. The lowest edge of the panels will be raised above ground by around 0.8 metres.

Capacity

The proposal is for up to 40.9MW capacity from the solar arrays and an additional storage capacity of 30MW from the Battery Energy Storage System (BESS).

The application site is proposed to be treated by 2.0m high wire mesh deer fence and access into and out of the site will be via existing site accesses off Guanockgate Road to the west of the site. The application includes additional landscaping and biodiversity measures.

The applicant has provided a suite of existing and proposed plans including (but not limited to

survey work) Site Specific ALC, Alternative Site Search and Sequential Test, SCI, PEA, FRA. Transport Assessments, Geo-physical survey, HIA and BNG Metric. There are some ongoing site investigations taking place in relation to archaeology. The applicant has also provided an Agricultural Land Classification Report.

Site Description

The proposed application site consists of approximately 140.5 hectares of agricultural land, the site falls across the jurisdiction of both South Holland District Council (SHDC) and Fenland District Council (FDC) with approximately 66.2 hectares of the site within FDC and around 74.3 hectares within SHDC.

The site is bound by Guanockgate Road to the west with the junction of Elloe Bank and Broad Drove West at the northeast of the site. Several drains maintained by the North Level District (NLD) Internal Drainage Board (IDB) run across the site. The site is surrounded by agricultural land on all other sides.

A public right of way (PRoW) intersects the site from north to south along Elloe Bank it passes through the site in a west to east direction.

The entire site is located within the open countryside (certainly the western part that is located within South Holland) which is shown on the South East Lincolnshire Policies Map. The application site is also located within Flood Zone 3 in accordance with Environment Agency maps for planning.

The land is currently used for agricultural purposes and highly visible across the flat fenland landscape.

History

H19-0081-11 - Installation of 2 wind turbines with maximum height to tip of 126 metres, substation, access tracks, hardstanding areas, external transformers and associated infrastructure (part of a larger scheme of 6 turbines). Appeal DISMISSED

Consultation Responses

Parish

Cambridgeshire County Council (LLFA)

At present we object to the grant of planning permission for the following reasons:

1. Surface water drainage Whilst it is broadly accepted that solar farms do not respond in the same way as impermeable surfaces, they can lead to localised channelling of rainfall, particularly on sloping sites. This has the potential to increase flood risk downstream. Options such as the inclusion of a French drains at the base of each row/ along access tracks to intercept flows and address water quality, inclusion of a swale(s) at the lowest parts of the site and designing panels with horizontal slots across the surface area should be considered as measures to manage surface water.

Parish Clerk Sutton St James

Sutton St James Parish Council object on the following reasons:

Transport and vehicular movements (construction period)

Road Conditions

Soil Grading

Glare

Public Footpaths and bridleways

Fire Hazard

Negative impact on local agricultural employment

Visual Impact

Public Transport

Misleading information; located closer to Sutton St Edmunds than Tydd, not temporary

The full extent of the parish comments are viewable on public access.

Parish Clerk Gedney Hill

We have no comments at this time

Parish Clerk Tydd St Giles

The parish object against the application on the following grounds:

1. At the meeting, the developer's representatives gave a commitment for £7,000 (assumed to be index linked) per annum to be provided for ten years to a Community Benefit Fund for Tydd St Giles. The Parish Council challenged that this should be extended to a period of 40 years matching the life of the project. This is the time frame of community benefits offered by the developers of the adjacent Treading Bank solar farm and is consistent with many other solar farms

2. Confirmation to be provided as to the qualifications and experience of the firm which prepared the Agricultural Land Classification Soil Survey, in light of the related concerns raised in the Written Ministerial Statement by the Energy Secretary in May 2024. Also, a clearer explanation of the results of this soil survey which downgraded the majority of the land from MAFF Grade 2 classification to Grade 3a. How clearcut was the conclusion that the land is 3a rather than 2? It appears to be a very marginal determination. We suggest that the District Council engages relevant experts to critically appraise the soil survey.

3. A satisfactory explanation should be provided for the high ratio of land use area per MW of output energy. This development is estimated to use 2.81 hectares per MW whereas the adjacent Treading Bank solar farm is expected to be only 1.46 hectares per MW, and the neighbouring Meridian proposal at Crowland only 1.20 hectares per MW. The national policy statement for renewable energy (EN-3) on page 90 states that a solar farm requires between 2 and 4 acres (0.80 - 1.62 hectares) per MW. There seems to be scope to reduce the loss of Best and Most Valuable agricultural land by improving the efficiency of land use in line with other solar farms and best practice guidance.

