



Appeal Decision

Hearing held on 24 February 2026

Site visit made on 25 February 2026

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2026

Appeal Ref: 6001659

Land at Fendyke Farm, Off Old Fendyke, Sutton St James PE12 0LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Integrum SPV 21004 Limited against the decision of South Holland District Council.
 - The application Ref is H20-1007-24.
 - The development proposed is construction and operation of a solar farm and battery energy storage system (BESS), vehicular access, internal access tracks, landscaping, boundary treatment, cabling and associated infrastructure.
-

Decision

1. The appeal is allowed and planning permission is granted for construction and operation of a solar farm and battery energy storage system (BESS), vehicular access, internal access tracks, landscaping, boundary treatment, cabling and associated infrastructure at Land at Fendyke Farm, Sutton St James in accordance with the terms of the application, Ref H20-1007-24, subject to the conditions in the attached schedule.

Preliminary Matters

2. Revised versions of the National Policy Statements (NPS) EN-1 (Overarching Policy Statement for Energy), EN-3 (Renewable Energy Infrastructure) and EN-5 (Electricity Networks Infrastructure) came into force on 6 January 2026. They are a material consideration to which I have had regard, and all parties had an opportunity to comment on the changes from the previous versions at the hearing.
3. During the appeal and at the hearing, several pieces of additional evidence were submitted. From the appellant this includes Counsel advice¹, a copy of a recent appeal decision² and a note on agricultural land classification data³. From interested parties this includes written statements from an objector and from Sir John Hayes MP, who were unable to attend the hearing, and suggested draft planning conditions from National Grid Electricity Transmission (NGET). Parties in the appeal had an opportunity to comment on these submissions at the hearing. I have thus had regard to these documents in reaching my decision.

¹ Giles Cannock KC, Kings Chambers, 11 February 2026

² Appeal Ref: APP/A2525/W/25/3372791, Decision date: 3 February 2026

³ Agricultural Land Classification Data, Stantec

Main Issue

4. The main issue is the effect of the proposal on best and most versatile agricultural land (BMVAL).

Reasons

5. Paragraph 187 of the National Planning Policy Framework (the Framework) requires that planning decisions contribute to and enhance the natural and local environment, including by recognising the economic and other benefits of BMVAL. Annex 2 defines BMVAL as that within grades 1 (excellent), 2 (very good) and 3a (good).
6. Policy 31 of the South East Lincolnshire Local Plan 2011-2036 Adopted March 2019 (the Local Plan) permits the development of renewable energy facilities provided that, individually or cumulatively, there would be no significant harm to agricultural land take. Likewise, NPS EN-1 and EN-3 seek to minimise impacts on BMVAL and encourage use of land in poorer quality (grades 3b, 4 and 5), previously developed land, brownfield land, contaminated land or industrial land where possible. Similar guidance is set out in the Planning Practice Guidance (PPG)⁴. Nevertheless, the development of ground mounted solar arrays is not prohibited on BMVAL where this is demonstrated to be necessary.
7. The written ministerial statement (WMS) of 15 May 2024 recognised that food security is an essential part of national security. It reiterates the preference for renewable energy related development to utilise land in areas of poorer quality and has been reinforced by the current Government in recent publications by the Secretary of State for Energy Security and Net Zero dated 17 February 2025. This must however be balanced against the benefits to national security of renewable energy proposals in terms of their contribution to energy security.
8. The appeal site measures 44.2 hectares (ha) in total area, including 41.3ha of agricultural land. A site-specific Agricultural Land Classification (ALC) survey⁵ was carried out by the appellant. This indicates that approximately two-thirds of the land that would be affected (27.6ha) is categorised as BMVAL. The majority of this BMVAL (25.6ha) is grade 3a land, with the remainder (2ha) being grade 2.
9. The Alternative Site Assessment and Site Justification Statement (ASA)⁶ identified that the connection to the national grid is a significant factor in the location and scale of solar development. The appellant indicates that they have secured a grid connection with capacity at South Holland Substation, approximately 2.8km northeast of the site. While there is no substantiated evidence of an agreed connection before me, there is no policy requirement that this be provided, and no compelling evidence to indicate a connection could not be achieved. The ASA considered alternatives within a 6km radius of the substation. The site selection criteria also considered the operational requirements of the installation and environmental constraints within the search area.
10. The defined search area is mostly agricultural land, and an assessment of the Council's brownfield register failed to identify any suitable previously developed land, non-agricultural land or brownfield sites within the search area. Additionally,

⁴ Paragraph: 013 Reference ID: 5-013-20150327

⁵ SES/CJ/FDS/#v5 - Agricultural Land Classification, Soil Environment Services Ltd, November 2024.

