

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H20-1007-24	Applicant:	Integrum SPV 21004 Limited
Proposal:	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		
Location:	Land At Fendyke Farm Off Old Fendyke Sutton St James		
Terminal Date:	14th 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-1)

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

Ministerial Statement - 15 May 2024

National Planning Practice Guidance

Ministerial Statement - 15 May 2024

National Planning Practice Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	1	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	1	0	5
RESIDENTS	7	9	0	4

CASE OFFICER ASSESSMENT**PROPOSAL**

The proposal is for the 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.

The Planning, Design & Access Statement, confirms that the proposal is for *the construction, operation and decommissioning of a 20 MW solar PV farm and 10 MW BESS, together with associated infrastructure such as equipment including inverters, transformer stations, substation, fencing, CCTV and cabling* the site area is 44.2ha.

The proposal includes the following:

- Series of PV modules mounted on a piled metal framework (array) which will pivot on an axis at 1.5m so that the modules can tilt and follow the sun. At maximum tilt the array will have a total height up to 2.9m;
- 6 Battery modules; 1 Distribution Network Operator Control Room;
- 1 Aux Transformer;

- 2 Twin Skid;
- 3 Battery Interface Cabinet;
- 3 PCSK (BESS) Inverters;
- 5 Solar Inverters;
- 1 Project Control Room (Switchgear);
- 1 Water tank to support fire suppression;
- Gravel access roads to provide field access and connecting the substation and transformer stations;
- Deer fencing (height 2m);
- CCTV cameras,
- Landscape mitigation

Access

There are a number of access points located around the site, these will be utilised as part of the development. There are three access points along Bardling's Drove and one is located on Inley Dove.

Boundaries and Landscaping

Each field area would be enclosed by a 2m high perimeter fence (wooden post with wire mesh deer-proof fence) with galvanised steel access gates. There would be a single point of access into each field area with a 4.5m wide crushed aggregate/MoT Type 3 surfaced access track to provide access to a solar inverter unit located within each field. The inverter units would be 3.7m (l) x 2m (w) x 2.9m (h).

3m high pole mounted CCTV units located around the site perimeter

New planting of native trees, hedges, shrubs and understorey to Site boundaries, together with retention of existing grassed verges and enhancement and creation of meadow grassland areas.

Life Span

The applicant is seeking an operational lifespan of 40 years.

Distribution Network Operator (DNO)

The DNO is located on Jiggles Gate. The applicant confirms that any cabling route would be determined by the network operator, under permitted development rights. The applicant suggests this would take place along existing highways.

The proposed site layout shows that the scheme would effectively sprawl across 4 fields. With the Battery Energy Storage System located to the north west corner of field 2. Field 1 is maintained by an internal access road that connects to the existing access on Inley Drove Fields 2, 3 & 4 are accessible from points on Bardlings Drove.

SITE DESCRIPTION

The application site is located south west of Sutton St James and within the open countryside. The application site is located within flood zone 3 in accordance with EA flood maps, the South East Lincolnshire SFRA Residual Flood Hazard, for 2115 shows the area to be 'low hazard'.

The application site which represents an area of 44.2ha is located to the south west South East of Inley Drove and of Old Fen Dike and North West of Broadgate. Bardlings Drove runs through the centre of the application site.

The settlement of Holbeach St Johns is 2.17km northwest of the Site, Sutton St Edmund is 3km southwest and the centre of Sutton St James is located 1.5km east.

RELEVANT PLANNING HISTORY

H20-0764-14 - Change of use of land from agriculture to mixed use for agriculture and use of the generation of renewable energy (solar) with the associated equipment, access tracks and fencing - re-submission of H20-0017-14. Approved 08-12-14

This development was permitted to generate up to 17.55MW and covered 19.2ha. It was noted in the officer report that this land was 'predominantly Grade 3b'. This application was assessed under the South Holland District Local Plan 2006.

H20-0017-14 - Proposed development of solar photovoltaic panels and associated works including substation, string inverters, access tracks, security fencing and cameras. Refused 11-07-14

This was refused for 3 reasons, including the loss of BMV, need and landscape character/visual amenity.