4. PACE should provide a detailed justification for their decision to limit their site search to a 1km corridor either side of the 132kv power line as this restriction may have unnecessarily ruled out other potentially more preferable sites

5. The construction of this facility would result in considerable damage to fragile narrow rural roads. Will the cost of rectification be borne by the developer and not become a burden on the public purse and what process will be established to ensure that this is the case?

6. The Elloe Bank bridleway forms a key section of an important rural equestrian network to the west of the Parish of Tydd St Giles. How will this be made safe during the construction period and what measures will be included to ensure that it retains its rural appearance in perpetuity after the completion of the development?

7. Noise levels - notwithstanding the favourable conclusions in the noise report regarding forecast noise levels, the developer should commit to monitoring actual noise levels once the solar farm is operational and to introduced.

Anglian Water

This application is not relevant to Anglian Water - we have no comments to make thereon. Please note Anglian Water will only comment on drainage/surface water

North Level IDB

No Objections

Environment Agency

Whilst the site is situated in flood zone 3 it is outside of the tidal hazard mapping for a breach in the defences for a flood that has a 0.1% chance of occurring in any one year up to 2115, and we therefore have no objection to the application.

Historic Environment Officer

1st Response:

I recommend that the applicant submits as part of this application: the results of a the Geoarchaeological and Geophysical Survey, the proposed trial trench evaluation Written Scheme of Investigation (WSI) for review, followed by the results of the trial trench evaluation, which may need to be followed by further archaeological mitigation if required to allow for the proposed development.

The trial trench evaluation will aim to determine the presence, absence, significance, extent depth and character of any archaeological remains which could be impacted by the proposed development as noted above. Trenching results are also essential for effective risk management and to inform programme scheduling and budget management. Failing to do so could lead to unnecessary destruction of heritage assets, potential programme delays and excessive cost increases that could otherwise be avoided. This information should be provided with the application so that an informed planning recommendation can be made and to meet the requirements of the National Planning Policy Framework (NPPF) paragraphs 200 and 211. Until the results of the required trial trench evaluation are submitted, this section cannot make an informed planning recommendation.

This will also help inform an appropriate mitigation strategy for the proposed impact if necessary and should permission be subsequently granted. Should a scheme of detailed work be required to mitigate construction impacts on archaeological remains identified during the evaluation, the scheme will be outlined in a further design brief for archaeological investigation

2nd Response (following field work results):

From an archaeological perspective, there are no concerns. Most of the evaluation has already been completed, and no significant remains have been identified on site. This is based on site visits and the information exchanged with the agent and archaeological contractor. Formal reports will be issued in due course, once the fieldwork has been fully completed, including the area on the Cambridgeshire side.

Highways & SuDs Support

No Objections subject to planning conditions

Fenland DC

As Fenland District Council are currently considering the planning application and a full assessment of that application has not yet been completed, it would not be appropriate to comment on planning application H19-0329-24 at this time.

Lincolnshire Wildlife Trust

I just wanted to confirm that LWT have no comments to make regarding this application. As a Trust, we are concerned about the cumulative impact of all the solar developments in Lincolnshire - especially on ground nesting birds.

Lincs Bat Group

Thank you for sending this application to Lincs Bat Group for comment. I have already asked if an environmental /ecological impact assessment been done, but had no reply. The Biodiversity Metric is not at all the same thing, and is outside my remit and level of experience. If the aforesaid surveys have not been carried out then it is a vital part of the general assessment, and should be carried out as soon as possible.

Natural England

NO OBJECTION Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. A lack of objection does not mean that there are no significant environmental impacts. Natural

England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Crime Prevention Design Officer

The officer gives advice on the following topics:

Fencing and Boundary Treatment

CCTV

Physical Security panels

Defensive Ditches and Bunds

Natural Features and Vegetation

Lincs Fire & Rescue

The officer gives advice on the following topics:

Access

Water Supplies

Environmental

Battery Energy Storage System (BESS) Requirements

Civil Aviation Authority

At a high level we have no comments to provide but should you require any clarification on any matters relating to aviation safety, our team is set up to support

MOD

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

Health & Safety Executive

Solar Farms are usually not a relevant development in relation to land-use planning in the vicinity of major hazard sites and major accident hazard pipelines. This is because they do not, in themselves, involve the introduction of people into the area. HSE's land use planning advice is mainly concerned with the potential risks posed by major hazard sites and major accident hazard pipelines to the population at a new development.