⁶ 333100869/A5/ASA/SJS - Alternative Site Assessment & Site Justification Statement, Stantec, November 2024

the ASA did not identify any suitable commercial rooftops that could viably accommodate the development, particularly given its scale and the complexities and loss of efficiency involved in splitting the scheme across multiple smaller sites.

11. In terms of lower grade agricultural land, the ASA highlights that ALC data from Natural England shows that most of the District is either grade 1 or grade 2 land. While this data may not be as granular as site-specific surveys, it would not be proportionate, nor is there any policy basis, to require the appellant to conduct a detailed assessment of agricultural land grades for other agricultural land within the search area. Accordingly, based on the available evidence, a significant majority of the site is of lower quality than that of the surrounding agricultural land.
12. The Council suggested at the hearing that there are other parts of the wider 230ha landholding that are also grade 3b. Though no detailed assessment of the ALC elsewhere on the holding has been carried out, the landowner has advised that the appeal site consistently produces comparatively lower yields than from that other land, and the ASA confirms that it is subject to an ongoing and persistent blackgrass problem. The appellant advises that, despite active management efforts including herbicide, there have been significant crop losses in recent years. Moreover, at the hearing the appellant stated that the other land in the holding is also in production and either not available or not suitable for the development.
13. The Council has drawn my attention to the previously approved development⁷ for a 19.2ha solar installation in the same location, highlighting that the current proposal represents only a modest uplift in output yet uses more BMVAL. However, the full details of the previous scheme are not before me and, as recognised by the Council, any comparison is complicated by changes to legislation, policy and technology over time. Moreover, the appellant maintained at the hearing that ultimately the previous scheme did not come forward as it was difficult to deliver.
14. Overall, I am content with the extent of the information provided, and that it sufficiently demonstrates the low likelihood of there being other viable, available and preferable alternative sites on which to site the appeal scheme.
15. The site makes up less than a fifth of the wider farm holding. The Statement of Common Ground confirms that it represents just 0.056% of all agricultural land in South Holland, and only 0.0374% of the district's BMVAL. This part of Lincolnshire contains a significant proportion of England's higher quality (grade 1) BMVAL, none of which would be affected by the proposal, with only a very small proportion of the District's grade 2 land affected.
16. The development would be in place for 40 years and the BMVAL would be out of arable use during this time. Though this weighs against the development to a degree, the BMVAL would not be lost in perpetuity. The physical alterations to the land to facilitate the development, including the piled metal framework, cabling and other associated infrastructure, would be limited in its scope and largely reversible.
17. It was agreed at the hearing that turning over the field to grass, which would occur as part of the proposal, is also an effective means of dealing with blackgrass. There is however some disagreement over the length of time necessary to achieve this, and a 40-year period would clearly not be required. The site could also potentially remain available for pastoral use, representing a continuation of its

⁷ Council Ref H20-0764-14

agricultural function during the lifetime of the development. However, no detailed proposal for sheep grazing has been put forward, and in practice this may be intermittent and difficult to implement.

18. Nevertheless, the ALC ultimately concludes that the asset of the soil will not be lost or negatively impacted. A condition to secure a Soil Management Plan, including soil restoration after decommissioning, would be imposed and, if properly managed, the land quality is unlikely to be degraded.
19. Overall, I am satisfied that the proportion of BMVAL affected and extent of harm would be relatively insignificant given the impermanent nature of the development and in the context of the substantial comparable or higher-grade agricultural land available within this area. Accordingly, the effect of the development on food security, and by extension national security, would be limited.
20. While cumulative loss of BMVAL did not feature in the Council's reason for refusal, several other solar farm developments in the wider area have been highlighted by interested parties and were discussed at the hearing. Full details of each are not before me and some are still pending decisions. Notably, planning permission was granted at appeal in February 2026 for a solar farm at Caudwell Farm⁸ on 111ha of BMVAL. Sites already in operation at Sutton Bridge (120ha) and Grange Farm (21ha) have also been referred to, the latter of which I saw during my site visit.
21. Even accounting for the land take of the approved and operational developments referred to, the amount of agricultural land lost remains a very small percentage of local, regional and national BMVAL. Accordingly, while I recognise the importance of assessing cumulative impacts, each case must ultimately be considered based on its individual merits and the prevailing circumstances at the time of the decision. While at some point a cumulative tipping point may be reached, there is no compelling evidence before me at this time to indicate that the appeal scheme would result in this.
22. The appeal proposal would therefore not have an unduly harmful effect on best and most versatile agricultural land. It would accord with Policies 1 and 31 of the Local Plan. These policies, among other provisions, seek to ensure that in the countryside development will be permitted that is necessary to such a location, the consequences of current climate change has been addressed, minimised and mitigated, and there is no significant harm to agricultural land take when developing renewable energy facilities.