REPRESENTATIONS

This application has been publicised in accordance with the Development Management Procedure Order 2015 (as amended). There has been a mix of both those in support and objectors. The representations have been received both through public access as well as email and there are also duplicates which make it difficult to quantify numbers, however there appears to be a few more comments in support. The material points are summarised below:

Support

Financial stability for the working farm
Development focussed on less productive land
Energy Independence
Contributing to net zero
Environmental Benefits
Enhancement to ecology and bio-diversity
Benefits to soil
Benefits to Air Quality
Traffic Routed Away from the Village

Objections

Loss of BMV
Character Impacts
Impacts to local flora, fauna and wildlife.
Highway Safety
Pollution during construction and decommissioning.

Ward Member

Objections

Planning History

Planning permission was refused on this site for a 33ha solar application (H20-0017-14) in July 2014 on the grounds of:

-loss of BMV land,
-that by virtue of its sheer scale and the absence of any existing boundary screening around the majority of the application site, it would result in a significant, localised impact on landscape character and that given the length of time that it would take for screen landscaping to take meaningful effect, and that thereafter it would not wholly mitigate the impact of the development.

-The proximity of the application site to the nearest properties on Broadgate, the size of the site, and the length of time tree and hedge planting would take to mature sufficiently to offer meaningful mitigation, have an overbearing, obtrusive and dominating impact on the amenities of those properties such that they would be rendered unattractive places to live.
The application that was refused, as above, was 25% smaller than the application that is now being considered, therefore the reasons given as above are magnified.
Contrary to SELLP Policy 31

The ward member also picks up on the following topics.

Cumulative Impact

Sutton St. James already has an operational 10MW, 21 hectare (52 acre) solar development at Grange Farm, Fishergate (Application reference H20-0937-13). The proposed solar development is approximately 2 miles from the current Grange Farm solar development, slightly less as the crow flies

Landscape Impacts

The Cllr pots towards local policy 3 as well as paragraphs contained within the National Planning Policy Framework

Glint & Glare

Concerns are expressed regarding this topic whilst the landscaping matures.

Noise / Vibration and Traffic / Access

Impact from construction including traffic movements are the main concern.

Flood Risk

Concerns for watercourse maintenance.

Ecology

Concerns are expressed regarding Skylarks as well as small mammals

Community Benefit

No community benefit has been identified. Electricity generated from this site would not benefit local residents in any way and no local investment has been detailed.

I strongly object to this planning application. If it is considered for approval from officers, I would like to request that it is called in to Chairman's Panel with a view being referred to planning committee for debate.

Consultations

Parish Clerk Sutton St James

Objections - Whilst the council acknowledges the need for energy security for the country, it feels that the recent wave of applications across the country but specifically in the East of England is going to have an adverse effect on our ability to provide food security. High and medium grade land is being used that is suitable for growing crops which longer term makes us more open to worldwide issues (see Ukraine war and crop shortages) There also seems to be no 'community benefit' for when these farms are being thrust upon rural communities. Previously the opportunity for the villages affected to apply for community funds has ensured it benefits those most put out by the project. Due to the reasoning above we are objecting to the proposal

South Holland IDB

Surface Water

Further to discussions with the applicant, we note that the applicant proposes to discharge surface water to a watercourse at a rate of 2 l/s. We are pleased to see that the applicant has aimed to reduce the discharge rate to as close to greenfield as practicable. Regardless of the proposed discharge rate, this proposal will require consent under Byelaw 3, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees.

Land Drainage Act

We note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) and the presence of 3no. Board arterial watercourses, (E26 Inley Drain - East DRN196P2601, E09 Cross Drain DRN196P0902 and E02 Bardlings Drain East DRN196P0201) within & adjacent to the site boundary, should the applicant propose to alter these watercourses to facilitate the cable crossing, then to enable this proposal, consent would be required under Section 23 of the Land Drainage Act 1991 (and byelaw 4) and I recommend that the applicant contacts this office to discuss these works prior to making an application for this consent.

Environment Agency

We have reviewed the submitted flood risk assessment dated October 2024, ref: '22709-FRADS-001', prepared by Andrew Moseley Associates and consider that it is appropriate to the scale, nature and location of the development, as required by Paragraph 021 of the planning practice guidance section on Flood Risk and Coastal Change. We therefore have no objection to this application; however, we would like to draw your Local Authority's and the Applicants attention to the following information.