Environmental Protection

I accept the findings of the Feb 2024 Glint and Glare assessment that the development will have low or no impact on nearby residential properties and approaching aircraft at the two nearby airfields. The Noise assessment states identifies that some nearby properties could have some noise impact from the BESS. I would advise suitable acoustic barriers in line with 5:18-20 of the report

Also request a precautionary land contamination

The British Horse Society

The BHS wishes to make a holding objection to the application (attached) and draw your attention to our guidance regarding solar farms.

Ecology

I have reviewed the BNG assessment, the PEA, and EcIA submitted with the above application. In

regard to the biodiversity assessment, the BNG report and metric calculations appear rigorous and sound, and the authority can be confident that the proposed development will successfully enhance the overall biodiversity value of the site and easily achieve 10% net gain (this includes the proposed uplift of the ditch/watercourse habitats even though these were not included in the BNG metric calculations).

The PEA and EclA note the presence of a variety of protected species presently on/using the site such as water voles, two schedule-1 bird species and six red-listed bird species of conservation concern, and the documents describe appropriate mitigation measures to minimize the impacts of the development. Broadly, I judge these measures to be adequate, however, I wish to highlight some shortcomings in relation to impacts on nesting birds that are not adequately described in the EclA.

Representations

This application has been advertised in accordance with the Development Management Procedure Order 2015 (as amended) It has been subject to a high volume of objections, the materials points of which are summarised below. It has also been subject to ward member objections.

Ward Member

Loss of Agricultural Land - Whilst the application states that including construction and decommissioning it would actually be for a 42 year period. I understand that 42 years is by no means permanent, however it is a significant period in anyone's lifetime. Whilst the document claims that there is no detrimental financial impact on properties in close proximity to solar developments, I hope the applicant is willing to consult with residents from properties closest to the site regarding this. Taking any financial impact out of the equation, there would still be a significant impact to the sale appeal of properties in close vicinity to a solar development - the nearest of which are confirmed as being 160m, 400m and 490m away from the site. It is also states on page 10, that the majority of the site is Grade 3a land which is identified as the Best and Most Versatile land (BMV)

Natural Environment

A very similar application (Reference H09-0132-23) for a 48MW solar development covering 80 hectares (this application is for 49.9MW covering 140.5 hectares), was unanimously refused by the Planning Committee at SHDC on 7th February 2024 due to concerns surrounding the loss of BMV land and impact on the landscape of the area.

Planting / Screening & Landscape Impact

Solar Panels would be at a maximum height of 3.5m. Although there are multiple references to screening around the site with tree planting & shrub understory, it doesn't elaborate on the maturity of the trees and shrubs. It implies that the planting would not be substantial as the applicant responded to feedback from a resident that "the planting, when mature, would effectively screen the site". Planting needs to offer immediate screening to alleviate the impact to neighbouring residents. Figure 7, shown on page 25, indicates that planting would not be mature enough to alleviate this impact. Inevitably, despite substantial planting of mature trees and shrubs, the visual impact from upper floors of properties would not be able to be alleviated which will impact on residents views for the next 42 years. If approved I would like to request that it is conditioned that a construction and decommissioning plan is provided which is offered as an option by the applicant on page 25.

Transport and Access

The Transport and Access Statement (TAS) details the type and number of vehicle movements throughout the construction process which is estimated to take 49 weeks, this shows 1724 HGV movements over the total construction period (5.4.7 of the report), with some articulated vehicles being up to 16.5 metres long, and 60 staff vehicle movements per day (5.4.8). This equates to a minimum of 17,640 vehicle movements from staff over the construction period. (calculated at 30 vehicles, 6 days per week = 360 per week. 49 weeks = 17,640). This gives a total number of 19,364

vehicle movements across the construction and decommissioning periods alone.

Flood Risk

I understand from reading the documents that although the site is a flood risk zone 3, any concerns have been mitigated by raising the height of the panels and equipment. Policy 4 of the SELLP (Approach to Flood Risk) -states "the policy requires that 'Development proposed within an area at risk of flooding' will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding

Fire Risk, Glint & Glare

A fire risk statement is referred to on page 70 but is not provided. Can this please be supplied. It is also mentioned that the applicant will liaise with the local Fire Rescue Service to determine if a water tank is considered necessary. Can it please be confirmed if this has been done and the outcome of this. From looking at the illustrations provided, it appears that no panels will be facing existing properties to alleviate risk of glint and glare. Can this please be confirmed by the applicant.

PROW

At a meeting with residents and PACE on 24th April, concerns were raised regarding the safe use of bridleways and public footpaths. Residents wanted to know how the safety of horses, riders, animals, and walkers that use the PROW and bridleway could have assurances for their safety due to the large machinery and noise from the surrounding site. Can this please be provided by the applicant.