Other Matters

Critical national infrastructure

23. Following the Council's decision, late representations were made by National Grid Electricity Transmission (NGET) objecting to the proposal on the basis that it would present a direct conflict with the proposed alignment of the Grimsby to Walpole project, which involves the construction of approximately 140km of new overhead transmission lines and associated works. This objection is reiterated in NGET's representations to the appeal and was discussed at the hearing.
24. NPS EN-5 recognises the importance of strategic network planning and requires that the strategic need for electricity network infrastructure be given the highest

⁸ Appeal Ref: APP/A2525/W/25/3372791

priority. The Grimsby to Walpole project is a Nationally Significant Infrastructure Project (NSIP) for planning purposes and a Development Consent Order (DCO) will be required. The project completed Stage 2 statutory consultation in August 2025, statutory targeted consultation between 18 November and 19 December 2025 and is currently scheduled for DCO submission in June 2027.

25. The preferred corridor for the Grimsby to Walpole project would cross the southern part of the appeal site. NGET advise that this corridor has been through various stages of refinement and the routeing of the overhead line is very constrained in this location. At the hearing, it was reiterated that full access will be required for vehicles, and enough space near any tower within the appeal site for winches and cable drums. In its representations, NGET states that the highest point of a solar farm that is positioned directly under an overhead line must be no more than 5.3m from the lowest conductors, with safety clearance potentially as low as 2m.
26. NGET therefore considers the current design of the Fendyke Solar Farm not compatible with the Grimsby to Walpole project and that it may frustrate or delay the delivery of this critical national infrastructure. Nevertheless, the project is obligated to be delivered by 2033, and it was confirmed at the hearing by NGET that it will proceed irrespective of the outcome of this appeal.
27. Critically, no detailed plans for the Grimsby to Walpole scheme have been provided and so the full extent of any potential conflict between the two projects is unclear. I am advised that NGET have produced a Technical Guidance Note which provides guidance and information for third parties who are proposing or designing developments that will be close to NGET assets, however a copy of this document is not before me. Notably, NGET also indicated at the hearing that until the DCO is submitted it cannot be guaranteed that the details will not change and further amendments can also be made through the DCO process.
28. Accordingly, while I recognise that there is a national need for the Grimsby to Walpole project, there is a considerable degree of uncertainty in the evidence before me regarding the extent of any conflict between the schemes. It has thus not been adequately demonstrated that allowing the appeal would materially jeopardise the delivery of this critical national infrastructure.

Landscape character and appearance

29. The appeal site is within the Peaty Fen Landscape Character Type, characterised by openness, flat arable fields and expansive views. While the Council considers the proposal would introduce an incongruous and industrialising influence, it found this harm outweighed by the benefits of the scheme and confirmed at the hearing that this was not a reason for refusal. I recognise however that interested parties maintain that the proposal would unduly harm landscape character.
30. The appeal is accompanied by a Landscape and Visual Appraisal (LVA)⁹. This concludes that, subject to the implementation of the landscape strategy and with appropriate long-term management, both of which can be secured by planning condition, adverse visual effects could be mitigated to a degree that would help to embed the scheme into its local setting and character.