Sequential Test As you will be aware, in accordance with Paragraph 173-175 of the National Planning Policy Framework, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding and the sequential test establishes if this is the case. Where the sequential test has to be applied, it is for you as Local Planning Authority to determine an appropriate area of search and whether the test is passed.

Highways & SuDs Support

Visibility has been demonstrated in accordance with DMRB this is not necessary - they should be measured in accordance with Manual for Streets. Detailed access drawings are required with swept path drawings detailing the largest size vehicle that will be accessing the sites. A plan is required showing the proposed routing and a proposal should be put forward for highway improvements. Both Inley Drove and Bardling's Drove are single track roads with very limited places to pass should you meet an oncoming vehicle. Passing places and possibly localised widening are required at suitable locations.

Lincolnshire Wildlife Trust

No Objections. The applicant has consulted with us directly concerning Skylark *Alauda Arvensis* mitigation plans, habitat suitability, protected species, and concerns over the cumulative impacts of solar developments across Greater Lincolnshire. We are satisfied with ecological surveys and plans, and support the recommendations made in the Preliminary Ecological Appraisal. We are satisfied that the Biodiversity Net Gain (BNG) plan for this application is both realistic and appropriate. The Habitat Management and Monitoring Plan (HMMP) required for BNG compliance should be submitted for quality assurance prior planning approval or as a planning condition. The Lincolnshire Wildlife Trust hopes these comments are helpful at this stage and welcomes further discussion relating to the points covered.

Natural England

Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details. Although we have not been able to assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes, we offer the further advice and references to Standing Advice.

Crime Prevention Officer

Lincolnshire police do not have any objections to this application.

Lincolnshire Fire & Rescue

In order to be successful in firefighting, adequate access to buildings for fire appliances and immediate access to adequate supplies of water, must be provided. The access to, and proximity of, those water supplies directly affects the resources that Fire and Rescue Authorities need to provide in protecting and mitigating their communities from the effects of fire.

Historic Environment Officer

The Historic Environment Officers requested that field work was complete prior to determination. This process has extended the application process, but has not been received and sent to the Historic Places Team for review. Following assessment of the evaluation report the Historic Environment officers state that "...fieldwork completed and report received no reservations or concerns."

Environmental Protection

Land Contamination

I have reviewed the phase 1 desk study submitted October 2024 by Geotechnical and Geoenvironmental Consultancy and would agree with its findings. I have no further comments to make in regards to land contamination.

Glint & Glare

We are satisfied with the findings of the glint and glare report and noise assessment; and that proposed remediation is sufficient to reduce potential of nuisance to an acceptable level.

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents. Planning Practice Guidance as well as Ministerial Statements outlined in this report also apply to this assessment.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing

development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The following issues are relevant to this assessment.

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

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 goes on to specifically mention 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 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.

The 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

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 close to a pending application (Merian Solar Farm).

National Planning Practice Guidance

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

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

The (NPPG, 013 Reference ID: 5-013-20150327) explains that where a proposal involves greenfield land, whether:

- (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and*
- (ii) the proposals allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.*

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

-encouraging the effective use of land by 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

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

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

- a) an economic objective, by ensuring that sufficient land of the right type is available at the right places and at the right time to support growth, innovation and improved productivity, and by identifying and coordinating the provision of infrastructure;*
- b) a social objective - supporting strong, vibrant and healthy communities; and*
- c) an environmental objective - to protect and enhance the natural environment, make effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

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.

South East Lincolnshire Local Plan Policy 4

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, where. It can be demonstrated that essential infrastructure in FZ3a & FZ3b, highly vulnerable development in FZ2 and more vulnerable development in FZ3 provide wider sustainability benefits to the community that outweigh flood risk.

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 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 principal assessment focusses upon the following issues:

-Climate Change/renewable energy benefits

- Agricultural Land Grade/take
- Site Selection
- Cumulative Impacts

Climate Change & Renewable Energy Benefits

In terms of climate change there are clear benefits of the development. The proposal will make a significant contribution to green energy generation in the region and in meeting government renewable targets including reaching net zero by 2050. It will make a contribution to reducing carbon emissions, by a significant abatement in carbon emissions from energy production. It will enhance the energy supply, thereby increasing energy security and reducing dependence on imported fuels.