Cumulative Impact

The NSIP Meridian are proposing for a 750MW, 900-hectare site is located 3km away from this application site (as stated by PACE at the public meeting on 24th April). Stantec are also consulting on a 42-hectare (103.7 acre) 20MW planning application. If planning was granted for all these applications, combined, they would cover 1046 hectares or 2584 acres which equates to 10.46 square kms / 4.03 square miles of BMV agricultural land. In addition to this, as previously mentioned, a solar development was refused by SHDC for an 80 hectare (197.5 acre) solar development. The cumulative impact of large-scale solar developments, as well as the number of these that are being presented, would remove huge swathes of prime agricultural land from crop production for the next 40 plus years, this should be given strong consideration.

Fenland District, ward member for Leverington and Wisbech Rural has objected

With regard to this planning application and as ward councillor for Leverington and Wisbech Rural (Fenland District Council) I would like to strongly object to this proposed Solar Farm which includes a proportion of my ward.

To have a huge area of these solar photovoltaic panels and associated works will clearly have a huge impact on the appearance of Fenland's characteristic open farmland.

It will be close enough to dwellings to cause loss of privacy both during and after building and completion.

The noise and disturbance during installation and afterwards in a quiet and undisturbed part of the countryside will have a huge impact on residents.

The whole idea of using 'green' energy to help with net zero is frankly, a nonsense, when the developer is taking prime farmland out of use for over 40 years which will inevitably lead to UK needing to import food from abroad. How is this helping towards net zero?

The impact that the increasing use of solar farms on excellent quality farmland will have on our future food security could be catastrophic!

Summary of materials points made by local residents

Highway Safety (especially during construction)

Loss of good quality agricultural land (BMV)
Result in the importation of food (food security)
Biodiversity implications/loss
Impact upon existing structure and no infrastructure benefits proposed
Habitat destruction (especially birds, deer's, bees)
Polluting Activities (noise, light, emissions etc)
Poor existing road infrastructure
Other concerns are the use of CCTV, flood lights, safety of the batteries, (how long will it take emergency services to get to it if a fire starts).
Impact on community health/morale
Impingement for walkers and cyclists
Impact on bridleways and horses
Concerns relating to vibrations, from construction traffic
HGV using verges
Character & Landscape Impacts

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 and National Policy Statements outlined in this report also apply and have material weight in 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.

The following issues are relevant to this

- National Considerations *Targets, NPS-EN3, PPG, NPPF*
- 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

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 contains the following "Nevertheless, in balancing both the need for energy security and food production, we are concerned that as large solar developments proceed at pace, more of our 'Best and Most Versatile' (BMV) land could be used for solar PV instead of food production. I am therefore setting out further detail about how our policy on balancing these competing priorities is intended to be applied."

As is outlined in the National Policy Statement, (the Ministerial statements) starting position for solar PV developers in taking forward Nationally Significant Infrastructure Projects is that applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer

quality. This is also taken to translate into Solar Related schemes that are not at National Infrastructure Scale.

The ministerial statement confirms that *National Policy Statement can also be a material consideration in determining applications under the Town and Country Planning Act 1990 and is broadly consistent with the approach to agricultural land in the National Planning Policy Framework 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. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development*

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"**

Cumulative Impacts

The ministerial statement confirms that *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.

This application is located just south of a pending application for a (up to) 20MW Solar Farm and east of the Meridian Solar Farm NSIP application. Both of these applications are in close proximity to the application site.

National Planning Practice Guidance

The National Planning Practice Guidance (NPPG) offers decision makers support when considering applications for solar development. Both The NPPG 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 focussing 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.

National Planning Policy Framework, December 2024

National Planning Policy Framework, December 2024, Paragraph 7

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

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.

National Planning Policy Framework, December 2024, Paragraph 163

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.

National Planning Policy Framework, December 2024, Paragraph 168

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.

It is accepted that the general need for this application is not in dispute given the national context of the need to contribute to achieving net zero and in terms of energy security, and it is recognised that the proposal would have significant benefits in terms of clean energy production.

A key aspect of this report is to consider its impacts and whether or not they can be made acceptable. The site is not an established site, therefore criteria c) does not apply.

National Planning Policy Framework, December 2024, Paragraph 187

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.

A key aspect to this case is that the soils on this site are of the highest quality - Grade 2 & 3a which is a natural capital and is the best and more versatile agricultural land (BMV).

National Planning Policy Framework, December 2024, Paragraph 188

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*

The proposal is both within the countryside and entirely on Best and Most Versatile land (BMV) as confirmed by the ALC report (Bateman).