⁹ Landscape & Visual Appraisal, Huskisson Brown Associates, Date of Issue FINAL 01/11/24

31. The physical field pattern of the site and existing boundary vegetation would be retained. Additional planting would be implemented across the site and once established would result in increased tree cover in the local landscape. This would provide considerable screening to the proposed panels up to their maximum height of 2.9m, as well as much of the ancillary infrastructure. As I saw at the existing Grange Farm solar farm to the northeast, where the topography is relatively flat the full extent of a solar farm development is typically less apparent from outside the site and boundary screening can be particularly effective.
32. Accordingly, while it is inevitable that the proposal would result in some change to the character of the area, the relatively low height of much of the development would limit its impact on the open and flat characteristics of the landscape, and the landscape strategy would further curtail any harmful sense of industrialisation. Given the distance between the appeal site and the nearest operational or approved solar farm developments, the opportunity for cumulative landscape and visual effects are also very limited. There would therefore be no significant harm to visual amenity, landscape character or quality, or skyline, in accordance with Policy 31(B) of the Local Plan.
33. Concerns were raised by interested parties regarding the impact of the proposal on protected trees. The Arboricultural Impact Assessment¹⁰ identifies a total of seven individual trees and four groups of trees on site; none are protected. The proposal will not require removal of any individual trees or groups. A section of G2 will need to be removed to allow for access from Bardling's Drove. This will be more than mitigated for by additional planting within the landscape proposals. Overall, the arboriculture impact is minimal and of no significant concern.

Historic Environment

34. My attention has been drawn to a Grade II listed building (LB) known as "Remains of cross about 20 metres north west of cross roads" to the east of the appeal site. Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to the desirability of preserving the LB or its setting or any features of special architectural or historic interest it possesses.
35. In so far as it relates to this appeal, the significance of the LB is derived from its historic origins, considerable age and its flat and open rural context. The appeal development would be several hundred metres from the LB, with a large field in between. Given the modest height of the panels and flat topography of the area, the development would not feature prominently in the setting of the LB. The proposal would thus not cause harm to the significance of the LB or its setting.
36. Notably, the Council's Historic Environment Officer raised no concerns subject to planning conditions to secure further mitigation works and the remainder of evaluation works in respect of archaeology.

Living conditions for neighbours

37. Interested parties have raised concerns that the development would be harmful to the living conditions of the occupiers of neighbouring properties, including through a loss of outlook and sense of enclosure, loss of privacy, glint and glare, and increased noise and disturbance.

¹⁰ OAS 24-082-AR01 Rev B, Arboricultural Impact Assessment, November 2024

38. The closest residential property to the appeal site is to the southwest at Barling Deer Farm, and the appeal site would abut its northeastern boundary. I saw on my site visit that the dwellinghouse itself does not directly face the appeal site and is set a significant distance away from the shared boundary with several corrugated steel buildings in between. The shared boundary is also significantly screened by existing vegetation. In view of this and given the modest height of the proposals, there would not be a harmful effect on the living conditions of occupiers in terms of loss of outlook, sense of enclosure or loss of privacy.
39. A Glint and Glare Assessment¹¹ has been provided which found low impact solar reflections possible at one out of the 42 residential receptors assessed. Upon reviewing the actual visibility of the receptors, glint and glare impacts reduce to none at all receptors.
40. The proposal is also supported by a Noise Impact Assessment¹². This concludes that development would give rise to rating levels that are below the measured background sound level in the area, thus giving rise to a 'Low Impact'. Moreover, an acoustic fence is proposed around the Battery Energy Storage System (BESS) as shown on the proposed plan.
41. In terms of disruption during construction and decommissioning, I am satisfied that planning conditions to secure a Construction Management Plan, Decommissioning Scheme and to limit the hours of construction activity would be sufficient to mitigate any harmful impact on neighbours. While the appellant suggested construction hours should begin from 07:30am, this would result in more prolonged disturbance for the occupiers of neighbouring properties and there is no compelling justification before me for construction to start earlier than 08:00am.
42. Notably, the Council's Environmental Protection section also raised no concerns with regard to the impact of the proposal on the living conditions of neighbours, and the Council did not include this as a reason for refusal in its decision.

Highway and pedestrian safety

43. The appeal site fields are accessed via three existing access points on Bardling's Drove and one on Inley Drove, both single width roads. These were lightly trafficked at the time of my site visit and visibility is generally good across this area given the flat topography and openness of the landscape.
44. The Glint and Glare Assessment concluded that, once mitigation measures were considered, there would be no impact from glint and glare on any road receptors within the study area. The proposal is also supported by a Transport Statement¹³, Indicative Construction Traffic Management Plan¹⁴ and Highways Technical Note¹⁵.
45. The Local Highway Authority did not object to the proposal subject to securing visibility splays and details of surface water drainage, which can be achieved by planning conditions. The Council found that once operational the development would have a limited effect upon the highway network. There is no substantive evidence before me that would lead me to a different conclusion.