The Planning & Design Statement (Stantec) confirms that *The contribution of 20 MW of clean renewable electricity generation to help meet both national and local renewable energy targets. This provides a carbon dioxide displacement of 7,212 tonnes per annum compared to the same energy generated from fossil fuel sources. This is being provided at a time of a Climate Emergency.*

The proposal then in its contribution to carbon displacement would naturally accord with a move toward government targets, on the basis of its climate change benefits, the proposal is considered to represent a sustainable approach. One point of note is that whilst the calculation for carbon displacement considers the positive impact of the development, it does not comment upon whether the proposal would result in the need to import crops that are lost through removing this site from production (which currently grows Winter Wheat). Notwithstanding this the applicant is not required to demonstrate need (as per NPPF).

Agricultural Land Grade/take

This proposal seeks a land take of 44.2ha to provide 20MW (plus 10MW Bess). The accompanying Agricultural Land Classification Report shows the land is made up of the following agricultural grades:

- 2ha of Grade 2 (4.84%)
- 25.6ha of Grade 3a (61.98%)
- 13.7ha of Grade 3b (33.18% non-BMV).

This shows that two thirds of the site (almost 66%) would involve the loss of the districts best and most versatile land. In the Planning & Design Statement (Stantec) the following point is made (under paragraph 5.1.45) that references the Food Security Report 2021 (Gov.) It states:

climate change impacts under a medium emissions scenario could reduce the proportion of 'best and most versatile' arable farmland (ALC 1, 2, and 3a) from 38.1% of agricultural land on a 1961 to 1990 baseline to 11.4% by 2050, with consequences for food production and meeting net zero. Under a high emissions scenario it could reduce to 9.2% of agricultural land.

The LPA share a common ground on this point, in that it is imperative that BMV land is kept in production, due to the threat from climate change, and brownfield sites, including previously developed land and lower quality agricultural land (non-BMV, or land not in production) must be firstly prioritised, especially given that climate change is not a localised issue, and thus requires a nation wide approach, as per recent government direction. It is likely that this instruction regarding careful consideration of BMV of such applications as set out in PPG and within NPS-EN3 (as well as the 2024 ministerial statement) anticipate this scenario and therefore suggest that development proposals should seek sites where there is a lower agricultural quality as well as brownfield sites.

The applicant has confirmed within the Planning and Design Statement (Stantec) that the landowner *R J Wright Ltd*, farms has some 230ha of land in total. The applicant has also confirmed that the application site is currently in production, producing Winter Wheat. Whilst the Planning & Design

Statement suggests that this site is the least productive land, due to an ongoing *blackgrass* problem, no other information has been provided to support this statement. In such a scenario, information on the wider holdings' productivity levels as well as site specific information would have been anticipated, without which the Planning & Design Statement (regarding this point) has insufficient substance to give sufficient weight.

As regards black grass, this is confirmed by the ALC grade report (Soil Environment Services Ltd) that this presents an issue on site. The report states that *Turning over arable fields to grass can be a highly effective way of reducing the black-grass burden on a field. Black-grass seed is relatively short-lived in the soil, with seed number declining by approximately 70% each year. Therefore, if black-grass seed return is prevented by cutting or grazing a grass ley, the seed bank declines rapidly.* It is therefore considered that other opportunities exist to resolve this issue, that would allow the site to continue to produce crops rather than taking the land out of production for 40 plus years.

It is considered on the point of Agricultural Land Grade however then, that the loss of a vast amount of BMV land, which represents circa 66% (circa 30ha of BMV land) of the application site is not considered acceptable and would be contrary to the aims of PPG (013 Reference ID: 5-013-20150327), National Policy Statement EN3 as well as (in part) SELLP Policy 31.

Site Selection

Within the Alternative Site Assessment & Site Justification Statement the applicant explains the basis from which the 6km geographic area of search was proposed. The centre of this search is the DNO at Jiggles Gate, substation.