South East Lincolnshire Local Plan Policy 1

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

This application site is located wholly within the open countryside.

South East Lincolnshire Local Plan Policy 31

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.

Principle of Development

The application site is located on agricultural land type that is considered best and most versatile (BMV), this is confirmed by the Agricultural Land Classification Report (Bateman, Rural Associates) the area is also located within flood zone 3 in accordance with Environment Agency Mapping Systems and the South East Lincolnshire SFRA Max Hazard Maps show that the site is in a low risk area.

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 policy 31 of the South East Lincolnshire Local Plan, which is set out in this report.

The principle assessment focusses upon the following issues:

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

Agricultural Land Grade/take

The provisional agricultural land classification maps (DEFRA) show that the site is in ALC Grade 2. However, this submission is accompanied by an agricultural land classification report which states that only 11.36% of the land is actually grade 2, of which a large part is located within the South Holland District and 86.66% is 3a. The report does not express in a percentage the amount of the site contained within SHDC that is grade 2, but it is evident (from the ALC map contained within the Bateman report) that it would be much greater than the 11.36% that is expressed within the ALC report.

Whilst this report has not been independently assessed, it is derived from data collated on 21st and 22nd June 2022, there is no expansion as to why these dates offer representative year-around data. It also does not expand upon why the climatological data does not contribute to the limiting factors.

Notwithstanding this, it is confirmed that the application site represents the use of best and most versatile type of agricultural land, on this basis it is considered that impacts to it are not minimised, especially given the overriding land area proposed (140ha, 74.3ha in SHDC) and that the output is below NSIP. SHDC have been subject to much smaller applications for solar in terms of land area, which are of a similar MW output. This is weighed against the search for alternative sites (PACE Report) which, looked at sites having a minimum land area of 50ha.

It is therefore considered that the loss of such a large area of BMV is not sufficiently justified, especially when considering the land take against the overall site output (MW) given the framework for assessment set out by the ministerial statement as well as NPS EN-3 of 2024.

The applicant following the LPAs expression of concern during the application process regarding the loss of Best and Most Versatile Land provided a statement (PACE, February, 2025) that sought to allay these concerns. The report contains nothing site specific and discusses 7 topical points, that argue at macro level, issues relating to identified need of BMV land, food security (UK Level), an already national abundance of agricultural land, benefits to soil/long term viability of agricultural land, compatibility between solar and agriculture (live stock) and BNG benefits (though nothing relating to nesting birds).

Whilst considered, given these points are not articulated to the application site in any specific detail, the overriding weight is given to national consideration, contained within the Ministerial Statement, NPS-EN3 and PPG.

Site Selection

The applicant has provided a document *Site Search and Sequential Flood Test* (Pace, 2024). The document sets out a framework for analysis within the methodology. The first part of the methodology is that alternative sites should be deliverable. In the methodology this is described as:

To be considered deliverable sites should be:

- Available now; and
- Offer a suitable location for development now

A minimum site criterion of 50ha is then applied that a study area of 1km either side of the Eaton Socon Circuit was considered appropriate, based on viability, though no further expansion on this has been made.

Geographic Area of search

The applicant has suggested that a 1km study area either side of the Eaton Socon Circuit is appropriate. This whilst extensive in its linear form, it traverses across multiple local authority boundaries. Whilst there is no precise criteria for setting out an area geographic search, the LPA considered that a 1km distance from the circuit is not should reasonably have covered a much wider search area within the district. For example previously approved solar farms within in SHDC such as Bicker Fen Solar Farm application in

(ref: H04-0849-22), approved in July 2023, sought a 4km radius search area. Given the vastness of this site, that is located across both SHDC and Fenland which consists of approximately 140.5 hectares, it is anticipated that a much larger area of search would be required to established that no other suitable sites exist. On the bases of the search area, its is considered that the alternative site search is inconclusive.

Brownfield

The applicant explains that the largest area of brownfield land (within the geographic search area) was just over 7ha and therefore brownfield land has been ruled out.

Results

A total of 12 sites were pursued initially and reasoning for them being discounted are expanded upon in 'Table 1' of the report. These reasons range from unavailability to site size. The reasons also considered ALC grade, one flaw in the methodology is that there is no referenced source as to how the study arrived at concluding the ALC Grade. Should this have been undertaken through *The provisional agricultural land classification maps (DEFRA)* then the application site is a higher grade (when first considered). The report does not expand on whether ALC grades of discounted sites where subject to further investigation (as the application site was) and therefore the data collection may be misleading. This lack of detail around the source (that confirms ALC grades) therefore represents a lack of detailed information given to the LPA to allow for an accurate assessment/comparison.