¹¹ Glint and Glare Assessment, Neo Environmental Limited, 14/10/2024

¹² Project Number 24-194 Version V3, Noise Impact Assessment for Planning Application, inacoustic, 14th October 2024

¹³ Report No 22709-001, Transport Statement, Andrew Moseley Associates, October 2024

¹⁴ Report No 22709-002, Indicative Construction Traffic Management Plan, Andrew Moseley Associates, October 2024

¹⁵ AMA Project Number: 22709 / SD, Highways Technical Note, Andrew Moseley Associates, 21st February 2025

Ecology

46. Interested parties have raised concerns regarding the impact of the proposal on ecology. The appeal is supported by a Preliminary Ecological Appraisal¹⁶, Ecological Impact Assessment¹⁷, Breeding Bird Survey¹⁸, Biodiversity Net Gain Plan¹⁹, Otter and Water Vole Survey²⁰ and a Skylark Mitigation Strategy²¹.
47. The proposal would provide a considerable enhancement in biodiversity across the site, including a net gain of 53.67% in area biodiversity (56.69 units), a net gain of 195.03% in hedgerow biodiversity (9.48 units) and a net gain of 16.75% in watercourse biodiversity (3.14 units). Biodiversity net gain and its long-term management and maintenance can be secured by planning condition.
48. Notably, no objections were received from Lincolnshire Wildlife Trust or Natural England, and the Council concluded that the effect on protected species and the proposed biodiversity net gain measures would be acceptable. There is no compelling reason before me to conclude otherwise.

Fire safety

49. Concerns have also been raised regarding fire safety, with particular regard to the proposed BESS. Lincolnshire Fire and Rescue did not formally object to the proposal, however it did set out a list of requirements relating to access for fire appliances and firefighting water supplies.
50. The appeal is accompanied by an Outline Battery Safety Management Plan²² and a fire safety Verification and Compliance Report²³ with reference to the National Fire Chiefs Council (NFCC) BESS Guidance. The assessment criteria used in the Verification and Compliance Report are predicated on a technical specification and a procurement process which will assure that, where appropriate, the scheme will adhere to the relevant regulations.
51. The proposed fire safety measures include appropriate separation distances; use of hermetically sealed electrical equipment; thermal management systems and insulation; 24/7 monitoring including CCTV and heat, smoke and gas detection and alarm systems; ventilation and exhaust devices; an emergency stop system; and fire suppression equipment including a 240,000L water tank.
52. The Outline Battery Safety Management Plan confirms that safety standards will be updated in the Detailed Battery Safety Management Plan (DBSMP), following confirmation of the final equipment specification, which can be secured by planning condition. This would require further approval on fire safety matters following consultation with relevant parties.
53. Fire safety measures are also assessed through other regulatory regimes, including the building regulations. Notably, no fire safety concerns were raised by the Council in its reasons for refusal. I am thus satisfied that matters of fire safety have been satisfactorily addressed.

¹⁶ Preliminary Ecological Appraisal, MKA Ecology, Version 3.0, 01 November 2024

¹⁷ Ecological Impact Assessment, MKA Ecology, Version 3.0, 21 October 2024

¹⁸ Breeding Bird Survey, MKA Ecology, Version 2.0, 17 October 2024

¹⁹ Biodiversity Net Gain Plan, MKA Ecology, Version 3.0, 21 October 2024

²⁰ Otter and Water Vole Survey, MKA Ecology, Version 1.0, 14 December 2023

²¹ Skylark mitigation strategy, MKA Ecology, October 2024

²² Outline Battery Safety Management Plan, Greenfire Solutions, Version 4.0, 17 October 2024

²³ Verification and Compliance Report, Greenfire Solutions, Version 4.0, 16 October 2024

Flood risk and drainage

54. As with much of South Holland, the site is in Flood Zone 3, with a risk of tidal flooding, as well as small areas of surface water flood risk. Nevertheless, it is within a “low hazard” area as set out in the South East Lincolnshire Strategic Flood Risk Assessment (2017). The site is not considered to be at risk of fluvial, coastal or groundwater flooding, or flooding from artificial sources or sewers.
55. The proposal is supported by a Flood Risk Assessment (FRA) and Drainage Strategy²⁴ and a Flood Evacuation and Emergency Plan²⁵. Surface water from the compound area would be attenuated on site and discharged at a restricted rate via an outfall to a watercourse south of Bardling's Drove. The FRA and Drainage Strategy conclude that, subject to the recommendations in the report, the development would be policy compliant, and passes the Exception Test.
56. Full details of the means of surface water disposal can be secured by planning condition. Notably, the Environment Agency, South Holland Internal Drainage Board and Lead Local Flood Authority did not object to the application. I am thus satisfied that matters of flood risk and drainage have been adequately addressed.