The applicant bases this geographic area of search on planning case law, previous planning applications and direction within NPS EN3 that perhaps being too far from a point of connection would give rise to other material planning matters. A framework for searching these sites is displayed under table 6.1 of the Alternative Site Assessment report.

The applicant has searched for:

- Commercial Rooftops
- Previously Developed Land, Non-Agricultural Land and Brownfield Sites
- Lower Grade Agricultural Land & Assessment of possible Agricultural Land and preference of lesser grade land
- Flood Risk
- Other Site Selection Criteria within Search Area

Whilst it is accepted that commercial roof tops are not viable to support this scale of proposal, and that PDL, non-agricultural and brownfield sites are unlikely to be available at this scale/size required within the search area the applicant has not considered any alternatives of lower grade. The reason for which is set out under paragraph 7.5.1 of the Alternative Site Assessment & Site Justification Statement, which states:

The data from DEFRA and Natural England identifies all of the land within the search area as Grade 1 and Grade 2. It is reasonable to assume that the data from DEFRA and Natural England is broad in its coverage and assessment and therefore does not identify lower agricultural grades of 3a and 3b present within the search area. However, it would not be plausible or proportionate to test the precise agricultural grades of the entirety of the 6km search area to determine whether the dataset is entirely accurate.

Added to this the applicant draws on the supporting document of previous permission H20-0764-14, stating that this was approved and so this demonstrates that there are likely no other sites in the search area that are on lower grade. There are two concerns with this approach:

1. That the previous permission and this proposal cannot be reasonably compared.
2. That the data from DEFRA and Natural England (national database) is not a compatible data set to use against the site specific test (this site is also considered ALC grade 2 under the national database).

Comparisons with previous permission

A point to raise on this is that planning approval H20-0764-14, was considered under different circumstances that include Government directions (ministerial statement and NPS-EN 3) and both national and local planning policy, these proposals are difficult to compare given the changes to legislation, policy and technology.

As an example, H20-0764-14 was for a MW output of 17.55MW (without a BESS) and that application site contained circa 50% non BMV over a total of 19.4ha. This application is for 20MW output (with BESS) with 66% of the site being BMV over a total land area of 44.2ha. This represents a loss of 20 hectares of BMV land with an uplift of 2.45 MW output.

The carbon displacement on this proposed application site which is estimated to be in the region of 7,212 tonnes each year (Stantec) despite taking up circa 25ha more of agricultural land (over the previous permission), appears to be lower than the previous approval which claimed displace 9,858 tonnes annually.

This along with other contrasting statistics relating to the number of homes powered highlights that these sites cannot effectively be compared against one another, and this is likely due to the changes in technology (both relating to solar farms and the efficiency of today's homes).

Moreover, the national and local policy landscape has changed since 2014. This includes 2 ministerial statements that address the impact from solar farms upon BMV, National Policy Statement EN3, that discusses the impact that solar may have on BMV, changes to the National Planning Policy Framework as well as the adoption of the South East Lincolnshire Local Plan.

It is therefore considered that the permission granted in 2014, does not set precedent, and should not be used to justify that no alternative site exists. It is also of note that previous permissions that included part of this application site were for an output of 17.55MW using less than 10ha of BMV land, this proposal achieves an output of 20MW using 30ha of BMV land.

Data Collection

The applicants supporting information confirms that *It is reasonable to assume that the data from DEFRA and Natural England is broad in its coverage and assessment and therefore does not identify lower agricultural grades of 3a and 3b present within the search area* and on this basis have not carried out a detailed search/considered other sites.

The applicant has provided case law examples, where the requirement for such testing (on privately owned land) is not reasonable, and this is accepted, however it does offer a bias to the proposal site, as this application site, under the data from DEFRA and Natural England is considered ALC grade 2 (the same grade as most of the search area, in relation to this source). Whilst the applicant suggests it is not plausible to precisely test all agricultural grades within the 6KM boundary, which the LPA agree with, it does not appear to provide any further testing, that could have reasonably taken place within the 230ha that the landowner *R J Wright Ltd*, farms. However, on this point whilst it is unlikely that the landowner would lose more profitable areas of the holding, there is also a requirement (relating to other material planning considerations such as amenity, heritage etc) to consider the broader planning scope of the proposal. Therefore some further testing within the landowners 230ha may have provided a more accurate case that, this site is the best option.