Moreover, the report is dated April 2024 and references to the NPS-EN3 in section 1. which clearly suggests that this report was written in the weeks after. The search for sites, does not give a date to the reader when this empirical study occurred, whether the alternative site search occurred at the inception of the idea to pursue a solar development in the locality and ultimately direct the developer to this application site, or whether this is a retrospective study. The ALC report for the application site was carried out in June 2022 and the site has been subject to a screening opinion. It would have assisted the LPA in making a more accurate assessment of the appropriateness of the study if more details surrounding dates and sources had been included within this report.

The report ultimately considers that the application site, however, was the most preferable, within the geographic parameters set by the applicant and subject to the list of criteria on site selection. Whilst the LPA are not suggestive that the application site is not the most appropriate when considering the study, the flaws in the site search report, that relate to the geographic area of search and unknown source for identifying ALC grades within the study area give rise to concern

that such a large loss of BMV is not robustly justified and it cannot be assured that poorer quality land doesn't exist.

Cumulative Impacts

The application site is located east of the Meridian Solar Farm NSIP but in a location proximate enough that residents would experience both proposals if they were to come forward. There is also a pending solar application located north towards Sutton St James, this site interestingly provides a site specific soils report which shows that there is non-BMV land in that area (which is within relative close proximity to this site). However given that these are both pending, the weight afforded to the impacts from cumulative effects are considered limited. On this basis it is considered that there are limited adverse cumulative effects following this proposal.

Climate Change Renewable energy benefits

In terms of climate change there are clear benefits of the development. There is no requirement to discuss need, given the national targets set. 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. It will enhance the energy supply, thereby increasing energy security and reducing dependence on imported fuels.

The basic principle of formulating a renewable energy development is therefore supported (subject to acceptable location and impact upon agriculture), the planning merits, in terms of climate change are given great weight in that they would help the UK align to the targets set out NPS - EN3 and move away from the reliability on fossil fuels.

Summary

The central government strategy outlined above 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. The principle section makes it evident that there is a balance to weigh between food security and climate changes benefits.

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 says "The deployment of large-scale solar farms can have a negative impact on the rural environment ."..... "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 skyscape considerations;

The applicant has submitted a Landscape Visual Impact Assessment based on direction contained within the Guidelines for Landscape and Visual Impact Assessment, Third Edition 2013 (GLVIA3). The assessment includes a Zone of Theoretical Visibility (ZTV), the distance is based upon field work and evaluating views into the application site. It is considered that given the scale (height) (and the land topography) of what is being proposed this zone/distance is considered acceptable to understand the landscape impacts

The LVA submitted by Briarwood contains a list of viewpoints, to support the SZTV as well as setting out remediation measures/mitigation. Under paragraph 9.7 (of the LVIA) the applicant states:

It is considered that the proposed solar farm would not completely redefine the character of the local landscape; the prevailing settled and agricultural character of the local landscape would remain. The key characteristics of the local landscape, which differentiate the local landscape from other areas, would not be fundamentally changed and would continue to prevail. On balance, it is considered that the proposed solar farm would result in an acceptable scale of effect on the character of the local landscape.

The applicant considers that *retention of the existing woodland copse and the proposed woodland and hedgerow planting, once established and filling out, would provide visual 'breaks' in the landscape from where areas of the proposed development would be screened from view.*

Given the scale of this proposal, naturally there would be a fundamental change to the visual amenity of the area. The cumulative landscape impacts then would change the fabric of the existing landscape character, the solar farm would heavily industrialise the landscape fabric, due to its scale.

Those using the PRoW would also have their visual amenity impeded. Though a strategy to retain the through-way would still retain its accessibility.

The fencing would also have an effect along with the planting, and whilst hedging is being used the abundance of the planting, as well as the heights that the screening is required would be out of keeping with the existing Fenland landscape. It is unlikely that once decommissioning stage occurs that the landscape will be truly returned to its existing condition, some evidence of the development is likely to remain, the landscaping will remain engineered and abundant and in so this development will have a lasting effect upon this part of the open countryside, resulting in an incongruous development within this rural setting.

In these terms the proposal is considered not to accord with SELLP Policy 31b or NPPF paragraph 187. This is not to suggest that the landscaping scheme is inappropriate, the impact simply reflects the natural conflict between open countryside and major essential infrastructure development, located in an open landscape. Any permission would be subject to condition requiring the landscaping scheme to be completed at the first planting season so the residual stage is reached in the quickest possible timeframe. The detriment of the landscape is applied within the balance.

