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TOWN AND COUNTRY PLANNING ACT 1990 FULL

Reference: H19-0329-24 **Date of Decision:** 9th May 2025
Applicant: Pathfinder Clean Energy (PACE)
Central House
20 Central Avenue
St Andrews Business Park
Norwich
NR7 0HR
Location: Land East Of Guanockgate Road Sutton St Edmund Spalding Lincolnshire
Description: Temporary ground mounted solar photovoltaic (PV) farm with battery storage, substation and associated works.

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

- 1 The application site is made up entirely of Best and Most Versatile Agricultural Land. Notwithstanding the climate change benefits which are given great weight, 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. Nor has the proposal sufficiently demonstrated why such a large area of land take is required when considering the overall energy output of the scheme. Moreover the alternative site assessment is not considered robust. The proposal is not located on previously developed land and would result in the removal of a large area of the districts Best and Most Versatile Agricultural Land and on this basis the proposal is contrary to Policies 1 & 31 of the South East Lincolnshire Local Plan 2019, Paragraph 187 of the National Planning Policy Framework (December 2024), National Policy Statement for renewable energy infrastructure (EN-3), The Ministerial Statement of May 15th, 2024

and the guidance contained within Planning Practice Guidance (Paragraph 013 Reference ID: 5-013-20150327).

Notes:

The determined plans are:

- UKZ157_07 Rev V0 - Substation Plan & Elevation Drawing - Amendment 2
- UKZ157_01 - CCTV
- UKZ157_02 - Battery Energy Storage
- UKZ157_03 - PV Panel Elevation (South Facing)
- UKZ157_04 - Solar Inverter Cabin
- UKZ157_04 - Battery Inverter Cabin
- UKZ157_06 - Deer Fence Typical Arrangement
- UKZ139_08 - Site Location Plan
- UKZ157_09 - Layout Plan
- UKZ157_11 - Access Track Elevation
- UKZ157_12 - Storage Building
- UKZ157_05 - Double Gate
- UKZ157_10 Rev V4 - Mitigation & Enhancements Plan
- P23-441-R01v2 - Noise Impact Assessment - Amendment 1
- UKZ157/AWE/PEA-2023 - Preliminary Ecological Appraisal - November 2023
- November 2023 - Ecological Surveys & Impact Assessment
- November 2023 - Biodiversity Net Gain Assessment & Strategy
- UKZ157 - Landscape & Ecological Management Plan - February 2024
- Clean Energy Statement
- Health Impact Assessment
- 24 November 2023 Rev A Landscape & Visual Appraisal
- Version 1.0 - Archaeological Baseline
- Geoarchaeological Written Scheme of Investigation - 20 October 2023
- GFSF22 Version 02 - Written Scheme of Investigation for Geophysical Survey
- Arboricultural Impact Assessment
- Solar Photovoltaic Glint & Glare Study
- C23103/TS01 - Transport & Access Statement -22 February 2024
- The Biodiversity Metric 4.0 - Calculation Tool Results
- Agricultural Land Classification Report
- Site Search & Flood Risk Sequential Flood Test
- Response to Written Ministerial Letter
- UKZ157_09 Layout Plan - Appendix A - Layout Plan
- UKZ157 Site access - Appendix B - Site Access Plan
- Appendix C - Off-site Junction Location Plan
- C23103-ATP-DR-TP-003 rev P01 - Appendix D - Route Analysis and Potential Passing Place - Cross Road
- C23103-ATP-DR-TP-004 rev P01 - Appendix E - Swept Path Analysis Using 16.5m Articulated HGV - Location 2 - Cross Road / Broadgate Junction
- C23103-ATP-DR-TP-005 rev P01 - Appendix F - Swept Path Analysis Using 16.5m Articulated HGV - Location 3 - Broadgate / Old South Eau Bank Junction
- C23103-ATP-DR-TP-006 rev P01 - Appendix G - Swept Path Analysis Using 16.5m

Articulated HGV - Location 4 - B1166 / French Drove (B1167) Junction
- C23103-ATP-DR-TP-007 rev P02 - Appendix H - Swept Path Analysis Using 16.5m
Articulated HGV - Location 5 - French Drove / New Cut (B1167) Junction
- C23103/CT01 Issue 1 - Appendix I - Framework Construction Transport Management
Plan
- C23103-ATP-DR-TP-008 rev P01 - Appendix J - Junction Visibility and Proposed
Location for Banksperson - Broadgate/Old South Eau Bank (B1166)
- Appendix K - Proposed Alternative Route
- C23103-ATP-DR-TP-009 rev P01 - Appendix L - Swept Path Analysis Using 10m Rigid
HGV - Location 4 - French Drove / New Cut (B1167) Junction
- February 2025 - Agricultural Land, Food Security & Solar: Additional Supporting
Information

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. Furthermore, matters of concern with the application have been identified and discussed with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory solution and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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



Phil Norman
Assistant Director - Planning and Strategic Infrastructure
South Holland District Council

RIGHTS OF APPEAL

Appeals to the Secretary of State

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

Timescales for appealing

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

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

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

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

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

Enforcement Notices

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

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

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

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

giving notice of appeal.

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

Purchase Notices

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

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

Compensation

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

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