In summary the LPA consider that previous permissions are not comparable in relation to the alternative site assessment due to the changes in technology, government directives, government guidance and national and local policy framework changes and should not therefore be used materially to discount other sites, within the search area. Furthermore, there are ethical data considerations that give bias towards this application site that benefits from site specific soil testing, where the remaining search area does not. The wider search area is considered (by the data from DEFRA and Natural England) to be grade 2, as is this site. This framework for assessment alternative sites cannot accurately be relied upon. An opportunity to discount other land in the 230ha holding of the land owner was not pursued as part of the sequential approach to alternative sites.

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. However given the pending nature of these applications, the weight afforded to the impacts from cumulative effects are considered limited.

Summary

The central government strategy outlined above, that includes NPS EN1 & EN3, the 2024 Ministerial Statement (Claire Coutinho) as well as the paragraphs of the NPPF, the PPG and local planning policies, especially SELLP Policies 1 & 31 all contribute to the principle assessment of this application and are weighed accordingly in the planning balance of this report. Contributing factors to this are the climate change benefits from the development that would follow an approval, and the implications for food security, and so national security that would result in taking 44.2 ha of agricultural land (that is in production) 30ha of which is regarded by the applicant as Best and Most Versatile Land out of production.

Landscape character and visual impact

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

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

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

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

The application site lies within the Fens National Landscape Character, this area is separated into three Landscape Character Types, the application site being located within the Peaty Fen Landscape Character Type. This area is describes as having a flat topography, predominantly agricultural, defined by arable fields, these fields are normally bounded by roads or drainage ditches. The landscape is broad and open, leading to 'big skies' which is a definitive characteristic not only for this area, but most of the district.

The applicant has provided the following (though not exhaustive) in support of the landscaping scheme:

- Landscape & Visual Appraisal (integrum)
- HBA Landscape and Visual Appraisal (LVA) Methodology (Non-EIA)
- Landscape Context
- Landscape Character Areas

- Landscape Strategy
- Arboricultural Impact Assessment
- Representative Viewpoints
- Zone of Theoretical Influence
- Arboricultural Impact Assessment

The scheme is made up of a number of fields with 4 number access located around the overall application site. There would be a single point of access into each field area with a 4.5m wide crushed aggregate surfaced access track that provides access to a solar inverter unit located within each field. The inverter units would be 3.7m (l) x 2m (w) x 2.9m (h). Each field area would be enclosed by a 2m high perimeter fence with wooden post with wire mesh (deer-proof fence) with galvanised steel access gates.

The scheme proposes the planting of native trees, hedges and shrubs to Site boundaries, together with retention of existing grassed verges and enhancement and creation of some new meadow grassland areas.

The applicant has explained the strategy behind the landscaping which includes keeping infrastructure away from fields closest to the bridleway as well as residential properties. Attempting to retain field patterns. Reaffirming existing hedgerows and trees as well as retaining a sufficient easement distance from watercourses. Along Bardling's Drove, the perimeter fence is proposed to be set back from the edge of the highway by at least 20m, this is to retain an 'open corridor'. This strategy also forms the mechanism for capturing on site Bio-diversity net gain.

Whilst the applicant has tried to form a landscaping scheme that takes on board some contextual features, such as field patterns and giving Bardling's Drove a wider vista, there is a fundamental conflict between the existing *flat, open landscape* and the proposed development, which consist of a transplanting converting an area of agricultural land to form 44.4 ha of essential infrastructure into this location. Whilst the height of the apparatus may not be far reaching, in landscape visual terms (and this is confirmed by the ZTI and viewpoints), the scale of the overall proposal would not easily be absorbed into the landscape. The landscape impacts, of this development then would change the fabric of the existing landscape character and the solar farm would heavily industrialise the landscape fabric, due to its scale, with its greatest impact beginning at the residual stage when the landscape is maturing.

Whilst the development lifetime is proposed for 40 years, which itself is considered to therefore have some permanence (especially for those subject to the development visual effects) 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 application site will in some part remain altered and in so this development will have some lasting effect upon this part of the Fens National Landscape Character.