Impact on natural environment

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 standardised 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 provided a PEA and EclA which notes the presence of a variety of protected species presently on/using the site such as water voles, two schedule-1 bird species and six red-listed bird species of conservation concern, and the documents describe mitigation measures to minimize the impacts of the development.

The Ecologist has been consulted and agrees in general with these measures. A few points of concerns are expressed, and these relate to impacts upon nesting birds, this is likely to especially reduce skylark populations. The ecologist also considers that Yellowhammers and Linnets are two other 'red-listed' species of conservation concern. The ecologist suggests mitigation measures such as *to require the applicants to secure contracts with neighbouring farmers to put-in a suitable number of skylark plots within the surrounding arable land* (Skylark conservation - advice for farmers) AND *condition that construction activities be limited to the non-breeding season.*

Bio-diversity Net Gain

The ecologist has reviewed the information and has stated *the BNG report and metric calculations appear rigorous and sound, and the authority can be confident that the proposed development will successfully enhance the overall biodiversity value of the site and easily achieve 10% net gain (this includes the proposed uplift of the ditch/watercourse habitats even though these were not included in the BNG metric calculations).*

Therefore, any permission achieved would be subject to conditions that would mitigate the impact to protected species as well as securing the BNG and management responsibilities of it for the lifetime of the development.

On this basis the proposal is considered to accord with SELLP Policy 28 as well as section 15 of the National Planning Policy Framework.

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 applicants have submitted a built form heritage statement which examined evidence from Historic England's National Heritage List, the Lincolnshire Historic Environment Record, data held by South Holland District Council and online resources, and a site visit in February 2023.

LCC Historic places team have made comments on this application, these comments resulted in additional field work that is taking place at the time of this report. The applicant is working closely with both LCC and Cambridgeshire Counties historic teams. A recent update from LCC states that *From an archaeological perspective, there are no concerns. Most of the evaluation has already been completed, and no significant remains have been identified on site.*

It is therefore considered that the scheme is likely to be acceptable in terms of archaeology. It is also considered that the application site would not have an undue impact upon built heritage.

It is therefore 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.

It is likely that impact through noise and disturbance will occur during the construction phase, and this will be mitigated through the requirements for a construction environmental management plan to be submitted to and agreed in writing with the LPA.

Also, despite the submission of documents showing inbound and outbound transport movements, there are also other consideration relating to construction parking, keeping the road network clear and the times/frequency that these events will occur and therefore a construction traffic management plan is also required to be submitted and agreed prior to the commencement of works.

Once operational the impacts from noise are likely to be limited with the main source of noise emanating from the substation, planting shown on plan surrounding this area will work to screen noise. At this stage the impact upon amenity through noise and disturbance is likely to be acceptable during the operational stage.

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 a study by 'Pager Power' this document assesses residential amenity, highway safety and aviation activity. The report confirms that *No significant impacts are predicted upon road safety, residential amenity, and aviation activity associated with Fenland Airfield and*

Jubilee Farm Airfield. No mitigation is recommended

Whilst Environmental Protection do not object, further details of the reflecting qualities of the panels is required, this would be mitigated through planning condition. In terms of residential amenity, the proposal is considered to be mitigated to an acceptable level, when weighed against climate change benefits and so accord with NPPF Paragraph 135 as well as SELLP Policies 2 and 3 and Planning Practice Guidance on glint and glare.

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.

Route

Three potential routes have been considered, and these are summarised as follows: Route 1: To and from the A47 at New Cut Roundabout, via Guanockgate Road, the B1166 and the B1167. Route 2: To and from the A47 at New Cut Roundabout, via Guanockgate Road, Cross Road, Broadgate, the B1166 and the B1167. Route 3: To and from the A47 (Fen Road), via Guanockgate Road, the B1166 and the B1167.

Highways comments appear to find the accessibility to the site as acceptable. They state *The majority of the route comprises higher category roads such as the B1166, B1167 and A47, which are suitable for accommodating larger vehicles. There are no HGV movement restrictions and/or weight and height limits. There is a minimal impact on residential areas and no schools are located along the route.*

Part of the route (on the eastern end of Cross Road) is considered to be so narrow that it requires a passing place/road widening (shown on C23103-ATPDR- TP-003 at Appendix C), this is considered acceptable by LCC and would be subject to an agreement with them.

Transport Statement

The Transport Statement by Apex, this shows that the safest and least disruptive route for construction and operational vehicles to enter and exit the site have been chosen. The Statement analyses how the proposed route can accommodate the traffic requirements for the construction of the scheme. It provides estimated number of vehicles, details of the frequency and duration of movements, delivery hours and timing, consideration of public comments on this issue, vehicle routing considerations, swept path analysis, traffic management proposals during operation and details of the access points. Highways have reviewed the TA by Apex and have no objections.