Conditions

57. I have considered the suggested conditions put forward by all parties and amended where appropriate in light of the Planning Practice Guidance and the hearing discussions.
58. In addition to those conditions already referred to above and the standard time limit condition, conditions are required to confirm the approved plans and ensure the development is carried out in accordance with the assumptions, recommendations and mitigation measures in the Noise Impact Assessment and Glint and Glare Assessment. This provides certainty and will protect the living conditions of the occupiers of neighbouring properties and highway safety.
59. A condition to secure details of external lighting is also required to protect the living conditions of the occupiers of neighbouring properties, highway safety and the character of the area.
60. Any unexpected contamination found during construction would be dealt with via a condition to halt the development and secure a remediation strategy, in the interests of public health.
61. A condition to limit the permission to a temporary period of 40-years from the date of the first export of electricity is required in order to define the terms of the permission as proposed. A decommissioning scheme will also be secured by planning condition prior to decommissioning works to ensure the site is restored to its former condition. In the event the site ceases to operate earlier than this, a condition is required to ensure an early decommissioning scheme is provided.
62. NGET has suggested two additional conditions to (A) ensure the scheme is designed, constructed, operated, maintained and decommissioned in accordance with NGET's requirements and (B) to preclude development within a “Zone of Interaction” until it is confirmed that the scheme is compatible with the Grimsby to

²⁴ Report No 22709-FRADS-001, Flood Risk Assessment & Drainage Strategy, Andrew Moseley Associates, October 2024

²⁵ Report No 22709-FEP-001, Flood Evacuation & Emergency Plan, Andrew Moseley Associates, October 2024

Walpole project. However, these conditions are imprecise, based on information which may not be available to the appellant in sufficient time or may be subject to change, are subject to authorisation or actions of a body other than the Local Planning Authority and may require significant alterations to the appeal scheme. It is thus not clear on the information before me whether they could be discharged by the appellant and they could fundamentally risk delivery of the appeal scheme. While some alterations to these conditions were suggested and discussed at the hearing, given my findings above on the effect of the development on critical national infrastructure, neither of these conditions are necessary or reasonable.

63. A condition to secure a biodiversity net gain plan has also been suggested. However, due to the provisions of Schedule 7 of the Town and County Planning Act 1990 (as amended), the development may not be begun unless a biodiversity gain plan has been submitted to and approved by the Local Planning Authority. It is therefore not necessary to duplicate the condition in this decision.

Conclusion

64. While the development would take arable farmland out of production, a proportion of which is categorised as BMVAL, the loss would be marginal in the context of the substantial comparable or higher-grade agricultural land available within the wider area and the harm would be limited to the operational lifespan of the development. I have not identified any material harm or development plan conflict related to the other matters raised by interested parties.
65. Weighed against this are the substantial benefits of the scheme, including the significant contribution to renewable energy generation and storage in the region. The scheme would have a storage capacity of 10MW and an export capacity of 20MW, generating electricity to meet the equivalent annual electricity demand of up to 12,015 dwellings. This will improve energy security and reduce dependency on imported fuels, with the proposal estimated to displace 7,212 tonnes of carbon dioxide per annum compared to the same energy generated from fossil fuels.
66. The provision of renewable energy is supported in principle by local planning policy²⁶, the Framework²⁷ and PPG²⁸. Notably, paragraph 168 of the Framework requires significant weight be given to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.
67. Overall, the benefits of the proposed development would be substantial and sufficient to outweigh the effect of the development on BMVAL. Taken as a whole, I have therefore not identified any conflict with the development plan, nor the relevant provisions of the Framework, the NPS or the PPG.
68. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Accordingly, the appeal is allowed.