In these terms the proposal is considered not to accord with SELLP Policy 31b or NPPF paragraph 187. The impact reflects the natural conflict between the flat open countryside and major essential infrastructure development, located in a Fenland landscape. Should a permission be granted it 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 as well a certain requirements at decommissioning stage.

Ecology

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

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

a) if significant harm to biodiversity resulting from a development cannot be avoided (through

locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

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

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

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

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met (the biodiversity gain condition). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

The applicant has provided the following (though not exhaustive) in support of the landscaping scheme:

- Breeding Bird Survey Report
- Ecological Impact Assessment
- Preliminary Ecological Appraisal
- Otter & Water Vole Survey
- Statutory Biodiversity Metric Tool
- Landscaping strategy and plans
- Fendyke Solar Farm - Skylark Mitigation Strateg

Protected Species

The applicant has provided a PEA and Ecological Impact Assessment as well as Otter and Water Vole survey and Skylark mitigation strategy. Lincolnshire Wildlife Trust have been consulted on this application and have stated the following:

The applicant has consulted with us directly concerning Skylark Alauda Arvensis mitigation plans, habitat suitability, protected species, and concerns over the cumulative impacts of solar developments across Greater Lincolnshire. We are satisfied with ecological surveys and plans, and support the recommendations made in the Preliminary Ecological Appraisal.

It is therefore considered that in respect of protected Species that the proposal would be acceptable subject to compliance with the recommendations of the above survey work.

Bio-diversity Net Gain

Lincolnshire Wildlife Trust has reviewed the information and has stated; *We are satisfied that the Biodiversity Net Gain (BNG) plan for this application is both realistic and appropriate. The Habitat Management and Monitoring Plan (HMMP) required for BNG compliance should be submitted for*

quality assurance prior planning approval or as a planning condition.

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 applicant has provided the following (though not exhaustive) in support of the landscaping scheme:

- Archaeological Evaluation
- Historic Environment Desk-Based Assessment

The trial trenching was carried out between 10th and 28th March 2025 by the Cambridge Archaeological Unit. The fieldwork comprised a programme of test pitting and trenching. *Sixty test pits were excavated by machine to investigate the site's Fenland deposits and 55 trenches targeted the roddons (relict silt and sand-choked tidal channels) to assess potential archaeological remains.* (Cambridge Archaeology Unit). The report confirms that the only archaeological remains sourced by the trenching, related to Dylings, which are a type of medieval/post-medieval field system. These are unique to Lincolnshire in relation to the type of drainage required in silt lands. No earlier archaeology was uncovered.

Lincolnshire County Council Historic Places Team have reviewed the above information and consider that the field work, demonstrate satisfactory that the proposal is unlikely to impact upon on-site archaeology, Historic Environment Officers recommend standard archaeological conditions should permission be granted. On this basis these will be attached. Given the aforementioned mitigation it is considered that the proposal would meet with SELLP Policy 29 as well as section 16 of the National Planning Policy Framework.

Environmental Issues/ Residential amenity

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

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and

the relationship to existing development and land uses is a main consideration when making planning decisions. Policy 30 of the SELLP relates to pollution which includes noise.

The applicant has provided the following (though not exhaustive) in support of the landscaping scheme:

- a Noise Impact Assessment
- Glint and Glare Assessment

Glint and Glare

NPPG, 013 Reference ID: 5-013-20150327) requires that 'Glint and Glare' are considered with any application for Solar Farms.

The statement by NEO-Environmental considers the sun position, identification of receptors (including residential, rail, road and aviation), the magnitude of impact and also the limiting factors of the report.

In terms of residential receptors section 8.4 of the report states *Solar reflections are possible at one of the 42 residential receptors assessed within the 1km study area. Initial impacts were Low at one receptor and None at the remaining 41 receptors, including one residential area. Upon reviewing the actual visibility of the receptors, glint and glare impacts reduce to None at all receptors.*

In relation to roads the report states *Solar reflections are possible at 22 of the 79 road receptors assessed within the 1km study area. Initial impacts were High at two receptors, Low at 20 receptors and None at the remaining 57 receptors*

No impacts were considered in relation to rail. In terms of aviation this was to be considered an acceptable impact, with *Green Glare* predicated to impact *e Runway 08, 18 and 36 approach paths and ATCT at Fenland Airfield.*

Noise

In terms of operational impact an acoustic fence is considered to be required around the BESS compound. Environmental Protection have been consulted and have *no comments*. This is therefore considered acceptable.