Ultimately the Highway Authority have stated that *There is no precise definition of "severe" with regards to NPPF Paragraph 109, which 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 would be severe. Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:*

- The highway network is over-capacity, usually for period extending beyond the peak hours
- The level of provision of alternative transport modes
- Whether the level of queuing on the network causes safety issues. In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a

severe impact with regard to NPPF.

The authority goes on to recommend a series of planning conditions that would offer mitigation to both commissioning and decommissioning of the site as well as the access. The plans showing passing places would be approved and secured through agreement with LCC themselves.

On this basis then the proposal is considered to accord with SELLP Policies 2 & 3 as well as NPPF Paragraph 109.

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 3 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 3. 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) as a basis to apply the sequential test.

Paragraph 8.3.10 of the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) states 'the Flood Map will not provide information that is refined enough to carry out a meaningful sequential test due to the extent of Flood Zone 3 in this area. Therefore the hazard map and depth maps should be used (in that order) to refine the information on flood risk to the site and potential alternative sites.'

The Hazard Maps show that the application site is located within a 'low hazard' area (in white on the modelled hazard flood maps for 2115).

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 application is accompanied by a sequential test. This test whilst showing some areas that are located in Flood Zone 1 (EA Maps), are all located outside of the SHDC administrative boundaries.

Given the South East Lincolnshire SFRA modelling for this site it is considered that there are no preferable places for such a development within the geographic area of search, in flooding terms. The proposal therefore passes the sequential test. In flood terms it is also clear that the public/community benefits that contribute to mitigating climate change would outweigh the risk from flooding. The proposal would result however in providing essential infrastructure within flood zone 3, despite this the EA have not objected.

A preliminary Flood Risk Assessment (FRA) along with surface water drainage strategy was undertaken by Flood line consulting. The results of this were discussed with Lincolnshire County

Council (LCC) as Local Lead Flood Authority (LLFA). The LLFA consider that based upon this information a suitable drainage strategy can be achieved. The LLFA have suggested the attachment of planning conditions that would secure a surface water drainage strategy, further information on ground infiltration would be required, and this would determine the suitability of any forthcoming drainage scheme. Also anything directed to a watercourse would be subject to the IDB consenting process.

On this basis it is considered that the proposal would accord with SELLP Policy 4 as well as section 14 of the National Planning Policy Framework.

Planning Balance

The application site is made up entirely of Best and Most versatile Agricultural Land (2 & 3a). Notwithstanding the climate change benefits which are given great weight in this assessment, the loss of such a large area of BMV land, would be a threat to food security, and so when considering the Ministerial Statement of May 15th 2024, it would also result in a threat to national security. Moreover, the applicant has not justified whether the proposed use of this Best and Most Versatile agricultural land has been shown to be necessary and that land of poorer quality does not exist, neither has the applicant provided a robust alternative site assessment. The applicant has not provided a sufficient level of information regarding the productivity of this agricultural land to suggest that its loss will not have a material impact on the district farming industry. Furthermore the proposal is not located on previously developed land or non-BMV land and on this basis the proposal is contrary to SELLP Policy 31, NPPF Paragraph 187 and National Policy Statement for renewable energy infrastructure (EN-3).

The impact upon the landscape character and the amenity of nearby residents are likely to result in the proposal being partly contrary to policies 2, 3 and 31 of the South East Lincolnshire Local Plan.

Notwithstanding the impacts upon amenity and Character landscape, the UK governments as well as the combined South & East Lincolnshire Council Partnership targets to reach net zero by 2050 are material matter. It is likely that this urgency would weigh in favour of the proposed development, when considering the impact upon the landscape.

However conversely the weight afforded to food security (and so national security), which is threatened by the potential loss of 140 ha of Best and Most Versatile Agricultural land, 74.3ha of which is located within South Holland, would outweigh the benefits to climate change that this proposal would bring. On this basis then the proposal is considered represent unsustainable development, undermining the districts (and nations) food security and refused on that basis.

Conclusion

Taking the above considerations into account, the proposal is considered not to be in accordance with policies 1, 2, 3 and 31 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 be contrary to National Policy Statement for renewable energy infrastructure (EN-3) relating to BMV land, the Ministerial Statement dated 15th May 2024 and Planning Practice Guidance (013 Reference ID: 5-013-20150327).

Ultimately there are significant factors in this case that outweigh the benefits of the proposed development.

Recommendation

Refused

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.