Ryan Cowley

INSPECTOR

²⁶ Policies 2 and 31 of the Local Plan

²⁷ Paragraphs 161, 163, 164 and 168 of the Framework

²⁸ Paragraph: 001 Reference ID: 5-001-20140306

APPEARANCES

FOR THE APPELLANT:

Stuart Hammond	Integrum SPV 21004 Limited
Stuart Natkus	Planning Director, Stantec
Victoria Dennison	Graduate Planner, Stantec
Jim Blaylock	Landowner
Simon Currie	Head of Development, Enray Power

FOR THE COUNCIL:

Mark Niland	Planning Officer, South Holland District Council
Nick Atkinson	Development Manager, South Holland District Council
Sam Franklin	Agricultural Land Consultant

INTERESTED PERSONS:

David Watkins	Engineering Project Manager, NGET
Mohammed Nabee	Senior Project Manager, NGET
Jonathan Welch	Barrister, DLA Piper on behalf of NGET
Helen MacDonald	Local resident
Bryan Smith	Local resident, on behalf of Sir John Hayes MP
Andrew Malkin	on behalf of Sir John Hayes MP

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - Contextual Elevation Plan IRE004-EL-01_rev11
 - Existing Site Layout Plan IRE004-PL-00_rev07
 - Proposed Site Layout Plan IRE004-PL-03_rev13
 - Site Layout Plan Detail IRE004-PL-02_rev16
 - Site Location Plan IRE004-SP-01_rev01
 - Noise Mitigation Plan IRE004-PL-04_rev06
 - Water Tank IRE004-SD-02_rev04
 - Project Control Room IRE004-SD-03_rev04
 - LV Aux Transformer IRE004-SD-04_rev04
 - Battery Unit IRE004-SD-05_rev04
 - Battery Interface Cabinet IRE004-SD-06_rev04
 - BESS Inverter IRE004-SD-07_rev04
 - Twin Skid IRE004-SD-08_rev04
 - CCTV IRE004-SD-10_rev03
 - Access Track IRE004-SD-11_rev04
 - DNO Control Room IRE004-SD-12_rev03
 - PV Cross Section IRE004-SD-13_rev04
 - Deer Fencing & Gate IRE004-SD-14_rev02
 - Solar Inverter IRE004-SD-15_rev01
 - Drainage Layout AMA-22709-DS-002 Rev P01
 - Landscape Strategy Overall HBA-943-001 Rev J
 - Topographical Survey
 - Proposed Access Arrangements Site 1 AMA-22709-SK-001
 - Proposed Access Arrangements Site 2 AMA-22709-SK-002 Rev P06
 - Proposed Access Arrangements Site 3 AMA-22709-SK-003 Rev P05
 - Proposed Access Arrangements Site 4 AMA-22709-SK-004 Rev P05
- 3) The development hereby permitted shall be carried out in accordance with the acoustic assumptions and recommendations within the Noise Impact Assessment by Inacoustic dated 14 October 2024.
- 4) The development hereby permitted shall be carried out in accordance with the mitigation measures set out within the Glint and Glare Assessment by Neo Environmental Limited dated 18 October 2024.
- 5) No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include:
 - a) Prior to commencement of the development and prior to the First Export Date, highway condition surveys for highway access routes should be undertaken and submitted to the local planning and highway authorities,
 - b) Details of the routing of construction traffic to the site and any traffic management measures,

- c) Mitigation measures in respect of noise, dust vibration and disturbance during the construction phases,
- d) Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction,
- e) Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction,
- f) Provision of measures to prevent the discharge of surface water onto the highway,
- g) Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

The CMP shall be implemented in accordance with the approved details.

- 6) Prior to the commencement of development, a Soil Management Plan (SMP) shall be submitted to and approved in writing by the Local Planning Authority. The SMP shall include:
 - 1. Soil Survey and Classification: Pre-construction mapping of topsoil and subsoil, including identification of Best and Most Versatile Agricultural Land.
 - 2. Soil Handling and Protection: Measures for stripping, storage, and replacement to avoid contamination, compaction, or erosion during construction.
 - 3. Restoration and Monitoring: Procedures for reinstating soils after decommissioning, including topsoil replacement, re-seeding, and a monitoring programme for at least 3 years to ensure soil quality is maintained.
 - 4. Implementation: All works must be carried out in accordance with the approved SMP.
- 7) No development or demolition shall take place until an archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority. The Mitigation Strategy will include appropriate Written Schemes of Investigation for evaluation trenching and provision for further mitigation work. These schemes shall include the following:
 - 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 - 2. A methodology and timetable of site investigation and recording
 - 3. Provision for site analysis
 - 4. Provision for publication and dissemination of analysis and records
 - 5. Provision for archive deposition
 - 6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.
- 8) The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in Condition 7. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements.