In terms of construction (and decommissioning) it is considered a an Environmental Management Plan would be required along with a timetable for activities (including construction/decommissioning).

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.

It is likely that a high level of impact upon residents will occur during both construction and decommissioning, the condition would mitigate somewhat, however an impact would still occur. In terms of the occupation phase, this is considered acceptable.

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.

The applicant has provided the following (though not exhaustive) in support of the landscaping scheme:

- Flood Risk Assessment & Drainage Strategy
- Flood Evacuation & Emergency Plan
- Alternative Site Assessment - Appendix C Flood Zones Plan

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 an Alternative Site Assessment - Appendix C Flood Zones Plan. Given most of the district is located within flood zone 3, it is unlikely that there are any more preferable places to propose the site, within the geographic area of search in flood Risk terms. That said, SELLP Policy 4 suggests that such searches should be carried out district wide, this has not occurred.

In terms of drainage the applicant proposes to discharge surface water that does not infiltrate to a watercourse at a rate of 2 l/s. A surface water drainage strategy has been prepared by the applicant. This shows that surface water from the compound area will be attenuated on site and discharged at a restricted discharge rate via an outfall to a non-IDB watercourse to the south of Bardling's Drove. The IDB have been consulted and have no objections to the proposed development but suggest that the applicant would need to enter the consenting process. Therefore, subject to conditions the proposal is considered acceptable in drainage terms also.

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.

The applicant has provided a transport statement, construction traffic management plan and transport note (along with other supporting information and technical plans). The routing is contained within both the Transport Statement as well as the CTMP, the TS also contains information on decommissioning.

The routing is broken down into the *Northern Routing* which details how the site is accessed from A16/A17 and the traverse through the district to the application site and *Southern Routing* which displays how vehicles will travel through the district when approaching from the A1(M) and the A47.

The applicant has also highlighted methods for traffic management during construction, such as ensuring vehicles can pass one another, this in some instances includes a rolling management such as stop/go.

Highways have been consulted, and whilst still yet to provide a final response, have communicated that they have no objections subject to conditions. The conditions would ensure that the development is carried out in accordance with the supporting information, including the transport statement. Conditions relating to construction and decommissioning would also be attached.

Once operational the application is considered to have a limited effect upon the highway network. On this basis the proposal is considered to accord with section 9 of the National Planning Policy Framework, as well as SELLP Policies 2 and 3.

Planning Balance

The proposed development would result in the loss of circa 30ha of best and most versatile agricultural land. 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. The proposal is not located on previously developed land, brownfield land, contaminated land or industrial land and it would result in the removal of a large area of agricultural land which is confirmed to be in production, including a large portion being some of the districts Best and Most Versatile Agricultural Land. Whilst the applicant is not required to demonstrate a need for renewable energy, the loss of agricultural land on this site specifically has not been justified to be necessary, in the terms set out by National Policy Statement EN-3, especially considering the overall energy output against the large loss of productive agricultural land of which limited information regarding overall productivity of the farm to support this loss has been received.

It is therefore considered that the applicant has not robustly justified the necessary loss of this amount of agricultural land. 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 would result in the proposal being contrary to policies 2, 3 and 31 of the South East Lincolnshire Local Plan, there is a fundamental conflict between the existing broad open landscape and such a scale of essential infrastructure. The proposal would fail to recognise the intrinsic beauty of this part of the South Holland countryside landscape.

Notwithstanding the impacts upon 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, the weight afforded to food security (and so national security), which is threatened by the loss of circa 30 hectares of Best and Most Versatile Agricultural land, would outweigh the benefits to climate change that this proposal would bring. On this basis then the proposal is considered represent unsustainable development and refused on that basis.

Conclusion

Taking the above considerations into account, the proposal is considered not to be in accordance with policies 1, 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 15 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

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is 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.