

Stantec
50-60 Station Road
3rd Floor
Cambridge
CB1 2JH

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990 FULL

Reference: H20-1007-24 **Date of Decision:** 13th May 2025
Applicant: Integrum SPV 21004 Limited
Magma House
16 Davy Court
Castle Mound Way
Rugby
CV23 0UZ
Location: Land At Fendyke Farm Off Old Fendyke Sutton St James Spalding
Description: 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

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

- 1 The proposal would result in the loss of 30 hectares of Best and Most versatile Agricultural Land. Notwithstanding the climate change benefits which are given great weight, the loss of such a large area of BMV land, two thirds of this application site which are currently in production, 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 proportion being some of the districts Best and Most Versatile Agricultural Land.

Whilst the applicant is not required to demonstrate a need for renewable energy, limited information regarding overall productivity of the farm has been received in support of the loss of agricultural land on this site specifically, and so, it has not been justified to be necessary, in the terms set out by National Policy Statement EN-3, especially considering the large uptake of productive agricultural land, the majority of which is Best and Most

Versatile.

On this basis the proposal is contrary to Policies 1 & 31 of the South East Lincolnshire Local Plan 2019, Paragraph 187 of the National Planning Policy Framework (December 2024), National Policy Statement for renewable energy infrastructure (EN-3), The Ministerial Statement of May 15th, 2024 and the guidance contained within Planning Practice Guidance (Paragraph 013 Reference ID: 5-013-20150327).

Notes:

The determined plans are:

AMA-22709-SK-001 Rev P06 Proposed Access Arrangements - Site 1
AMA-22709-SK-003 Rev P05 Proposed Access Arrangements - Site 3
AMA-22709-SK-004 Rev P05 Proposed Access Arrangements - Site 4
AMA-22709-SK-002 Rev P06 Proposed Access Arrangements - Site 2
AMA-22709-DS-002 Rev P01 Drainage Layout
HBA-943-001 Rev B Landscape Context
HBA-943-002 Rev B Aerial Context
HBA-943-003 Rev A Historic Map Regression
HBA-943-004 Rev A Landscape Character Areas
HBA-943-005 Rev A Screened ZTV
HBA-943-006 Rev B Primary Visual Envelope and Locations of Representative Viewpoints
HBA-943-001 Rev J Landscape Strategy Overall
IRE004- PL-00 Rev 07 Existing Site Layout Plan
IRE004- PL-02 Rev 16 - Site Layout Plan: Compound Detail
IRE004- PL-03 Rev 13 - Proposed Site Layout Plan
IRE004- PL-04 Rev 06 Noise Mitigation Plan
IRE004- SD-02 Rev 04 - 240,000L Water Tank
IRE004- SD-03 Rev 04 - Project Control Room
IRE004- SD-04 Rev 04 - LV Aux Transformer
IRE004- SD-05 Rev 04 Battery Unit
IRE004- SD-06 Rev 04 Battery Interface Cabinet
IRE004- SD-07 Rev 04 BESS Inverter
IRE004- SD-08 Rev 04 Twin Skid (TX)
IRE004- SD-10 Rev 03 CCTV
IRE004- SD-11 Rev 04 Access Track
IRE004- SD-12 Rev 03 DNO Control Room
IRE004- SD-13 Rev 04 PV Cross Section
IRE004- SD-14 Rev 02 Deer Fencing & Gate
IRE004- SD-15 Rev 01 Solar Inverter
IRE004- SP-01 Rev 01 Site Location Plan
LN-E-01 Rev B Constraints Plan
LN-E-03 Rev B Agricultural Land Use Classification
LN-E-04 Rev B Flood Zones Plan
LN-E-02 Rev B Topography Plan
IRE004-EL-01 Rev 11 Contextual Elevation Plan

October 2024 Version 2.0 Breeding Bird Survey Report
 October 2024 Version 3.0 Ecological Impact Assessment
 November 2024 Version 3.0 Preliminary Ecological Appraisal
 22709-FRADS-001 - Flood Risk Assessment & Drainage Strategy - October 2024
 124522 Otter & Water Vole Survey - December 2023
 24-194 V3 Noise Impact Assessment - 14 October 2024
 333100869 / A5 / PDAS Planning Design & Access Statement - November 2024
 333100869/A5/ASA/SJS Alternative Site Assessment & Site Justification Statement - November 2024
 SES/CJ/FDS/#v5 Agricultural Land Classification - November 2024
 22709-002 - Indicative Construction Traffic Management Plan - October 2024
 22709-FEP-001 Flood Evacuation & Emergency Plan - October 2024
 22709-001 Transport Statement - October 2024
 HBA Landscape and Visual Appraisal (LVA) Methodology (Non-EIA)
 Statutory Biodiversity Metric Tool
 October 2024 Visual Assessment Table
 September 2024 Photographic Evidence & Method Statement
 Version 3.0 Biodiversity Net Gain Plan - October 2024
 CGN/05289 Rev 2 Phase 1 Desk Study - October 2024
 Phase 1 Desk Study - October 2024
 Phase 1 Desk Study - October 2024
 Phase 1 Desk Study - October 2024
 October 2024 Version 4.0 Outline Battery Safety Management Plan
 333100869/A5/SCI Statement of Community Involvement - November 2024
 18/10/2024 Glint and Glare Assessment
 September 2024 Landscape & Visual Appraisal
 MSTF1366 - Geophysical Survey Report - September 2023 Part 1
 Geophysical Survey Report - September 2023 Part 2
 OAS 24-082-AR01 Rev B Arboricultural Impact Assessment - November 2024
 November 2023 Historic Environment Desk-Based Assessment
 October 2024 - Fendyke Solar Farm - Skylark Mitigation Strategy
 J0074609-23-01 to 08 - Issue 1 Topographical Survey - 8 Plans (01-08)
 October 2024 Version 4.0 Verification and Compliance Report
 Transmittal - List of Additional Documents
 22709 / SD Highways Technical Note
 Report No 1640 Archaeological Evaluation - April 2025

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

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



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

RIGHTS OF APPEAL

Appeals to the Secretary of State

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

Timescales for appealing

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

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

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

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

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

Enforcement Notices

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

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

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

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

giving notice of appeal.

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

Purchase Notices

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

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

Compensation

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

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