- 9) A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer within 3 months of the works hereby given consent being commenced; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.
- 10) Prior to the commencement of development, an Archaeological Management Plan (AMP) shall be submitted to and approved in writing by the Local Planning Authority. The AMP shall include details of precautionary measures to ensure the protection of archaeological assets identified for preservation in situ, throughout the operation of the site, including construction, repairs and decommissioning, and including details of monitoring and enforcement measures.
- 11) Prior to any vegetation clearance (defined as the deliberate removal of any semi-natural vegetative habitat e.g., grassland, trees, and native shrubs); or prior to the commencement of any development hereby permitted (whichever comes first); a written 30 year Habitat Management and Maintenance Plan (HMMP) for the Site shall be submitted to and approved in writing by the Local Planning Authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain:
 - A) Aims, objectives and targets for management, including habitat target conditions matching the Statutory Biodiversity Metric submitted with the application.
 - B) Details of the phasing and implementation of the habitats
 - C) Details of the management operations necessary to achieving aims and objectives.
 - D) Preparation of a works schedule, including timescales for habitat clearance and habitat creation and/or enhancement.
 - E) Details of the monitoring needed to measure the effectiveness of management and details of an assessment as to whether the target condition is achieved within the time to target period specified within the approved metric.
 - F) Details of the persons responsible for the implementation and monitoring.
 - G) Mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.
 - H) Reporting on the delivery of on-site gains on years 1, 2, 5, 10, 20 and 30 following the implementation of the habitats in accordance with the above details.
- 12) The scheme of landscaping and tree planting shown on the approved plans shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.
- 13) Prior to installation of the landscaping, details of the management and maintenance schedule for the areas of landscaping, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be maintained in accordance with the approved details.
- 14) Before the installation of any equipment, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning

Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

- 15) Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number AMA-22709 SK-001-P06, 002-P06, 003-P05, 004-P05 dated 11/04/25 and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height for the lifetime of the development.
- 16) Prior to commencement of construction on the Battery Energy Storage System (BESS), a Detailed Battery Safety Management Plan (DBSMP) shall be submitted to, and agreed in writing by, the Local Planning Authority. The DBSMP shall detail: the type and specification of the batteries to be used; the measures to be implemented to facilitate safety during the construction, operation and decommissioning of the BESS; the measures to be deployed in response to any incident with potential to cause pollution; a fire safety management and risk reduction strategy; an Emergency Response Plan; and a methodology detailing how there will be continued engagement with the relevant fire and rescue service throughout the lifetime of the development. The DBSMP shall be implemented as approved and all measures shall be retained for the duration of the development.
- 17) No external lighting shall be installed until details of luminance and fields of illumination are submitted to and approved in writing by the Local Planning Authority prior to its installation and there shall be no external illumination other than that so approved.
- 18) If, during works of construction, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall thereafter be implemented as approved.
- 19) For the duration of the construction period, construction activities (with the exception of emergency works) and deliveries received at or dispatched from the site shall only occur between the hours of 0800 and 1800 hours Mondays to Fridays, 0800 and 1330 hours on Saturdays and not at all on Sundays and public/bank holidays.
- 20) Within 1 month of the date of first export of electricity, confirmation shall be given in writing to the Local Planning Authority of the date of first export to the grid. The development hereby permitted shall cease on or before the expiry of a 40-year period from the date of the first export of electricity and the Local Planning Authority shall be notified of the cessation of electricity generation and storage in writing no later than 5 working days after the event. The land shall thereafter be restored to its former condition in accordance with a scheme of decommissioning work (the Decommissioning Scheme) as required by Condition 21.
- 21) A Decommissioning Scheme shall be submitted to and approved in writing by the Local Planning Authority no later than 6 months prior to decommissioning and shall include provision for the dismantling and removal from the site of the solar PV panels, frames, foundations, inverter housings, BESS and all associated structures, storage facilities and fencing. The decommissioning shall be carried out strictly in accordance with the approved scheme.

22) In the event the site ceases to generate and store electricity for supply to the electricity grid network for a period of 12 continuous months, an Early Decommissioning Scheme shall be submitted to and approved in writing by the Local Planning Authority, no later than 3 months from the end of the 12-month period. The scheme shall include the same provisions referred to in Condition 21 and the decommissioning shall be carried out strictly in accordance with the approved scheme.

END